



OREGON FIRE DISTRICT
DIRECTORS ASSOCIATION
EDUCATION • COORDINATION • LEGISLATION

2023 Legislative Summary

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Session Overview

82nd OREGON LEGISLATIVE ASSEMBLY

The 82nd Legislative Session convened on Tuesday, January 17, 2023, and adjourned *sine die* at 4:26 p.m. on Sunday, June 25, 2023. Approximately 1,900 pieces of proposed legislation dropped the first week.

Newly elected Governor Tina Kotek was sworn in, as well as a new Senate President, ending the nearly 20-year reign of former Democrat Senator Peter Courtney, the longest serving Senate President in Oregon's history, having served in that capacity from 2003 to 2022. Democrat Senator Rob Wagner, Senate District 19 (Lake Oswego, Tualatin, West Linn, S/SW Portland) assumed the mantle for 2023. Democrat Representative Dan Rayfield, House District 16 (Corvallis) maintained his position as House Speaker.

The legislature convened with an ambitious schedule which targeted a June 15 final adjournment:

- January 17 – Session convenes
- June 15 – Target *Sine Die*.
- June 25 – Constitutional *Sine Die*.

The Democrats once again held majorities in both chambers but lost their three-fifths “super-majorities” in both, which meant that the Democrats needed Republican support to raise or enact any new taxes. In the Senate, the Democrats held 17 seats, the Republicans held 11, with one Independent Party member (Sen. Brian Boquist, Polk County) and one Independent Republican Member (Sen. Art Robinson, Cave Junction). In the House there were 35 Democrats and 25 Republicans.

2023 was marked by two anomalies. First, the construction surrounding the Capitol Accessibility, Maintenance and Safety (CAMS) project left most of the building closed. Those portions that were open and accessible were often noisy and drafty, prompting Senate President Wagner to distribute blankets to senators while on the Senate Floor.

The second issue was the Republican walk-out that began on May 3 and ended on June 15. Republicans blamed the walk-out on the Majority Party's failure to adhere to Oregon's Constitutional provision that requires that every legislative act be plainly worded, "avoiding as far as practicable the use of technical terms." A 1979 law narrowed that requirement, adding that bill summaries "be written in a manner that results in a score of at least 60 on the Flesch readability test," equivalent to an 8th-grade reading level.

Justification for the Republican/Independent walk-out is a perceived failure to adhere to ORS 171.134, the Flesch readability statute. That statute sets the readability test for legislative digests and summaries and states that “Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test.” [1979 c.270 §1] Those participating in the walk-out argue that, in order to provide transparency, bill summaries should be readable at a 6-8th grade level.

Also at issue were several controversial bills that Republicans claimed were not in keeping with the bi-partisan spirit of the previous Senate President. Those bills, House Bills 2002 and 2005 were sent to the Senate Floor just prior to the walk-out. In the end, both were amended to remove the provisions most objectionable to the Republicans, although they continued to oppose both measures. HB 2002 expanded reproductive rights and gender-affirming care, and HB 2005 restricted anyone younger than 21 from possessing most firearms, banned unserialized "ghost guns" and allowed local governments to prohibit concealed weapons in government buildings and property.

HB 2002 was amended to require health care providers to tell parents or guardians about abortions for patients younger than 15 in most cases and HB 2005 was amended to only ban "ghost guns," or untraceable homemade firearms. It no longer contains provisions to raise the age to buy most guns from 18 to 21 or to allow local governments to ban firearms on their property.

It should also be noted that voters passed Measure 113 in 2022, which prohibits a state lawmaker from holding a state legislative office for one term if they are absent without excuse 10 or more times from floor sessions during a legislative session. Several senators, including Sen. Bill Hansell, had announced that they do not plan to run again so would not be affected. The remaining Republicans, at least for a time, attempted to rotate in and out, so as not to rack up 10 unexcused absences.

In the end, 10 lawmakers involved met that threshold:

- Sen. [Brian Boquist](#) (I) (Will not seek re-election)
- Sen. [Daniel Bonham](#) (R)
- Sen. [Lynn Findley](#) (R)
- Sen. [Bill Hansell](#) (R) (Will not seek re-election)
- Sen. [Cedric Hayden](#) (R)
- Sen. [Dennis Linthicum](#) (R)
- Sen. [Tim Knopp](#) (R)
- Sen. [Art Robinson](#) (R)
- Sen. [Kim Thatcher](#) (R)
- Sen. [Suzanne Weber](#) (R)

Five of those have filed a lawsuit against Oregon Secretary of State LaVonne Griffin-Valade as a result of her ruling that they are prohibited from seeking another term. Senate Republican Leader Tim Knopp was joined by Senators Daniel Bonham, Suzanne Weber, Lynn Findley and Dennis Linthicum.

Measure 113 states that a lawmaker is not allowed to run "for the term following the election after the member's current term is completed." Since a senator's term ends in January and elections are held in November, the plaintiffs argue that the penalty doesn't take effect immediately, but instead, after they've served another term.

LEADERSHIP FOR THE SESSION

Governor: Tina Kotek, Democrat

Oregon State Senate: 17 Democrats; 11 Republicans; 1 Independent; 1 Independent Republican

Senate President	Rob Wagner (D) SD 19
President Pro Tempore	James Manning, Jr. (D) SD 7
Senate Majority Leader	Kate Lieber (D) SD 14
Senate Republican Leader	Tim Knopp (R) SD 27

Oregon State House of Representatives: 35 Democrats; 25 Republicans

Speaker of the House	Dan Rayfield (D) HD 16
Speaker Pro Tempore	Paul Holvey (D) HD 8
House Majority Leader	Julie Fahey (D) HD 14
House Republican Leader	Vikki Breese-Iverson (R) HD 59

LEGISLATIVE PROPOSALS

There were 2,976 bills, memorials and resolutions introduced during the 2023 session and of those, the Legislature passed 653.

VETOES

Policy Bills

- HB 2079: Requires the Legislative Revenue Officer (LRO) to study potentially implementing a tax credit and direct grant program to encourage preservation of historic property. Reason for possible objection: The Governor believes studies such as this can and should be done without statutory direction.
- HB 2763: Creates the State Public Bank Task Force to study and make recommendations regarding the establishment of a state public bank. Reason for possible objection: While the Governor supports exploring the creation of a state bank, this bill has several logistical challenges, including directing the Oregon Business Development Department (OBDD), which already manages over 80 programs, to manage a new task force, establish an RFP process and finalize a substantive report on an abbreviated timeline.
- SB 1095 (line-item veto of emergency clause): Adjusts membership of certain boards and commissions whose governing body membership is based on congressional districts now that Oregon has a sixth congressional district. Reason for possible objection: Removing the emergency clause will allow for the additional time needed to recruit and vet additional members to the impacted boards and commissions.

Line-Item Budget Vetoes

- SB 5506, Section 32: \$100,000 to the Oregon Criminal Justice Commission (CJC) for a study on the advantages and disadvantages of decriminalizing prostitution. Reason for possible objection: While there is value to this study, particularly as it relates to understanding disproportionate impacts on communities of color, the Governor believes it can and should be privately funded.
- SB 5506, Section 74: \$250,000 to the Department of Administrative Services (DAS) for distribution to Cherriots in order to collaborate with state agencies and other entities to study the feasibility of developing a rail streetcar system in the City of Salem. Reason for possible objection: The Governor does not believe this study is a top priority for the state at this time.
- SB 5506, Section 300: \$500,000 to the Oregon Health and Science University (OHSU) School of Public Health to perform a public health study on the effects of current laws and policies on people in the sex trade in the state of Oregon. Reason for possible objection: While there is value to this study, particularly as it relates to understanding disproportionate impacts on communities of color, the Governor believes it can and should be privately funded.
- SB 5506, Section 312: \$1 million to the Department of Administrative Services (DAS) for distribution to the Willamette Career Academy to fund regional career and technical education programs provided by the Willamette Career Academy. Reason for possible objection: The Governor supports career and technical education programs, but technically the funding should be distributed through a local school district or education service district.

KEY DATES

Legislative Days 2023

September 27, 28, 29

November 6, 7, 8

Final Economic Forecast

November 15, 2023

Summary of Key Legislation

Following is an overview of some of the key legislation for OFDDA. For all Measures tracked, please see the OFDDA Final Bill Tracking Report on the OFDDA web site.

Department of State Fire Marshal

HB 5036 – BUDGET FOR DEPARTMENT OF STATE FIRE MARSHAL

Effective date: July 1, 2023

Chapter 224, (2023 Laws)

[HB 5036](#) is the budget for the Office of State Fire Marshal. The bill was cause for concern among the fire service due to lack of a quorum on the Senate Floor throughout much of the Session. Even though the legislature previously passed [HB 5046](#), which allows state agencies whose budgets have not yet been approved this session to operate at their current budget level through September 15, 2023, the DSFM became a standalone agency on July 1. Therefore, it did not have an approved budget separate from the State Police. Fortunately, a quorum was achieved and the budget was passed.

The budget represented a 2023-25 biennial budget for the Department in the amount of \$73,930,100 total funds which will fund 154 positions (152.56 FTE). However, the budget represented a 60.9 percent decrease in total funds from the 2021-23 Legislatively Approved Budget (LAB) for the Office of the State Fire Marshal within the Oregon State Police and represents a 9.6 percent decrease in total funds from the 2023-25 Current Service Level. Rep. Paul Evans (D-Monmouth) and others have indicated support for a future add-back to fund grants for equipment and other essentials for local jurisdictions.

There was also \$2 million placed in the fund in the end of session omnibus bill, [SB 5506](#) (also known as the Christmas tree bill), which was less than the \$32 million OSFM had requested. That bill represents a one-time General Fund appropriation of \$12 million and one-time Other Funds expenditure limitation of \$2 million for four investments in wildfire mitigation and response activities throughout the state. These include:

- \$2 million General Fund for deposit into the State Fire Marshal Mobilization Fund for firefighting costs associated with mobilizing local fire service personnel and equipment to respond to governor-declared conflagrations.
- \$2 million Other Funds expenditure limitation to spend funds deposited into the State Fire Marshal Mobilization Fund.
- \$6 million General Fund to continue the Wildfire Season Staffing grants.
- \$2 million General Fund for wildfire readiness and response, including pre-position resources ahead of anticipated wildfire conditions, such as high winds, lightning, or hot weather; and immediate response to an active incident, which is not yet a conflagration, for short-term capacity.
- \$2 million General Fund for fire apparatus maintenance, firefighting equipment refurbishment, and operations and maintenance of engines for statewide wildfire response.

Additionally, SB 5506 increased the Other Funds expenditure limitation by \$545,174 to convert three existing full-time limited duration positions to permanent positions for ongoing operational support as the Department transitions to an independent agency. Positions include a Principal Executive Manager D (1.00 FTE), Accounting Technician (1.00 FTE), and Operations and Policy Analyst 2 (1.00 FTE). These positions are all supported with revenue from the Fire Insurance Premium Tax.

Apart from the General Fund Allocation, the Department's primary sources of Other Funds revenue are receipts from the Fire Insurance Premium Tax (FIPT), Hazardous Substance Waste Fee, and Petroleum Load Fee. The DSFM also receives a small amount of federal funding for hazardous material emergency preparedness from the U.S. Department of Transportation.

SB 1049, [SB 80](#) (next page) and HB 3485, which also impact the DSFM budget, and were supported by OFDDA, also passed.

SB 1049 - FIRE MARSHAL MOBILIZATION FUND AND OTHER PROVISIONS

Effective date: August 4, 2023

Chapter 602, (2023 Laws)

[SB 1049](#) removes requirement for boards and other entities to report to Emergency Board prior to adopting fees and makes other changes necessary to support the 2023-25 legislatively adopted budget. While the bill itself does not appropriate funds, it is important to the fire service because it contains the Fire Marshal Mobilization Fund included in [HB 3484](#), which did not pass.

HB 3484 would have established the State Fire Marshal Mobilization Firefighting Costs Fund to pay for firefighting costs and reimbursement to firefighting organizations. The legislation is long overdue and would have hastened reimbursements for districts and departments who engage in responding to conflagrations and other disasters. By financing the fund using the formula outlined in Section 5 of the bill, fire agencies who engage in wildfire suppression would be assured that they would be reimbursed in a timely manner for their costs to engage their resources in these efforts.

This bill was another attempt at the "fine tuning" of [SB 762S](#) (2021 Regular Session) that was anticipated by the fire service in order for the Office of State Fire Marshal (OSFM) to meet the demands and directives of that legislation. HB 3484 would have accomplished much of that directive by insuring that the OSFM is well funded and positioned to be ready and prepared to address the fire season. And, by requiring that the balance of funds revert back to the General Fund, the legislature attempted to provide accountability and stewardship to the taxpayers and their resources. While HB 3484 was still in Ways and Means upon adjournment, the Fire Marshal Mobilization Fund was included in SB 1049.

HB 3485 - POWERS OF FIRE MARSHAL AS STAND-ALONE AGENCY

Effective date: January 1, 2024

Chapter 347, (2023 Laws)

[HB 3485](#) aligns the power of the DSFM with its new standalone status and provides discretionary powers over a number of issues including setting up its headquarters, its regional offices, and standardization of uniforms, vehicles and equipment. The OFDDA

strongly supported this legislation, as it did [HB 2927](#) (2021 Regular Session) which returned the Office of State Fire Marshal to a stand-alone agency.

Wildfires

SB 80 - SB 762 MODIFICATION

Effective date: August 4, 2023

Chapter 611, (2023 Laws)

[SB 80](#) modifies various provisions of [SB 762](#) (2021 Regular Session) and establishes a Wildfire Home Preparedness Program. SB 762 represented a wildfire omnibus bill that invested in dozens of programs and initiatives that aligned with three key strategies: creating fire-adapted communities, increasing the resiliency of Oregon's landscapes, and developing safer and more effective wildfire response.

One provision of SB 762 directed the Oregon Department of Forestry and Oregon State University to collaboratively produce a comprehensive statewide map of wildfire risk that reflects five statewide wildfire risk classes - extreme, high, moderate, low, and no risk - at the property-ownership level. SB 80 modifies the statewide wildfire map name to include a reference to "hazard" rather than to "risk." It also specifies that the purpose of the map is to:

- educate Oregon residents and property owners about their wildfire exposure by providing transparent and science-based information,
- assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations, and
- identify where defensible space standards and home hardening codes will apply.

SB 80 also changes the five statewide wildfire risk classes to four statewide wildfire hazard zones, eliminating the "no risk" classification and directs the Oregon Department of Forestry (ODF) to only provide notice of hazard zone assignment to property owners whose property is assigned to an extreme or high hazard zone within the wildland-urban interface, and specifies notice contents and required review by the Wildfire Programs Advisory Council. The bill contains requirements for notice to property owners, appeal procedures, a map layer that displays socially and economically vulnerable communities, and collaboration in the map development and maintenance processes.

SB 80 requires the Department of Human Services to establish a grant program that allows local governments, public education providers, and federally recognized Indian tribes to provide cleaner air spaces during wildfire smoke and other poor air quality events, and to provide public access to these spaces at no charge.

Other provisions of the law relate to electric system plans, defensible space, land use, building codes, health systems for smoke, emergency response and disaster recovery, wildfire risk reduction, the Oregon Conservation Corps, small forestland grants, prescribed fire, federal partnerships, protected areas, wildfire response capacity, and the establishment of a State Wildfire Programs Director and Wildfire Programs Advisory Council.

Fire Districts (Generally)

HB 2522 – REVIEW OF FIRE DISTRICT STATUTES

Effective date: July 18, 2023

Chapter 310, (2023 Laws)

[HB 2522](#) requires the State Fire Marshal to establish and appoint the Rural Structural Fire Protection Review Committee for the purpose of conducting a comprehensive review of statutes and developing recommendations to modernize and improve operations of rural fire protection districts and to make those operations more efficient. The review will not include specified provisions related to forestland assessment, field burning, or consultation with the State Forestry Department. The focus of the review will be on community-based structural fire response in rural areas.

There are currently 123 Rural Fire Protection Districts statewide, formed and governed under ORS chapter 478. Recommendations for improvement to the statute must be submitted to a committee of the Legislative Assembly on or before September 15, 2024. OFDDA has representation on the Rural Structural Fire Protection Review Committee which scheduled its meeting dates as follows:

- October 30 @ 9:30 AM – 3 PM
- November 29 @ 9:30 AM – noon
- December 20 @ 9:30 AM – noon
- January 18 @ 9:30 AM – noon

SB 1068 – FIRE DISTRICT ANNEXATION

Effective date: 91st day following adjournment sine die

Chapter 208, (2023 Laws)

[SB 1068](#) was the third attempt by [Sen. Lew Frederick](#) (D-Portland) to authorize a *Board of Directors* of a rural fire protection district to annex lands that are within the coverage area of the district, under certain circumstances.

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 1068 would address the issue by allowing fire districts to initiate the annexation on their own. Fire District Director Lupe Preciado McAlister and Chief Rob Bullock, both of Douglas County Fire District No. 2, requested the bill and have provided supporting testimony in previous sessions.

Those who opposed the legislation did so due to what was referred to as forced annexation, additional costs to property owners, and "taxation without representation" (even though fire district directors are elected officials).

Sen. Frederick carried the bill on the Senate Floor. [Sen. Floyd Prozanski](#) (D-Eugene/Springfield) also spoke strongly in favor of the bill as did [Sen. Jeff Golden](#), (D-Ashland) and [Sen. Deb Patterson](#), (D-Salem).

The vote on the Senate Floor was held on April 13 and was as follows: Ayes, 20. Nays, 8-- Senators Bonham, Girod, Hayden, Knopp, Robinson, Smith DB, Thatcher, Weber; Excused, 2--Senators Gorsek, Linthicum.

The vote on the House Floor was held on May 25 and was follows: Ayes, 37; Nays, 11-- Boice, Breese-Iverson, Cate, Cramer, Diehl, Goodwin, Hieb, Osborne, Reschke, Stout, Wright; Excused, 12--Boshart Davis, Bynum, Elmer, Evans, Helfrich, Javadi, McIntire, Morgan, Nelson, Scharf, Sosa, Wallan.

OFDDA presented [testimony](#) in support of the bill.

First Responders

HB 3426 – SUICIDE HOTLINE FOR FIRST RESPONDERS

Effective date: January 1, 2024

Chapter 443, (2023 Laws)

[HB 3426](#) requires 9-8-8 call centers to develop policies and train staff to respond to calls from firefighters and first responders as a high-risk and specialized population. The National Suicide Hotline Designation Act was passed unanimously by Congress in October 2020 and replaced the National Suicide Hotline number with the three-digit number- 9-8-8 –effective July 16, 2022. The Legislative Assembly appropriated \$15 million in [HB 2417](#) (2021 Regular Session) to the Oregon Health Authority (OHA) to establish 9-8-8 call centers and enhance mobile crisis services. HB 2417 also required 9-8-8 call centers to establish policies and train staff on serving high-risk and specialized populations.

Volunteer Firefighters

SB 728 – TAX CREDIT FOR VOLUNTEER FIREFIGHTERS

Did Not Pass

[SB 728](#), introduced at the request of [Sen. Fred Girod](#) (R-Stayton) and patterned after legislation previously presented by [Rep. Jami Cate](#) (R-Lebanon), would have provided for a \$1,000 tax credit for volunteer firefighters who meet certain participation requirements. The credit would have applied to tax years beginning after January 1, 2024, and before January 1, 2030.

[Joint testimony](#) was submitted on behalf of the Oregon Fire District Directors Association and the Oregon Volunteer Firefighters Association. Chief Roger Johnson, Sisters-Camp Sherman Fire District, and Chief Ben Stange, Polk County Fire District 1, presented excellent supporting testimony on behalf of the Oregon Fire Chiefs Association, as did Bobby Meyer, Board Chair of the Aurora Fire District.

Prior to the first hearing before the [Senate Committee on Veterans, Emergency Management, Federal and World Affairs](#), Committee Chair [Sen. James Manning, Jr.](#), (D-Eugene) announced that he would be signing on as a co-sponsor of the bill and, during the hearing, several Committee members announced that they would co-sponsor, as well.

SB 728 would have applied to volunteer firefighters as defined in ORS 652.050 as follows:

"Volunteer firefighter" means a person who performs services as a firefighter for a regularly organized fire department and whose work hours and work shifts are voluntary and whose volunteer service is not a condition of employment."

To see all written testimony submitted on SB 728, click [HERE](#). To watch the hearing, [follow this link](#) and advance the counter to 32:00.

HCR 27 - HONORING VOLUNTEERER FIREFIGHTER ROBERT HALES

Adopted June 21, 2023

[HCR 27](#) honors volunteer firefighter Robert Hales, who began his volunteer career with the Scappoose Rural Fire Protection District in 2000. In 2001, Robert Hales was honored with a local volunteer firefighter of the year award, and in 2002 he was nominated for the statewide award as the top volunteer firefighter in Oregon. He was an exemplary volunteer firefighter and EMT.

On August 17, 2008, Robert Hales responded to a call early in the morning and spent 12 hours fighting multiple wildfires caused by lightning strikes. Shortly after returning home, Robert Hales offered to drive his daughter to her job, but less than a mile from their house he suffered a cardiac event that caused him to lose consciousness and crash his vehicle. He died at the scene. Because he died shortly after fighting wildfires, Robert Hales' death was officially considered to be in the line of duty, and he is honored on the Oregon Fallen Firefighters Memorial.