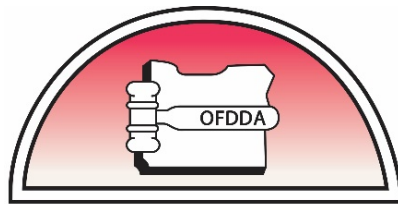


# Oregon Fire District Directors Association



OREGON FIRE DISTRICT  
DIRECTORS ASSOCIATION

EDUCATION • COORDINATION • LEGISLATION

[www.ofdda.com](http://www.ofdda.com)

*Genoa Ingram, Executive Director*

*October 2017*

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## 2017 Legislative Summary



# Table of Contents

<b>SESSION OVERVIEW</b> .....	<b>1</b>
LEADERSHIP FOR THE SESSION.....	2
<b>LEGISLATIVE PROPOSALS</b> .....	<b>3</b>
<i>Legislation Enacted</i> .....	3
<i>Vetoed Bills</i> .....	<i>Error! Bookmark not defined.</i>
<i>Recapitulation of Senate Bills Upon Adjournment</i> .....	4
<i>Recapitulation of Senate Measures Other Than Bills Upon Adjournment</i> .....	4
<i>Recapitulation of House Bills</i> .....	5
<i>Recapitulation of House Measures Other Than Bills</i> .....	5
<b>SUMMARY OF LEGISLATION</b> .....	<b>6</b>
9-1-1 .....	6
BUILDING CODES .....	6
CHARITABLE ORGANIZATIONS .....	6
EMS/EMTs.....	6
ENTERPRISE ZONES .....	7
ENVIRONMENT .....	7
ETHICS .....	9
HAZARDOUS SUBSTANCES .....	10
LABOR.....	11
LAND USE/ANNEXATION.....	12
SPECIAL DISTRICTS .....	13
PERS.....	13
PUBLIC CONTRACTING .....	16
PUBLIC RECORDS .....	16
PUBLIC SAFETY .....	18
REVENUE AND TAXATION .....	19
STATE AGENCY BUDGETS .....	20
TRANSPORTATION .....	21
VOLUNTEERS.....	21

# Session Overview

## 79<sup>TH</sup> OREGON LEGISLATIVE ASSEMBLY

The 79<sup>th</sup> Oregon Legislative Assembly convened for its Organizational meeting on January 9, 2017, for three days to formally prioritize and prepare for the session. During that time, activities included opening ceremonies, swearing-in of members, first reading of pre-session filed measures, and mandatory trainings for members and staff.

With all 60 Oregon House seats open this election, Democrats retained their 35-25 seat majority. They fell short of winning the 36<sup>th</sup> seat that would have given them a super-majority which would have allowed them to approve revenue-raising legislation without Republican votes. The Senate Democrats, on the other hand, lost a seat giving them a 17-13 majority.

Starting the session off with a \$1.8 billion deficit, attempts to pass a gross receipts tax and revamp the tax structure were immediately met with gridlock, not just between Democrats and Republicans, but between the two chambers as well.

While lawmakers eventually balanced the State's \$21 billion operating budget and passed several major policies, changes to the State's pension system, tax structure, and healthcare plans were delayed for at least another year. Republicans and Democrats were able to come together to pass a transportation package in the closing days of the session. The package included \$5.3 billion in funding for preservation and maintenance of roads and bridges as well as congestion relief projects. Republicans also secured modifications to the low-carbon fuel standard focused on protecting consumers in addition to strengthening accountability and oversight of transportation agencies.

The Senate adjourned at 11:58 a.m. on July 7 and the House adjourned at 3:26 p.m. the same day, a very unusual move and perhaps reflective of the philosophical differences between the two chambers.

Prior to adjourning, both chambers adopted HCR 40 which set deadlines and limitations for legislative measures for the 2018 session as follows:

- Each legislator (House and Senate members) is limited to two bills.
- Interim committees are limited to three bills.
- Governor and Chief Justice are each limited to five bills.

All requests for bill drafts must be submitted to Legislative Counsel on or before November 21, 2017; and all drafts must be filed at the Senate or House desk no later than 5 p.m. on January 16, 2018. The Joint Committee on Ways and Means, the Senate President, and the House Committee on Rules are exempt from the limitations and deadlines.

Issues likely to come up in the 2018 and 2019 Legislative Sessions include PERS, corporate taxes (gross receipt tax), rent control and no-cause evictions, and a carbon tax, as well as other issues.

## **LEADERSHIP FOR THE SESSION**

**Governor: Kate Brown, Democrat**

### **Oregon State Senate: 17 Democrats; 13 Republicans**

Senate President	Peter Courtney (D) SD 11
President Pro Tempore	Laurie Monnes Anderson (D) SD 25
Senate Majority Leader	Ginny Burdick (D) SD 18
Senate Republican Leader	Ted Ferrioli (R) SD 30

### **Oregon House of Representatives: 35 Democrats; 25 Republicans**

Speaker of the House	Tina Kotek (D) HD 44
Speaker Pro Tempore	Paul Holvey (D) HD 8
House Majority Leader	Jennifer Williamson (D) HD 36
House Republican Leader	Mike McLane (R) HD 55

# LEGISLATIVE PROPOSALS

Following is a summary of the legislative proposals introduced in each chamber during the 79<sup>th</sup> Oregon Legislative Assembly for the Regular Session.

	House	Senate
Legislation Introduced	1,473	1,122
Budget Bills	52	–
Concurrent Resolutions	41	31
Joint Memorials	12	12
Joint Resolutions	33	48
Resolutions/Memorials	2	3
<b>TOTALS</b>	<b>1,613</b>	<b>1,216</b>

## Legislation Enacted

<b>House Measures</b>	<b>449</b>
<b>Senate Measures</b>	<b>359</b>
<b>TOTAL</b>	<b>808</b>

## LEGISLATIVE DAYS 2017

September 18, 19, 20  
November 13, 14, 15

## FINAL ECONOMIC FORECAST

November 29, 2017

## VETOED BILLS

[Senate Bill 689](#) Relating to Task Force on Reentry, Employment and Housing.  
[House Bill 3355](#) Relating to the ability of psychologists to prescribe drugs.  
[House Bill 5006](#) (Portions of) Relating to financial administration.

Recapitulation of Senate Bills Upon Adjournment

<b>Total introduced</b>	<b>1,122</b>
Passed Senate, House, and approved by Governor .....	332
Governor Vetoed (SB 698) .....	1
At President's Desk upon adjournment (SB 1070) .....	1
At Desk upon adjournment (SB 43, 693) .....	2
In Senate Committees upon adjournment.....	764
In House Committees upon adjournment.....	21
Failed in the House (SB 94).....	1
Total .....	<u>1,122</u>

Recapitulation of Senate Measures Other Than Bills Upon Adjournment

Total Senate Concurrent Resolutions introduced .....	31
Adopted by Senate and House.....	24
In Senate Committees upon adjournment.....	7
Total .....	31
Total Senate Joint Memorials introduced.....	12
Adopted by Senate and House.....	1
In Senate Committees upon adjournment.....	11
Total .....	12
Total Senate Joint Resolutions introduced .....	48
Adopted by Senate and House.....	1
In Senate Committees upon adjournment.....	47
Total .....	48
Total Senate Resolutions introduced.....	2
Adopted by Senate .....	1
In Senate Committees upon adjournment.....	1
Total .....	2
Total Senate Memorials introduced .....	1
In Senate Committees upon adjournment.....	1
Total .....	1
<b>Total.....</b>	<b>94</b>
<b>TOTAL SENATE MEASURES INTRODUCED .....</b>	<b>1,216</b>

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*Source: Oregon Secretary of the Senate*

Recapitulation of House Bills

Non-Appropriation House Bills introduced .....	1,473
House Appropriation Bills introduced.....	52
<b>Total Bills Introduced.....</b>	<b>1,525</b>
Passed both Houses, approved & signed by Governor.....	414
Passed both Houses, approved & signed by Governor with Line Item(s) Veto (HB 5006)..	1
Vetoed by Governor (HB 3355).....	1
In House Committees upon adjournment.....	1,068
In Senate Committees upon adjournment.....	37
Failed in Senate (HB 2720) .....	1
At Senate President's desk upon adjournment (HB 2004, 2060, 2577).....	3
TOTAL .....	1,525

Recapitulation of House Measures Other Than Bills

House Concurrent Resolutions introduced .....	41
House Joint Memorials introduced .....	12
House Joint Resolutions introduced.....	33
House Resolutions introduced .....	2
<b>Total House Measures Other Than Bills Introduced .....</b>	<b>88</b>
Adopted by both Houses and filed with Secretary of State .....	35
In House Committees upon adjournment.....	45
In Senate Committees upon adjournment.....	7
At House Desk upon adjournment (HCR 41) .....	1
TOTAL .....	88
<b>TOTAL HOUSE MEASURES INTRODUCED .....</b>	<b>1,613</b>

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*Source: Chief Clerk of the House*

# Summary of Legislation

## 9-1-1

### **SB 661 – PROTECTION OF 9-1-1 FUNDS**

*Did Not Pass*

[SB 661](#) would have prohibited the legislature from “sweeping” money from the Emergency Communications Account, except for cases of fiscal emergency. The bill was introduced by Sen. Alan Olsen who believes strongly that funds generated by 9-1-1 should be used for their intended purpose.

## Building Codes

### **HB 2183 – INSPECTION OF HEALTH CARE FACILITIES**

*Did Not Pass*

[HB 2183](#) would have transferred authority relating to plan review and inspections of health care facilities from the Office of State Fire Marshal to the Department of Consumer and Business Services. The bill received on hearing on March 1 and did not progress further.

## Charitable Organizations

### **HB 2609 – NON-PROFIT CORPORATIONS UPDATE**

*Did Not Pass*

[HB 2609](#) was introduced at the request of the Nonprofit Organizations Law Section of the Oregon State Bar in an effort to modernize and clarify existing law by providing default rules that could be changed in an organization’s articles or bylaws. However, opponents of the bill argued that such changes would diminish the rights of members while enhancing the power of a nonprofit’s board. The bill received a hearing and a work session but did not pass.

## EMS/EMTs

### **SB 52 – REPORTING OF PATIENT DATA**

*Effective Date: June 6, 2017*

*Chapter: 283, (2017 Laws)*

The Emergency Medical Services (EMS) and Trauma Systems Program, managed by the Oregon Health Authority (OHA), develops and regulates systems for quality medical care in Oregon. The Oregon Trauma Registry collects data, reported voluntarily from 44 trauma hospitals, about the causes of injury, emergency response, cost and outcome of all injured patients that receive trauma care. Oregon trauma hospitals, however, are not able to electronically send patient information to EMS providers who voluntarily report patient encounter data to OHA. Currently, 70 percent of Oregon’s 92 licensed EMS providers voluntary report patient care records to the state’s EMS system.



[SB 52](#) requires all licensed ambulance service providers to report a standardized set of patient encounter data directly to OHA. The bill also allows hospitals to electronically report patient information back to local EMS providers. The bill was amended to remove references to emergency medical services providers and to allow non-transporting pre-hospital providers to *voluntarily* report patient data to the EMS data system. Requires OHA to issue an annual report based on data collected. Finally, SB 52 permits OHA to waive reporting requirements if an ambulance service provider is unable to comply with the requirements of the bill.

## Enterprise Zones

### **HB 2833 – TECHNICAL CORRECTIONS TO STATUTES GOVERNING EXEMPTIONS**

*Effective Date: October 6, 2017*

*Chapter: 83, (2017 Laws)*

[HB 2833](#) makes technical corrections and clarifications in statutes governing exemption from taxes of property in enterprise zones and clarifies that for business firms to continue qualifying for long-term rural enterprise zone, the average compensation at the qualified facility (after initially meeting the compensation threshold) must equal or exceed 150 percent of the average wage in the county for the year in which the requirement was initially met. The previous substantial technical/administrative changes to the enterprise zones statutes occurred in 2003 via HB 2299. Since that time, a number of potential flaws have been identified by court cases and operational practices. In response, Business Oregon developed the changes contained in HB 2833.

Three other bills relating to enterprise zones were introduced but none passed. They were:

- [HB 2904](#) – Would have provided alternative criterion for eligibility for certification of a facility located in a county outside of all metropolitan statistical areas in which total property taxes imposed by all taxing districts are equal to at least 1.3 percent of the total assessed value of taxable property.
- [HB 2905](#) – Would have expanded definition of “county with chronically low income or unemployment” to include counties in which the percentage of individuals below the federal poverty level is greater than the percentage of individuals below the federal poverty level (averaged over the past five years).
- [SB 173](#) – Would have extended the sunset for tax credits for long-term rural e-zones.

## Environment

### **HB 2131 – OIL TRAINS**

*Did Not Pass*

[HB 2131](#) was introduced at the request of Rep. Barbara Smith Warner (D – NE Portland) in response to the June 2016 Union Pacific train derailment near Mosier which resulted in spillage of 47,000 gallons of Bakken crude into the wastewater treatment plant and soil along the banks of the Columbia River. The fire consuming derailed cars and nearby vegetation burned for 14 hours, closing traffic on I-84 and evacuating the nearby school, houses, and state parks.

While the Oregon State Fire Marshal (OSFM) is in charge of securing life and safety in the event of a release, DEQ is the lead agency for response to oil and hazardous material spills in Oregon based upon federal authority under the Northwest Area Contingency Plan. HB 3225 (2015) gave OSFM authority to develop and implement first responder fire and emergency response trainings and exercises for an oil or hazardous material release. HB 3225 did not address DEQ's role in oil spill prevention or cleanup and did not require railroads to submit environmental contingency plans for oil transport, similar to those required for pipelines, facilities, and vessels transporting oil in Oregon.

HB 2131 sought to make the following changes:

- Expand training and exercise authority given to OSFM in 2015;
- Require railroads to demonstrate their ability to cover the costs associated with a worst case spill;
- Include rail with other transporters of oil who submit environmental contingency plans to the Department of Environmental Quality;
- Ensure that the rail oil spill contingency plans are added to and coordinated with the OSFM's compilation of local, state, and federal plans;
- Expand DEQ's geographic response plan mapping to include sensitive areas along high hazard train routes;
- Create a dedicated High Hazard Train Route Oil Spill Prevention Fund for DEQ's work related to rail with contingency planning and geographic response planning.

Likewise, [SB 7](#), which would have directed the Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to high hazard train routes, also failed.

### **HB 2132 - EXPANSION OF LOCAL GOVERNMENT FINANCING PROGRAMS**

*Effective Date: October 6, 2017*

*Chapter: 048, (2017 Laws)*

The U.S. Department of Energy's Office of Energy Efficiency & Renewable Energy property-assessed clean energy (PACE) model is a mechanism for financing energy efficiency and renewable energy improvements on private property. PACE programs allow local governments, state governments, or other inter-jurisdictional authorities to fund the up-front cost of energy improvements on commercial and residential properties, which are paid back over time by the property owners.

[HB 2132](#) expands the purposes for which improvements can be made through the PACE program to include energy storage, smart electric vehicle charging stations, and water efficiency and clarifies that any unpaid final assessments are a lien on each lot in favor of the local government and have priority over all other liens and encumbrances.

## **SB 850 – SEISMIC SAFETY**

*Effective Date: June 14, 2017*

*Chapter: 355, (2017 Laws)*

[SB 850](#) directs the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) to create volunteer committee or committees to assist with its work, as specified, primarily to investigate issues related to provision of earthquake insurance to residential property owners and mass care and displacement. The bill also directs agencies with subject matter expertise to offer supplemental staff support. Requires report to State Resilience Officer (SRO) by September 30, 2018.

## **Ethics**

### **HB 2298 – STATEMENTS OF ECONOMIC INTEREST**

*Effective Date: January 1, 2018*

*Chapter: 64, (2017 Laws)*

[HB 2298](#) requires all candidates for statewide office, judicial office, district attorney or Legislative Assembly to file statements of economic interest (SEI) not later than the 40th day before the statewide general election occurs.

### **HB 2299 – REPEALS REQUIREMENT FOR OGEC TO PAY ATTORNEY FEES**

*Did Not Pass*

[HB 2299](#) was introduced at the request of the Oregon Government Ethics Commission (OGEC) and would have repealed the requirement that the OGEC pay attorney fees for persons prevailing in certain contested case hearings. The bill received one hearing before the House Rules Committee in February and did not progress.

### **HB 2435 – EXEMPTION FOR EMT TRAINING**

*Did Not Pass*

ORS 244.020 sets out definitions and exemptions for gifts under Oregon’s ethics statutes.

[HB 2435](#) would have added a new exemption to the definition of “gift” to include “*Any funding or other assistance provided to a public official to assist the public official with obtaining basic emergency medical training, including but not limited to cardiopulmonary resuscitation certification, automated external defibrillator training or first aid training.*” The bill, introduced at the request of Rep. Julie Parrish (R - Tualatin/West Linn) received no hearings.

### **HB 2577 – LOBBYIST REPORTING**

*Did Not Pass*

[HB 2577](#) represented an attempt to more heavily regulate Oregon lobbyists by requiring lobbyist statements filed with Oregon Government Ethics Commission to identify each bill or measure introduced before Legislative Assembly lobbyist lobbied on; whether the lobbyist lobbied in favor of, in opposition to, or for purpose of seeking amendments to bill or measure; each legislative topic that was not bill or measure that lobbyist lobbied on; each person or entity that hired lobbyist; and how much money person or entity paid lobbyist. The bill passed the House overwhelmingly on April 6 by a vote of 52-3 with five excused but died in the Senate.

## Hazardous Substances

### **HB 2458 - SELF-SERVICE GAS IN RURAL COUNTIES**

*Did Not Pass*

[HB 2458](#) would have modified the statute governing gas dispensing at a non-retail location by allowing self-service between the hours of 6:00 p.m. and 6:00 a.m. in rural counties with fewer than 40,000 residents. These counties are Clatsop, Malheur, Union, Wasco, Tillamook, Hood River, Curry, Jefferson, Crook, Baker, Morrow, Lake, Grant, Harney, Wallowa, Gilliam, Sherman, and Wheeler. Proponents of the measure indicated that this would provide additional fueling options for travelers who may be without the ability to refuel in a remote location late at night. Currently, a traveler caught under these circumstances would need to call the State Police, who would bring a nominal amount of fuel and phone the operator of the nearest retail fuel location to open the location to provide fuel to the traveler. Class 1 liquids include but are not limited to gasoline, methanol, acetone, and benzene.

### **HB 2669 - COMMUNITY RIGHT TO KNOW**

*Did Not Pass*

[HB 2669](#) was largely triggered by the Bullseye Glass situation. The legislators who introduced it are seeking "transparency" and HB 2669 was purported to be "enabling" legislation which allows local governments choose to collect data if they wish. They also claimed that it would be funded by industry to help cover the costs of local governments to implement their programs. (Note: Industry fees would have increased from \$2,000 to \$10,000.)

The more conservative legislators on the House Committee on Environment and Energy pointed out that DEQ is in the process of implementing a program that will cover air toxins on a statewide basis as opposed to "piecemeal". Data would include emissions from dry cleaners, auto repair shops, bakeries, dental offices, etc. One of the criticisms with the current system is that it isn't very flexible and it is an outdated program. Testimony submitted to the electronic record may be viewed at <https://olis.leg.state.or.us/liz/2017R1/Committees/HEE/2017-03-20-15-00/HB2669/Details>. In particular, the testimony of Jennifer Coleman, Oregon Environmental Council, provided a succinct overview.

Representatives of the fire service asked that a common statewide database be used. Other proponents indicated that only the City of Eugene has the ability to exercise its right to know. Several individuals pointed out that the OSFM already has a statewide program in which any new provisions could be incorporated. No action was taken on the bill and it died in Committee.

## **SB 323 – EXPANSION OF CRIME OF ARSON**

*Effective Date: January 1, 2018*

*Chapter: 248, (2017 Laws)*

[SB 323](#) creates a new offense of Arson Incident to Manufacture of Controlled Substance in the First and Second Degree. A person commits the second degree offense by knowingly manufacturing a controlled substance and causing a fire or explosion that damages a building or property of another in a value over \$750. This is a Class C felony. A person commits the first degree offense by knowingly manufacturing a controlled substance and causing a fire or explosion that damages protected property of another, damages any property and the fire or explosion recklessly places another in danger of physical injury or protected property in danger of damage, or damages any property and the fire or explosion recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty related to the fire. This is a Class A felony.

## **Labor**

### **HB 2265 – COLLECTIVE BARGAINING**

*Effective Date: June 21, 2018*

*Chapter: 119, (2017 Laws)*

[HB 2265](#) allows parties negotiating terms of collective bargaining agreements to agree in writing as to when to start 150-day period after which either party may request mediation. By way of background, the Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. Under PECBA, both the public employer and the labor organization are required to collectively bargain in good faith with respect to the terms of an agreement. After a period of 150 days of good faith negotiations, either or both parties may notify the Employment Relations Board of the need for a mediator to be assigned. The parties may agree at any time during the 150 days to request a mediator. The clock for the 150-day period starts when the parties meet for the first bargaining session and each party has received the other party's initial proposal. Mediation is provided by the Board's State Conciliation Service. After 15 days of mediation either party may declare an impasse; the mediator may declare an impasse at any time. Seven days after such a declaration, each party must submit a final offer for the mediator to make available to the public. Within 30 days after making the final offer public, the parties may jointly petition the Board to appoint a fact finder. The employees have the right to strike 30 days after the mediator makes the final offers public or after a fact finder issues a report. House Bill 2265-A allows the start of the 150-day negotiation period to be an alternative date that the parties agree to in writing.

### **HB 3217 – OPEN LABOR NEGOTIATIONS**

*Did Not Pass*

[HB 3217](#) would have required labor negotiations with public bodies be conducted in open meetings. The bill, introduced at the request of Rep. Mike Nearman (R - Independence) and Rep. Werner Reschke (R - Klamath Falls), received no hearings.

### **SB 416 - PUBLIC WORKS**

*Effective Date: June 14, 2017*

*Chapter: 334, (2017 Laws)*

[SB 416](#) prohibits anyone, not just public agencies, from dividing public works project into more than one contract to avoid prevailing wage rate laws. It clarifies factors the Commissioner of Bureau of Labor and Industries may consider in determining whether project should be divided. Clarifies requirement that every public works contract and subcontract must specify that every contractor and subcontractor, unless exempt, must file bond with Construction Contractors Board. Requires disadvantaged business enterprise, minority-owned business, woman-owned business, business owned by a service-disabled veteran, and emerging small business to post bond if it fails to pay workers prevailing wage rate. Clarifies actions that violate provisions prohibiting any person other than contractor or subcontractor from paying prevailing wage rate or fringe benefits to workers performing public works contract.

### **SB 476 - OPEN LABOR NEGOTIATIONS**

*Effective Date: October 6, 2017*

*Chapter: 455, (2017 Laws)*

[SB 476](#) directs Oregon Department of Veterans' Affairs (ODVA) Advisory Committee to recommend whether the Legislative Assembly should add disabled veterans to the definition of "preferred worker" so that employers may receive the same benefits for hiring them as are available for hiring permanently disabled injured workers through the Reemployment Assistance Program. Requires recommendation by February 1, 2018. Sunsets December 31, 2018. Takes effect 91st day following adjournment *sine die*.

## **Land Use/Annexation**

### **SB 310 - VERTICAL HOUSING**

*Effective Date: October 6, 2017*

*Chapter: 326, (2017 Laws)*

[SB 310](#) grants city and county governments the authority to designate vertical housing development zones within their respective jurisdictions and removes Oregon Housing and Community Services Department (OHCS) from the designation and project certification process. The measure also establishes requirements for local governments to certify vertical housing development projects within designated vertical housing development zones.

The vertical housing development program has existed at the OHCS since 2005, and its primary purposes are rehabilitation of properties, community revitalization, and augmenting available housing in certain areas. The program encourages mixed-use developments by offering partial property tax exemptions for creating housing in areas that were once zoned non-residential and are now designated for vertical housing development. Oregon law provides that vertical housing development zones must be applied for and approved through OHCS, and OHCS also approves individual vertical housing projects. OHCS is also authorized to develop rules to implement relevant statutes.

## **SB 418 - UGB AMENDMENTS**

*Effective Date: January 1, 2018*

*Chapter: 521, (2017 Laws)*

[SB 418](#) requires the Director of the Department of Land Conservation and Development (DLCD), at the request of and in coordination with a city, parse work tasks to allow DLCD to issue final orders approving or remanding sequential phases of the work tasks related to an urban growth boundary (UGB) amendment: (1) by a city with a population of 2,500 or more that adds more than 50 acres to the UGB; and (2) related to needed housing under ORS 197.295 to 197.314. Requires director to take action on each sequential phase no later than 90 days after the local government submits the phase for review unless waived by the local government or if the Land Conservation and Development Commission (LCDC) grants the director an extension. Stipulates that if the director does not take timely action, the phase is deemed approved. Authorizes director to approve, remand or refer work task to LCDC for a decision. It also allows a director decision to be appealed to LCDC. Requires director to provide letter to local government certifying approval of work phase unless an interested party has filed a timely objection under applicable administrative rules. The bill applies to reviews of UGBs under ORS 197.295 to 197.314 that have not been acknowledged by the effective date of the Act without regard to whether review was initiated before, after, or on effective date of Act.

## **Special Districts**

### **SB 327 - RECREATIONAL IMMUNITY**

*Effective Date: June 22, 2017*

*Chapter: 449, (2017 Laws)*

[SB 327](#) was introduced at the request of the Special Districts Association of Oregon as a priority bill. The bill modifies the definition of owner for purposes of civil liability related to land used by the public for recreational purposes. Owner would include the holder of any legal or equitable title; officers, employees, volunteers or agents of possessors of any interest in land while these persons are acting within the scope of assigned duties; and the director, partner, general partner, shareholder, limited liability company member, limited liability partner, or limited partner of possessors of any interest in land. SB 327 extends recreational immunity to employees, agents, and volunteers of land owner when acting within scope of duties and certain others with an ownership interest in an entity that is a land owner.

## **PERS**

PERS reform was on the forefront of legislators' agendas at the beginning of the Session. Numerous bills were introduced to reduce the State's liability, as well as that of local governments. The Senate Workforce Committee saw most of the activity and referred several substantive bills to Ways and Means, most of which died.

## **SB 200 – UNIFORMED SERVICE**

*Did Not Pass*

[SB 200](#) would have expanded the definition of "uniformed service" to include former employees of US Public Health Service and NOAA as members who may purchase retirement credit. The bill passed out of the Senate Workforce Committee died in Ways and Means.

## **SB 201 – UNIVERSITY EMPLOYEES**

*Did Not Pass*

[SB 201](#) would have provided that, for a specific period of time, salary paid to some Oregon Public Service Retirement Plan (OPSRP) members who worked for universities but lived out of state would be included as salary for PERS benefit calculation. The bill passed out of the Senate Workforce Committee died in Ways and Means.

## **SB 559 – FINAL SALARY CALCULATION**

*Did Not Pass*

[SB 559](#) would have changed the final average salary under PERS from three to five years. This change would have reduced the current unfunded liability from \$22 billion to \$16 billion. The bill passed out of the Senate Workforce Committee died in Ways and Means.

## **SB 560 – REDIRECTION OF 6 PERCENT CONTRIBUTION**

*Did Not Pass*

[SB 560](#) would have redirected the 6 percent member contribution from the employees' Individual Account Program (IAP) to a member pension account and established a cap of \$100,000 on salary used for final average salary. A number of proposed amendments to this bill were discussed, including an increased retirement age, an increase in the waiting period to become eligible for participation in PERS, elimination of the 1039 rule, and changes to credits for accrued vacation and sick leave. However, like the others, the bill passed out of the Senate Workforce Committee died in Ways and Means.

## **SB 712 – RETIREMENT CREDIT**

*Effective Date: August 2, 2017*

*Chapter: 653, (2017 Laws)*

[SB 712](#) modifies the formula for calculating hours of service credit of Oregon Public Service Retirement Plan (OPSRP) members for vesting purposes and retirement credits by including time that member received workers' compensation disability payments in certain circumstances. Under current law, Tier One and Tier Two PERS members who return to qualifying employment following disability leave for a duty-related injury under the workers' compensation system are eligible for PERS service credit for that period. OPSRP members in the same circumstances are not eligible for PERS service credit for that period. SB 712 provides that an OPSRP member who returns to qualifying employment after receiving disability payments for an injury or disease sustained while in actual performance of duty and not intentionally self-inflicted shall receive hours of service credit for vesting purposes and retirement credit for the period of those payments.



## **SB 1067 – WORKFORCE REPORTING REQUIREMENTS**

*Effective Date: August 2, 2017*

*Chapter: 653, (2017 Laws)*

[SB 1067](#) is the product of a legislative work group that was convened during the 2017 session to examine potential cost reduction and prevention options in order to help reduce cost increases in future budgets and to institute prudent financial practices and principles for state government. The measure is a compilation of actions related to that work and other proposals that also had the same intent. The bill begins the process of combining the Public Employee Benefit Board with the Oregon Educators Benefit Board and requires PEBB/OEBB to limit the annual growth rate of health care expenditures to 3.4 percent. It also accomplishes the following:

- Requires legislative review of reclassification of positions by state agencies
- Requires legislative review of agency long-term vacancies
- Requires additional reporting on collective bargaining changes
- Reduces the cap on state government FTE from 1.5 percent to 1.0 percent of the state population
- Requires the Legislative Fiscal Office (LFO) to study the Lottery Commission administrative costs and transfer rate prior to the odd-numbered year session
- Requires a study of state procurement practices to achieve savings
- Authorizes LFO to update current service level assumptions from what is used to prepare the Governor’s budget proposal
- Sets a target of 2 percent of replacement value to be spent on deferred maintenance each biennium
- Modifies the law regarding PERS side accounts (pre-paid employer contributions) and requires the Governor’s budget proposal to include recommendations on funds available for additional side account deposits
- Limits PERS contingency reserve fund to \$50 million
- Ensures that communications regarding the PERS unfunded accrued liability includes information on side accounts
- Requires the Legislature to establish a minimum project amount to be eligible for bond financing; projects below that amount need to be funded with cash
- Centralizes debt collection activity in state government in the Department of Revenue and further specifies changes to debt collection processes
- Requires PEBB and OEBB to establish an executive committee to develop a plan for the merger of the boards and to begin to combine administrative functions and operations
- Requires PEBB and OEBB to adopt methodologies designed to limit growth in premium or per member health plan costs to 3.4 percent per year
- Eliminates “double coverage” for PEBB and OEBB employees who have family members also employed by a PEBB or OEBB employer.
- Ties hospital rates for PEBB and OEBB to a percentage of Medicare rates for most hospitals
- Establishes effective dates

## **SB 1068 – EMPLOYEE RISK SHARING**

*Did Not Pass*

[SB 1068](#) would have diverted up to 4 percent of the 6 percent that now goes into each employee's Individual Account Program (IAP) into a separate "risk sharing" account. The exact percentage would be calculated biannually based on the cost of future pension benefits and how much of the projected liability is not yet funded by employers. Senate President Peter Courtney and Sen. Mark Hass, D-Beaverton, are listed as sponsors of the bill. Click [here](#) to see additional information contained in the Press Release issued by Senate President Peter Courtney.

## **Public Contracting**

### **HB 3203 – USE OF AGENCY EQUIPMENT/PERSONNEL**

*Effective Date: October 6, 2017*

*Chapter: 715, (2017 Laws)*

[HB 3203](#) requires contracting agencies, prior to adoption of budget or commencing public improvement project, to file a list of every public improvement planned during budget period with Bureau of Labor and Industries (BOLI). It then requires agencies to specify their intent to use a private contractor or agency equipment and personnel. The bill directs agencies to file a cost analysis demonstrating conformity with policy to construct at least-cost at least 180 days prior to beginning projects with an estimated value of construction work in excess of \$200,000.

HB 3203 provides exemptions. It includes resurfacing roadways at a depth of two inches or more, estimated in excess of \$175,000, as public improvement and excludes maintenance patching, chip seals or other maintenance treatments estimated between \$175,000 and \$750,000 with conditions. Increases dollar thresholds that trigger filing requirements every two years from July 1, 2019, to July 1, 2025. Finally, the bill authorizes BOLI to investigate contractor or trade association complaints that least-cost policy has been violated and prescribes investigatory authority and timeline for resolution. It authorizes BOLI to require violating agency to enter into negotiated agreement with complainant as to remedy and provides remedies for failed negotiations and breach, including civil penalties.

## **Public Records**

### **SB 106 – PUBLIC RECORDS ADVOCATE/ADVISORY COUNCIL**

*Effective Date: August 15, 2017*

*Chapter: 728, (2017 Laws)*

[SB 106](#) establishes Public Records Advocate (Advocate) appointed by the Governor and confirmed by the Senate to facilitate conflicts between those who request and those who hold public records within 21 days of written request of either party. The bill allows requestors to opt out of facilitation requested by state agencies, provides for discretionary dispute resolution between requestors and cities, and excludes Oregon Judicial Department. Additionally, it accomplishes the following:

- Authorizes the Advocate to make determinations about either party's good faith participation in facilitated dispute resolution;
- Provides for remedies and appeal;

- Requires Advocate to memorialize agreements in writing for parties to execute;
- Allows Advocate to locate in Secretary of State's Archives Division;
- Creates Public Records Advisory Council (Council);
- Directs Council to nominate three candidates for Governor to choose one as Advocate and to study and make recommendations concerning Advocate's role, and practices, procedures, exemptions and fees related to public records;
- Requires a report by December 1 of even-numbered years, at minimum;
- Establishes a Public Records Advisory Fund;
- Sunsets Council December 31, 2020.

**SB 481 - DEFINES "BUSINESS DAY" FOR PURPOSE OF PUBLIC RECORDS REQUESTS**

*Effective Date: January 1, 2018*

*Chapter: 456, (2017 Laws)*

[SB 481](#) modifies requirements for public bodies to respond to requests for public records from "as soon as practicable without unreasonable delay," to require public bodies acknowledge requests within five business days and complete requests as soon as practicable and without unreasonable delay, or as soon as reasonably possible ***but no later than ten business days after acknowledgment***. The bill also does the following:

- Defines acknowledgment as completing request or confirming: possession of records sought, lack of possession, or uncertainty about possession;
- Defines completed requests as providing access to or copies of all nonexempt records and/or thorough explanations for any records denied, not in possession, or not capable of acknowledgment, including instructions how to obtain review;
- Permits public body to exceed time limits for specified reasons, with written explanation to requester including estimated completion date;
- Makes explicit that public bodies may communicate with requesters;
- Suspends completion of requests pending reply and receipt of any fee not waived and provides for automatic closure upon 60 days' inactivity;
- Includes estimated completion dates and failures to comply among actions that are subject to review;
- Treats public body's failure to respond as denial for purposes of review;
- Requires Oregon Department of Justice to maintain accessible, comprehensive list of statutory exemptions;
- Requires Legislative Counsel and district attorneys to contribute information;
- Provides public bodies with immunity from liability for damage caused by disclosures made in good faith;
- Deems good faith disclosures of privileged information do not constitute waiver and are not voluntary.

## **SB 769 – SOCIAL SECURITY NUMBER PROTECTION**

*Effective Date: January 1, 2018*

*Chapter: 254, (2017 Laws)*

[SB 769](#) specifies that a person may not dispose of or transfer to another for disposal any material displaying consumer's Social Security number unless person makes number unreadable or unrecoverable or ensures person disposing of material makes the number unreadable or unrecoverable.

## **Public Safety**

### **HB 2294 – BPSST EXPANSION**

*Effective Date: January 1, 2018*

*Chapter: 47, (2017 Laws)*

[HB 2294](#) adds one person representing the public to four of the five policy committees established by the Board on Public Safety Standards and Training and changes the eligibility requirements for the person representing the public on the board's fifth policy committee.

### **HB 2687 – GRANT PROGRAM FOR EMERGENCY PREPAREDNESS EQUIPMENT**

*Effective Date: August 8, 2017*

*Chapter: 657, (2017 Laws)*

[HB 2294](#) creates a grant program funded by bonds as authorized by Article XI-Q of the Oregon Constitution to distribute or purchase emergency equipment at the local level. The legislature recognizes that local jurisdictions may not have the resources to obtain needed emergency preparedness equipment. A central part of state emergency planning is understanding that the Cascadia subduction zone, running from northern California to Canada just off the west coast, poses a devastating threat to life and property in the Pacific Northwest. A large offshore earthquake and corresponding tsunami could strike at any time and the state is presently not prepared for such events. Being prepared for a worst-case scenario would also enable the state to respond to lesser events.

### **HB 3404 – CHILD SAFETY**

*Effective Date: May 25, 2017*

*Chapter: 177, (2017 Laws)*

[HB 3404](#) requires children under age two years to be properly secured with a child safety system in a rear-facing position in a vehicle. Exempts children who are one year or older immediately before effective date of Act. Currently, Oregon law requires children under age one year or children weighing 20 pounds or less to be in a rear-facing position in a car seat. This legislation is in response to a 2007 study in the *Injury Prevention Journal* which analyzed the National Highway Traffic Safety Administration crash data of 870 children and found that rear-facing car seats are more effective than forward-facing seats in protecting children aged 0-23 months for all crash types. In 2011, the American Academy of Pediatrics (AAP) issued a recommendation that all infants and toddlers should ride in a rear-facing car seat until age two years or until they reach the height or weight limit of the car seat's manufacturer. Current available car seats accommodate these recommendations.

## **SB 653 – UMPQUA COMMUNITY COLLEGE SECURITY**

*Did Not Pass*

[SB 653](#) would have appropriated \$504,300 to the Higher Education Coordinating Commission for distribution to Umpqua Community College. Required the distribution be used for security patrols and an information technology network security specialist. The bill was introduced in response to the October 1, 2015, incident in which a student at UCC opened fire in a classroom, killing nine people and then himself. Funds were appropriated to the college to pay for cleanup of the building where the events occurred, as well as increased security. Senate Bill 653 would have provided for three full-time security patrol staff as well as one network systems security specialist.

## **Revenue and Taxation**

### **HB 2363 – CHARGE FOR COLLECTION OF PROPERTY TAX**

*Did Not Pass*

[HB 2363](#) would have required counties to annually determine and include in their budget the actual costs to the county of assessing and collecting property taxes and withhold from taxing districts (including fire districts) an amount equal to the amount of assessment and collection costs. The bill was amended to require counties determined to be at higher risk of financial distress, as determined by an audit report issued by the Secretary of State, to withhold the cost of assessing and collecting property taxes. The bill received two public hearings before the House Revenue Committee but was not acted upon. [SB 787](#), which would have also required counties at higher risk of financial distress to withhold the cost of assessing and collecting property taxes, also failed after one hearing.

### **HJR 1 – REPEAL OF MEASURE 50**

*Did Not Pass*

[HJR 1](#) proposed to amend the Oregon Constitution to repeal the ad valorem property tax assessment provisions created by House Joint Resolution 85 (1997) (Ballot Measure 50 (1997)), and requiring ad valorem property taxes to be assessed on the real market value of property, authorizing local taxing districts to increase permanent rate limits once in ten years by submitting question to voters of district. It also would have directed the Legislative Assembly to provide an exemption from ad valorem property taxes for owner-occupied principal dwelling. The proposal received no hearings.

### **HJR 20 – SALES TAX**

*Did Not Pass*

[HJR 20](#) proposed to revise the Oregon Constitution (by a vote of the people) directing the Legislative Assembly to adopt sales tax on sales of tangible personal property and services and use tax on tangible personal property. It received no hearings.

## State Agency Budgets

### **HB 5031 – STATE POLICE BUDGET**

*Effective Date: July 19, 2017*

*Chapter: 581, (2017 Laws)*

[HB 5031](#) is the budget bill for the Oregon State Police, including the Office of State Fire Marshal which provides fire, life, and safety education resources; inspection and investigation services; and administers 13 regional hazardous materials response teams and incident management teams. Additionally, the office coordinates with other agencies on statewide issues and during conflagrations, mobilizations, and major emergency incidents. The legislature approved a budget of \$410,463 General Fund; \$23,305,332 Other Funds limitation, \$529,699 Federal Funds limitation; and 68 positions (68.00 FTE). The package increases Other Funds limitation by \$568,304 and establishes two new permanent, full-time Compliance Specialist 3 positions (2.00 FTE) to perform National Fire Protection Association 101 plan reviews and to provide a sufficient number of site visits during construction or remodeling projects of healthcare facilities.

### **HB 5034 – DPSST BUDGET**

*Effective Date: January 1, 2018*

*Chapter: 47, (2017 Laws)*

[HB 5034](#) is the budget bill for the Department of Public Safety Standards and Training which provides public safety training and maintains standards for employment to over 35,000 police, fire, corrections, parole and probation, telecommunications, private security professionals, and public safety volunteers in Oregon. The legislature approved a budget of \$61.6 million, with 150 positions and 148.21 FTE. **This budget is 3.1 percent higher than the 2015-17 legislatively approved budget and 0.8 percent above current service level.** Although DPSST is primarily an Other Funds agency, the legislature eliminated two police training classes from the 2017-19 training calendar in order to alleviate pressure on the General Fund. Fire training was not reduced.

### **SB 5519 – STATE FORESTRY BUDGET**

*Effective Date: July 19, 2017*

*Chapter: 592, (2017 Laws)*

[SB 5519](#) is the budget bill for the Oregon Department of Forestry. The legislature approved a budget of \$346,418,087 which represents a 0.5 percent reduction in total funds from the current service level. The budget includes adjustments to: correct erroneously added funding in the base budget and essential packages, reduce expenditures and eliminate positions due to reduced Department of State Lands forest management contracts, align revenues and expenditures related to the implementation of the ForestryBuys procurement and payment system implementation, and implement General Fund reductions. The budget also includes \$3 million General Fund to continue the federal forest restoration program, the addition of an aviation coordinator position, and expansion of the rangeland protection program; and \$450,000 General Fund for the treatment of sudden oak death. It appropriates \$6 million General Fund to the Emergency Board for emergency fire costs, including funding for severity resources and catastrophic wildfire insurance premiums. The budget was criticized for the elimination of \$500,000 previously dedicated to property owners in Eastern Oregon to assist with wildfire mitigation.

## Transportation

### **SB 34 - EXPANSION OF MOVE-OVER LAW**

*Effective Date: January 1, 2018*

*Chapter: 305, (2017 Laws)*

[SB 34](#) expands the "move over law" to include all motor vehicles stopped and displaying required warning or hazard lights, or when person is using emergency flares or posting emergency signs. The bill allows motorist to either slow down or change lanes without requiring assessment of whether lane change is unsafe before choosing option to slow down and provides for an exemption if the stopped vehicle is in designated parking area.

## Urban Renewal

### **HB 2470 - URBAN RENEWAL**

*Did Not Pass*

[HB 2470](#) was the intended vehicle for a much-needed overhaul of the urban renewal law, which has not been updated for seven years. The fire service had sought to effect all or some of the following changes:

- The use of the urban renewal funds to build public buildings;
- The "consult and confer" language in current statute;
- The duration of an urban renewal district;
- The calculations for maximum indebtedness;
- The language requirements of the tax increase disclaimers;
- Definitions of blight;
- Collection and reporting of Performance requirements.

A work group was convened to discuss what issues future legislation might address.

## Volunteers

### **SB 378 - TAX CHECK-OFF FOR VOLUNTEERS**

*Effective Date: October 6, 2017*

*Chapter: 487, (2017 Laws)*

After nearly a decade of efforts in the legislature, the Oregon Volunteer Firefighters Association's tax check-off bill was passed and signed by the Governor. [SB 378](#), introduced by Sen. Bill Hansell (R – Athena) in honor of his friend and colleague Rep. Deborah Boone (D – Cannon Beach), was sponsored by all 30 Senators and 58 Representatives. The bill eliminates the requirement for the OVFA to have banked \$1 million in the previous year in order to be eligible to receive contributions under the tax check-off program. Currently, when Oregonians receive a tax refund on their state personal income tax, they may choose to donate a portion or all of that refund to a list of non-profit 501(c)(3) organizations. In order to be included on the list of organization eligible to receive such contributions, an organization must be registered with the Department of Justice as a charitable non-profit, submit 10,000 signatures of support, and show that it banked \$1 million the previous year.

If the OVFA is success in its signature gathering process, statute dictates that any contributions received will fund training opportunities for Oregon's 8,760 volunteer firefighters and support the

Association's Relief Fund to assist volunteer firefighters and their families in the event of injury or hardship. Rep. Boone had introduced similar legislation for nearly a decade.