



OREGON FIRE DISTRICT  
DIRECTORS ASSOCIATION  
EDUCATION • COORDINATION • LEGISLATION

# 2021 Legislative Summary

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October 2021*



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FINE ART PHOTOGRAPHY

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## Session Overview

### 81<sup>st</sup> OREGON LEGISLATIVE ASSEMBLY

The 81st Oregon Legislative Assembly, which will be remembered as the most unusual in Oregon's history, convened on January 11, 2021. The Session was virtual, with only legislators and key staff allowed into the building due to the COVID-19 pandemic.

The Democrats once again held supermajorities in both chambers. In the Senate, the Democrats held 18 seats, the Republicans held 11 and there was one Independent. In the House there were 37 Democrats and 23 Republicans.

Senator Peter Courtney (D-Salem) easily won the Senate Presidency while in the House, Rep. Janelle Bynum (D-Clackamas) challenged incumbent Speaker Tina Kotek (D-Portland). However, on January 4, just seven days from the start of session, Sen. Bynum withdrew her challenge, making the following statement: *"My fervent hope is to lead the Oregon House of Representatives as speaker, and I look forward to the day in the near future where Oregon state representatives are able to vote with pride and unity to elect me to lead the chamber. Until that day comes, I will continue to lead with dignity, a sense of fairness, an eye for our collective economic prosperity, and a deep, unbridled love for the children of this state."*

On Feb. 25, 2021, all 11 members of the Republican caucus were absent from the legislative session and sent a letter to Governor Kate Brown (D) saying the Governor had ignored their proposals related to COVID-19. The letter stated, *"Our previous efforts to bring these issues to your attention have gone unacknowledged. Thus, we are protesting today's floor session. In this show of solidarity with Oregonians who are being failed by the current direction of your policies, we hope this action conveys the importance of these issues."* It was reported that Republicans wanted the Governor to reopen schools and increase vaccine availability to older residents in more rural areas. The walkout ended on March 2, 2021. Senate Minority Leader Fred Girod (R-Stayton) said that the walkout accomplished his goals of highlighting the issues of school re-openings and vaccinations.

On May 19 the [Department of Administrative Services Office of Economic Analysis](#) released its economic forecast revealing some very positive news. At that time, the outlook for near-term economic growth was the strongest in decades, if not generations. Oregon's labor market was expected to return to full health during the upcoming 2021-23 biennium. Total employment in Oregon is expected to surpass pre-pandemic levels in late 2022 with the unemployment rate returning to near 4 percent in 2023. In 2021, household incomes in Oregon are 20 percent higher than before COVID-19 hit, thanks in larger part due to the temporary federal measures put in place. Excluding the direct federal aid, incomes are back to pre-pandemic levels and expected to grow 6-7% this year and next.

And, in an unprecedented move, the Joint Ways and Means Committee held virtual hearings in all five Congressional Districts following up on the March 24 release of the Co-Chairs budget framework. The framework included investments from the federal government through the American Rescue Plan, which will help the state protect current programs and services from reductions, as well as increase investments by \$780 million for critical new programs and services. Many of the requested programs generated from those hearings, from municipal water improvements to fire apparatus, were ultimately granted.

## LEADERSHIP FOR THE SESSION

**Governor: Kate Brown, Democrat**

### **Oregon State Senate: 18 Democrats; 11 Republicans; 1 Independent**

Senate President	Peter Courtney (D) SD 11
President Pro Tempore	James Manning, Jr. (D) SD 7
Senate Majority Leader	Rob Wagner (D) SD 19
Senate Republican Leader	Fred Girod (R) SD 9

### **Oregon House of Representatives: 37 Democrats; 23 Republicans**

Speaker of the House	Tina Kotek (D) HD 44
Speaker Pro Tempore	Paul Holvey (D) HD 8
House Majority Leader	Barbara Smith Warner (D) HD 45
House Republican Leader	Christine Drazan (R) HD 39

## LEGISLATIVE PROPOSALS

The following is a summary of the legislative proposals introduced in each chamber during the 81<sup>st</sup> Oregon Legislative Assembly for the Regular Session.

	<b>House</b>	<b>Senate</b>
Legislation Introduced	1,531	988
Legislation Enacted	380	300
Percentage of Measures Passed	24.82 percent	30.36 percent

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*Source: Secretary of the Senate and Chief Clerk of the House*

## VETOES

[SB 574](#) would have permitted “lane splitting” by motorcyclists. The Governor cited safety concerns in her veto message.

[SB 721](#) would have placed Oregon in conflict with federal Medicaid law, which requires a single state Medicaid agency and prohibits the Oregon Health Authority from delegating its authority over Medicaid policies.

[HB 2646](#) would have barred Oregonians under the age of 21 from purchasing kratom, naming the Oregon Department of Agriculture as the regulatory body. The Governor believes that the federal Food and Drug Administration is the appropriate regulatory body.

## KEY DATES

### **Legislative Days 2021**

September 22, 23, 24  
November 15, 16, 17

### **Final Economic Forecast**

November 17, 2021

### **2022 Short Session**

February 1, 2022

# Summary of Legislation

## 9-1-1

### **SB 425 – CLASSIFIES TELECOMMUNICATORS AS FIRST RESPONDERS**

*Effective date: January 1, 2022*

*Chapter: 278, (2021 Laws)*

[SB 425](#) states that the Legislative Assembly declares that telecommunicators are first responders. Most PERS members are eligible for full retirement benefits after 30 years of service or at the minimum retirement age, which ranges from 58 to 65. Telecommunicators, defined as emergency communicators and public safety dispatchers, are generally eligible for full retirement benefits after 25 years of service or at the minimum retirement age of 55 for some members. Police officers and firefighters can be eligible for full benefits with less than 25 years of service and generally have the lowest minimum retirement age. Proponents testified that the finding supports national efforts to treat telecommunicators as law enforcement under a qualified government retirement plan.

### **SB 426 – RETIREMENT CREDITS FOR TELECOMMUNICATORS**

*Did Not Pass*

[SB 426](#) would have allowed telecommunicators the same option as police officers and firefighters to seek retirement credit for prior service to a non-PERS employer and to make additional contributions to fund increased benefits between the date of retirement and age 65. Police officers and firefighters hired by a PERS participating public employer are eligible to purchase PERS retirement credit for time served as a police officer or firefighter for a non-PERS public employer. The eligible member must apply to the board in writing and make a lump sum payment that represents the contributions the member and the member's employer would have made for the years for which the member seeks retirement credit. Police officers and firefighters may also make additional contributions to fund increased benefits between the date of retirement and age 65. The bill was referred to the House Committee on Business and Labor where it received no hearings.

### **SB 427 – PRO-RATED SERVICE UNITS FOR TELECOMMUNICATORS**

*Did Not Pass*

[SB 427](#) would have instructed the Public Employees Retirement Board to study options for allowing telecommunicators to obtain prorated service year units and to report to the appropriate committee or interim committee of Legislative Assembly no later than September 15, 2022. The bill was referred to the House Committee on Business and Labor where it received no hearings.

## Annexation

### **SB 605 – ANNEXATION OF IMPROVED LAND INTO FIRE DISTRICTS**

*Did Not Pass*

[SB 605](#), introduced at the request of Sen. Lew Frederick (D-Portland), would have required a county board, upon request by a rural fire protection district (RFPD), to annex into the district any lands that are either within seven road miles of a district fire station or that are brought within seven miles of a station by a new road, and that are not subject to RFPD tax assessment. Discussion on the Senate Floor focused on property owners who do not wish to pay for fire protection services even though the fire district will respond if needed.



Under ORS 498.115, counties have the authority to determine the territory included in a rural fire protection district, subject to restrictions concerning territory within a city, water supply district, certain forestlands, railroad rights of way, and ocean shores. However, counties are not currently required to initiate such action. SB 605 would change that. Fire District Director Lupe Preciado McAlister and Chief Rob Bullock, both of Douglas County Fire District No. 2, requested the bill and provided supporting testimony.

The bill cleared the Senate Floor on April 15 by a vote of 21-8 with one excused. However, it died in the [House Committee On Agriculture and Natural Resources](#) by a mostly party-line vote. Two sets of amendments were considered at yesterday's hearing:

- [A-13 Amendments](#) would have granted counties the option, upon receiving a request for annexation from a rural fire protection district, to either approve annexation of the territory or order an election on the annexation of the territory.
- [A-9 Amendments](#) would have required counties to order elections on the annexation in the district and in the territory containing the lands and require the district board to certify the results of the district election. If the elections had not resulted in an order of annexation, the amendment would have:
  1. prohibited the district from submitting a second or subsequent request to annex lands, or a portion of lands, whose annexation was subject to the elections; and
  2. allowed the district board to initiate by resolution, one or more times, the annexation of the land and authorized the district to levy taxes and fees on the annexed lands.

## **HB 2287 – CITY/TERRITORY VOTE COUNTS ON ANNEXATIONS**

*Did Not Pass*

[HB 2287](#) would have required that, in an election proposing annexation, votes from the city and territory to be annexed be counted separately to determine separate majorities if the territory to be annexed includes 100 acres or more. It would also have required that votes from the city and territory to be annexed be combined to determine single majority if the territory to be annexed includes less than 100 acres. The bill was referred to the House Rules Committee where it received no hearings.

## **Courts/Legal Issues**

### **HB 2459 – DEFINITION OF “CONVERSATION”**

*Effective Date: January 01, 2022*

*Chapter: 357, (2021 Laws)*

[HB 2459](#) rerevises the definition of "conversation" to include any communication occurring through a video conferencing. ORS 165.540(1)(c) prohibits obtaining or attempting to obtain whole or part of a conversation unless all of the participants in the conversation are specifically informed that the conversation is being recorded, but oral communications may be recorded with an unconcealed recording device in public meetings, classes, or private meetings or conferences that all participants knew or reasonably should have known was being recorded. HB 2459 extends the exception for the prohibition on recording oral communications that are part of public meetings, classes, or private meetings or conferences that the participants knew were being recorded to include communication occurring through a video conferencing program. An amendment is anticipated to exempt those who record an illegal activity. The bill does not impact public meetings laws since recording of public meetings is already disclosed.

### **HB 2638 – LIMITED LIABILITY DURING COVID**

*Did Not Pass*

[HB 2638](#) would have provided liability protection to persons acting in reasonable compliance with guidance applicable to the person's professional or business activities during a COVID-19 emergency period. The bill also attempted to define guidance as executive orders, federal guidelines, state rules, local rules, and state informational materials that create a standard or waive, suspend, or modify otherwise applicable laws or ordinances relating to the person's professional or business services. Under the bill, acts taken of gross negligence, reckless, wanton, or intentional misconduct or failure to provide services in good faith, or false claims, fraud, workers' compensation, or acts unrelated to the COVID-19 emergency would not be covered. The bill was referred to the House Judiciary Committee where it received no hearings.

### **HB 2639 – IMMUNITY FOR CITIZENS WHILE FIGHTING WILDFIRES**

*Did Not Pass*

[HB 2639](#) would have provided immunity from civil or criminal liability for private citizens for good faith acts made in connection with fighting wildfire. The bill was referred to the House Judiciary Committee where it received no hearings.

### **SB 216 – LIABILITY RELIEF FOR RECORDING CONVERSATIONS DURING CRIME**

*Did Not Pass*

[SB 216](#) would have exempted from criminal liability any person who records a conversation during the commission of a crime against that person, household member, or relative of that person. The bill was referred to the Senate Judiciary Committee where it received no hearings.

## **Elections**

### **HB 3207 – ELECTRONIC FILING OF PORTRAITS AND STATEMENTS**

*Did Not Pass*

[HB 3207](#) would have required the Secretary of State to establish an electronic filing system to allow candidates for nomination or election to a county, city or special district office to file a portrait and statement electronically with the secretary if the candidate cannot have a portrait and statement printed in the county voters' pamphlet. It would also have required the secretary to post the candidate portrait and statements on website. The bill was referred to the House Rules Committee where it received no hearings.

### **HB 3251 – STAGGERED TERMS FOR COUNTY COMMISSIONERS**

*Did Not Pass*

[HB 3251](#) would have restored staggering of terms of county commissioners in certain circumstances. The bill was referred to the House Rules Committee where it received no hearings.



## **Emergency Management**

### **HB 2119 – 2-1-1 SYSTEM**

*Effective Date: January 01, 2022*

*Chapter: 111, (2021 Laws)*

[HB 2119](#) transfers responsibility for the 2-1-1 system from the Office of Emergency Management (OEM) to the Department of Human Services (DHS) and directs DHS to consult with the Oregon Health Authority (OHA) to administer and manage the 2-1-1 system. Since 2000, the Federal Communications Commission has designated “2-1-1” as an information and referral service line. In many states, a caller in need of assistance can dial 2-1-1 to obtain a referral or be connected with appropriate agencies or community-based health and human services organizations that offer a variety of programs, including physical and mental health resources; work support; access to services in languages other than English; support for older persons and persons with disabilities; children, youth and family supports; and suicide prevention. In 2005, the responsibility for a federally funded 2-1-1 system was placed with the Office of Emergency Management (OEM), but federal funds were never made available and OEM never engaged in administration. Oregon's 2-1-1 system has been operated by a nonprofit organization called 211info since 2004.

### **HB 2426 – SPIRE GRANT EQUIPMENT PRIORITIZATION**

*Effective Date: September 25, 2021*

*Chapter: 454, (2021 Laws)*

[HB 2426](#) directs the Oregon Homeland Security Council to update the list of equipment for the State Preparedness and Incident Response Equipment (SPIRE) grant program and to prioritize urban search and rescue equipment. The bill also authorizes issuance of Article XI-Q bonds sufficient to cover costs and produce \$10,000,000 net proceeds.

### **HB 2713 – LIMITATION ON GOVERNOR’S AUTHORITY**

*Did Not Pass*

[HB 2713](#) would have limited the Governor's ability to exercise authority during a declared state of emergency to no more than 60 days' duration, unless the Legislative Assembly authorized a continued state of emergency. It would also have required continued authorization of a state of emergency by the Legislative Assembly every 60 days.

### **HB 2927 – CREATION OF STAND-ALONE OFFICE OF STATE FIRE MARSHAL**

*Effective Date: July 19, 2021*

*Chapter: 539, (2021 Laws)*

[HB 2927](#) renames the Office of Emergency Management to the Oregon Department of Emergency Management (ODEM) and establishes the Department as an independent state agency. It also relocates the Oregon Homeland Security Council (HSC) within the Office of the Governor. Most importantly for the fire service, HB 2927 renames the Office of State Fire Marshal to the Department of State Fire Marshal (DSFM) and establishes the Department as an independent state agency. Under the bill, the Task Force on Implementation was established consisting of members of the Governor's Fire Service Policy Council. The task force is required to make recommendations to the Legislative Assembly by February 1, 2022, on whether the Office of State Fire Marshal should be made an independent state agency and, if not, make a recommendation as to in which state agency it should be housed. The deadline for the Office of State Fire Marshal to become an independent state agency is July 1, 2023.

## EMS/EMTs

### **SB 3 – EMERGENCY MEDICAL TRANSPORT COVERAGE**

*Effective date: January 1, 2022*

*Chapter: 312, (2021 Laws)*

[SB 3](#) requires health benefit plans to cover emergency medical services transports and sets in statute a definition of "emergency medical services transports." Because a variety of entities can provide EMS transportation, including fire departments, volunteers, municipal EMS providers, and private ambulance companies, costs for EMS vary greatly depending on provider type, level of service, mode of transportation, and distance traveled. SB 3 requires health benefit plans to cover emergency medical services transports.

### **HB 2397 – CHARGES FOR “LIFT ASSISTANCE”**

*Effective date: January 1, 2022*

*Chapter: 616, (2021 Laws)*

[HB 2397](#) establishes the Senior Emergency Medical Services Innovation Program in the Department of Human Services (DHS) to fund and monitor pilot projects affecting emergency care for seniors as specified, using moneys in the Quality Care Fund. It establishes the Senior Emergency Medical Services Advisory Council (Council), to advise and make recommendations to DHS. It specifies the composition and duties of the Council, staffed by DHS. It requires a report from DHS to the Oregon Health Authority (OHA) and the legislature.

Of particular interest to the fire service is a provision that prohibits local governing bodies from assessing fees or imposing other requirements on long term or residential care facilities. Specifically, the concern is that HB 2397 will prevent them from recouping charges for “lift assistance”. However, under Section 2, Subsection 3(b) of the bill, lift services are exempt from the prohibition:

*(3) Subsection (2) of this section does not apply to:*

*(a) Local government authority provided by state law, including but not limited to a local public health authority; or*

*(b) Laws that impose a fine, fee, charge or sanction against long term care facilities or residential care facilities that contact an emergency medical services provider to provide lift assist services to a resident who has fallen and who the long term care facility or residential care facility knows, or reasonably should have known, does not require the services of an emergency medical services provider.*

Long term care facilities are defined as providing medical services, including skilled nursing and treatment for two or more unrelated patients. Residential care facilities are defined as providing care in one or more buildings on contiguous properties for six or more socially dependent individuals or individuals with physical disabilities; or for fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings. The number of aging residents in these facilities is increasing. HB 2397 creates the Senior Emergency Medical Services Innovation Program and a corresponding advisory body, the Senior Emergency Medical Services Advisory Council, to support pilot projects concerned with residents who are aging in long term and residential care facilities, and report to the legislature. The measure also prohibits local governing bodies from taking local action affecting long term or residential care facilities within their jurisdictions that are already regulated by DHS, with some exceptions. Provisions of the measure sunset January 2, 2027.

## **HB 2910 – INCREASED MEDICARE/MEDICAID REIMBURSEMENT FOR EMS TRANSPORT**

*Effective Date: July 27, 2021*

*Chapter: 623, (2021 Laws)*

[HB 2910](#) defines emergency medical services (EMS), emergency medical services providers, and emergency medical services transport and authorizes the Oregon Health Authority (OHA) to seek federal approval to assess fees and establish a reimbursement program for EMS providers. Upon federal approval, OHA would be required to assess a quality assurance fee on licensed EMS providers and specify how those fees may be used. The bill would also allow the OHA to retain a portion of the quality assurance fees to provide grants to innovative ambulance programs and to administer a reimbursement program. Finally, it would create reporting requirements for EMS providers and would authorize the OHA to impose a \$100 penalty per day for overdue reports.

A similar bill, [SB 311](#), introduced by Sen. Lynn Findley (R-Vale), would also have authorized the Oregon Health Authority, upon receipt of federal approval, to assess fees on emergency medical services providers and to increase reimbursement paid for costs of emergency medical services transports by amount of federal matching funds received from Centers for Medicare and Medicaid Services for such costs. It would also have authorized Medicaid supplemental reimbursements to be paid in addition to reimbursements paid by coordinated care organizations for emergency medical services transports.

According to a survey by the Oregon State Ambulance Association, an average emergency ambulance transport costs approximately \$700 with Medicaid reimbursement averaging \$409 per call (2019). Federal Medicaid law allows publicly owned or operated ground emergency medical transport (GEMT) to seek Medicaid reimbursement for uncompensated costs incurred in providing care to Medicaid enrollees. However, nonprofit or private GEMT providers in Oregon are not eligible to participate in the fee program and thus are not eligible to leverage a federal match in Medicaid and seek reimbursement for uncompensated care. HB 2910 will assess a fee on emergency medical services providers to leverage federal financial participation in the cost of providing ground emergency medical services in Oregon.

## **Enterprise Zones**

### **HB 2343 – SUSPENSION OF ENTERPRISE ZONE EMPLOYMENT REQUIREMENTS**

*Effective Date: September 25, 2021*

*Chapter: 522, (2021 Laws)*

[HB 2343](#) authorizes the governing body of an enterprise zone sponsor to adopt resolutions suspending employment requirements on qualified businesses and grant property tax exemptions for qualified property of an authorized business when employment and investment or productivity requirements are not met. The measure establishes timelines for when resolutions can be adopted and for which property tax years the provisions apply.

In order to be designated, a zone must have 50 percent or more households with incomes below 80 percent of the state median, an unemployment rate that is two or more percentage points higher than the state unemployment rate, or similar severe economic hardship. Under the standard enterprise zone program, an eligible business receives a three-year total exemption from the property taxes normally assessed on new buildings, structures, and equipment if it locates or expands within an enterprise zone. To qualify for the property tax exemption, a business must:

- Increase full-time, permanent employment in the zone by the greater of one new job or 10%;
- Maintain this employment level during the exemption period;
- Have no concurrent job losses elsewhere in the state;
- Enter into a first-source hiring agreement with local job training providers; and
- Satisfy any additional local conditions.

The tax abatement may be extended up to two years if the project has a written local zone sponsor agreement and it meets new employee compensation and wage requirements. The business may seek a tax exemption for additional qualified property if the additional property is placed in service within two years of the business being granted a tax exemption for qualified property. A business that loses its qualified status must pay taxes that would have been imposed had the exemption not been granted.

The enterprise zone's sponsor may suspend the employment requirements for up to two years if statewide employment levels drop, county's unemployment rate is at least 2 percentage points greater than the comparable statewide rate, and the business has completed the required level of investment in the qualified property. When the employment requirement is suspended, the business must pay that year's property tax but is not required to pay the property taxes that were abated in the previous years. The impact of COVID-19 may have hindered a business' ability to meet the employment and investment requirements necessary to receive the property exemption through the enterprise zone program.

## Ethics

**SB 61 – ADVICE ON PUBLIC MEETINGS LAWS** *(Note: Also included under “Public Records”)*  
*Effective Date: January 1, 2022* *Chapter: 264, (2021 Laws)*

[SB 61](#) is an important bill for all local government officials. The public meeting laws are overseen by the Oregon Department of Justice. However, the Oregon Government Ethics Commission (OGE) often receives questions about how best to comply with these laws. SB 61 authorizes the OGE to provide written commission advisory opinions, written staff advisory opinions, or oral and written staff advice on application of executive session provisions of Oregon public meetings law. This provision provides a specific safe harbor to persons who act in good faith on OGE opinions or staff advice.

**SB 62 – USE OF PUBLIC MONEY FOR PAYMENT OF ETHICS VIOLATIONS**

*Effective Date: January 1, 2022* *Chapter: 265, (2021 Laws)*

[SB 62](#) prohibits current or former public officials from soliciting, receiving, or using public moneys from a public body to pay or make payments on a civil penalty imposed by Oregon Government Ethics Commission (OGE). Applies to civil penalties imposed by OGE on or after January 1, 2022.

## Fire Suppression/Forestry

**HB 2234 – SPECIALTY CODE STANDARDS FOR FIRE PREVENTION**

*Did Not Pass*

[HB 2234](#) would have required the Director of the Department of Consumer and Business Services to consult with the State Fire Marshal and prescribe appropriate specialty codes, standards, safeguards and guidelines for incorporating fire prevention and fireproofing or fire resistance measures into

construction, repair, renovation, rehabilitation, retrofitting or maintenance of buildings and other structures that are located in areas of Oregon that are subject to or susceptible to wildfires. It requires standards, safeguards and guidelines apply to both commercial and residential buildings and structures. Under the bill, the State Fire Marshal would have been directed to work with DCBS to identify areas in which standards, safeguards and guidelines should be applied. It directs the Director to require, by rule, that owners of buildings and structures located in areas susceptible to wildfires to obtain and maintain a fire insurance policy for a building or structure that provides a level of coverage that would enable the owner to rebuild or replace the building or structure. It would also have allowed reconstruction or rebuilding of buildings and structures significantly damaged or destroyed by fire in an area that was subject to a wildfire between August 1, 2020, and November 30, 2020. The bill was introduced in response to Oregon's 2020 fire season which saw over 2000 fires with 1,221,324 acres burned, which is close to double the 10-year average for acres burned. As a result, 4,021 homes were destroyed and 14 more were damaged in Labor Day fires alone. The fires caused 500,000 Oregonians to be under one of three evacuation levels, with 40,000 having to evacuate from their homes. By December of 2020, the Federal Emergency Management Agency (FEMA) had approved close to \$31 million in disaster assistance for homeowners and renters.

### **SB 762 – WILDFIRE OMNIBUS BILL**

*Effective Date: July 19, 2021*

*Chapter: 592 (2021 Laws)*

[SB 762](#) is the omnibus wildfire bill introduced by Governor Brown. With a \$195 million price tag for wildfire mitigation, legislators called it one of the most important, if not the most important, bill of the Session. It also proved to be one of the most controversial, due to concerns about the mandatory approach to defensible space and the impact on esthetics such as trees and vegetation. Due to that controversy, a special committee was appointed to further work the bill to place sideboards on the definition of wildland-urban interface (WUI). That Committee adopted the [B-17 Amendments](#) on June 24 which paved the way for passage.

SB 762 modernizes Oregon's outdated and underfunded approach to wildfire risk assessment, planning, and prevention, and adopts best practices and programs that have proven successful across the West. This proactive approach will enhance wildfire readiness and response, protect the public from health impacts of wildfire smoke, save money through prevention, and support community and landscape resilience. This includes:

- Investments in community-driven restoration of forests and rangelands to reduce wildfire risk, protect lives and property, and increase landscape resiliency;
- Providing resources to protect vulnerable communities from wildfire smoke;
- Adding firefighter capacity and air defense resources to provide improved wildfire response and ensure firefighter safety;
- Ensuring safe and reliable electric utility systems before and during wildfire events;
- Establishing defensible space standards, and providing financial resources to protect communities and critical infrastructure;
- Creating the Oregon Wildfire Workforce Corps Program to reduce wildfire risk to communities and provide workforce training to the next generation of land managers.

Supporters, including the Oregon Fire Chiefs Association, the Oregon Fire District Directors Association, Clackamas Fire District #1, and a number of others have signed on to a [Fact Sheet](#) explaining the benefits of the bill.

## **HB 2571 – LIABILITY FOR PRESCRIBED FIRES**

*Effective Date: September 25, 2021*

*Chapter: 230, (2021 Laws)*

[HB 2571](#) requires a study of liability for prescribed fires, such as the use of fire as part of planned management activity on forestlands to reduce or remove forest fuels. It directs the Department of Consumer and Business Services to conduct the study in consultation with the State Forestry Department, Oregon State University, Oregon Prescribed Fire Council, the Oregon Forest and Industries Council, Oregon Small Woodlands Association, and a representative of the insurance industry. The purpose of the study is to examine insurance-related issues, such as coverage, cost, and availability. The bill also requires examination of barriers to increasing accessibility to insurance coverage and standards of care.

## **General Government**

### **HB 2006 – EMERGENCY SHELTERS**

*Effective Date: May 12, 2021*

*Chapter: 18, (2021 Laws)*

[HB 2006](#) requires local governments to approve emergency shelter developments under certain conditions and expands the definition of transitional housing to include motor vehicles in parking lots or facilities allowing overnight stays. The bill authorizes Oregon Housing and Community Services (OHCS) to use Emergency Housing Account funds to provide grants and technical assistance to organizations operating emergency shelters and transitional housing. It allows the Department of Administrative Services (DAS) to provide grants to local governments for development of navigation centers.

## **Labor/Workers' Compensation**

### **HB 2474 – FAMILY LEAVE EXPANSION**

*Effective Date: January 1, 2022*

*Chapter: 293, (2021 Laws)*

[HB 2474](#) modifies the Oregon Family Leave Act (OFLA) by establishing eligibility for protected leave under OFLA for all employees of a covered employer during a public health emergency unless the employee was employed fewer than 30 days or worked less than an average of 25 hours per week in the 30 days leading up to the leave. The bill does not change the applicability of the law; it continues to apply to those companies with 25 or more employees.

### **SB 184 – VETERANS' PREFERENCE**

*Effective Date: January 1, 2022*

*Chapter: 195, (2021 Laws)*

[SB 184](#) allows job applicants to satisfy the eligibility requirement of separation from military service under honorable conditions, with certification that separation from service is expected within 120 days, in order to claim veterans' preference in public employment. It also replaces reference to "preference" points with "percentage" points. Currently, in order for the preference to apply, a veteran must have been discharged under honorable conditions, as defined by rules adopted by the Oregon Department of Veterans' Affairs (ODVA). SB 184 changes those eligibility requirements by allowing otherwise eligible veterans to certify that they expect to be discharged under honorable conditions within 120 days.



## PERS

### **SB 111 – PERS MODIFICATIONS**

*Effective Date: January 1, 2022*

*Chapter: 135, (2021 Laws)*

[SB 111](#) clarifies and standardizes when a PERS member retiree may be reemployed for purposes of PERS. It also clarifies conditions for inactive member withdrawals and requires the PERS Board to deny or recover distributions if a member's separation is not a *bona fide* separation. Under SB 111, an employee may be required to repay the amount withdrawn from the employee pension stability fund in order to restore the forfeited credit.

SB 111 removes the requirement for the Board to support development of funding plans for individual employers and clarifies criteria for approval of an employer application to the Employer Incentive Fund. It also clarifies the calculation for death benefits and increases the spousal death benefit for a PERS member who dies after the earliest retirement date and while employed in the service of a participating public employer (or within 120 days after termination from service from 50 percent of the actuarial equivalent to the full actuarial equivalent of the service retirement allowance that would otherwise have been paid to the deceased member). The bill revises the definition of "salary" to include remuneration paid to an active member which would be taxable under Oregon law if the member were an Oregon resident and if the remuneration was paid after January 1, 2020.

### **SB 113 – LATE PAYMENT FOR EMPLOYEE CONTRIBUTIONS**

*Effective Date: June 1, 2021*

*Chapter: 137, (2021 Laws)*

[SB 113](#) allows the Public Employees Retirement Board to charge participating public employer accrued earnings for late payment of contributions to the Oregon Public Service Retirement Plan (OPSRP) individual account program. Current law requires all PERS employers to contribute six percent of each member employee's salary to the board for distribution to the member's individual account and the pension stability account. The board has statutory authority to recover lost earnings if an employer makes late contributions that deprive Tier One and Two members of accrued earnings, but does not have express authority to recover lost earnings for OPSRP members. SB 113 grants the board express authority to charge a participating public employer accrued earnings for the late payments to an OPSRP member account.

### **HB 2906 – EMPLOYEE CONTRIBUTIONS**

*Effective Date: January 1, 2022*

*Chapter: 135, (2021 Laws)*

[HB 2906](#) increases the monthly salary threshold from \$2,500 to \$3,333 that triggers a portion of a Public Employees Retirement System (PERS) member's salary to be redirected from their Individual Account Program (IAP) to their pension stability account. The change applies to calendar months beginning on and after January 1, 2022. By way of background, [SB 1049](#) (2019 Session) made several changes to the Public Employees Retirement System (PERS) to reduce the unfunded actuarial liability. One change requires a portion of a member's salary be redirected from their Individual Account Program (IAP) contribution to their pension stability account if their salary exceeds \$2,500 per month. For Tier 1 and Tier 2 members whose salary exceeds \$2,500 per month, 2.5 percent of their monthly salary is redirected; for Oregon Public Service Retirement Plan (OPSRP) members whose salary exceeds \$2,500 per month, 0.75 percent is redirected. The redirect provision went into effect on July 1, 2020. In accordance with statute, the PERS board adjusts the salary threshold on January 1 of every year to reflect the impact of inflation. As of January 1, 2021, the threshold was \$2,535 per month. PERS members who on average earn \$2,500 per month (\$30,000 annually) may experience a month or more during the year when they earn more than

\$2,500. Advocates for these PERS members want to ensure that a worker who earns less than \$30,000 per year is not subject to the pension redirect and that their IAP retains the full six percent contribution. As per existing statute, the monthly salary threshold will be adjusted annually to reflect the impact of inflation.

## **Public Contracting**

### **HB 2374 – PUBLIC CONTRACTING REPORTING**

*Effective Date: June 3, 2021*

*Chapter: 153, (2021 Laws)*

[HB 2374](#) directs the Department of Administrative Services (DAS) to develop training materials and specify procedures for state contracting agencies regarding application of contract preferences. It also requires state contracting agencies to report to DAS by August 15, 2022, regarding specified procurements solicited after the effective date and before July 31, 2022. The new language specifies that reports must include which contract preferences were applied and why discretionary preferences were or were not applied. HB 2374 also directs DAS to report to the legislature by September 30, 2022, a summary of contract preferences applied and reasons why discretionary preferences were or were not applied.

### **HB 3082 – INCREASE OF COMPETITIVE BID THRESHOLD**

*Effective Date: September 25, 2021*

*Chapter: 127, (2021 Laws)*

[HB 3082](#) raises the threshold price from \$5,000 to \$10,000 at which public improvement contract solicitations are exempt from competitive bidding requirements. It also grants rulemaking authority to the Attorney General, Department of Administrative Services, and Department of Transportation for purposes of implementation of the bill. Examples of exceptions include a public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities; a contract to repair, maintain, improve, or protect property for the Department of Veterans' Affairs; and a public improvement contract with a value of less than \$5,000.

## **Public Records**

### **SB 61 – ADVICE ON PUBLIC MEETINGS LAWS** *(Note: Also included under “Ethics”)*

*Effective Date: January 1, 2022*

*Chapter: 264, (2021 Laws)*

[SB 61](#) is an important bill for all local government officials. The public meeting laws are overseen by the Oregon Department of Justice. However, the Oregon Government Ethics Commission (OGE) often receives questions about how best to comply with these laws. SB 61 authorizes the OGE to provide written commission advisory opinions, written staff advisory opinions, or oral and written staff advice on application of executive session provisions of Oregon public meetings law. This provision provides a specific safe harbor to persons who act in good faith on OGE opinions or staff advice.

### **SB 500 – PUBLIC RECORDS ADVOCATE**

*Effective Date: July 19, 2021*

*Chapter: 582, (2021 Laws)*

[SB 500](#) establishes that the Public Records Advocate (PRA) is an independent office, separate and distinct from any other state agency. It provides that the PRA is appointed by the Public Records Advisory Council (PRAC) and removes requirements for executive appointment and Senate

confirmation of the PRA. It authorizes the PRA to fix compensation of professional staff and specifies that officers and employees are in exempt service. It also authorizes the PRA to seek office facilities and administrative support from other state agencies and local public bodies, and requires state agencies to assist the PRA. It requires the PRA to appoint a deputy PRA who must be a member in good standing of the Oregon State Bar. It authorizes delegation of duties to the deputy PRA. It provides that the deputy PRA, if the PRA becomes vacant, serve as the PRA until a replacement is appointed. It requires the PRAC to elect a chairperson and vice chairperson to serve two-year terms. It authorizes the PRAC to support, oppose, and request legislation from legislators relating to public records law. It ratifies and affirms actions taken by the PRAC before the effective date of the measure to recruit and appoint the PRA.

## **Public Safety**

### **SB 574 – “LANE SPLITTING”** (Note: Also included under “Transportation”)

*Vetoed by Governor*

[SB 574](#) would have permitted “lane splitting” by motorcyclists. The Governor cited safety concerns in her veto message.

### **SB 863 – FIRE EVACUATION ROUTES**

*Effective Date: July 14, 2021*

*Chapter: 502, (2021 Laws)*

[SB 863](#) authorizes rural fire protection districts to acquire real property or easements for the purpose of establishing a fire evacuation route, to construct or maintain a fire evacuation route or to participate in an agreement related to a fire evacuation route. The bill, introduced by Sen. Sara Gelser (D-Corvallis), stemmed from a situation in Corvallis where a neighborhood approached the fire district and requested that the district commit \$150,000 to develop an evacuation route. Statutes did not previously allow such expenditures by districts. The neighborhood contacted Senator Gelser and asked her to draft a bill that would change the law to allow fire districts to fund evacuation routes. However, there was concern that fire districts may be pressured by constituents or otherwise required to expend funds for evacuation routes. Further, as originally written, the bill allowed property to be acquired through eminent domain.

An [amendment](#) adopted by the [Senate Rules Committee](#) on May 18 removed the eminent domain reference in purchases or other agreements. The bill ultimately passed and was signed by the Governor.

### **HB 2486 – MEDIA ACCESS TO EMERGENCY SCENES**

*Did Not Pass*

[HB 2486](#) would have required, on or after October 1, 2021, officials of public bodies to grant news media representatives access to scenes of emergencies or emergency police activity that are otherwise closed to public. The bill provided exceptions when access may be denied and directed the Department of State Police to develop guidelines for press credentialing, when circumstances warrant denial of access, when news media representatives may be required to use personal protective equipment, and for conducting safety briefings. While neither Clackamas Fire District 1 nor the Oregon Fire District Directors Association took a formal position on the bill, both provided suggested language to make the bill more palatable to the fire service, had it passed. The bill ultimately failed but is expected to be brought back in future sessions.

## **HB 3071 – MANDATORY REPORTING OF ABUSE**

*Effective Date: January 1, 2022*

*Chapter: 251, (2021 Laws)*

[HB 3071](#) expands the definition of public or private official to include all elected officials for purposes of mandatory reporting of abuse. Oregon law currently requires certain individuals to report suspected abuse of vulnerable persons to the relevant authorities immediately. These individuals are referred to as "mandatory reporters" and include social workers, teachers, health care workers, childcare providers, law enforcement, mental health professionals, and members of the Legislative Assembly, among others. HB 3071 expands mandatory reporters to include all state and local elected officials.

## **Revenue and Taxation**

## **SB 464 – PROPERTY TAXES ON LAND IMPACTED BY WILDFIRES**

*Effective Date: September 25, 2021*

*Chapter: 580, (2021 Laws)*

[SB 464](#) authorizes the governing body of a county covered by a state of emergency declared in response to the September 2020 wildfires to adopt an ordinance or resolution directing the tax collector to prorate and cancel property taxes imposed on taxable property that the tax collector knows suffered loss in real market value as result of wildfires, without application from the property owner.

The bill also allows the ordinance or resolution to direct the tax collector to prorate and cancel property taxes on taxable property that suffered damage, or disruption of use, due to wildfires, upon application by the property owner. SB 464 sets the application requirements, eligibility standards, and application deadline of July 1, 2022, unless set earlier by the ordinance or resolution and requires the ordinance or resolution to include wildfire map, produced through public process, identifying boundaries within which wildfire tax relief may be granted and eligible properties for wildfire tax relief. Finally, the bill provides for refunds of overpayment of property taxes and applies to the property tax year beginning July 1, 2020.

## **HB 2028 – STATE SHARED REVENUES FOR CITIES**

*Effective Date: January 1, 2022*

*Chapter: 150, (2021 Laws)*

[HB 2028](#) eases the process for cities to elect to receive state-shared revenues by removing the requirement for an enactment of an ordinance or resolution signaling intent to take election. The bill also adds a definition of "consolidated property taxes" to the statute for purposes of cities receiving state-shared revenues. HB 2028 establishes a timeline for the Department of Administrative Services (DAS) to determine the amount of property taxes due to cities and eliminates obsolete statute references.

## **HB 2129– MODIFICATIONS TO TAX CHECK-OFF PROGRAM**

*Effective Date: September 25, 2021*

*Chapter: 8, (2021 Laws)*

[HB 2129](#) makes changes to statutes regarding the Charitable Checkoff Program. The bill also provides that an approved entity remain on the list of charities under this program for six years once approved, with application for reapproval available after the six-year period.

It clarifies that entities reapplying to the program do not have to collect signatures as part of the reapproval process.

## **State Agency Budgets**

### **HB 5028 – OREGON STATE POLICE/OFFICE OF STATE FIRE MARSHAL**

*Effective Date: July 14, 2021*

*Chapter: 470, (2021 Laws)*

[HB 5028](#) appropriates moneys from the General Fund to the Department of State Police for biennial expenses. The budget for the Office of the State Fire Marshal (OSFM) is included. HB 5028 allocated a budget of \$785,589 General Fund, \$30,093,591 Other Funds expenditure limitation, \$570,251 Federal Funds expenditure limitation, and 69 positions (68.34 FTE) to the OSFM. The bill also included a \$268,200 General Fund appropriation for the 2019-21 biennium, to pay the remainder of the state's share of federally-reimbursable expenses incurred during the 2020 wildfire season.

### **HB 5031 – DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING**

*Effective Date: July 1, 2021*

*Chapter: 381, (2021 Laws)*

[HB 5031](#) appropriates moneys to the Department of Public Safety Standards and Training. The legislature approved a total budget of \$70,390,982 consisting of:

- \$ 9,107,640 General Fund for debt service,
- \$53,503,699 Other Funds expenditure limitation, and
- \$ 7,779,643 Federal Funds expenditure limitation (including 155 positions)

The budget represents a 0.8% increase over the 2021-23 current service level and a 30.2% decrease from the 2019-21 legislatively approved budget. This substantial decrease is due to a refinancing of the Agency's debt during the 2019-21 biennium, necessitating a one-time increase of \$32.0 million in Nonlimited Other Funds. Excluding this one-time increase, the recommended budget is 2.2% greater than the 2019-21 legislatively approved budget.

## **Transportation**

### **SB 574 – “LANE SPLITTING”** *(Note: Also included under “Public Safety”)*

*Vetoed by Governor*

[SB 574](#) would have permitted “lane splitting” by motorcyclists. The Governor cited safety concerns in her veto message.

### **SB 166 – HEADLIGHTS ON AT ALL TIMES**

*Did Not Pass*

[SB 166](#) would have required motor vehicles to use headlights at all times when the vehicle is being driven on a highway unless the vehicle is equipped with daytime running lights. Would have set a maximum fine of \$1,000.

## **Workers' Compensation**

### **HB 2915 – COMPENSABILITY OF EMPLOYEE CLAIMS**

*Effective Date: June 1, 2021*

*Chapter: 124, (2021 Laws)*

[HB 2915](#) requires cities that provide a police and firefighter disability and retirement system to presume that heart and lung diseases are compensable occupational diseases that are a result of a firefighter's employment of five or more years.