



SDAO

SPECIAL DISTRICTS
ASSOCIATION OF OREGON

2019 LEGISLATIVE SESSION

Final Report



S | D | A | O

SPECIAL DISTRICTS
ASSOCIATION OF OREGON

2019 LEGISLATIVE SESSION
Final Report

TABLE OF CONTENTS

2019 Legislative Session in Review	1
Notable Actions Taken This Session	5
Looking Ahead	7
Dynamics of the 80th Legislative Assembly	8
SDAO Legislative Process	10
2019 SDAO Legislative Priorities	11
Budget Bills that Passed	11
HB 5030 – Lottery Bond Bill	11
HB 5050 – Budget Reconciliation	12
Economic Development Bills that Passed	13
HB 2053 – New Industrial Property and Rural Areas Program Modifications	13
HB 2173 – Oregon Broadband Office	13
HB 2174 – Urban Renewal Modifications	13
HB 2699 – Brownfield Property Tax Changes	13
Economic Development Bills that Failed	14
HB 2184 – Broadband	14
HB 2408 – Prevailing Wages in Enterprise Zones	14
HB 2575 – Brownfield Tax Credit	14
HB 2782 – Long-Term Rural Enterprise Zones	14
HB 3110 – Rural Economic Development Capacity Grants	15
SB 34 – Industrial Site Readiness	15
Elections Bills that Passed	15
SB 224 – Omnibus Election Law Cleanup	15
SB 226 – Damascus Disincorporation	15
SB 861 – Prepaid Postage on Ballots	16
SJR 18 – Campaign Finance Reform	16
HB 2716 – “Paid for By” Disclaimers	17
HB 2983 – Independent Expenditures	17
HB 3348 – Ballot Measure Funding Source Identification	17
Environmental Bills that Passed	18
HB 2007 – Diesel Engine Regulation	18
HB 2076 – Aquatic Invasive Species	18

TABLE OF CONTENTS

HB 2250 – Oregon Environmental Protection Act.....	19
HB 2437 – Ditch Cleaning Bill.....	19
HB 2623 – Fracking Prohibition.....	19
SB 41 – Oil Spill Prevention Fees	20
SB 256 – Offshore Drilling Moratorium.....	20
SB 445 – Invasive Species Council.....	21
Environmental Bills that Failed.....	21
HB 2020 – Carbon Cap and Trade	21
HB 2619 – Pesticides	21
HB 2772 – Household Hazardous Waste	21
HB 3044 – Aerial Application of Soil Amendments and Pesticides	22
SB 104 – Industrial Dairies	22
Finance & Taxation Bills That Passed	22
HB 2130 – Property Tax Exemptions	22
HB 2390 – Public Deposits.....	23
HB 2684 – Gigabit Exemption Repeal.....	23
HB 2949 – Manufactured Structure Exemption Cap Increased.....	24
HB 3427 – Student Success Act/Corporate Activities Tax	24
SB 79 – Delinquent Account Recovery	25
SB 1045 – Local Option Property Tax Exempt. for Homeowner Low Income Rentals ..	25
Finance & Taxation Bills That Failed.....	26
HB 2383 – Curry County Assessment & Taxation Pilot Program.....	26
General Government Bills That Passed	26
HB 2001 – Missing Middle Housing and System Development Charges.....	26
HB 2080 – Marine Board Fees.....	27
HB 2093 – Electrical Vehicle Charging Stations.....	27
HB 2243 – Definition of a Public Library.....	27
HB 2306 – Building Permits Upon Substantial Completion	28
HB 2423 – Fire Sprinklers in Tiny Homes.....	28
HB 2682 – Bicycle Lanes in Intersections.....	28
HB 2829 – Oregon Conservation and Recreation Fund	28
HB 2835 – Recreational Waterways	29
HB 3061 – Public Property Transfer for Broadband.....	29
SB 68 – Public Utility Fee Increase.....	30
SB 684 – Data Breach	30

TABLE OF CONTENTS

General Government Bills That Failed	30
HB 2272 – State Lands Lease Surcharge	30
HB 2974 – Salem Bridge District	30
SB 543 – Children’s Services District	31
Labor Bills That Passed	31
HB 2005 – Paid Family Medical Leave	31
HB 2016 – Union Business During Work Hours	32
HB 2341 – Reasonable Accommodations for Pregnant Employees	32
HB 2589 – Disability Discrimination	33
HB 2593 – Expression of Milk	33
SB 164 – Retirement Savings	33
SB 370 – Employee Notification of Anticipated Immigration Inspections	34
SB 478 – Prohibited Payments for Non-Disclosure Agreements	34
SB 479 – Public Workplace Harassment Requirements	35
SB 494 – Wages for the Disabled	35
SB 726 – Workplace Conduct	35
SB 770 – Universal Health Care	35
SB 796 – Family Leave for Organ Donation	36
SB 1049 – PERS Reform	36
Labor Bills That Failed	39
SB 332 – Veterans’ Preference In Public Employment	39
SB 379 – Marijuana In the Work Place	40
Land Use Bills That Passed	40
HB 2577 – Delayed Annexation	40
SB 92 – Phase-In Taxation and Island Annexation Changes	40
SB 294 – Annexation into Cemetery District	41
SB 408 – Siting Utilities on EFU	41
Land Use Bills That Failed	41
HB 2109 – Annexation Voting	41
HB 3099 – City of Happy Valley Withdrawal From NCPR	42
Port Bills That Passed	42
HB 2351 – Wake Size in Willamette River Greenway	42
SB 47 – Non-motorized Boats	42
SB 695 – Promissory Notes	42
Port Bills That Failed	43
HB 2284 – Port of Newport Commission Appointment	43

TABLE OF CONTENTS

Public Contracting Bills That Passed	43
HB 2094 – Bidder Responsibility	43
HB 2415 – Retainage in Public Contracts	43
HB 2496 – Green Technology in Public Improvements	44
HB 2769 – Qualified Based Selection for Professional Services	44
HB 3431 – Blind Vending Preference	44
SB 369 – Statute of Limitations	45
SB 471 – Conflict Minerals Preference	45
Public Contracting Bills That Failed	45
SB 305 – Increasing Threshold for Prevailing Wage Projects	45
Public Records/Meetings Bills That Passed	46
HB 2353 – Fines and Waivers of Fees for Late Public Records Production	46
HB 2430 – Extension of Public Records Advisory Committee	46
SB 288 – Special District Meetings in Indian Country	46
Public Records/Meetings Bills That Failed	47
SB 240 – Electronic Records and Signatures	47
Public Safety Bills That Passed	47
HB 2206 – Building Inspections After Earthquake	47
HB 2209 – Oil by Rail	47
HB 2449 – 911 Tax Increase	48
HB 3309 – Tsunami Zones	48
SB 290 – Civil Liability Protection for Volunteer Firefighters	49
SB 431 – Creation of an Urban Flood Safety & Water Quality District	49
SB 507 – Post Traumatic Stress Disorder Workers’ Compensation Presumption	49
SB 643 – Large Fuel Connector Grant Program	51
SB 775 – Criminal Background Check Liability	51
SB 998 – Bicycles at Intersections	51
Public Safety Bills That Failed	52
HB 2208 – Unreinforced Masonry Seismic Safety Program	52
HB 2503 – Search & Rescue	52
HB 2735 – Task Force on Disaster Response and Recovery	52
HB 3307 – Emergency Medical Transport Reimbursement	53
SB 291 – Local Powers Under Conflagration Act	53
Transportation Bills That Passed	53
HB 2130 – Extension of Property Tax Exemptions: Including Cargo Containers	53
HB 2592 – Modifications to HB 2017 and ConnectOregon	53
HB 2603 – Amtrak Rail Delays	54

TABLE OF CONTENTS

Transportation Bills That Failed	54
HB 2978 – Tax Credit for Short-line Rail Improvements	54
SB 59 – Lottery Bonding for ConnectOregon	54
Water Quality/Wastewater Bills That Passed	54
HB 3273 – State-wide Drug Take-back	54
HB 5017 – Department of Environment Quality	55
SB 98 – Renewable Natural Gas Portfolio Targets	57
SB 884 – On-Site Septic Systems	57
Water Quality/Wastewater Bills That Failed	57
HB 3182 – On Site Non-Potable Water Systems	57
SB 286 – Local regulation of Biosolids	57
SB 756 – Money For Failing Septic Systems	58
SB 932 – Wastewater Technical Assistance	58
Water Bills That Passed	58
HB 2084 – Place-Based Planning Sunset Extension	58
HB 2085 – Dam Safety Statute Update/Modernization	59
HB 5043 – Water Resources Department Budget	59
SB 935 – Landscape Contractors	60
SB 5525 – Oregon Health Authority Drinking Water Program	61
SCR 1 – Closed Loop Storage and Electricity Generation	61
Water Bills That Failed	62
HB 2331 – Well Construction Statute of Limitation	62
HB 2856 – Ground Water Studies	62
HB 2656 – New Forest Management Practices in Source Water Areas	62
HB 2860 – Well Water and Renters	62
HB 3132 – Environmental Restoration Weirs	63
HB 3326 – Funding for HAB Testing at DEQ	63
HB 3430 – Water Resources Commission Final Orders	63
SB 51 – Transfer of Character and Location of Stored Water	63
SB 894 – Funding for Newport Dams	64
Index by Bill Number	65

TABLE OF CONTENTS

2019 Legislative Session in Review	1
Notable Actions Taken This Session	5
Looking Ahead	7
Dynamics of the 80th Legislative Assembly	8
SDAO Legislative Process	10
2019 SDAO Legislative Priorities	11
Budget Bills that Passed	11
HB 5030 – Lottery Bond Bill	11
HB 5050 – Budget Reconciliation	12
Economic Development Bills that Passed	13
HB 2053 – New Industrial Property and Rural Areas Program Modifications	13
HB 2173 – Oregon Broadband Office	13
HB 2174 – Urban Renewal Modifications	13
HB 2699 – Brownfield Property Tax Changes	13
Economic Development Bills that Failed	14
HB 2184 – Broadband	14
HB 2408 – Prevailing Wages in Enterprise Zones	14
HB 2575 – Brownfield Tax Credit	14
HB 2782 – Long-Term Rural Enterprise Zones	14
HB 3110 – Rural Economic Development Capacity Grants	15
SB 34 – Industrial Site Readiness	15
Elections Bills that Passed	15
SB 224 – Omnibus Election Law Cleanup	15
SB 226 – Damascus Disincorporation	15
SB 861 – Prepaid Postage on Ballots	16
SJR 18 – Campaign Finance Reform	16
HB 2716 – “Paid for By” Disclaimers	17
HB 2983 – Independent Expenditures	17
HB 3348 – Ballot Measure Funding Source Identification	17
Environmental Bills that Passed	18
HB 2007 – Diesel Engine Regulation	18
HB 2076 – Aquatic Invasive Species	18

TABLE OF CONTENTS

HB 2250 – Oregon Environmental Protection Act.....	19
HB 2437 – Ditch Cleaning Bill.....	19
HB 2623 – Fracking Prohibition.....	19
SB 41 – Oil Spill Prevention Fees	20
SB 256 – Offshore Drilling Moratorium.....	20
SB 445 – Invasive Species Council.....	21
Environmental Bills that Failed.....	21
HB 2020 – Carbon Cap and Trade	21
HB 2619 – Pesticides	21
HB 2772 – Household Hazardous Waste	21
HB 3044 – Aerial Application of Soil Amendments and Pesticides	22
SB 104 – Industrial Dairies	22
Finance & Taxation Bills That Passed	22
HB 2130 – Property Tax Exemptions	22
HB 2390 – Public Deposits.....	23
HB 2684 – Gigabit Exemption Repeal.....	23
HB 2949 – Manufactured Structure Exemption Cap Increased.....	24
HB 3427 – Student Success Act/Corporate Activities Tax	24
SB 79 – Delinquent Account Recovery	25
SB 1045 – Local Option Property Tax Exempt. for Homeowner Low Income Rentals ..	25
Finance & Taxation Bills That Failed.....	26
HB 2383 – Curry County Assessment & Taxation Pilot Program.....	26
General Government Bills That Passed	26
HB 2001 – Missing Middle Housing and System Development Charges.....	26
HB 2080 – Marine Board Fees.....	27
HB 2093 – Electrical Vehicle Charging Stations.....	27
HB 2243 – Definition of a Public Library.....	27
HB 2306 – Building Permits Upon Substantial Completion	28
HB 2423 – Fire Sprinklers in Tiny Homes.....	28
HB 2682 – Bicycle Lanes in Intersections.....	28
HB 2829 – Oregon Conservation and Recreation Fund	28
HB 2835 – Recreational Waterways	29
HB 3061 – Public Property Transfer for Broadband.....	29
SB 68 – Public Utility Fee Increase.....	30
SB 684 – Data Breach	30

TABLE OF CONTENTS

General Government Bills That Failed	30
HB 2272 – State Lands Lease Surcharge	30
HB 2974 – Salem Bridge District	30
SB 543 – Children’s Services District	31
Labor Bills That Passed	31
HB 2005 – Paid Family Medical Leave	31
HB 2016 – Union Business During Work Hours	32
HB 2341 – Reasonable Accommodations for Pregnant Employees	32
HB 2589 – Disability Discrimination	33
HB 2593 – Expression of Milk	33
SB 164 – Retirement Savings	33
SB 370 – Employee Notification of Anticipated Immigration Inspections	34
SB 478 – Prohibited Payments for Non-Disclosure Agreements	34
SB 479 – Public Workplace Harassment Requirements	35
SB 494 – Wages for the Disabled	35
SB 726 – Workplace Conduct	35
SB 770 – Universal Health Care	35
SB 796 – Family Leave for Organ Donation	36
SB 1049 – PERS Reform	36
Labor Bills That Failed	39
SB 332 – Veterans’ Preference In Public Employment	39
SB 379 – Marijuana In the Work Place	40
Land Use Bills That Passed	40
HB 2577 – Delayed Annexation	40
SB 92 – Phase-In Taxation and Island Annexation Changes	40
SB 294 – Annexation into Cemetery District	41
SB 408 – Siting Utilities on EFU	41
Land Use Bills That Failed	41
HB 2109 – Annexation Voting	41
HB 3099 – City of Happy Valley Withdrawal From NCPR	42
Port Bills That Passed	42
HB 2351 – Wake Size in Willamette River Greenway	42
SB 47 – Non-motorized Boats	42
SB 695 – Promissory Notes	42
Port Bills That Failed	43
HB 2284 – Port of Newport Commission Appointment	43

TABLE OF CONTENTS

Public Contracting Bills That Passed	43
HB 2094 – Bidder Responsibility	43
HB 2415 – Retainage in Public Contracts	43
HB 2496 – Green Technology in Public Improvements	44
HB 2769 – Qualified Based Selection for Professional Services	44
HB 3431 – Blind Vending Preference	44
SB 369 – Statute of Limitations	45
SB 471 – Conflict Minerals Preference	45
Public Contracting Bills That Failed	45
SB 305 – Increasing Threshold for Prevailing Wage Projects	45
Public Records/Meetings Bills That Passed	46
HB 2353 – Fines and Waivers of Fees for Late Public Records Production	46
HB 2430 – Extension of Public Records Advisory Committee	46
SB 288 – Special District Meetings in Indian Country	46
Public Records/Meetings Bills That Failed	47
SB 240 – Electronic Records and Signatures	47
Public Safety Bills That Passed	47
HB 2206 – Building Inspections After Earthquake	47
HB 2209 – Oil by Rail	47
HB 2449 – 911 Tax Increase	48
HB 3309 – Tsunami Zones	48
SB 290 – Civil Liability Protection for Volunteer Firefighters	49
SB 431 – Creation of an Urban Flood Safety & Water Quality District	49
SB 507 – Post Traumatic Stress Disorder Workers’ Compensation Presumption	49
SB 643 – Large Fuel Connector Grant Program	51
SB 775 – Criminal Background Check Liability	51
SB 998 – Bicycles at Intersections	51
Public Safety Bills That Failed	52
HB 2208 – Unreinforced Masonry Seismic Safety Program	52
HB 2503 – Search & Rescue	52
HB 2735 – Task Force on Disaster Response and Recovery	52
HB 3307 – Emergency Medical Transport Reimbursement	53
SB 291 – Local Powers Under Conflagration Act	53
Transportation Bills That Passed	53
HB 2130 – Extension of Property Tax Exemptions: Including Cargo Containers	53
HB 2592 – Modifications to HB 2017 and ConnectOregon	53
HB 2603 – Amtrak Rail Delays	54

TABLE OF CONTENTS

Transportation Bills That Failed	54
HB 2978 – Tax Credit for Short-line Rail Improvements	54
SB 59 – Lottery Bonding for ConnectOregon	54
Water Quality/Wastewater Bills That Passed	54
HB 3273 – State-wide Drug Take-back	54
HB 5017 – Department of Environment Quality	55
SB 98 – Renewable Natural Gas Portfolio Targets	57
SB 884 – On-Site Septic Systems	57
Water Quality/Wastewater Bills That Failed	57
HB 3182 – On Site Non-Potable Water Systems	57
SB 286 – Local regulation of Biosolids	57
SB 756 – Money For Failing Septic Systems	58
SB 932 – Wastewater Technical Assistance	58
Water Bills That Passed	58
HB 2084 – Place-Based Planning Sunset Extension	58
HB 2085 – Dam Safety Statute Update/Modernization	59
HB 5043 – Water Resources Department Budget	59
SB 935 – Landscape Contractors	60
SB 5525 – Oregon Health Authority Drinking Water Program	61
SCR 1 – Closed Loop Storage and Electricity Generation	61
Water Bills That Failed	62
HB 2331 – Well Construction Statute of Limitation	62
HB 2856 – Ground Water Studies	62
HB 2656 – New Forest Management Practices in Source Water Areas	62
HB 2860 – Well Water and Renters	62
HB 3132 – Environmental Restoration Weirs	63
HB 3326 – Funding for HAB Testing at DEQ	63
HB 3430 – Water Resources Commission Final Orders	63
SB 51 – Transfer of Character and Location of Stored Water	63
SB 894 – Funding for Newport Dams	64
Index by Bill Number	65

2019 LEGISLATIVE SESSION IN REVIEW

The 80th Oregon Legislative Assembly convened a three-day “organizational session” on January 14, 2019 and adjourned for eight days and reconvened in full session on January 22nd. During the organizational days nearly 1,500 bills were printed. Those measures were referred to various policy committees during the following week, which enabled committees to conduct hearings on bills on the first day of the Legislative Session. This was the fifth full Legislative Session that was constitutionally limited to 160 days under Ballot Measure 71 (2010). Leadership outlined an ambitious legislative calendar under HCR 19, which established session deadlines, and set a target date of June 21st for *Sine Die* (151 days). However, due to two “walkouts” by Senate Republicans that resulted in denial of a quorum (no business could be conducted), one of which lasted nearly nine days, the legislative session ended on June 30th at 5:24 pm; only six and a half hours before the constitutional requirement to adjourn *Sine Die*. As a result, the session lasted the maximum 160 days permitted under Oregon’s Constitution.

During the November election, House Democrats increased their previous majority to 38-22 providing them two more seats than necessary to achieve a super-majority (3/5ths or 36 votes) required to increase taxes without Republican support. The majority party re-elected Tina Kotek (D-Portland) as the House Speaker (the first Speaker to serve four consecutive sessions in several decades) and Jennifer Williamson (D-Portland) as the Majority Leader. This marked the second session in a row, and the second time in Oregon history, the majority party was composed primarily of women (22 of the 38).

Carl Wilson (R-Grants Pass) was elected as the House Minority Leader, replacing Rep. Mike McLane (R-Powell Butte) who served as the Minority Leader since 2012. Six of the 22 members in the Republican caucus were women. In addition, there were 11 freshman legislators in the House this session (five Democrats and six Republicans).

The Senate Democrats, gained one seat after the General Election resulting in 18 Democrats and 12 Republicans, thereby giving the democrats a super-majority as well. The Senate elected Peter Courtney (D-Salem) to an unprecedented 9th term as President of the Senate and Ginny Burdick (D-Portland) as the Majority Leader for her second full term in that position. Herman Baertschiger Jr. (R-Grants Pass) was elected as the Senate Minority Leader for his first session in that position. There were three freshman Senators entering this session, all three are Democrats.

Governor Brown was elected to serve a four-year term after beating Knute Buehler in Oregon’s most expensive gubernatorial campaign in the state’s history. In all, a combined \$36 million was spent – nearly double what was spent in 2010 between Governor Kitzhaber and Chris Dudley. Brown captured 50 percent of the vote compared to Buehler’s 44 percent. Additionally, Val Hoyle beat Lou Ogden in the May primary by securing more than 50% of the votes cast to become the new Bureau of Labor and Industries (BOLI) Commissioner.

There were several ballot measures that impacted the session. In a special election held in January of 2018, voters overwhelmingly upheld a key health provider tax enacted in the 2017 session that had been referred by petition to the ballot. Its failure would have put the entire 2017-2019 budget out of balance. Although Oregonians decided on the fewest number of ballot measures since the 1980s, the results of each of them were symbolic of an increase in democratic control. Oregonians also rejected four measures sponsored by conservatives. One of those measures would have blocked the ability of the state to tax groceries. Another measure would have required a 3/5ths majority vote to raise revenue (“revenue” was very broadly defined). The other two measures would have prohibited the use of public funds for abortions and eliminated the state’s sanctuary status.

In late November, the Legislative Fiscal Office announced that entering the upcoming biennium the state faced a \$623 million shortfall in meeting current service levels for the upcoming budget cycle, despite having more than \$1 billion extra to spend than the previous biennium. Governor Brown’s proposed budget, which was released in early December, outlined her policy and budget priorities for the upcoming session. Those priorities included campaign finance reform, investments in affordable housing, shoring up the state’s Medicaid system, boosting Oregon’s low high school graduation rate, and a \$2 billion increase in new revenue to eliminate “structural deficits in the public education system.” The Governor’s budget made no mention of any cost cutting or savings to the Public Employees Retirement System (PERS) despite an expected \$4 billion increase in the unfunded actuarial liability (UAL) of the fund, nor did it identify how the additional \$2 billion ought to be raised.

During the interim, two joint committees were convened and met over the course of several months to formulate proposals to improve Oregon’s K-12 education system and address global climate change by limiting carbon emissions in the state.

The Joint Committee on Student Success conducted an extensive statewide tour examining various challenges facing school districts, teachers, and students. By the end of their work the committee had identified more than \$3.5 billion in recommended school improvements. Some of those improvements included but were not limited to lengthening the school year by ten days, decreasing class sizes in grades 1 through 4, improving training and recruitment of teachers, and providing art, music, physical education, library, and counselors.

Meanwhile, the Joint Committee on Carbon Reduction met almost monthly during the interim in order to refine a proposed cap and trade bill. The legislation had failed to pass in the two prior sessions and was a priority of the majority party as well as the environmental community even though a similar measure was defeated in the State of Washington at the ballot the previous November. These two issues, education funding and carbon reduction, became incredibly divisive by mid-June.

With the recent sexual harassment scandal of former Senator Jeff Kruse (R-Roseburg) fresh in the rearview mirror, BOLI Commissioner Brad Avakian issued a scathing report finding the

legislature to be “a hostile work environment” and that there was “substantial evidence” sexual harassment had been a problem at the Capitol for years while legislative leaders did little to crack down on it. Most of the criticism was directed at President Courtney, but Speaker Kotek was also implicated in the report. Several former legislative staffers filed a multi-million-dollar lawsuit that was ultimately settled. Before the session began, legislators, staff, and lobbyists were all required to undergo training on workplace and sexual harassment. The scandal had come to a full boil by the time the session began. An example of this came in late February, when long-time Chair of the House Health Care Committee Rep. Mitch Greenlick (D-Portland) berated a pharmaceutical lobbyist during a public hearing by calling him “stupid.” In response, Republicans demanded that he be stripped of his chairmanship because he created “an inflammatory and disrespectful atmosphere.” Shortly afterwards, Speaker Kotek removed him as chair of the committee.

As the session began, both parties outlined broad agendas. The majority party made clear that quality education, carbon reduction and the environment, health care funding, and affordable housing were their top priorities. The Republicans, on the other hand, faced super-majorities in both chambers and looked to some moderate democrats in the Senate as the best chance to slow what was deemed an overly ambitious and very liberal agenda. As a result of increased criticism of President Courtney’s willingness to only allow bi-partisan bills to reach the Senate floor, he committed that he would allow bills to reach the floor that were “critical to helping Oregonians.” The Senate President acknowledged that they needed Republicans simply to reach a quorum.

Democrats moved aggressively out of the gate. On the House side, negotiations led to a quick deal eliminating half of the nearly \$900 million shortfall needed to fund the state’s Medicaid budget. The deal extended a six percent hospital tax and a two percent tax on insurance for a total of six years. On the Senate side, the majority party rapidly moved a very controversial bill prohibiting landlords from terminating month-to-month leases without cause and imposing state-wide rent control, the first of its kind in the nation.

In early March, the seventh of the quarterly revenue forecasts was issued showing that revenues far exceeded the 2017 close of session forecast by nearly \$1.5 billion, thereby triggering a personal “kicker” of approximately \$750 million. Several legislative members, including the Speaker, proposed diverting the kicker for other priorities. This forecast was used by the Co-Chairs of the Ways and Means Committee to issue their preliminary balanced budget plan and paved the way for the various budget sub-committees to act on several of the state agency budgets.

In May, after they visited 77 schools to hear from teachers, administrators, students and parents from across the state, the Joint Committee on Student Success proposed a 0.57% tax on corporate revenue over \$1 million which was projected to generate more than \$1 billion annually for public schools. Republicans complained that there were no plans to constrain the escalating costs of the PERS system and argued that the revenue generated under the Student Success Act should be constitutionally dedicated to education. After intense last-minute

negotiations with the state's largest private sector employer trade association, Oregon Business and Industries, the House passed the bill. When the bill made it to the other chamber, Senator Betsy Johnson, the critical 18th vote needed to pass the new tax, sided with some of her more conservative colleagues and insisted on PERS reforms. Leadership provided a commitment that a PERS reform bill would be imminent in order to secure passage of the corporate activities tax package.

Before the new tax was approved, the Senate Republicans walked out of the Capitol and denied a quorum in the chamber for four days. This was the first of two walk outs by Senate Republicans during the session. In order to convince the Republicans to return to the chamber, leadership killed two controversial bills, one related to guns and another bill that would have eliminated non-medical exemptions to vaccinations in order to attend school. After more than a decade of democratic attempts to secure new revenue for education, HB 3427, the new *corporate activity tax* anticipated to bring in over \$1 billion per year, was finally passed by the Senate. Interestingly, its passage occurred two days before the final revenue forecast was released to the public.

The May revenue forecast, used to balance the upcoming biennial budget, brought some unexpected news and shattered all expectations. Not only did personal and corporate tax revenues far exceed anticipated levels, the personal income tax kicker had nearly doubled from the previous forecast to \$1.4 billion, the largest ever. This was due to more than \$900 million in additional resources than officials had predicted just three months earlier. Despite talks by the majority party about using some of the kicker for other purposes, Republicans made it clear that they would not provide the necessary votes, a 2/3rds majority in this case, to redirect the kicker. This final forecast, and the passage of the new corporate activity tax, set the stage for the legislature to complete the remaining budgets and enact the measures projected to have budgetary impacts. It also set the stage for other big policy proposals including the Clean Energy Jobs or "cap and trade" bill (HB 2020).

After years of discussion, and at times heated debate, legislative leadership made it clear that they intended to pass a carbon measure during the session. The Joint Committee on Carbon Reduction was formed with the primary duty of negotiating a bill that could pass both chambers. Armed with a Legislative Counsel opinion that stated that placing a price on carbon did not require a 3/5ths majority to do so, the long-anticipated bill was introduced in early February. The committee held nine public hearings, some of which took place in communities outside of Salem, 12 work sessions, and introduced 116 amendments. The bill was finally debated on the House Floor on June 17th and passed without any republican votes.

The bill was scheduled for second reading on the Senate floor June 19th. The Republican caucus cited rural community devastation if the bill passed due to high energy costs, increasing gas prices, and job killing expenditures for industry. Bolstered by some of the largest protest rallies in the history of the capitol, Senate Republicans made the decision to walk out for the second time. This time President Courtney asked the Governor to enlist the help of the Oregon State Police to compel them to return to the Senate Chamber for business. However, Senate

Republicans left the state and were able to deny the Senate a quorum which prevented the legislature's ability to advance or pass any bills, for nine consecutive days. This tactic was also used by House Democrats in 2001 during a redistricting fight. Governor Brown threatened to call a special session on July 2nd to address any business left unfinished due to the absence of the 12 Republicans. In a surprising turn of events, President Peter Courtney announced that HB 2020 did not have the needed support in his own caucus to pass during the session. When the Republicans returned on June 29th, HB 2020 was moved to the Rules Committee to die and the Senate passed over 100 bills along with the House to complete the remaining business before the assembly.

In the end, the Legislative Assembly was able to close the pre-session continuing service level funding gap of \$623 million without acting at all. Greater than predicted revenue was realized with each forecast. With the passage of several new taxes and increased fees, the legislature was able to balance the budget with relative ease compared to some of the previous recent sessions. The final legislatively adopted budget amounted to nearly \$23.7 billion (compared to \$20.9 in the 2017-19 biennium) in General Fund and Lottery resources, an increase of 12.1% over the previous biennium. Democrats declared that the Legislative Session was a resounding success with the one notable exception; the cap and trade proposal failed rather spectacularly during the final weeks of the session. Meanwhile, Republicans complained bitterly that the legislature's urban centric agenda only created a bigger urban/rural divide in the state. There is little doubt that relationships, particularly in the Senate, were strained during the session. However, unlike the previous long session, the House and Senate adjourned concurrently this session, as per custom, rather than separately.

In the later part of February, Secretary of State Dennis Richardson, the only Republican to be elected statewide in two decades, succumbed to his fight against brain cancer, thereby placing the Governor in a position of having to appoint his Republican successor. The Governor chose Bev Clarno, a highly respected former state legislator and Speaker of the House from Central Oregon. Only days after Secretary Richardson's death, former Secretary of State Norma Paulus, the first woman in Oregon to be elected to statewide office, also died. In May, Senator Jackie Winters, a moderate Republican from the Salem area, also lost her battle with cancer, thereby leaving the Senate Republican caucus with only 11 members. Rep. Denyc Boles (R-Salem) was appointed to fill the vacant seat with only a few days remaining in the session.

NOTABLE ACTIONS TAKEN THIS SESSION

- Passage of a corporate activity tax (CAT) dedicated to education:
 - Requires companies to pay 0.57% on sales over \$1 million while permitting the deduction of up to 35% of labor costs or capital costs from total sales
 - Groceries, gas, hospitals and long-term care are exempt
 - Cuts personal income tax rates by 0.25% for the lowest three of the state's four tax brackets

- Revenue generated by the new tax this biennium is estimated to be \$952 million, but will amount to over \$2 billion in the next biennium and is legislatively dedicated to K-12 education programs
- \$9 billion budget for K-12 schools, the largest school budget in state history, which is 9.7 percent higher than the previous biennium. Combined with the newly passed Student Success Act, it is hoped that Oregon’s K-12 education system will be transformed and produce better student outcomes.
- A record \$2.2 billion to support community colleges and public universities including assisting an additional 2,500 more students through the Oregon Promise Grant.
- A new paid family and medical leave insurance program that allows every working Oregonian to be eligible for 12 weeks of paid leave for family purposes.
- Dedicated portion of certain sports betting to fund PERS unfunded liability.
- A state-wide ban on single-use plastic bags at groceries, restaurants, retail establishments.
- A state-wide policy requiring an ask-first approach to dispensing plastic straws.
- New prohibitions on the use of diesel engines in mid and heavy-duty trucks in Multnomah, Washington and Clackamas Counties.
- New requirements banning no-cause evictions after 12 months and a statewide limit on how much a landlord may increase rent from one year to the next – the first statewide limitation in the country.
- SJR 18 – Campaign Finance Reform – voters will be asked to amend the state’s Constitution paving the way to place campaign limitations in local and state-wide races.
- New requirements that expand protections against workers who have been harassed or discriminated against; this new law extends the statute of limitation for discrimination, harassment and sexual assault, and greatly limits the use of non-disclosure and no-rehire agreements.
- New juvenile justice reforms to ease sentencing guidelines and eliminated life without parole for offenders under the age of 18.
- New requirements for public employees to adopt policies with specific standards to prevent and promptly investigate cases of unlawful discrimination as well as greatly limit the use of non-disclosure agreements.

- Permanent ban to offshore oil or natural gas drilling.
- New requirements regarding oil train safety plans.
- Permission for community colleges to offer bachelor's degrees in fund for schools.
- New public worker protections for performing union activities while on the job.
- Paid postage for voter return envelopes.

The Governor received the \$2 billion in education funding that she challenged the assembly to approve at the beginning of session. There were substantial investments made in affordable housing, Medicaid, child welfare services and some modest cost containment for PERS. However, the dramatic failure of the Cap and Trade bill and the two Senate Republican walkouts are likely what the session will be remembered for.

LOOKING AHEAD

After the session ended, it did not take long for Democrats to announce that they fully intend to pursue the recently defeated Cap and Trade proposal during the 2020 session. As mentioned previously, the bill did not have the necessary democratic support during the long session. As it turns out it was only one vote short. That vote was Senator Laurie Monnes Anderson from Gresham who had concerns with the bill due to the impact on a large manufacturer in her district. It is very likely that those concerns will be addressed, and the measure will get a second chance. The real question is whether the majority party will allow further consideration of Republican concerns and modify the bill accordingly and if not, will the Republicans deny the assembly a quorum again during the 35-day session.

Voters will also decide the fate of a couple of referrals that could prove contentious and expensive. The first legislatively referred measure would amend the Oregon Constitution authorizing adoption of state and local laws requiring campaign finance-related disclosures. The amendment would also authorize limiting – to the extent permitted under the United States Constitution – political donations and expenses. The second referral would increase tobacco taxes in the state by the equivalent of nearly \$2 a pack and will tax other tobacco products including e-cigarettes and vaping products. It is estimated that that if the measure is passed, it would generate approximately \$340 million in the 2021-2023 biennium; 90% of which would go to Oregon Medicaid program and the other 10% would be dedicated to tobacco cessation programs. Each of these measures will be on the November 2020 ballot.

In order to qualify a statutory measure for the ballot, 112,020 signatures must be collected; constitutional measures will require 149,360 signatures. The deadline to turn in signatures is

July 2, 2020. With the state’s mounting PERS unfunded actuarial liability that is approximately \$26 billion, it is also possible that voters could be asked to make further modifications to the retirement system. Former Democratic Governor Ted Kulongoski and former Republican Senator Chris Telfer (Bend) have submitted several initiative petitions to the Secretary of State’s office to make additional reforms to the program. So far, there have been more than 40 petitions submitted, and there is nearly a year to go before signatures need to be submitted for verification.

There is a big question as to whether Senate President Peter Courtney will be able to maintain his current leadership position. Several county democratic central committees have passed resolutions urging the President to step down, but what counts is whether he has the necessary support within his own caucus. There have been signs of cracks, including his nearly two-week absence during the session due to health concerns and a less than unanimous vote by his own caucus for him to become President. Another thing to keep an eye out for is whether the public unions will punish any members of the democratic party after the passage of PERS reforms by withholding campaign support in the upcoming election.

Governor Brown, for the first time in four years, will not face an election. Her previous victory last November guaranteed her four years in office. Treasurer Tobias Read will seek a second term as State Treasurer. When Governor Brown sought a Republican to replace Secretary Richardson, she made it clear that she wanted someone who did not intend to run for the office in 2020. Assuming that commitment is honored, current Secretary of State Bev Clarno will not run, and that seat will be hotly contested – particularly because the Secretary of State will likely play an integral role in redistricting in 2021. Finally, current Attorney General Ellen Rosenblum will have completed her second term resulting in another statewide open seat that will be up for grabs; although she intends to run for a third term. Not surprisingly, Rep. Jennifer Williamson, who is widely believed to be eyeing the position, has already been replaced as Majority Leader in order to free her time up for this pursuit. She was replaced by Rep. Barbara Smith Warner (Portland).

The vacancy created by Rep. Mike McLane (R-Prineville), when he was appointed as a Circuit Court Judge by the Governor, has been filled by Vikki Breese-Iverson. Furthermore, Rep. Jeff Barker (D-Beaverton), who is the longest serving democratic House member, recently announced his intention to not seek re-election to the House.

DYNAMICS OF THE 80th LEGISLATIVE ASSEMBLY

Session Length:	160	Bills Introduced:	2,768
Date Convened:	January 22, 2019	Bills Signed by Governor:	700
Date Adjourned:	June 30, 2019	Bills Vetoed:	2

OREGON SENATE

Democrats: 18

Republicans: 12

Senate Caucus Leadership:

Senate President Peter Courtney (D-Salem)

Senate Majority Leader Ginny Burdick (D-Portland)

President Pro Tempore Laurie Monnes Anderson (D-Gresham)

Deputy Majority Leader Elizabeth Steiner Hayward (D-Portland)

Majority Whip Mark Hass (D-Beaverton)

Majority Whip Rob Wagner (D-Lake Oswego)

Assistant Majority Leader Michael Dembrow (D-Portland)

Assistant Majority Leader Chuck Riley (D-Hillsboro)

Senate Republican Leader Herman Baertschiger Jr. (R-Grants Pass)

Republican Leader Chuck Thomsen (R-Hood River)

Deputy Republican Leader Alan Olsen (R-Canby)

Deputy Republican Leader Cliff Bentz (R-Ontario)

Republican Whip Dennis Linthicum (R-Klamath Falls)

OREGON HOUSE OF REPRESENTATIVES

Democrats: 38

Republicans: 22

House Caucus Leadership:

Speaker of the House Tina Kotek (D-Portland)

Majority Leader Jennifer Williamson (D-Portland)

Speaker Pro Tempore Paul Holvey (D-Eugene)

Majority Whip Barbara Smith Warner (D-Portland)

Deputy Majority Whip Rob Nosse (D-Portland)

Assistant Majority Leader John Lively (D-Springfield)

Assistant Majority Leader Julie Fahey (D-Eugene)

Assistant Majority Leader Janelle Bynum (D-Clackamas)

Republican Leader Carl Wilson (R-Grants Pass)

Deputy Republican Leader Greg Barreto (R-Cove)

Republican Whip Sherrie Sprenger (R-Scio)

Deputy Republican Whip Denyc Boles (R-Salem)

Assistant Republican Leader Duane Stark (R-Grants Pass)

Assistant Republican Leader Ron Noble (R-McMinnville)

SDAO LEGISLATIVE PROCESS

SDAO's Legislative Program is successful, in large part, due to the countless hours spent by the SDAO Legislative Committee before, during, and after each legislative session. Members of the committee volunteer numerous hours to make certain that the best interests of SDAO and its members are protected and enhanced each legislative session.

The SDAO Legislative Committee is structured to ensure that all types of special districts are represented. For example, the largest districts hold designated seats on the committee, and include fire, water, sanitary, irrigation, ports, and parks and recreation district representation. There are also "at-large" seats that have representatives from other types of districts. This ensures a comprehensive knowledge base and that no single type of district can dominate the decisions of the committee.

The committee by-laws provide for a method of voting, but in almost every case, the committee makes decisions by consensus, which ensures broad support for its positions. Decisions made by the committee are logged into a legislative bill tracking database that is available on SDAO's website.

When you meet a member of the Legislative Committee, please express your appreciation for their continued dedication and many hours of hard work on behalf of special districts. If you are interested in becoming a member of the committee, please contact the SDAO staff. All SDAO members are welcome to attend committee meetings.

SDAO LEGISLATIVE COMMITTEE MEMBERS 2018-2019

Bob Keefer	Chair	Sisters Park and Rec District
Reed Wagner	Vice Chair	Multnomah County Drainage District
Ben Stange	Committee Member	Polk County Fire District #1
Dennis Rogers	Committee Member	Sheridan Fire District
Shawn Gerdes	Committee Member	Arnold Irrigation District
Keith Hobson	Committee Member	Tualatin Hills Park & Recreation District
Michele Bradley	Committee Member	Port of Tillamook Bay
Carl Tappert	Committee Member	Rogue Valley Sewer Services
Todd Heidgerken	Committee Member	Clackamas River Water
Adam Denlinger	Committee Member	Seal Rock Water District
Chris Chandler	Committee Member	Central Lincoln P.U.D.
Brian Stahl	Committee Member	Rockwood Water P.U.D.
Dave Crowther	Committee Member	Bend Metro Park & Recreation District
April Snell	Committee Member	Oregon Water Resources Congress
Genoa Ingram	Committee Member	Affiliate Representative

2019 SDAO LEGISLATIVE PRIORITIES

SDAO began its preparation for the 80th Legislative Session early in the summer months of 2018. During the legislative interim, SDAO solicits legislative concepts from members. SDAO received nine legislative concepts for consideration. In August, the Legislative Committee met to discuss and prioritize legislative priorities for the 2019 legislative session. SDAO's policy on sponsoring legislation includes the following criteria:

- Effect of the legislation on majority of special districts in Oregon
- Effect of the legislation on majority of special districts in Oregon
- Whether the proposed legislation impacts majority of districts in a geographic region or large population area
- Fiscal impact of the proposed legislation on special districts
- Impact proposed legislation has on types of special districts
- Be of statewide importance

SDAO's policies require Legislative Committee recommendation and Board of Director approval of legislative priorities. For the 2019 session the Legislative Committee submitted, and the Board unanimously approved, the following legislative agenda:

- 1) **HB 2174** which made several changes to the Urban Renewal statute including the requirement to get approval of 3 of the 4 largest property tax recipient's approval to use tax increment financing for public buildings and art.

Budget – Bills that Passed

HB 5030 – Lottery Bond Bill

Chapter Law: 671 Effective Date: August 9, 2019

The bill provides:

- \$30 million to recapitalize the Special Public Works Fund (SPWF)
- \$25 million for affordable housing preservation
- \$15 million for the Water Supply Development Account
- \$15 million for an affordable market rate housing acquisition loan program
- \$15 million for levees
- \$5 million to recapitalize the Brownfields Redevelopment Fund; and

- \$5 million to recapitalize the Oregon Main Street Revitalization Grant Program.

The rest of the more than \$270 million in lottery bond appropriations in the bill were allocated to specific community projects around the state including several projects related to water, wastewater, and dams. No new allocations were made to the ConnectOregon program, and no funding was allocated to the Regional Infrastructure Fund (RIF) in this year's bill.

The lottery bond revenues are scheduled to be issued until the spring of 2021:

- \$1.8 million for Mill City for storm drainage improvements
- \$20 million for Salem for water treatment facility
- \$7 million for Sweet Home for wastewater plant
- \$1.7 million for Hood River stormwater line replacement
- \$10 million for canal piping Central Oregon
- \$14 million for Wallowa Lake Dam rehab
- \$4 million for City of Newport Dam work
- \$2.4 million to the Port of Cascade Locks for business park expansion
- \$1.4 million to the Port of Morrow for Early Learning Center expansion
- \$5 million to the Port of Coos Bay for Coos Bay Rail Line Repairs and Bridge Replacement
- \$15 million to the Port of Coos Bay for their channel deepening project

HB 5050 – Budget Reconciliation

Chapter Law: 644 Effective Date: August 9, 2019

This budget bill implements the final pieces of the state budget for the 2019-21 biennium and is commonly referred to as the Christmas Tree bill. HB 5050 establishes appropriations for the Emergency Board (\$75 million), finalizes the General Fund components of the statewide budget, implements budgetary changes tied to other legislation, makes community project allocations (\$30 million), and makes technical adjustments to agency budgets previously approved. The bill also includes agency expenditure limitation authority for various bond-funded projects.

A couple of notable appropriations include:

- \$500,000 for Levee Ready Columbia
- \$1,600,000 for Port of Port Orford Cannery Redevelopment

Economic Development – Bills That Passed

HB 2053 – New Industrial Property and Rural Areas Program Modifications

Chapter Law: 575 Effective Date: September 29, 2019

This bill makes two modifications to the New Industrial Property and Rural Areas program. Currently, the employment and wage verification take place at the time of application for the property tax abatement. This requirement may be difficult to comply with since the project cannot be underway at the time of application so the employees may not yet be hired or receiving wages. The bill allows local government and the applicant to come to an agreed upon date for the employment and wage verification. Additionally, the bill clarifies existing language within statute indicating that the employment requirements apply only to the property receiving abatement and not the entirety of the employer's business activity within the state.

HB 2173 – Oregon Broadband Office

Chapter Law: 648 Effective Date August 9, 2019

In December 2018, Governor Brown issued Executive Order 18-31, which established the Oregon Broadband Office within the Oregon Business Development Department, also known as Business Oregon. The intent is to develop broadband investment and deployment strategies for underserved areas, promote public-private partnerships, support local broadband planning, advocate for policies that remove barriers to broadband deployment, and help communities access federal and state funds. This bill statutorily codifies the Oregon Broadband Office and defines its broadband investment and deployment strategy responsibilities. The measure also repeals the sunset on the Oregon Broadband Advisory Council and refines its membership and duties.

HB 2174 – Urban Renewal Modifications

Chapter Law: 580 Effective Date: September 9, 2019

This bill was the product of a series of negotiations that began after the 2017 legislative session. Specifically, the bill requires the sponsor of an urban renewal plan to provide regular communications to the affected overlapping taxing jurisdictions through the life of the plan. HB 2174 also requires that if the sponsor of an urban renewal plan wants to include a public building or art that three of the four most impacted overlapping taxing jurisdictions must agree to the inclusion of the building or art.

HB 2699 – Brownfield Property Tax Changes

Chapter Law: 492 Effective Date: September 29, 2019

HB 2699 modifies the brownfield property tax incentive law to allow a brownfield property, granted property tax benefits under the law, may also be granted any other special assessment, exemption, or partial exemption for which the property is eligible. The bill prohibits the total

amount of all special assessments, exemptions, and partial exemptions granted to the property from reducing property tax liability to below zero. It also requires a city, county, or port to specify in an ordinance or resolution how multiple property tax benefits will be applied and to notify the county assessor of intended application.

Economic Development – Bills That Failed

HB 2184 – Broadband

Failed

In 1999, the Legislative Assembly directed the PUC to create and implement the Oregon Universal Service Fund with a surcharge on all retail telecommunications sales in Oregon. The surcharge is now assessed on wireline telephone customers, but not on wireless or video service; the current surcharge rate is 8.5 percent. This bill would have applied the fee to wireless communication devices, including radios, and would have used the money to provide the Oregon Business Development Department additional funding to provide grants to rural communities to invest in broadband infrastructure.

HB 2408 – Prevailing Wages in Enterprise Zones

Failed

This bill, which has been introduced in previous sessions, would have applied prevailing wage requirements to projects costing more than \$20 million located within enterprise zones. The bill passed the House but stalled in the Senate.

HB 2575 – Brownfield Tax Credit

Failed

This bill was introduced at the request of the Oregon Brownfield Coalition. It would have provided personal or corporate tax breaks to individuals or corporations who spent money to clean up brownfields. HB 2575 received one hearing.

HB 2782 – Long-Term Rural Enterprise Zones

Failed

HB 2782 would have required a sponsor of an enterprise zone, rural renewable energy development zone, or a long-term rural enterprise zone to consult with public safety agencies within the boundaries of the zones before entering a written agreement with a business.

HB 3110 – Rural Economic Development Capacity Grants

Failed

HB 3310 would have required the Oregon Business Development Department to distribute money in the Oregon Rural Capacity Fund to Economic Development Districts for the purpose of assisting those jurisdictions in applying for and administering grants and other forms of funding.

SB 34 – Industrial Site Readiness

Failed

This bill would have amended the industrial site readiness program to allow the Oregon Business Development Department to enter into tax reimbursement arrangements for eligible site preparation costs with private owners rather than local government. SB 34 would have limited the reimbursement for private owners to 50 percent of eligible site preparation costs.

Elections – Bills that Passed

SB 224 – Omnibus Election Law Cleanup

Chapter Law: 675

Effective Date: September 29, 2019

In many legislative sessions, the Secretary of State brings forward an omnibus election-related bill. Historically, the purpose of this bill has ranged from resolving statutory contradictions and aligning statutory time periods to clarifying legislative intent and repealing outdated statutes. Senate Bill 224 is the Secretary's omnibus election-related bill for the 2019 session. SB 224 eliminates obligation of the county clerk to classify voters as inactive when the voter neither votes nor updates their registration within a five-year period. The bill requires the production and circulation of local recall petitions to conform to the requirements applicable to state recall petitions. SB 224 classifies a community college and a 9-1-1 communication district as a special district for purposes of election law.

SB 226 – Damascus Disincorporation

Chapter Law: 545

Effective Date: July 15, 2019

In 2013, the Damascus City Council referred to the city's voters a citizen-initiated disincorporation measure. That measure failed because, although it received a simple majority, it did not receive an absolute majority. In 2015, the Legislative Assembly referred a disincorporation measure to the voters of Damascus that expressly required only a simple majority of votes to become law. As a result, that measure failed because, although it received a simple majority, it did not receive an absolute majority. Against this backdrop, Senate Bill 226

ratifies both disincorporation elections, as well as underlying disincorporation, that meet specified criteria. The bill provides for expedited review in the Oregon Supreme Court.

SB 861 – Prepaid Postage on Ballots

Chapter Law: 638

Effective Date: September 29, 2019

Twenty-two states have provisions that allow some elections to be conducted by mail. SB 861 requires voters to be given pre-addressed business reply mail envelopes with their ballot. Voters will no longer pay for postage costs for elections held on or after January 1, 2020. Voters will continue to be allowed to return ballots to ballot drop sites. It is estimated that half of Oregon’s voters return their ballots by mail and half return them at drop sites. Each ballot returned by business reply mail will cost the state 64 cents. Preliminary estimated costs of SB 861 were projected to be \$1.5 million for the 2019-2021 biennium. Under the provisions of the bill, \$1.6 million was allocated from the state’s General Fund in order to fund SB 861.

SJR 18 – Campaign Finance Reform

Filed with Secretary of State

In 1997, the Oregon Supreme Court ruled that the state constitution's section regarding freedom of speech prevents the legislature from limiting campaign finance activity, therefore a voter approved constitutional amendment is required for lawmakers to enact campaign finance limits.

Measure 46 and Measure 47 were on the Oregon ballot in 2006. Measure 46 was designed to amend the Oregon Constitution to allow laws limiting or prohibiting election contributions and expenditures. Measure 47 would have implemented the contribution limits. However, while Measure 47 was approved (53% yes to 47% no), Measure 46 was rejected (60% no to 40% yes). Measure 47 depended on the approval of Measure 46 to be constitutional. Measure 47 was struck down by the state supreme court in October of 2012.

SJR 18 would apply to laws and ordinances adopted through the initiative process or enacted by the state legislature or a local government on or after January 1, 2016. Two local measures would become enforceable if the constitutional amendment is approved.

Portland Measure 26-200 (2018) would become effective if the constitutional amendment passes. The measure was approved by Portland voters in a vote of 87% to 13%, but the measure's provisions surrounding campaign finance limits were struck down as unconstitutional on June 10, 2019. Multnomah County Measure 26-184 (2016) would also become effective if the constitutional amendment in SJR 18 passes. The measure was approved by Portland voters in a vote of 88.57% to 11.43%, but the measure's provisions surrounding campaign finance limits were struck down as unconstitutional on March 6, 2018.

Voters in Oregon, one of America’s biggest political money states, will vote whether there should be limits on campaign donations at the November 2020 statewide ballot. Oregon is

just one of just five states to allow unlimited contributions to politicians. Unlike the constitutional measure that failed in 2006, SJR 18 will not be inserted into the free-speech section of the constitution. Instead it will be added Section 8, Article II, which deals with elections.

HB 2716 – “Paid for By” Disclaimers

Chapter Law: 675

Effective Date: September 29, 2019

Under federal law election communications are required to include a disclaimer that identifies who “paid for or authorized” the communication. In 1999 the Oregon Attorney General concluded that a similar Oregon state statute was likely to violate the Oregon Constitution and the Legislative Assembly repealed the statute.

HB 2716 requires that communications made in support or opposition to a candidate must state the name of the persons that paid for the communication. The measure includes political and petition committee, the person paying for the communication and the names of the five persons that have made the largest aggregate contributions of \$10,000 or more in the current election cycle.

HB 2983 – Independent Expenditures

Chapter Law: 637

Effective Date: August 2, 2019

An independent expenditure, under Oregon’s elections law statutes, is defined as an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made in cooperation with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee (or political committee) of the candidate supporting or opposing a measure. Currently independent expenditures do not have to be reported if they total less than an aggregate amount of \$750. HB 2983 reduces the reporting threshold from \$750 to \$250. In addition, the measure increases the timeline for which reporting of independent expenditures must occur from 30 to 60 days prior to a primary election and from 60 to 120 days prior to a general election.

HB 3348 – Ballot Measure Funding Source Identification

Chapter Law: 603

Effective Date: January 1, 2020

Oregon law requires a financial estimate committee to review state measures and estimate the change in government expenditures, revenue, or indebtedness the measure would require if enacted. The committee consists of the Secretary of State, State Treasurer, Director of the Department of Administrative Services, Director of the Department of Revenue and a member, selected by these four members, who represents a city, county, or special district who has expertise in local government finances. When the committee determines that a measure will have a financial effect that will not exceed \$100,000, the committee is required to include a statement indicating that conclusion in the voters' pamphlet. HB 3348 provides that, if the

committee determines that a measure will have a financial effect in excess of \$100,000 and does not identify a funding source, the committee is required to file the statement "MEASURE SPENDS MONEY WITHOUT IDENTIFYING A FUNDING SOURCE."

Environment – Bills That Passed

HB 2007 – Diesel Engine Regulation

Chapter Law: 645 Effective Date: August 9, 2019

This bill creates new “clean diesel” standards for medium and heavy-duty trucks (weighing more than 26,000 pounds) registered in Washington, Clackamas, and Multnomah Counties. The requirements are as follows:

Beginning on January 1, 2025, the Oregon Department of Transportation (ODOT) may not issue a certificate of title for model year 2009 or older diesel engines for medium duty trucks (weighing between 14,000 – 26,000 pounds) and model year 2006 or older engines for heavy-duty trucks (defined as weighing greater than 26,000 pounds).

Beginning on January 1, 2023, ODOT may not issue a registration or renewal of registration in Washington, Multnomah, and Clackamas Counties for medium-duty trucks or heavy-duty trucks with diesel engines that are model year 1996 or older.

Beginning on January 1, 2029, ODOT may not issue a registration or renewal of registration in Washington, Multnomah, and Clackamas Counties for: Medium-duty trucks with 2009 or older diesel engines; Heavy-duty trucks with 2006 or older diesel engines (unless the heavy-duty truck is owned by a public body); Heavy-duty trucks that are owned by a public body that are powered by a model year 2009 or older diesel engine.

The bill includes several exemptions from the requirements, including an exemption for emergency vehicles. Finally, the bill also permits the expenditure of the remaining money the state received in the Volkswagen emissions settlement.

HB 2076 – Aquatic Invasive Species

Chapter Law: 154 Effective Date: January 1, 2020

This bill requires a person to drain water from a boat removed from state waters before transporting the boat within the state. HB 2076 punishes failure to remove or open device with a maximum fine of \$250. It also allows the Department of Fish and Wildlife, State Marine Board, or Department of Agriculture to order the decontamination of any recreational or commercial watercraft that is inspected at a check station and requires a boat operator to cooperate with an ordered decontamination process. The bill authorizes peace officers to stop persons transporting commercial or recreational watercraft and order them to return to an

aquatic invasive species check station if the peace officer has probable cause and there is an open check station within five miles of the stop. Lastly, the bill clarifies that the Aquatic Invasive Species Prevention Fund may be used for costs associated with the aquatic invasive species prevention permit program, to award grants, and for related purposes of Board.

HB 2250 – Oregon Environmental Protection Act

Chapter Law: 138 Effective Date: January 1, 2020

This bill requires the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) to regularly assess final changes to federal environmental law to determine whether the changes are significantly less protective of public health, the environment, or natural resources than baseline federal standards. HB 2250 directs the DEQ to recommend actions to the Environmental Quality Commission (EQC) to maintain baseline federal standards, and would direct OHA to take actions necessary to maintain standards that meet or exceed environmental protections in effect on January 19, 2017 if the federal government proposes regulations that are less protective of environmental or health standards.

HB 2436 – Removal Fill

Chapter Law: 652 Effective Date: August 9, 2019

Currently, wetlands and waterways are protected through permits issued by the Department of State Lands (DSL) and the US Army Corps of Engineers. Oregon has pursued assuming more of the permitting responsibilities for 25 years to streamline the process for applicants. This bill directs the Department of State Lands to develop a legislative proposal for partial assumption of the authority to administer permits for the discharge of dredge or fill materials under section 404 of the Federal Water Pollution Control Act. HB 2436 limits assumption to permits within an acknowledged urban growth boundary, mining and related activities, and the creation and operation of mitigation banks. Finally, it removes certain restrictions on the purchase of credits from the Oregon Removal-Fill Mitigation Fund; most relate to the availability of approved credits.

HB 2437 – Ditch Cleaning Bill

Chapter Law: 699 Effective Date: August 9 2019

This bill authorizes maintenance activities in dry channels to be conducted without a removal or fill permit from the Department of State Lands (DSL); if several conditions are met including if a notice is filed with the Department of Agriculture (ODA) prior to initiating the maintenance activities. It also requires the Department of Fish and Wildlife (ODFW) to provide input on the notices. Additionally, the college of Agricultural Sciences of Oregon State University will conduct a study on the impact of maintenance activities in traditionally maintained channels.

HB 2623 – Fracking Prohibition

Chapter Law: 406 Effective Date: June 17, 2019

HB 2623 imposes a statewide moratorium on hydraulic fracturing used in the exploration for, or production of, oil or gas until 2025. It exempts natural gas storage wells, geothermal activities, and existing coal bed methane extraction wells from the definition of "hydraulic fracturing" subject to the moratorium.

SB 41 – Oil Spill Prevention Fees

Chapter Law: 540 Effective Date: September 29, 2019

ORS 468B.405 establishes fees to be submitted to DEQ for covered vessels and facilities located offshore and onshore for oil spill contingency planning and response preparedness. This bill modifies oil spill prevention fees, to include:

- Cargo and passenger vessels fee from \$105 to \$220
- Non self-propelled tank vessels having a capacity of fewer than 25,000 barrels from \$85 to \$160 per trip
- Non self-propelled tank vessels having a capacity of 25,000 to 99,999 barrels from \$110 to \$220 per trip
- Non self-propelled tank vessels having a capacity of 100,000 or more barrels from \$250 to \$1,850 per trip
- Self-propelled tank vessels of 300 gross tons or less from \$85 to \$160 per trip
- Self-propelled tank vessels over 300 gross tons from \$2,100 to \$5,500 per trip
- Offshore and onshore facilities that are not pipelines from \$9,250 to \$20,000 per year
- Dredge vessels from \$50 to \$100 per day when operating in the navigable waters of the state

In addition, SB 41 establishes separate fees for pipelines with a diameter of six inches or less to \$15,000 per year and pipelines with a diameter greater than six inches to \$25,000 per year. Applies to fees assessed on or after the effective date of the Act.

SB 256 – Offshore Drilling Moratorium

Chapter Law: 14 Effective Date: January 1, 2020

The "territorial sea" is defined in ORS 196.405 as the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law. The 2007 legislature adopted a prohibition on leasing in the territorial sea for purposes of exploration, development, or production of oil, gas, or sulfur that sunset on January 2, 2010 (Chapter 521, Oregon Laws 2007). The 2010 legislature extended this prohibition until January 1, 2020 (Chapter 11, Oregon Laws 2010). SB 256 prohibits the Department of State Lands from leasing any submerged or submersible lands in the Oregon territorial sea for the exploration, development, or production of oil, gas, or sulfur or activities in furtherance thereof within federal waters adjacent to the territorial sea.

SB 445 – Invasive Species Council

Chapter Law: 622 Effective Date: September 29, 2019

The 2001 Oregon Legislative Assembly established the Oregon Invasive Species Council to conduct a comprehensive and coordinated effort to prevent, detect, control, and eliminate invasive species harming the region’s economy, health, and natural resources. SB 445 requires the Invasive Species Council to report biennially to interim legislative committees concerning Council activities during the previous two years. The bill also revises the Council membership to include eight ex-officio voting members, four ex-officio non-voting members, and 10 voting members who must represent a different specified category of interest.

Environment – Bills That Failed

HB 2020 – Carbon Cap and Trade

Failed

HB 2020 would have established the “Oregon Action Climate Program” to meet updated greenhouse gas reduction goals for the state, with a goal of reducing emissions to 80 percent below 1990 levels by the year 2050. The bill would have impacted entities with annual emissions of 25,000 metric tons or more of carbon annually (primarily natural gas, electricity suppliers, manufacturing industries and the transportation fuels sector). In addition, specified how revenues from the auction of allowances would have been spent. HB 2020 was the target of the second Senate Republican walkout, which lasted nine days.

HB 2619 – Pesticides

Failed

This bill would have prohibited the sale, offer of sale, purchase, or use in the state of any pesticide product containing chlorpyrifos. The uses of chlorpyrifos are currently being studied by the US Environmental Protection Agency and may be banned due to health concerns. A similar bill, SB 853 was introduced in the Senate.

HB 2772 – Household Hazardous Waste

Failed

This bill would have prohibited a manufacturer or retailer from selling certain household hazardous products in Oregon unless the product was labeled with a brand and included in a plan for a household hazardous waste stewardship program approved by the Department of Environmental Quality (DEQ).

HB 3044 – Aerial Application of Soil Amendments and Pesticides

Failed

HB 3044 would have required businesses or individuals carrying out the application of a soil treatment or pesticide by aircraft to record certain information regarding the application conditions. That information would have been required to be filed with the Department of Environmental Quality (DEQ) which would have posted the information to their website. Additionally, it would have required the department to send a notice to affected properties if the department determined that the soil treatment or pesticide drifted beyond the property area targeted for the application. Finally, the bill would have permitted the department to assess a civil penalty, not to exceed \$50,000, for failure to record, falsifying or failing to timely submit information. Several other bills were introduced impacting aerial application of soil amendment and pesticides, none of which passed.

SB 104 – Industrial Dairies

Failed

This bill would have placed new restrictions on large dairies and would have made it very difficult to establish new large dairies or expand existing dairies by creating a several new regulations that various state agencies would have been required to follow.

Finance & Taxation – Bills that Passed

HB 2130 – Property Tax Exemptions

Chapter Law: 578

Effective Date: September 29, 2019

HB 2130 extends the sunset for various property tax exemptions:

- **Intangible 130% central assessment cap:** The reduction in taxable value from data and communication companies with large intangible assets is extended to 2025 under ORS 308.515. Schools experience approximately 47% of the tax revenue loss, while general government takes 53%.
- **Land held by non-profit for low income housing:** The exemption for land held by non-profits for low income housing is extended to 2029. The tax expenditure for this program is minimal, it only applies to bare land, and therefore has not historically created a revenue loss greater than \$200,000 per biennium.
- **Cargo containers:** The exemption for shipping cargo containers is extended to 2026. The tax expenditure for this program is minimal, it has only created a revenue loss of less than \$100,000 per biennium.

- **Homestead for spouses of fallen public safety officers:** The exemption is extended to 2025. The impact is minimal, it has historically had a revenue loss of less than \$100,000 per biennium.

HB 2390 – Public Deposits

Chapter Law: 587

Effective Date: January 1, 2020

Under current law, public deposits are subject to the following requirements when partnering with a third party vendor: (1) the third-party must segregate the public body's funds from all other funds, (2) the third-party must hold the public body's funds in a segregated account on behalf of the public body, and (3) must deposit the public body's funds with a qualified public funds depository.

HB 2779 (2017) required the State Treasurer to review these provisions of state law and make recommendations for improved processes in the future. A work group consisting of state agencies, local governments (SDAO directly participated), depositories, and Treasury representatives was formed in 2018 to analyze this issue. The findings of the work group suggested that when considering partnerships or the use of third-party vendors, the Treasury may encounter two potential issues, both of which conflict with current law. First, a third-party vendor may not bank with a qualified public funds depository, in which case the Treasury cannot transact with the vendor. Second, those third-party vendors who bank with a qualified public funds depository, may not require the funds to be held separate from other funds within the financial institution, as required by current law. The workgroup recommended adding to statute four complimentary solutions as exceptions to existing public funds requirement, including exceptions for E-commerce, vendor collateralization, surety bonding, and letters of credit.

HB 2390 adds to the existing statute new definitions related to deposits of public funds. The bill allows public officials to deposit funds in non-qualified depositories if amounts deposited are insured by another body that meets rating requirements and allows a certificate of deposit to be issued by a financial institution outside this state. HB 2390 adds additional ways a depository can qualify to hold public funds and requires financial institutions holding public funds to provide evidence of collateral when securities are not used as collateral. The bill provides the State Treasurer with the ability to enter into third-party agreements for the receipt, collection, transfer, disbursement, or payment of public funds and additional flexibility in determining who can be a custodian for securities pledged by a qualified depository.

HB 2684 – Gigabit Exemption Repeal

Chapter Law: 164

Effective Date: September 29, 2019

As part of an incentive to attract high speed internet to the state, the legislature passed SB 611 in 2015 which exempts intangible personal property of broadband companies providing symmetrical gigabit service that qualify through the Oregon Public Utility Commission (OPUC)

and the Department of Revenue (DOR). Originally Google, Comcast and Frontier applied for the exemption through the OPUC. Google never developed gigabit infrastructure, and as part of a legal settlement with the DOR, Comcast agreed not to pursue the exemption. Frontier remained the sole qualifying applicant.

HB 2684 repealed the exemption going forward and restores \$4.7 million in property tax revenues in the upcoming biennium and tens of millions more into the future. The large exemption failed to provide a good return on investment to taxing districts. The bill will compensate Frontier for one more quarter next property tax year. SDAO has been working on this issue diligently since 2015 and passage of this legislation is a huge win for SDAO and other local governments.

HB 2949 – Manufactured Structure Exemption Cap Increased

Chapter Law: 533

Effective Date: September 29, 2019

Individuals who live in manufactured and mobile homes pay personal property taxes based on the assessed value of the home; however, if the assessed value is below a threshold (\$17,250 this year as there is a CPI calculation), the home is exempt. The maximum allowed value is \$17,250 for properties in counties with population more than 340,000 and less than 570,000. This exemption does not apply to any properties in counties with fewer than 340,000 people.

HB 2949 allows the governing body of a county with a population of more than 570,000 (Washington or Multnomah County), with permission, to raise the cap on the dollar amount of the exemption to \$25,000 (escalated for CPI this year to \$34,000). It allows the governing body of these same counties to raise the cap above \$25,000 and provide a partial exemption (i.e. not an all or nothing exemption if the value of the home is above the cap). These allowances are intended to keep manufactured housing affordable as housing values rise. The bill applies to property tax years on or after January 1, 2019.

HB 3427 – Student Success Act/Corporate Activities Tax

Chapter Law: 122

Effective Date: September 29, 2019

The Joint Committee on Student Success was established in January 2018 and tasked with creating a plan to improve student outcomes. The committee met four times during the 2018 session and conducted nine tours regional meeting with students, teachers, administrators, school employees, school board members, parents, business leaders, and other stakeholders. House Bill 3427 is the result of that effort.

HB 3427 creates the Fund for Student Success and will generate approximately \$2 billion in new revenue per biennium dedicated to fund education. The bill reduces personal income tax rates by 0.25% for the lowest three income brackets and imposes a new 0.57% state corporate activity tax, to be measured by commercial activity (defined as the total amount arising from a taxpayer's transactions and activity in the regular course of business). HB 3427 taxes commercial activity sourced in Oregon for businesses with annual taxable commercial activity

of \$1 million or more. HB 3427 provides several exemptions including receipts from sale of groceries and the subtraction of 35% of a taxpayer's cost inputs or labor costs. The bill preempts local governments from imposing their own commercial activity tax and from imposing taxes on receipts from grocery sales. The bill does not preempt various other local government taxes including privilege taxes, franchise fees, sales taxes, and soda taxes. HB 3427 applies to tax years beginning January 1, 2020.

SB 79 – Delinquent Account Recovery

Chapter Law: 359

Effective Date: January 1, 2020

This bill authorizes the Oregon Department of Revenue (DOR) to assist certain state and local government in collecting delinquent accounts. As a result, local governments, including special districts, can assign debt to the DOR for collection purposes using the offset program. This means that a person who owes a district money could have any tax refunds or kicker payments offset from DOR payments or from other state agency payments.

SB 1045 – Local Option Property Tax Exemption for Homeowner Low Income Rentals

Chapter Law: 566

Effective Date: September 29, 2019

SB 1045 allows cities and counties to enact property tax exemptions of no more than \$300,000 per year (including land) for no longer than 5 years to homeowners who choose to rent a portion of their home to qualified home share seekers (low-income persons). A city or county that adopts an ordinance providing for this exemption must receive approval for at least 51% or more of the total combined rate of taxation from the overlapping taxing districts for an exemption to take effect. SB 1045 requires means testing of home share seekers; they must have income at or below 60% of area median income and family members are ineligible. Participation in the program is capped at 500 homes per year. The bill prohibits properties from receiving any other property tax benefit, other than homestead property tax deferral, to be granted the home share exemption in SB 1045.

If the program is fully successfully implemented, and it was implemented all in Multnomah County, it would reduce local tax revenue approximately \$2.6 million and shift approximately \$800,000 in property taxes to other taxpayers annually in the first year. If the program was dispersed throughout the state, the reduction to local property tax revenue would be approximately \$2.1 million and result in a shift of approximately \$500,000 annually.

Finance & Taxation – Bills That Failed

HB 2383 – Curry County Assessment & Taxation Pilot Program

Failed

Oregon’s property tax system is one of the most important sources of revenue for more than 1,200 local taxing districts in Oregon. Property taxes rely on county assessment and taxation offices to value the property, calculate and collect the tax, and distribute the money to taxing districts. Appraisal is the process of identifying taxable property and assigning a value to it. While county assessors appraise most Oregon property, the Oregon Department of Revenue (DOR) appraises certain large industrial sites and utility properties. In 1989, the Legislative Assembly established the County Assessment Function Funding Assistance (CAFFA) annual grant program to help cover assessment and taxation costs for counties and to reverse the disintegration of the property tax system and recognize a shared responsibility for statewide uniformity and accuracy in assessment and taxation. Funding for the grants comes from portions of document recording fees and delinquent property tax interest. Each county must apply annually with an estimate of staffing, workload, and expenditures to support their assessment and taxation program. The DOR certifies each county to participate in the grant if its budget maintains system adequacy as provided in ORS 294.175.

HB 2383 would have appropriated \$150,000 to the DOR to distribute as \$75,000 each fiscal year to Curry County, when it has \$50,000 in matching funds available from other taxing districts, for an assessment pilot program to achieve an assessment rotation of seven years for taxable property located in the county. Many counties have been hit hard by the loss of federal timber receipts causing an additional burden to fund essential county services such as assessment and taxation. The pilot program would have paid for itself with two years and would have generated additional revenue to be distributed to taxing districts in subsequent years.

General Government – Bills that Passed

HB 2001 – Missing Middle Housing and System Development Charges

Chapter Law: 639 Effective Date: August 8, 2019

As originally introduced, this bill would have limited the ability of a governing body to collect System Development Charges (SDC) for new “middle housing” until a certificate of occupancy had been issued. “Middle housing” being defined as duplexes, triplexes and quadplexes, cottage clusters and townhouses. The bill permitted the local governing body to place an encumbrance on the property in order to collect the SDC, however the bill would have prohibited the collection of any interest on the SDC until the certificate of occupancy had been issued. These provisions were removed from the bill. However, it is anticipated that an interim work group will likely be convened to further discuss SDCs.

Among other things, as passed this bill requires all cities within Metro with a population over 1,000 and all cities outside Metro with a population over 25,000 to allow, by June 30, 2022, all “middle housing” types (duplex, triplex, quadplex, cottage cluster, or townhome) in areas zoned for residential use that currently allows a single-family dwelling and a duplex on any lot or parcel zoned for residential use that allows for development of a single-family dwelling. By June 30, 2021, all cities will be required outside of Metro with a population exceeding 10,000 and less than 25,000 to allow a duplex on any lot or parcel zoned for residential use that allows for development of a single-family dwelling. Cities can apply for extensions for rezoning for areas that do not have sufficient water, sewer, storm drainage, or transportation services (subject to approval by DLCD).

HB 2080 – Marine Board Fees

Chapter Law: 389 Effective Date: January 1, 2020

This bill increases the fee for boating safety certificates from \$10 to \$20. It increases the biennial fee for original or renewal certificate of identification number or registration for all sailboats 12 feet and longer and all motorboats from \$4.50 to \$5 plus \$5.95 per foot. It requires \$5 of each original or renewal certificate be deposited in the Aquatic Invasive Species Prevention Fund. HB 2080 also removes the existing biennial fee for motorboat aquatic invasive species prevention permit. Finally, the bill increases the application fee for original boat title or title transfer from \$50 to \$75.

HB 2093 – Electrical Vehicle Charging Stations

Chapter Law: 104 Effective Date: September 29, 2019

This bill authorizes the Department of Administrative Services (DAS) to enter into agreements with public or private entities to acquire, install, maintain, or operate electric vehicle charging stations on land owned or controlled by a state agency. DAS is authorized to participate in, sponsor, conduct, or administer cooperative procurements under which public bodies and other authorized purchasers may acquire, install, maintain, or operate electric vehicle chargers. HB 2093 excludes charging stations from definition of "public improvement" applicable under Public Contracting Code, for the sole purpose of authorizing certain cooperative procurements. The bill also requires that related work be subject to prevailing wage requirements.

HB 2243 – Definition of a Public Library

Chapter Law: 158 Effective Date: January 1, 2020

House Bill 2243 amends the definition of "public library" to a public agency that provides to all residents of a local government free and equal access to the library and information services that are suitable for persons of all ages, and requires the State Library Board to establish minimum conditions that a public library must meet, including standards for public financial support and regularly scheduled open hours. Any standards adopted by the Board must provide reasonable exemptions to libraries with service populations of 2,000 or fewer residents.

HB 2306 – Building Permits Upon Substantial Completion

Chapter Law: 397 Effective Date: January 1, 2020

This bill prevents a local government from issuing a building permit on the basis that the supporting infrastructure is not completed in a subdivision. If a residential subdivision is built, the city must have a process to allow the builder to seek building permits upon “substantial completion” of the infrastructure required as a condition of development. Substantial completion is defined as a completed water system, fire hydrant system, sewer system, storm water drainage (but not including the landscaping), curbs, demarcation of streets so emergencies responders can navigate, and roads to the condition they can be accessible to emergency vehicles. The developer must also provide a financial guarantee, like a bond, for the incomplete work. A city may decline to issue the certificate of occupancy if all conditions for development are not met.

HB 2423 – Fire Sprinklers in Tiny Homes

Chapter Law: 401 Effective Date: October 1, 2019

This bill makes several changes to Oregon's small home construction standards. Among other things it clarifies the calculation of fire sprinkler systems to avoid triggering a larger water line, which could incur additional system development charge; allows a local building official broad discretion to accept increased detection and alarms in lieu of a fire sprinkler system, and to alter, modify, or waive code requirements when strict adherence to the SHSC is impractical or infeasible. It also clarifies that small homes are to be zoned and occupied only as single-family dwellings and sunsets the Small Home Specialty Code on January 1, 2026.

HB 2682 – Bicycle Lanes in Intersections

Chapter Law: 120 Effective Date: January 1, 2020

This bill specifies that a bicycle lane is considered to exist within an intersection if the bicycle lane is marked on opposite sides of the intersection in the same lane of travel.

HB 2829 – Oregon Conservation and Recreation Fund

Chapter Law: 531 Effective Date: July 15, 2019

HB 2829 establishes the Oregon Conservation and Recreation Fund within the State Department of Fish and Wildlife (ODFW) for carrying out activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon. The fund sunsets July 1, 2021.

Qualifying activities include:

- Implementing conservation programs and strategies.
- Improving engagement of the public in hunting, fishing, and other outdoor recreation opportunities.

- Improving educational outreach and engagement of the public, including diverse and underserved communities.
- Joint projects with the Oregon Parks and Recreation Department or other state agencies as recommended by the Oregon Conservation and Recreation Advisory Committee.
- Other conservation, management, research, habitat improvement, enforcement, outdoor recreation, or education activities.

The measure also requires the Oregon Conservation and Recreation Fund Advisory Committee to make recommendations on the use of the money in the fund. The bill establishes a \$1 million General Fund special purpose appropriation to the Emergency Board. This money is set aside for the 2019-21 biennium and can be released to ODFW if \$1 million of private funds from non-state or federal sources are received as match. If matching funds are received, the Department may return to the Legislature for any necessary limitation or position authority. If matching funds are not received, the money in the special purpose appropriation is returned to the General Fund at the end of the 2019-21 biennium.

HB 2835 – Recreational Waterways

Chapter Law: 409 Effective Date: September 29, 2019

This bill requires state agencies to post a notice on its agency website before restricting or closing a public access site to a floatable natural waterway. The measure requires agencies to report annually to the Legislative Assembly on any public access sites restricted, closed, opened, or reopened in the previous calendar year.

HB 3061 – Public Property Transfer for Broadband

Chapter Law: 112 Effective Date: May 13, 2019

Current statute allows a political subdivision to convey property not needed for public use to any governmental body provided the property will be used for at least 20 years for a public purpose. These transfers do not require the receiving body to give consideration beyond complying with conditions for use indicated in the conveyance. The conveyance must contain a reversionary clause which returns the property to the political subdivision if the recipient fails to use the property for the identified public purpose. Political subdivisions can also transfer property to a qualifying nonprofit or municipal corporation for low income housing, social services, and child-care services. Public property may also be conveyed to a nonprofit or municipal corporation for open space, parks, or natural areas for perpetual use. HB 3061 adds providing broadband service to the purposes for which a political subdivision may convey property. Finally, it allows property to be conveyed to a nonprofit, municipal, or private corporation for the purpose of providing broadband service.

SB 68 – Public Utility Fee Increase

Chapter Law: 173 Effective Date: May 24, 2019

This bill increases the annual fee imposed on public utilities and telecommunications providers for the purposes of defraying costs of Oregon Public Utility Commission (OPUC). Specifically, this bill increases the fee for a public utility from 0.3 percent to 0.45 percent of utility's gross operating revenues derived within the state.

SB 684 – Data Breach

Chapter Law: 180 Effective Date: January 1, 2020

Senate Bill 684 modifies the Oregon Consumer Identity Theft Protection Act. Specifically, it details the process for notification to a consumer when that consumer's data, that is held by a third-party vendor, is subject to a breach. The bill requires a vendor to notify the covered entity as soon as practicable, but no more than ten days after discovering a breach or having reason to believe a breach occurred. The vendor is required to notify the Attorney General if a breach involved the personal information of more than 250 customers or an undetermined number of customers. Among other things the bill specifies that an entity that is in compliance with Gramm-Leach-Bliley Act (GLBA) or Health Insurance Portability and Accountability Act (HIPAA) for information that is subject to regulation by those Acts need not provide notice as outlined in the measure.

General Government – Bills That Failed

HB 2272 – State Lands Lease Surcharge

Failed

This bill, introduced at the request of the Department of State Lands, would have authorized the department to impose a surcharge on all state-owned land leases. Proceeds from the surcharge would have been deposited in a newly established Restoration Subaccount. Money in the subaccount would have been used to purchase insurance or to otherwise defray costs to clean up or otherwise address damage to state-owned submerged or submersible lands

HB 2974 – Salem Bridge District

Failed

As introduced, this bill would have authorized the formation of a bridge district in the capital city region, consisting of Linn, Marion, Polk and Yamhill Counties. Under HB 2974, the new district would have been authorized to levy property taxes for the purpose of planning, financing, constructing, operating and maintaining bridges over Willamette River in the capital city region. It also provided for the organization of the new board and its membership.

SB 543 – Children’s Services District

Failed

Senate Bill 543 would have authorized the formation of children's special districts with the power to levy and collect taxes to pay the cost of children's services within district boundaries. It defined "children's services" as provided outside school hours in support of children's total health and well-being. The bill required the petition to form the district to be signed by greater of 10 percent or more of electors in the territory or 100 electors. It required the district to discontinue a project or program if an action was filed asserting a valid claim that any revenue of the district is subject to the \$5 limitation per \$1,000 of real market value under Article XI, Section 11b, of Oregon Constitution.

Labor – Bills That Passed

HB 2005 – Paid Family Medical Leave

Chapter Law: 700 Effective Date: September 29, 2019

Oregon requires family medical leave for employers with 25 or more employees. Leave can be taken for a serious illness, care for a family member who is ill, or bonding with a newborn or newly adopted child. More than half of Oregon workers are eligible for unpaid family and medical leave benefits under the federal Family and Medical Leave Act of 1993 (FMLA) and the Oregon Family Leave Act (OFLA). Oregon requires employers of 10 or more workers (six for employers in Portland) to allow employees to accrue and use up to 40 hours of paid sick leave each year.

Under HB 2005 an insurance program is created to provide employees with a portion of wages while on family and medical leave or military family leave. Under the bill, in order to be eligible for the benefit, employees are required to have received at least \$1,000 in wages during base year and to have contributed to the fund in an amount determined by the Director of the Employment Department. The bill directs the Employment Department to set contribution rates, collect payroll contributions, and otherwise administer the program.

On January 1, 2022 collection of premiums will begin and on January 1, 2023 employees could start to access the paid leave benefit.

Employers with 25 or more employees pay (40% of 1% of payroll) and employees pay (60% of 1% of payroll); Employers with less than 25 employees don't pay the "employer premium" (40% of 1% of payroll). The cap on premiums is tied to the Social Security cap of \$132,900.

Benefits are capped to a weekly benefit amount at 120 percent of state average weekly wage (approximately \$1,215). It also establishes a minimum weekly benefit amount as 5 percent of state average weekly wage (approximately \$50). The bill allows employees to use accrued paid

leave (i.e., vacation leave, sick time) in addition to receiving paid family and medical leave insurance benefits to replace wages up to 100 percent.

Job protections for employees taking leave attach after 90 days of employment. As for the job protections for employees who work for employer with fewer than 25 employees, they may be returned to a different position with similar job duties and with the same pay and benefits. HB 2005 prohibits civil action against employer who takes necessary action to restore employee returning from leave by terminating temporary replacement or returning employee transferred to fill vacancy to prior position.

A few additional details include that the use of leave will be permitted for specified crime-related purposes ("safe leave"). It also requires an employee who commences unforeseeable leave without advance notice to provide oral notice to employer within 24 hours and written notice within three days. In addition, there is explicit language that this Act does not require any collective bargaining agreements to be reopened. Extensive rulemaking will need to be undertaken to fill in the gaps.

HB 2016 – Union Business During Work Hours

Chapter Law: 429 Effective Date: January 1, 2020

This bill, introduced in part due to the US Supreme Court's *Janus* decision, requires public employers to allow persons designated by a bargaining unit to conduct union-related activities during their normal work hours. House Bill 2016 requires that employers deduct union dues of employees who are on a list provided by the collective bargaining unit. Lastly, the bill mandates employers to allow meetings hosted by the bargaining unit in workplace common areas.

HB 2341 – Reasonable Accommodations for Pregnant Employees

Chapter Law: 139 Effective Date: January 1, 2020

HB 2341 makes it an unlawful employment practice for an employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitations of an employee or applicant related to pregnancy, childbirth, or a related medical condition. The bill authorizes an exemption if the reasonable accommodation requires significant difficulty or expense that imposes an undue hardship on the business operations. It also exempts employers with fewer than six employees. The bill directs the Commissioner of Bureau of Labor and Industries (BOLI) to develop training and education materials for employees and employers and requires employers to post a sign informing employees of these protections. Finally, the bill provides an employee a private right of action or ability to file a complaint with BOLI.

HB 2589 – Disability Discrimination

Chapter Law: 71

Effective Date: May 6, 2019

HB 2589 updates language in employment discrimination statutes. The bill specifies that sexual orientation is not considered a physical or mental impairment and that an individual does not have a disability solely by reason of the individual's sexual orientation. Current law specifies that an employer may not be found to have engaged in an unlawful employment practice solely because the employer failed to provide reasonable accommodation to an individual with a disability arising out of transsexualism. The bill updates language relating to sexual orientation and removes language stating that employer's failure to provide a reasonable accommodation arising out of transsexualism is not an un-lawful employment practice.

HB 2593 – Expression of Milk

Chapter Law: 118

Effective Date: September 29, 2019

Currently in Oregon, employers with 25 or more employees are required to allow an employee a 30-minute rest period to express milk during each four-hour period and specifies that the rest period be taken approximately in the middle of the work period. Oregon's requirements extend to the first 18 month after a child's birth and to coincide with rest periods and meal periods that are already provided. An employer is not required to comply with the rest period to express milk if doing so would impose an undue hardship on the business. HB 2593 removes the limitations on frequency and duration of rest periods employer must provide an employee to express milk. It also limits the ability to claim an undue hardship to employers who have 10 or fewer employees. Finally, the bill extends the requirements to all employers by removing the exemption for employers with fewer than 25 employees.

SB 123 – Pay Equity Fix

Chapter Law: 617

Effective Date: January 1, 2020

SB 123 was intended to be a technical fix bill for the pay equity legislation passed in 2017. The bill clarifies that pay differentials are acceptable for merit, travel, valid reasons contained in a collective bargaining agreement, and other factors. It will also trigger a new round of rulemaking to provide additional clarity to employers.

SB 164 – Retirement Savings

Chapter Law: 149

Effective Date: January 1, 2020

In 2015, the legislature created the seven-member Oregon Retirement Savings Board, chaired by the State Treasurer. In 2017, the Board created OregonSaves, a defined contribution retirement plan. Oregon employers with 20 or more employees are required to automatically enroll their employees in OregonSaves if the employer does not offer a qualified retirement plan. Over the next year, smaller employers will also be required to automatically enroll their employees if the employer does not offer a qualified plan. Employees enrolled in OregonSaves make post-tax contributions to a Roth IRA that is administered by the Oregon State Treasury.

Employers do not contribute to OregonSaves accounts and employees may opt not to contribute after their employer enrolls them. However, there were no provisions to enforce these requirements. SB 164 authorizes Bureau of Labor and Industries (BOLI) to enforce the Board's rules governing retirement plans using BOLI's contested case process. The Oregon Retirement Savings Board can request BOLI to investigate if, after making three attempts using different forms of communication, the Board has reasonable grounds to believe the employer remains in violation. BOLI can accept complaints from employees no earlier than two years following the date by which an employer is required to register with OregonSaves.

SB 370 – Employee Notification of Anticipated Immigration Inspections

Chapter Law: 250 Effective Date: June 6, 2019

The Immigration Reform and Control Act of 1986 requires employers to verify the identity and employment eligibility of their employees using the Employment Eligibility Verification Form I-9. Employers are also required to maintain for inspection original I-9 forms. Any person or entity required to retain I-9 forms must be provided with at least three business days' notice prior to an inspection of the forms by an officer of an authorized agency of the United States.

SB 370 requires an employer to notify employees that an inspection of I-9 forms or other employment records used by the employer to verify the identity and employment eligibility will be conducted by a federal agency. The notice must be provided within three business days of the employer receiving the federal notice of inspection. The bill also directs the Commissioner of Bureau of Labor and Industries (BOLI) to generate a standardized notice template for employers use that contains specified information, including contact information for a raid resistance hotline currently in use in Oregon.

SB 478 – Prohibited Payments for Non-Disclosure Agreements

Chapter Law: 462 Effective Date: June 20, 2019

This bill prohibits payments made in connection with a non-disclosure agreement (NDA) relating to workplace harassment from campaign contributions, political committee contributions, petition committee contributions, or public moneys. It also prohibits the use of third-party money to make a payment in connection with an NDA relating to workplace harassment if the harassment occurred when the holder of public office or candidate was acting as an office holder or candidate. The bill defines "payments in connection with a nondisclosure agreement" as any form of consideration provided in exchange for the silence of another. This includes money, stock, or personal property, severance pay or benefits, the promise of a positive reference or assistance in obtaining future employment in public employment, alternative work arrangements, and any termination agreement that includes a waiver of past or future claims against the public official, public body, or public employee. Finally, SB 478 allows a civil penalty of up to two times the amount of the penalty provision for violating the NDA.

SB 479 – Public Workplace Harassment Requirements

Chapter Law: 463 Effective Date: September 29, 2019

Senate Bill 479 requires public employers to have a written policy to prevent workplace harassment. The policy must prohibit workplace harassment and contain information on how to report and pursue claims. Additionally, the measure requires the public employer to have policy and procedures relating to investigating workplace harassment. The bill prohibits a public employer from requiring employees to enter into nondisclosure agreements as a condition of employment, continued employment, promotion, compensation, or receipt of benefits if the agreement prohibits the person from discussion or disclosure of workplace harassment or sexual assault. In addition, the bill provides a five-year statute of limitations for action based on prohibited conduct rather than the existing one-year timeframe.

SB 494 – Wages for the Disabled

Chapter Law: 371 Effective Date: September 29, 2019

Employers who obtain a federal certification are authorized under Oregon and federal law to employ individuals experiencing disabilities at a subminimum wage. This bill requires employers who are authorized to pay subminimum wages to individuals with disabilities to annually increase those wages until reaching the state minimum wage rate by July 1, 2023.

SB 726 – Workplace Conduct

Chapter Law: 343 Effective Date: September 29, 2019

This bill places several requirements on private sector employers, like SB 479, but also increases the statute of limitations for claims of harassment or sexual misconduct from one to five years. Senate Bill 726 does not revive old claims, and the statute of limitations extension will apply to cases occurring after the enactment date.

SB 770 – Universal Health Care

Chapter Law: 629 Effective Date: July 23, 2019

SB 770 establishes the Universal Health Care Commission to design a “Health Care for All Oregon Plan” to provide high quality, publicly funded health care available to all Oregonians. The 20-member commission will produce findings and recommendations for a “well-functioning universal health care system that is responsive to the needs and expectations of the residents of the state”. An interim report will be provided to the Legislative Assembly no later than March 15, 2020. Final findings and recommendations will be submitted to the Legislative Assembly no later than February 1, 2021.

SB 796 – Family Leave for Organ Donation

Chapter Law: 265 Effective Date: January 1, 2020

This bill makes a period of absence for donation of body part, organ or tissue a “serious health condition” for which family leave may be taken. Please see HB 2005 (above).

SB 1049 – PERS Reform

Chapter Law: 355 Effective Date: June 11, 2019

How are my PERS Employer contribution rates impacted by SB 1049?

PERS rates for 2019-2021, beginning July 1, 2019, are not changed by this bill. The 2019 Actuarial Valuation, to be presented in fall 2020, will be used to set 2021-2023 rates. Employers are expected to see the impact of Senate Bill 1049 on employer rates for the 2021-23 biennium.

How will Sports Betting help fund the PERS Unfunded Actuarial Liability (UAL)?

Senate Bill 1049 requires any proceeds the state collects as a result of sports betting to be transferred to the Employer Incentive Fund (EIF) to fund the state’s 25% match to participating employers. It is estimated that sports betting will generate approximately \$40 million over a three-year period. In addition, the bill appropriates \$100 million from the state’s general fund to the EIF.

Employer Incentive Fund (EIF)

For any employer that makes an eligible lump-sum payment of at least \$25,000 establishing a new side account, or as an additional payment into an existing side account (this could include any lump-sum payment made since June 2, 2018), the EIF program will match 25% of that lump-sum amount, but not to exceed the greater of either 5% of an employer’s unfunded actuarial liability (UAL) or \$300,000.

In order to participate, the employer must apply for matching funds, cannot borrow the funds used to make the payment, and must participate in the UAL Resolution Program (UALRP).

The first 90 days of the application period are reserved for employers with a UAL exceeding 200% of their payroll, view the list here:

https://www.oregon.gov/pers/EMP/Documents/EIF%20Employers%20201%20UAL_August%202019.xlsx

Then the application period will be open to all employers, view the list here:

https://www.oregon.gov/pers/EMP/Documents/EIF%20All%20Other%20Employers_August%202019.xlsx

The first application cycle for employers with UALs of more than 200% of their payroll started on September 3, 2019 and run for 90 days. The next round of applications (open to all employers regardless of the UAL to payroll ratio) will open on December 2, 2019.

How do I participate in the Employer Incentive Fund?

Eligible employers can apply for matching funds

now: https://www.surveymonkey.com/r/PERS_EIF_2019

Where can I get information about establishing a side account or making a new payment into a side account?

Contact Actuarial.services@pers.state.or.us if you are interested in making a lump-sum deposit that will be applied to future employer contribution rates.

What are the main provisions of SB 1049 that provide Employers with rate relief?

1. Re-amortization of Tier 1 & 2 UAL

The PERS UAL will be re-amortized from 20 to 22 years under current actuarial assumptions.

2. July 1, 2020 – IAP Redirect (1.20% systemwide average rate reduction)

- For all currently employed PERS members earning \$2,500/month or more, a portion of their 6% IAP contributions will be redirected to “Employee Pension Stability Accounts.” The Employee Pension Stability Accounts will be used to pay for part of members’ future defined benefit pension benefits (Tier One/Tier Two or OPSRP).
 - Tier One/Tier Two members (hired before August 29, 2003)
 - 2.5% of the employee salary, currently contributed to the IAP, (whether paid by the member or their employer) will go into an “Employee Pension Stability Account.” The remaining 3.5% of salary will continue to go to the member’s existing IAP account.
 - Members can voluntarily choose to make additional, after-tax contributions of the 2.5% into the IAP to make a full, 6% contribution to the IAP.
 - OPSRP members (hired after August 28, 2003)
 - 0.75% of the employee salary, currently contributed to the IAP, (whether paid by the member or their employer) will go into an “Employee Pension Stability Account.” The remaining 5.25% of salary will continue to go into the member’s existing IAP account.
 - Members can voluntarily choose to make additional, after-tax contributions of the 0.75% into the IAP to make a full, 6% contribution to the IAP.
- PERS will share more information and details about the Employee Pension Stability Account closer to July 2020.

3. Work After Retirement Changes (-0.80% systemwide average rate reduction)

- The 1,039-hour (for Tier One/Tier Two retirees) and 600-hour (for OPSRP retirees) Work After Retirement limits for PERS retirees are eliminated for calendar years 2020, 2021, 2022, 2023, and 2024. If a member retired on or after normal retirement age (Tier One/Tier Two, OPSRP), starting in 2020, they can work for a PERS-covered employer and continue their benefit (without accruing any new benefits) with no hour limitations. If a member retired earlier than normal retirement age, starting in 2020, they can work for a PERS-covered employer and continue receiving their pension benefit

(without accruing any new benefits) with no hour limitations if the date of their employment is more than six months after their retirement date.

- Employers will need to pay the current employer rate on all retiree salary beginning January 1, 2020.

Read full details about Work After Retirement changes effective January 1, 2020, from a member perspective here: <https://www.oregon.gov/pers/RET/Pages/SB1049-Changes-Work-After-Retirement.aspx>

If you choose to employ (or continue employing) any PERS retiree during 2020 through 2024, most of those retirees (see exception for early retirees below) can work an unlimited number of hours in those calendar years while continuing to receive their pension benefit.

If you employ any PERS retiree:

- Calendar year 2019: You do not pay any contributions to PERS on the retiree's wages.
- New for 2020-2024: You pay to PERS your PERS Employer Contribution Rate on the retiree's wages (the "PERS rate," not any IAP contributions) as if they were an active member.

Early Retirement Note: Early retirees can work unlimited hours **only if they do not work for a PERS-participating employer for six months after their PERS effective retirement date. Early retirees must have a complete break in all employment with any PERS-participating employer for at least six months (this includes temporary work, work under the existing Work After Retirement limits, etc.) to work unlimited hours under SB 1049. If the retiree has not been away from all PERS-covered employment for more than six months from their retirement date, the 1,040-hour limitation (Tier One/Tier Two members) or 600-hour limitation (OPSRP members) apply.*

View the following flowcharts to determine if a PERS retiree can work unlimited hours while continuing to receive their pension benefit:

- General Service members: <https://www.oregon.gov/pers/RET/Documents/SB-1049-Work-After-Retirement-General-Service-August-2019.pdf>
- Police & Fire members: <https://www.oregon.gov/pers/RET/Documents/SB-1049-Work-After-Retirement-Police-and-Fire-August-2019.pdf>

4. Salary Limit Information (0.03% systemwide average reduction)

Read full details about Salary Limit changes effective January 1, 2020, from a member perspective here: <https://www.oregon.gov/pers/MEM/Pages/SB-1049-Changes-Salary-Limit.aspx>

Beginning January 1, 2020, SB 1049 changes the definition of "salary" for PERS purposes and creates a new \$195,000* limitation on subject salary used for PERS benefit calculations and contributions. This salary cap applies to all PERS subject salary – regular pay, vacation payouts, overtime pay, etc.

The limit will impact what PERS considers “subject salary” earned after January 1, 2020, but does not impact salary earned before that date. Currently, PERS subject salary is not limited for Tier One members. For Tier Two and OPSRP members, PERS subject salary is currently limited to \$280,000.

PERS subject salary is used to determine member Individual Account Program (IAP) contributions, employer contributions to fund the pension program, and the Final Average Salary (FAS) used in calculating retirement benefits under formula methods.

**The limit is indexed annually to the Consumer Price Index (CPI) [All Urban Consumers, West Region].*

Finally, SB 1049 creates new requirements for pension obligation bonds. Public bodies will be required to obtain independent third-party review of the potential returns on investments and make certain public disclosures. SDAO members should contact David Ulbricht at dulbricht@sdao.com for additional information on compliance.

Employer rates were expected to increase by 5.76% of payroll on July 1, 2021, these changes are anticipated to reduce that amount by 5.43%. These numbers are system wide averages and individual employer rates will vary.

Labor – Bills That Failed

SB 332 – Veterans’ Preference In Public Employment

Failed

Under current law, public employers must grant preference to a veteran who applies for a vacant civil service position or who seeks promotion if they meet the minimum and special qualifications and if they successfully complete an initial screening or examination, or successfully complete a test used to establish eligibility for the position. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant position if the veteran's application examination, when combined with preference points, are equal to or higher than the results of other applicants. A veteran may request the public employer provide, in writing, the employer's reasons for not hiring the veteran. The public employer may base a decision not to hire a veteran solely on the veteran's merits or qualifications with respect to the vacant position. Current law requires public employers to interview every veteran applicant who meets the minimum and special qualifications and who provides evidence that they have the transferable skills required or requested by the public employer. A veteran, who claims they were aggrieved by a violation of the preference requirements, may file a complaint with the Bureau of Labor and Industries (BOLI). This bill would have rewritten the veterans’ preference requirements in civil service hiring and probably did not pass due to the fiscal impact to the state.

SB 379 – Marijuana In the Work Place

Failed

Under current statute, ORS 659A.315, an employer may not prohibit an employee or prospective employee from using tobacco products during nonworking hours. However, an employer can prohibit the off duty use of other products legal to Oregon, including alcohol and marijuana. This measure would have prohibited employers from restricting or banning the use of marijuana, alcohol, and other products legal to Oregon by their employees or prospective employees during nonworking hours.

Several exceptions were comprised in the bill including if: the restriction related to a valid occupational qualification relating to health and safety; the business was a federal contractor or employer receiving grants subject to the federal Drug-Free Workplace Act; the employer was required by federal law or regulation to drug test employees or potential employees; the employee was subject to a collective bargaining agreement that prohibits use; the employee fit within the statutory definition of public safety personnel, emergency service provider, or licensed health care professional; the employer/employee operated a public transit vehicle or taxi; or performed job functions that could involve a risk of injury to others, including the operation of heavy machinery or equipment. Under the bill, employers could still impose restrictions that relate to an employee's performance of work while impaired. A similar measure was introduced in the House.

Land Use – Bills that Passed

HB 2577 – Delayed Annexation

Chapter Law: 197 Effective Date: May 30, 2019

In 2007, the legislature passed HB 2760, which provided a three to ten year waiting period from the time a city decided to annex an "island" territory to the finalization of the annexation. The delayed annexation waiting period applied to property zoned for residential use that was also in residential use when a city-initiated annexation. HB 2577 clarifies the type of property for which a city must provide a delayed effective date for an annexation decision. The measure would also allow a property owner to waive such a delay.

SB 92 – Phase-In Taxation and Island Annexation Changes

Chapter Law: 315 Effective Date: January 1, 2020

ORS 222.750, known as the "island annexation statute," allows a city to annex a territory that is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, creek, bay, lake, or Interstate Highway 5 following a properly noticed public hearing. This bill authorizes a city to provide for as much as a 20-year ramp-up to full taxation rate for property in an annexed territory and, for purposes of "island

annexation", would allow the corporate boundaries of another city to constitute part of the boundary of the territory to be annexed.

SB 294 – Annexation into Cemetery District

Chapter Law: 246 Effective Date: January 1, 2020

Current statute allows for the formation of cemetery maintenance districts, which are special districts authorized to own, hold, and operate land for cemetery purposes. This bill establishes the pioneer cemetery district as a cemetery maintenance district located in a county with a population less than 20,000 and which operates a cemetery outside of any city's urban growth boundary. The measure allows pioneer cemetery maintenance districts to annex land at the request of the owner and with the endorsement of the pioneer cemetery maintenance district board. The following counties meet the definition of rural by having a population under 20,000 as of July 1, 2018: Baker, Gilliam, Grant, Harney, Lake, Morrow, Sherman, Wallowa, and Wheeler.

SB 408 – Siting Utilities on EFU

Chapter Law: 262 Effective Date: January 1, 2020

This bill allows a county to approve a proposed division of land in an exclusive farm use (EFU) zone for utility facilities necessary for public service if it finds the parcel for the non-farm use is not larger than the minimum size necessary for the use. SB 408 prohibits land divided under the act from being later rezoned by the county for retail, commercial, industrial, or other non-resource use, except as provided under the statewide planning goals or goal exceptions.

Land Use – Bills That Failed

HB 2109 – Annexation Voting

Failed

If a city charter, ordinance, or resolution requires a city to conduct an election for annexation approval, ORS 222.750 requires that the city allow electors in the territory proposed to be annexed to vote in that election. Currently, a majority combined votes in the city and territory to be annexed are required to approve the annexation. This bill would have required votes from the city and territory to be annexed to be counted separately to determine separate majorities if the territory to be annexed was 100 acres or more. For territories less than 100 acres a combined a single majority would have sufficed for the approval of a proposed annexation.

HB 3099 – City of Happy Valley Withdrawal From NCPR

Failed

This bill would have authorized a city that was annexed into a county service district to petition the county board for withdrawal from that district, and would have required the city to call a city-only election on the question of the withdrawal, provided that the city was annexed into the district upon a city-only election. In addition, it would have required that the governing bodies of the city and county service district negotiate and finalize an agreement for the equitable division and disposal of the district assets within 90 days following the effective date of a withdrawal. HB 3099 was introduced at the request of the City of Happy Valley to attempt to withdraw from North Clackamas Parks and Recreation District (NCPR).

Ports – Bills that Passed

HB 2351 – Wake Size in Willamette River Greenway

Chapter Law: 192 Effective Date: January 1, 2020

In 1967, Oregon Governor Tom McCall proposed the idea of a greenway to enhance the scenic, recreational, historic, natural, and agricultural qualities along the Willamette River. During the 1980s the boundaries of the Willamette River Greenway were identified and adopted. This bill permits the Oregon State Marine Board (OSMB) to adopt special regulations for boat operation on the Willamette River within the Willamette River Greenway, including establishment of designated speed and other methods for the protection of shoreline, public and private property, fish and wildlife habitat, and vegetation. It also exempts deep draft vessels, tugboats, towboats, barges, launch vessels, and other commercial vessels from special regulations on Willamette River from river mile 0 to 26.

SB 47 – Non-motorized Boats

Chapter Law: 504 Effective Date: September 29, 2019

The Marine Board is charged with regulating boating activities while promoting the multiple use and enjoyment of waters of the state. SB 47 establishes the Waterway Access Fund to improve waterway access and promote boating safety education for the non-motorized boating community. Additionally, it requires a person operating a non-motorized boat that is greater than 10 feet in length to obtain a waterway access permit, set permit fees, and eliminate the requirement to purchase an Aquatic Invasive Species permit for the same non-motorized boat.

SB 695 – Promissory Notes

Chapter Law: 627 Effective Date: January 1, 2020

This measure, introduced at the request of the International Port of Coos Bay, increases the cap on the amount of debt that a port may incur by promissory note, as well as increasing the

length of the term. Specifically, the bill sets the maximum term of promissory notes issued by ports at 10 years and places a cap of \$10 million on amount of debt that ports may incur by promissory notes.

Ports – Bills That Failed

HB 2284 – Port of Newport Commission Appointment

Failed

This bill would have renamed the Port of Newport as Oregon International Port of Newport and would have required that port commissions be appointed by the Governor. The bill was introduced by Rep. Greg Smith (R-Heppner) and supported by the International Longshoreman’s Workers Union. Under the bill commissioner’s qualifications were detailed and required to represent different backgrounds, would have been appointed by the Governor in staggered two-year terms. Finally, the existing commissioners would have been allowed to complete their terms unless earlier discharged by Governor.

Public Contracting – Bills That Passed

HB 2094 – Bidder Responsibility

Chapter Law: 124 Effective Date: September 29, 2019

Contracting agencies are required by the Public Contracting Code to decide whether a bidder or proposer is "responsible." This determination requires the bidder or proposer to demonstrate several factors to the contracting agency, including that the bidder or proposer has the appropriate resources and skills to complete the contract, has a satisfactory record of integrity, and has complied with the tax laws in this state. The results of this determination may dictate whether a bidder or proposer is awarded a contract. HB 2094 authorizes contracting agencies to consider at any time before executing a public contract whether the bidder or proposer owes a liquidated and delinquent debt to the state.

HB 2415 – Retainage in Public Contracts

Chapter Law: 486 Effective Date: January 1, 2020

This bill requires retainage to be held in an interest-bearing escrow account if the contract price exceeds \$500,000, with interest accruing from the date the payment request is approved, and with interest paid to the contractor or subcontractor. The new requirement applies to public and private construction contracts.

HB 2496 – Green Technology in Public Improvements

Chapter Law: 160 Effective Date: September 29, 2019

House Bill 2496 modifies current state law that requires public contracting agencies to set aside 1.5 percent of the total contract price for certain public building projects to incorporate green energy technology as part of the project. The bill increases the project threshold for required compliance from \$1 million to \$5 million. It also allows the 1.5 percent funds to be used for battery storage or for passive solar energy efficiency that reduces energy use from other sources by at least ten percent (the current passive solar provision requires reductions of at least 20 percent).

HB 2769 – Qualified Based Selection for Professional Services

Chapter Law: 55 Effective Date: September 29, 2019

This bill provides local contracting agencies with an optional, alternative qualification-based selection (QBS) process for procuring certain professional services, including architectural and engineering services. The existing QBS process, outlined in ORS 279C.110, requires contracting agencies to rank prospective consultants based solely on qualifications, and does not allow for the consideration of pricing information until a contracting agency has entered a negotiation with the top-ranked firm. Within the current process, the contracting agency may terminate any negotiation and enter a subsequent negotiation with the next firm on the ranked list until the agency makes a final selection.

Under HB 2769, this process remains in place. However, the new optional process outlined in the bill allows for the selection of up to three prospective consultants, based on qualifications. Pricing information can then be received from all three firms but could be weighted no more than 15 percent in the final evaluation and score. In addition, the bill clarifies that a prospective consultant has the right to protest solicitation documents or the agency's selection of a consultant.

HB 3431 – Blind Vending Preference

Chapter Law: 505 Effective Date: June 25, 2019

HB 3431 clarifies that certain "visitor venues" are exempt from an existing state mandate that requires state agencies and local governments (as defined in ORS 174.116) to provide a priority or preference for the operation of vending facilities to persons who are blind. The bill defines the term "visitor venue" as a public building or property that is a convention center, event center, exposition center, zoo; performing arts center; museum; golf course; facility primarily used for sporting events; or a commercial airport owned and operated by a city or a port district.

SB 369 – Statute of Limitations

Chapter Law: 327 Effective Date: January 1, 2020

An action against a person arising from the construction, alteration, or repair of any improvement to real property, including those providing supervision, inspection, design, planning, surveying, or architectural or engineering services must be commenced within ten years of substantial completion or abandonment of the project. ORS 12.135 defines substantial completion as the date when the contracted entity accepts, in writing, that the property has reached a state of completion when it may be used or occupied for its intended purpose.

SB 369 includes two additional occurrences that are now defined as substantial completion of a project. Under the measure, substantial completion can include the date when a public body issues a certificate of occupancy or the date when the owner uses or occupies the improvement for its intended purpose.

SB 471 – Conflict Minerals Preference

Chapter Law: 294 Effective Date: September 29, 2019

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 requires all publicly traded companies to report and disclose if conflict minerals from the Democratic Republic of the Congo (DRC) can be found anywhere in their supply chain, and the City of Portland adopted standards in August of 2018 that give preference to bidders that source conflict-free minerals. As originally introduced, this bill would have required all public contracting entities to give a preference to contractors certifying that they do not use conflict minerals from the DRC or its neighboring countries. However, the bill was amended to exclude local government and will require state contracting agencies to obtain bids that detail what conflict minerals might be used in a project and the contractor's due diligence standards used to ensure the use of conflict-free minerals.

Public Contracting – Bills That Failed

SB 305 – Increasing Threshold for Prevailing Wage Projects

Failed

This bill would have increased the minimum contract price at which prevailing rate of wages would apply to public works projects from \$50,000 to \$64,000 for the year ending on December 31, 2020. It then would have required the Department of Administrative Services (DAS) to increase the threshold on an annual basis of the US Consumer Price Index by March 31st of each subsequent year.

Public Records/Meetings – Bills That Passed

HB 2353 – Fines and Waivers of Fees for Late Public Records Production

Chapter Law: 205 Effective Date: June 4, 2019

In 2017, the Legislative Assembly enacted new timelines to produce public records. A public body is required to acknowledge a public records request within five business days and produce the records within an additional 10 business days, with some specific exceptions. This bill gives the Oregon Attorney General, district attorneys and courts the authority to impose a \$200 fine and fee waiver when an agency doesn't respond to a records request or processes it within the statutory timelines or with "undue delay."

HB 2430 – Extension of Public Records Advisory Committee

Chapter Law: 107 Effective Date: January 1, 2020

In 2017 the Legislative Assembly created the office of the Public Records Advocate (PRA) and the Public Records Advisory Council (PRAC). The PRA is nominated by the PRAC, appointed by the Governor, and provides public records training and dispute resolution services for disputes arising from a request to inspect or receive copies of public records. The PRAC is composed of representatives from the Secretary of State, Attorney General, Department of Administrative Services, news media, state and local government, public sector workforce, and the general public. The PRAC meets at least twice annually to consider issues related to public records and make recommendations to enhance transparency. The PRAC reports annually to the Governor and the Legislative Assembly on its findings. Under that 2017 legislation the PRAC was going to sunset on January 1, 2021. This bill removes the sunset date of the PRAC and establishes two-year terms for PRAC members other than the PRA. The measure allows existing PRAC members to complete three- and four-year terms that began January 1, 2018.

SB 288 – Special District Meetings in Indian Country

Chapter Law: 286 Effective Date: January 1, 2020

Current statute allows the public body of the state, a county, or city to hold public meetings within Indian country of federally recognized Indian tribes located within Oregon. Special districts do not have this authorization. SB 288 simply adds special districts to the units of government that can hold public meetings on the land of federally recognized Indian tribes located within Oregon.

Public Records/Meetings – Bills that Failed

SB 240 – Electronic Records and Signatures

Failed

In 2001, the Legislative Assembly enacted the Uniform Electronic Transactions Act. The statute states that a record or signature may not be denied effect or enforceability because it is in electronic form. The statute also requires each governmental agency to determine if it will accept electronic records and signatures and allows each agency to determine the manner and format in which electronic records and signatures must be created, communicated, and stored. This bill would have required governmental agencies to use electronic records and signatures by July 1, 2020. The measure also would have required all governmental agencies to ensure websites are accessible on mobile devices and to persons with disabilities by July 1, 2021. Finally, all governmental agencies would have been required to submit modernization plans to the State Chief Information Officer and the Legislative Assembly by September 15, 2020.

Public Safety – Bills That Passed

HB 2206 – Building Inspections After Earthquake

Chapter Law: 649 Effective Date: January 1, 2020

This bill directs the Office of State Fire Marshal to administer a statewide program to evaluate the condition of buildings in the aftermath of an emergency and determine which buildings may be safely occupied. It also directs the State Fire Marshal to work with local governments to designate local program coordinators to implement program. Finally, it authorizes the Fire Marshal's Office to enter into mutual-aid agreements with other states.

HB 2209 – Oil by Rail

Chapter Law: 581 Effective Date: January 1, 2020

HB 2209 mandates railroads that own or operate high hazard train routes to institute oil spill contingency plans and to have those plans reviewed and approved by Department of Environmental Quality. The bill requires railroads that own or operate high hazard train routes to annually submit financial responsibility statements to DEQ. It also outlines a training schedule for training for response to high hazard oil train spills. HB 2209 sets forth additional requirements for a plan adopted by the Oregon State Fire Marshal for coordinated response to oil or hazardous material spills or releases that occur during rail transport. Additionally, it creates a High Hazard Train Route Oil Spill Preparedness Fund and continuously appropriates money in the Fund to DEQ for the purposes related to contingency planning for high hazard train routes. The bill allows a gross revenue fee of up to 0.05 percent on railroads required to submit contingency plans which is scheduled to sunset January 2, 2027. Finally, it authorizes a

per-car fee of up to \$20 on oil tank rail cars entering the state or originating in the state. This fee is also scheduled to sunset January 2, 2027.

HB 2449 – 911 Tax Increase

Chapter Law: 653

Effective Date: January 1, 2020

There are 43 primary public safety answering points (PSAPs) in Oregon. In 1981 basic 9-1-1 services were funded via a 3% tax on phone bills. In 1991 the tax was increased to 5% (to assist in funding enhanced 9-1-1 services to identify caller location). In 1995 the 5% surcharge was modified to a flat 75 cent per line capable of accessing 9-1-1 for revenue predictability and stability. In 2015 the tax was expanded to apply to prepaid cellular devices. At this time, the 9-1-1 tax funds on average 30% of a PSAP's operating expenses.

Currently 60% of the tax is distributed to PSAPs based on population (9-1-1 Subaccount), 35% is distributed to the Enhanced 9-1-1 Subaccount which pays for network database, equipment and other costs, 4% to the Office of Emergency Management (OEM) and 1% to the Department of Revenue (DOR). Several years prior, the Legislature began diverting interest earnings from this account to the state's general fund.

HB 2449, a priority for SDAO, increases the 9-1-1 tax by 25 cents on January 1, 2020 and another 25 cents on January 1, 2021. The bill extends the existing sunset of the tax until December 31, 2030 (8 years). In addition, the bill reduces the amount OEM receives to 2.4% in the second year and future years and reduces the amount DOR receives to 0.5% in the first year and future years. Furthermore, HB 2449 requires interest earned from 9-1-1 revenues to no longer be diverted to the state's general fund and to be placed in the 9-1-1 Subaccount.

OEM estimated their biennial revenue (2019-2021) prior to passage of the tax at \$92 million. With the passage of HB 2449 it is estimated that an additional \$14.6 million will be generated in the 19-21 biennium, \$62.3 million in the 21-23 biennium, and \$64.8 in the 23-25 biennium. User agencies like rural fire protection districts should directly and significantly benefit from the increased taxes generated as a result of HB 2449.

HB 3309 – Tsunami Zones

Chapter Law: 502

Effective Date: January 1, 2020

Currently, the Department of Geology and Mineral Industries (DOGAMI) determines a tsunami inundation zone on the Oregon coast, where essential facilities may not be constructed (schools, hospitals, fire stations, etc.). This bill repeals the current restriction that new essential facilities and new special occupancy structures may not be constructed in tsunami inundation zone (ORS 455.446). It repeals a requirement that the DOGAMI Board adopt tsunami inundation zone parameters and repeals a requirement that DOGAMI grant exceptions to restrictions in tsunami inundation zone. HB 3309 establishes that excavation or grading operations that are associated with on-site construction activities, and don't result in excavated materials being sold commercially, are not defined as "surface mining" (ORS 517.750).

SB 290 – Civil Liability Protection for Volunteer Firefighters

Chapter Law: 245 Effective Date: January 1, 2020

Senate Bill 290 provides civil liability protection for injuries to a person or property arising from a person's voluntary efforts to fight wildfire. It defines wildfire as fire burning uncontrolled on private cropland, rangeland, or agricultural land and liability protection begins when a person arrives at the fire scene or staging area and ends when person departs scene or area. Furthermore, it exempts members of a volunteer fire department or fire district who have been trained in firefighting techniques from civil liability protection.

SB 431 – Creation of an Urban Flood Safety & Water Quality District

Chapter Law: 621 Effective Date: September 29, 2019

This bill creates a new taxing structure and district to replace the current system of taxing districts for levees and watershed areas in Multnomah County. It authorizes the creation of an urban flood safety and water quality district in Multnomah County within urban growth boundary adopted by Metro, for the purposes of managing and improving the and getting certification and accreditation of the levee system. The measure provides for a method of selecting the board of directors and sets forth their powers and duties. It also permits the district to impose charges, assessments and taxes and issue bonds and to dissolve certain drainage districts and water improvement corporations when certain conditions are met. Finally, the bill requires the urban flood safety and water quality district to assume dissolved entity's duties, assets and liabilities.

SB 507 – Post Traumatic Stress Disorder Workers' Compensation Presumption

Chapter Law: 372 Effective Date: September 29, 2019

Currently, under Oregon Revised Statutes (ORS 656.802), an occupational disease is compensable for all job classifications if the injured worker proves that the employment conditions were the major contributing cause of the disease and establishes the existence of the disease with objective medical evidence. The existing definition of "occupational disease" includes many physical diseases as well as any mental disorder which requires medical services or results in physical or mental disability or death, and traumatic events which result in physical disability or death. The employee must provide clear and convincing evidence that the mental disorder arose out of and in the course of employment.

SDAO worked with the proponents (labor representatives of the public safety community) to revise SB 507 as initially introduced to provide sideboards and clarity (similar to the firefighters' cancer workers' compensation presumption). A detailed description of how the bill's provisions work is listed below.

Who is covered?

The bill covers Oregon public sector full-time paid (career-type) firefighters, emergency medical services providers, police officers, corrections and youth corrections officers, emergency dispatchers, 911 operators, and parole and probation officers.

What conditions are presumptively compensable?

The presumption of compensability under SB 507 apply only to PTSD and Acute Stress Disorder. These two diagnoses are the only diagnoses in the DSM-V for which exposure to life threatening/life changing trauma is necessary for the condition to occur.

How and when does the presumption apply?

Where cumulative traumas exist, the bill provides for a presumption only if the employee has worked in one of the listed Oregon public safety fields for a minimum of five years. There is also a fixed endpoint beyond which the presumption no longer applies; the claim must be filed while the employee remains in public safety employment or within seven years of leaving such employment. If an employee has been exposed to a significant single traumatic event that the DSM-V recognizes as sufficient to trigger PTSD or Acute Stress Disorder, the five-years of employment minimum does not apply. In that case, the presumption is available to employees who have experienced such a significant single event regardless of how long the employee has been employee in a covered public safety category.

Are there any pre-conditions to availability of the presumption?

Yes. The bill makes clear that it is the employee's burden to establish that it is medically probable that he or she has PTSD or Acute Stress Disorder per the DSM-V before the presumption is available. To satisfy that burden, the employee must come forth with expert medical evidence from a psychiatrist or psychologist saying that the employee meets the DSM-V diagnostic criteria for PTSD or Acute Stress Disorder. The employer may then choose to seek independent expert input on whether the diagnosis of PTSD or Acute Stress Disorder is correct. The intent of the bill is that the Workers' Compensation Board and its judges are to then consider and weigh opinions of experts saying that the employee has PTSD or Acute Stress Disorder against any opinions of experts saying that the employee does not have such a condition. Through an evaluation of which opinions are the most well-reasoned, and therefore most persuasive, the Board and its judges will then rule on whether the employee likely has met his/her burden of proving that the PTSD and Acute Stress Disorder diagnoses are valid. Only if the Board or its judges decide that the persuasive evidence establishes that the employee has PTSD or Acute Stress Disorder will the presumption of compensability then apply.

Who can diagnose PTSD and Acute Stress Disorder?

For the presumption to apply, the diagnosis must come from a licensed psychiatrist or psychologist. The opinions of other medical professionals do not trigger the presumption.

Is the presumption rebuttable?

Yes. Once the employee establishes that he or she has PTSD or Acute Stress Disorder such that the condition is presumptively compensable, an employer may rebut that presumption by

proving through clear and convincing evidence (i.e. by proving it highly likely) that the employee's duties in the covered public safety fields were not of real importance or great consequence in causing the diagnosed condition. Essentially, if the employer shows that work duties were not a substantial or significant factor in causing the condition, the presumption is rebutted.

Can employers issue a current condition denial after a claim for PTSD or Acute Stress Disorder is accepted?

Yes. The bill allows for issuance of current condition or "ceases-type" denials. It is the employer's burden to support such a denial with clear and convincing evidence that the employee's duties working in covered employment are no longer of real importance or great consequence in causing the disability and need for treatment of the diagnosed condition.

SB 643 – Large Fuel Connector Grant Program

Chapter Law: 516 Effective Date: June 27, 2019

In 2016, SB 1523 was enacted as the result of work group activity that included private fuel companies, the Office of Emergency Management (OEM), and the Oregon Department of Transportation (ODOT). It enabled OEM to develop a grant program to target large-capacity fuel storage locations along critical transportation routes and distribute funds to install connectors that are compatible with generators used by emergency service personnel during an emergency. Individual grants were limited to \$4,000 each, and the total amount of grant funds was capped at \$100,000. By the fall of 2018, 72 applications for grant funds were received from qualifying facilities; fuel storage locations in 25 cities were made compatible; and 47 applications remained. An appropriation of \$188,000 was made to satisfy the remaining applications, but OEM cannot execute until the \$100,000 cap is lifted. This bill lifts the \$100,000 limit on funds to allow use of an appropriation to make remaining fuel storage locations compatible.

SB 775 – Criminal Background Check Liability

Chapter Law: 424 Effective Date: January 1, 2020

This bill requires any criminal background check conducted by a state agency for purposes of employment be requested through the Department of State Police. Local governments can also request that the State Police conduct a criminal background check. SB 775 limits the liability in a claim against a public body for failure to conduct an adequate criminal record check if the criminal background check was conducted by the Department of State Police.

SB 998 – Bicycles at Intersections

Chapter Law: 575 Effective Date: September 29, 2019

Under current Oregon law, individuals riding bicycles on public roads are treated like other vehicles and must stop at intersections controlled by stop signs or a flashing red light before proceeding through the intersection. This bill allows a bicyclist approaching an intersection

regulated by a stop sign or flashing red light to proceed at a safe speed through that intersection or make a turn without stopping. It also creates the traffic violation of improper entry into an intersection controlled by a stop sign and improper entry into an intersection controlled by a flashing red light. A violation of either occurs when a bicyclist fails to yield to traffic within the intersection or to traffic that is approaching so close as to constitute an immediate hazard, disobeys a police officer or flagger, fails to exercise care to avoid an accident, or fails to yield the right of way to a pedestrian. Committing this offense is a Class D traffic violation.

Public Safety – Bills That Failed

HB 2208 – Unreinforced Masonry Seismic Safety Program

Failed

Among other things, this bill directed the Oregon Business Development Department (OBDD) to administer an Unreinforced Masonry Seismic Safety Program to award competitive annual grants for improving seismic stability of eligible properties and promoting improvements in seismic safety and resiliency. The bill outlined criteria for grant priority and limited annual grants for each eligible property to the lesser of 35 percent of total eligible cost or \$1.5 million. Under the bill OBDD would have been required to adopt a formula for making grants that reserves at least 25 percent for buildings outside Portland urban growth boundary.

HB 2503 – Search & Rescue

Failed

The Oregon Office of Emergency Management (OEM), housed within the Oregon Military Department, is the state's lead entity for coordination of statewide efforts to ensure that Oregonians can get help in an emergency. This bill would have directed the Office of Emergency Management to study and make recommendations regarding funding of search and rescue operations and to submit a report to appropriate committee of Legislative Assembly on its findings by January 1, 2021.

HB 2735 – Task Force on Disaster Response and Recovery

Failed

This bill would have created a Task Force on Disaster Response and Recovery to identify locations to serve as rally points, staging areas, and recovery spaces after a natural disaster. HB 2735 designated the Office of Emergency Management as staff support for Task Force and directed the Task Force to report to Legislative Assembly by September 15, 2020.

HB 3307 – Emergency Medical Transport Reimbursement

Failed

This bill would have assessed a fee on emergency medical services providers in order to increase the amount of reimbursement paid by the Oregon Health Authority for the cost of transport by ambulance.

SB 291 – Local Powers Under Conflagration Act

Failed

The Oregon Emergency Conflagration Act allows the Governor to assign any fire fighting force and equipment to any portion of the state in response to fire, a heightened danger of fire, or a significant reduction in available fire-fighting resources. This bill would have permitted governing bodies of counties, cities, and special districts to delegate emergency powers to their members, officers, or other persons (“delegates”) pursuant to the Emergency Conflagration Act. Those delegates would have been able to request additional firefighting forces and/or equipment from the Governor or a designee of the Governor in response to a fire. Moreover, they would have been authorized to execute documents to mobilize fire-fighting forces and/or equipment, covering issues such as succession of command, incident management integration, local fire official responsibilities and logistical support, sharing of information, emergency management planning for evacuations, or fire investigations. Finally, the bill would have prohibited the Governor or the Governor’s designee from limiting or refusing to provide fire-fighting forces or equipment, even if a fire would not threaten a standing structure.

Transportation – Bills That Passed

HB 2130 – Extension of Several Property Tax Exemptions: Including Cargo Containers

Chapter Law: 578 Effective Date: September 29, 2019

Chiefly, HB 2130 extends the existing property tax exemption for cargo shipping containers to 2026.

HB 2592 – Modifications to HB 2017 and ConnectOregon

Chapter Law: 491 Effective Date: September 29, 2019

This bill makes multiple changes to the Transportation Funding Package that was enacted during the 2017 Legislative Assembly. Most notably, the ConnectOregon II program that was created under HB 2017 is repealed. Under HB 2017, the ConnectOregon program was made permanent and was also split into two parts depending on how much money was made available for the program.

The ConnectOregon II program would have been triggered if the Legislative Assembly provided more than \$75 million in a biennium to the program. Under HB 2592, the ConnectOregon II

program no longer exists. Other notable changes include, the ability of Metro to impose a vehicle registration fee, if approved by voters by December 31, 2022, separate from other local government registration fees. Directs State Parks and Recreation Department to make grants for bicycle and pedestrian projects related to recreation and transportation purposes, with provision set to sunset January 2, 2025.

HB 2603 – Amtrak Rail Delays

Chapter Law: 47

Effective Date: January 1, 2020

The Oregon Department of Transportation (ODOT) contracts with Amtrak to operate two daily round trips between Portland and Eugene. In ODOT's contract with Amtrak, it states that service will be on-time at least 80 percent of the time. In 2018, Amtrak service between Portland and Eugene was on-time 73.3 percent of trips throughout the year. This bill directs ODOT to study Amtrak train delays and to report findings to the interim committees of the Legislative Assembly related to transportation by September 15, 2020.

Transportation – Bills That Failed

HB 2978 – Tax Credit for Short-line Rail Improvements

Failed

House Bill 2978 would have created an income tax credit for the owners or lessees of short line railroads that incurred costs directly related to the work necessary to maintain, reconstruct or replace short line railroad infrastructure in Oregon.

SB 59 – Lottery Bonding for ConnectOregon

Failed

This bill would have authorized the State Treasurer to issue lottery bonds for Connect Oregon Fund enough to generate \$50 million for grants for transportation projects. The bill was heard in the Joint Transportation Committee and moved to the Joint Ways & Means Committee where the program failed to receive any funding under the Lottery Bonding bill – HB 5030 (see previous).

Water Quality/Wastewater – Bills That Passed

HB 3273 – State-wide Drug Take-back

Chapter Law: 659

Effective Date: September 29, 2019

The passage of this measure creates a drug take-back program for the safe disposal of unused

or unwanted prescription drugs. Specifically, the bill requires drug manufacturers to pay for and run a statewide drug take-back program. The new law will ensure that every community in Oregon has free and convenient access to safe drug disposal. It takes effect in September 2019 and the program must be operational by July 1, 2021. Oregon is the sixth state to require manufacturers to fund and safely manage drug take-back.

HB 5017 – Department of Environment Quality

Chapter Law: 663 Effective Date: August 9, 2019

The Department of Environmental Quality (DEQ) restores, maintains, and enhances the quality of Oregon’s air, water, and land. DEQ regulates industrial air pollution, conducts vehicle emissions testing, sets and enforces water quality standards, monitors river basins, measures groundwater quality, and regulates waste discharges from city sewage treatment and industrial facilities. It also regulates hazardous waste disposal, promotes solid waste reduction, regulates underground storage tanks, and enhances environmental cleanup.

The budget for the agency is \$453.6 million total funds, which is a 10.8% increase from the legislatively approved budget for the 2017-19 biennium. The budget includes \$52 million General Fund, \$5.3 million Measure 76 Lottery Funds, \$218 million Other Funds, \$148 million of Nonlimited Other Funds and \$29.5 million Federal Funds.

The General Fund is 7.6% higher than the 2017-19 levels. General Fund was added for the wood smoke reduction program and a comprehensive investment to develop water quality standards, implement clean water plans, monitor harmful algae blooms, and to address the water quality permit backlog.

The budget assumes fee increases in water quality permits (see below) and the air quality program to address the permit backlogs and to permanently establish the air toxics program. The budget also includes fee increases for hazardous waste, underground heating oil tanks, oil spill prevention and high hazard rail.

The Water Quality Program responsibilities include implementing the federal Clean Water Act, monitoring and regulating the use of water and wastewater, developing federally required plans for water quality standards, implementing the Oregon Plan for Healthy Salmon and Streams, providing financial and technical assistance, monitoring groundwater, and implementing the Safe Drinking Water Act. The water quality program received a total funds budget of \$74,461,124 and 241 positions (231.61 FTE). The following packages were also adopted related to the water quality program:

Package 120: To minimize impacts from urban & highway stormwater. This package includes a \$421,696 General Fund appropriation to support two permanent full-time Water Quality Specialist Natural Resource Specialist (NRS)-2 positions (0.88 FTE each) to work with the municipal separate storm sewer systems (MS4) permits. The package also provides \$152,143 Other Funds expenditure limitation and a limited duration full-time NRS-4 Transportation

Stormwater Specialist position (0.50 FTE) to work specifically on the Department of Transportation's (ODOT) MS4 stormwater permit renewal.

Package 122: Setting and Implementing WQ Standards. This package includes \$195,557 General Fund for a permanent full-time NRS-4 Water Quality Standards Specialist position (0.88 FTE) and \$296,717 Other Funds for a permanent full-time NRS-3 Water Quality Standards Analyst position (0.75 FTE). These positions will provide capacity for timely development and implementation of water quality standards that serve as the basis for clean water plans, also referred to as total maximum daily loads - TMDLs.

DEQ currently has three positions (2.80 FTE) working on water quality standards, which is the largest factor in permitting delays. The Other Funds for this package are derived from the fee increase assumed in Package 127 that is expected to generate \$1,170,185 in 2019-21 through an approximate 17 percent fee increase on wastewater permit fees. This increase is in addition to the annual three percent increase already assumed in the Department's budget.

Package 123: Harmful Algae Bloom Response and Assessment. This package includes a \$579,590 General Fund appropriation and two permanent full-time positions (2.00 FTE), a Chemist and a Project Manager. The positions, originally approved by the September 2018 Emergency Board, will monitor and analyze water samples as part of Oregon Health Authority's rules for drinking water testing around Harmful Algal Blooms.

Package 125: Effectively Managing the Clean Water State Revolving Loan (CWSRF) Portfolio. This package includes \$169,392 Other Funds expenditure limitation to establish a permanent Loan Specialist position (0.88 FTE) to ensure stable and efficient loan servicing and effective financial management of DEQ's CWSRF. The CWSRF currently has 178 active loans and funds 10 to 15 new loans per year. There is only one other Loan Specialist who manages all aspects of the loans. Adding an additional Loan Specialist will alleviate some of the workload and allow for the program to invest time in process and service improvements as well as optimizing financial management of the loan fund.

Package 127: Water Quality Permit Program Improvements. This package includes \$913,132 General Fund and \$873,468 Other Funds for a total cost of \$1,786,600 in 2019-21. The package also includes nine permanent positions (6.76 FTE) phased-in to coincide with revenue from a fee increase. These positions are to improve DEQ's regulation of wastewater and stormwater discharges, including improved permit timeliness and quality.

DEQ has struggled with permit processing backlog for some time. In 2015, the Legislature directed DEQ to hire an independent consultant to review and make recommendations on how to improve permit quality and timeliness. Recommendations were made in 2016 with short-term and long-term solutions. One of the recommendations was a fee increase for Wastewater Permitting Program. The fee increase is anticipated to fund this package and package 122, is anticipated to generate \$1,170,185 Other Funds revenue in 2019-21. The fee increase represents a 17 percent increase to wastewater permit fees and will retain the historical ratio

of 60/40 fund split for this program between fees and General Fund support. The positions will work to ensure timely issuance of quality permits, verifying compliance with permit conditions, complying with federal e-reporting requirements, improving availability of permit and program information to the public, and improving opportunities for stakeholder engagement.

SB 98 – Renewable Natural Gas Portfolio Targets

Chapter Law: 541 Effective Date: September 29, 2019

This bill requires the Public Utility Commission (PUC) to adopt rules for a renewable natural gas program with specific portfolio targets for large natural gas utilities (defined as serving more than 200,000 customers) and a voluntary, opt-in program for small natural gas utilities. Large utility targets start at 5 percent in 2020 and ramp up to 30 percent by 2045. The PUC rules will establish a process for natural gas utilities to fully recover prudently incurred costs associated with both the large and small renewable natural gas program. SB 98 authorizes large natural gas utilities to make qualified investments and to procure renewable natural gas from third parties to meet the established targets in the bill. “Renewable natural gas” is defined as biogas; hydrogen gas derived from renewable energy sources; or methane gas derived from certain sources.

SB 884 – On-Site Septic Systems

Chapter Law: 558 Effective Date: July 15, 2019

This measure authorizes non-profit qualified institutions to apply for a loan from the Water Pollution Control Revolving Fund to finance projects to repair or replace failing on-site septic systems or to replace failing on-site septic systems with connections to an available sewer.

Water Quality/Wastewater – Bills That Failed

HB 3182 – On Site Non-Potable Water Systems

Failed

This bill would have created a framework for the authorization of onsite systems for the treatment and reuse of non-potable water. Non-potable uses under the bill included: toilet and urinal flushing, clothes washing, ornamental plant irrigation, and dust suppression.

SB 286 – Local regulation of Biosolids

Failed

Senate Bill 286 was introduced at the request of Lincoln County and would have permitted local governments to restrict or condition onsite treatment of septage or land application of re-claimed water or biosolids. Local wastewater treatment interests opposed the bill and it did not get heard although the Chair of the Senate Environment and Natural Resources Committee

does intend to conduct a hearing during the interim on the issue.

SB 756 – Money For Failing Septic Systems

Failed

If passed, this bill would have appropriated \$2 million to the Department of Environmental Quality (DEQ) to award grants for developing and administering low-interest loans for the repair, replacement, upgrade, or evaluation of residential or small business on-site septic systems under ORS 454.779 and to cover administrative costs necessary to implement the same statute. Similar legislation has been enacted in the past, however, this session the program failed in securing any General Fund or Lottery Funds for the program (Refer to SB 884 above).

SB 932 – Wastewater Technical Assistance

Failed

This bill was introduced at the request of the League of Oregon Cities and would have required the Department of Environmental Quality (DEQ) to contract with an independent third-party entity to provide technical assistance to municipalities on matters related to state and federal wastewater permitting requirements.

Water – Bills that Passed

HB 2084 – Place-Based Planning Sunset Extension

Chapter Law: 482 Effective Date: June 25, 2019

In 2015, the legislature passed Senate Bill 266, which provided statutory authority and funding for the Oregon Water Resources Department to issue grants and provide technical assistance to facilitate place-based integrated water resources planning efforts through July 1, 2019. Place-based planning is voluntary, locally led, and tailored to the specific water challenges and stakeholder needs and preferences of the place where the planning effort is occurring. Participating communities are required to build a collaborative and inclusive process; gather information to understand water resources and identify gaps in knowledge; examine current and future water needs for people, the economy, and the environment; identify and prioritize strategic, integrated solutions to meet water needs; and develop a place-based integrated water resources plan.

Grant recipients currently participating in the program include the Gilliam Soil and Water Conservation District in the Lower John Day Sub-Basin, Union County in the Upper Grande Ronde Sub-Basin, the Harney County Watershed Council in the Malheur Lake Basin, and the City of Newport in the Mid-Coast Basin. This bill extends the sunset for the place-based integrated water resources strategies program by four years, to July 1, 2023.

HB 2085 – Dam Safety Statute Update/Modernization

Chapter Law: 390 Effective Date: September 29, 2019

The Oregon Water Resources Department (WRD) is the state agency charged with overseeing the safety of more than 960 dams across the state. These dams store water for agriculture, municipal water use, industry, recreation, fisheries, and other purposes. Many of Oregon's dam safety statutes have not been updated since 1929. According to WRD, dam owner responsibilities; the WRD's role during emergencies; and the process for approval of constructing, removing, and maintaining dams are currently unclear.

HB 2085 creates new provisions to regulate the construction, modification, and removal of dams; provide for WRD inspection of dams; require dam owners to supply information to WRD and to prepare an emergency plan; requires WRD to notify a dam owner if a dam has a significant or high hazard rating and is in need of a maintenance action; establishes dam enforcement authority for the Water Resources Commission and WRD; and authorizes the Commission to impose civil penalties for certain violations.

HB 5043 – Water Resources Department Budget

Chapter Law: 535 Effective Date: July 15, 2019

The Water Resources Department (WRD) operations are funded, generally, from a combination of General Fund and fees for water right and storage transactions, licensing, and permits. Of the total available revenues anticipated in the 2019-21 biennium, General Fund accounts for 36.4 percent. Other Funds comprise 54.4 percent, but roughly \$42 million of the \$55.4 million in Other Funds resources are from Lottery Bond proceeds carried forward into the 2019-21 biennium from issuance in prior biennia. Lottery Funds, equaling 8.3 percent of total funding, are exclusively for debt service.

The Legislature provided a total funds budget of \$101,944,355, including \$37,158,507 General Fund, \$8,493,320 Lottery Funds for debt service, \$55,415,794 Other Funds expenditure limitation, \$876,734 Federal Funds expenditure limitation, and 177 positions (171.79 FTE). The total funds budget is a 4.0 percent decrease from the 2017-19 biennium Legislatively Approved Budget.

The following two approved policy option packages (POPs) are of interest and contained in the WRD Budget:

Package 101, Place-Based Planning Community Support. This package provides a General Fund appropriation of \$550,000 to provide financial and technical assistance to the four planning groups participating in a pilot, place-based integrated water resources planning project. The funding is provided in conjunction with the four-year extension of the statutory sunset of the program contained in House Bill 2084. The participating basins are: Upper Grand Ronde, Lower John Day, Malheur Lake Basin, and the Mid-Coast. The funding will be used by the Water

Resources Department and the participating groups to complete the planning phase and transition to plan implementation.

Package 102, Groundwater Data. This package includes a \$1,659,740 General Fund appropriation and authorizes the establishment of six permanent positions (5.28 FTE) for the evaluation of groundwater basin studies in cooperation with the U.S. Geological Society and the Oregon Department of Geology and Mineral Industries. Each basin study takes between five to six years to complete. This package will double the Department's capacity to conduct the studies. In addition to the funding included in this package, the Department will be using existing Other Funds expenditure limitation of \$300,000 for cost-sharing expenses related to the studies from exempt well use fee funds.

SB 27 – Drinking Water Fee

Chapter Law: 509 Effective Date: July 1, 2019

The Drinking Water Services (DWS) program within the Oregon Health Authority Public Health Division regulates and monitors state drinking water systems and is the primacy agency enforcing the federal Safe Drinking Water Act. This responsibility includes the implementation of federal requirements for 2,500 water systems that serve at least 25 people or have at least 15 service connections. In addition, state law requires the regulation of approximately 900 public water systems that serve between 10 and 24 people. The program surveys community water systems, investigates the detection of contaminants, ensures system compliance, provides technical assistance to community water systems, and provides training to water system operators.

Currently, DWS charges sanitary survey fees to help support the costs of conducting these surveys. This measure broadens the statutory authority for DWS to collect fees by replacing the sanitary survey fee with an annual regulatory fee established through the rules process for the agency to support a wider range of regulatory functions and assist local public health authorities. The bill requires the new fee schedule to be graduated based on the size and type of the water system, and limits fee increases to no more than once per calendar year. It is expected that the new fee will raise approximately \$1.85 million during the biennium.

SB 935 – Landscape Contractors

Chapter Law: 692 Effective Date: September 29, 2019

This bill, as originally introduced, would have allowed a person in possession of a newly created modified landscape professional license to design and install an irrigation system with up to 12 heads without any formal training, education on new technologies, or a demonstration of skills. Water providers opposed the bill due to concerns about water conservation efforts, particularly during peak demand. As a result of that opposition this portion of the bill was removed and then and then passed.

SB 5525 – Oregon Health Authority Drinking Water Program

Chapter Law: 695 Effective Date: August 9, 2019

The Drinking Water Services (DWS) program within the Oregon Health Authority Public Health Division regulates and monitors state drinking water systems and is the primacy agency enforcing the federal Safe Drinking Water Act. This responsibility includes the implementation of federal requirements for 2,500 water systems that serve at least 25 people or have at least 15 service connections. In addition, state law requires the regulation of approximately 900 public water systems that serve between 10 and 24 people. The program surveys community water systems, investigates the detection of contaminants, ensures system compliance, provides technical assistance to community water systems, and provides training to water system operators.

During the previous biennium the legislature replaced declining medical marijuana money with General Funds to run the program. This upcoming biennium water providers will be required to pay a new fee enacted based on population served which was enacted under SB 27 (see above). As a result of the passage of that measure five additional FTE were added to the drinking water program with anticipated revenue from the new fee being \$1.85 million for the biennium.

SCR 1 – Closed Loop Storage and Electricity Generation

Filed with the Secretary of State

According to the Federal Energy Regulatory Commission pump storage projects store energy and generate electricity by moving water between two reservoirs at different elevations. When the demand for electricity is low, excess electric generation capacity is used to pump water from the lower to the upper reservoir. Conversely, when the demand for electricity is high, water is released from the upper to the lower reservoir through a turbine to generate electricity. To date, the Commission has authorized a total of 24 pump storage projects currently in operation, with a total installed capacity of over 16,500 megawatts.

Additionally, there are two classifications of pump storage projects, closed-loop and open-loop. Closed-loop pump storage projects are projects that are not continuously connected to naturally flowing water, whereas open-loop pump storage projects refer to projects that are continuously connected to naturally flowing water. This resolution provides legislative support for the development and utilization of closed-loop pump storage projects by Oregon utilities as a possible energy resource to meet future energy needs.

Water – Bills That Failed

HB 2331 – Well Construction Statute of Limitation

Failed

HB 2331 would have prohibited the Water Resources Commission from enforcing general or special well standards more than three years after a well log had been filed for logs filed on or after the effective date of enactment. It also would have established a Task Force on Oregon Well Construction Enforcement Activities.

HB 2856 – Ground Water Studies

Failed

This bill, introduced by a number of water user interests, would have appropriated \$9 million for the Oregon Water Resources Department (WRD) to conduct groundwater studies in priority basins and would have required WRD to develop a 10-year groundwater study plan and report back to the legislature on how the appropriation was spent.

HB 2656 – New Forest Management Practices in Source Water Areas

Failed

HB 2656 would have created a host of new forest practice restrictions in source-water areas. Significant new restrictions on the types of activities included the prohibition of the application of certain pesticides and fertilizers as well as certain forest harvest management activities.

HB 2860 – Well Water and Renters

Failed

HB 2860 did many things, but most relevantly, it would have established requirements for testing and reporting groundwater contaminants for residences that depend on well water as a drinking water source and established Safe Well Water Fund. The bill would have required sellers of real estate and landlords of a dwelling that includes a well for drinking water to have the well tested by a certified laboratory. Oregon Health Authority (OHA) would have been directed to analyze results of well water tests to identify areas with groundwater contamination problems and provide education about groundwater contamination.

Furthermore, OHA would have been directed to share results of well water tests with Oregon Department of Environmental Quality (DEQ) to be used in identifying groundwater concern areas. OHA would have been permitted to make grants and loans from the Fund to low income property owners and rental property owners who have had their groundwater tested by an accredited environmental laboratory and have received test results indicating that the groundwater supply poses a health risk. Those grants and loans would have been used to assist with the installation of treatment systems or repair or replacement of wells due to groundwater contaminant problems.

HB 3132 – Environmental Restoration Weirs

Failed

Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers' ability to modify their physical surroundings. Beaver dams have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains and providing many positive benefits to stream ecosystems and their hydrologic function. This bill would have required the Oregon Department of Fish and Wildlife to administer a program to authorize voluntary stream restoration and habitat improvement projects by participating landowners, through the construction of environmental restoration weirs.

HB 3326 – Funding for HAB Testing at DEQ

Failed

This bill would have appropriated \$983,919 to Department of Environmental Quality (DEQ) to fund laboratory services for susceptible public water systems, and an unspecified amount to Oregon Health Authority (OHA) to hire a recreational harmful algal bloom coordinator. Although this bill did not pass funding was included for testing in the DEQ Budget (see HB 5017 above under budgets).

HB 3430 – Water Resources Commission Final Orders

Failed

This bill would have eliminated routine staying of Water Resources Commission or Water Resources Department final order enforcement upon the filing of a petition for judicial review of the order.

SB 51 – Transfer of Character and Location of Stored Water

Failed

In 2017, the Water Resources Department (WRD), as a result of a Department of Justice (DOJ) opinion, announced that it no longer had the legal authority to consider applications for the change of character of stored water or the ability to permit the location transfer of stored water. This bill along with SB 903 and SB 946 sought to fix this problem. Negotiations between stakeholders took place before and over the course of the session without any agreement being reached. Most stakeholders agreed upon fixing the character of use but there remains wide disagreement over the change in location. Some environmental interests are hoping to attach a public interest review to the location fix, which most water users oppose in whole or in part. This will remain a topic of discussion over the interim and is a critical component to completing the Willamette River Project reallocation and to address future water needs as well.

SB 894 – Funding for Newport Dams

Failed

This bill would have appropriated \$44 million out of the General Fund to the Water Resources Department to issue grants to the City of Newport for land acquisition, design services, construction or other capital costs relating to the construction of a dam to supersede dams commonly known as Big Creek Dam Number 1 and Big Creek Dam Number 2. It should be noted that Newport did receive \$4 million in the Lottery Bonding Bill, HB 5030.

Index

HB 2001 , 26	HB 2575 , 14	HB 5030 , 11, 48, 56
HB 2005 , 31, 36	HB 2577 , 40	HB 5043 , 59
HB 2007 , 18	HB 2589 , 33	HB 5050 , 12
HB 2016 , 32	HB 2592 , 53	SB 27 , 60, 61
HB 2020 , 4, 5, 21	HB 2593 , 33	SB 34 , 15
HB 2053 , 13	HB 2603 , 54	SB 41 , 20
HB 2076 , 18	HB 2619 , 21	SB 47 , 42
HB 2080 , 27	HB 2623 , 19	SB 51 , 63
HB 2084 , 58,59	HB 2656 , 62	SB 59 , 54
HB 2085 , 59	HB 2682 , 28	SB 68 , 30
HB 2093 , 27	HB 2684 , 23	SB 79 , 25
HB 2094 , 43	HB 2699 , 13	SB 92 , 40
HB 2109 , 41	HB 2716 , 17	SB 98 , 57
HB 2130 , 22, 48	HB 2735 , 52	SB 104 , 22
HB 2173 , 13	HB 2769 , 44	SB 123 , 33
HB 2174 , 11, 13	HB 2772 , 21	SB 164 , 33
HB 2184 , 14	HB 2782 , 14	SB 224 , 15
HB 2206 , 47	HB 2829 , 28	SB 226 , 15
HB 2208 , 52	HB 2835 , 29	SB 240 , 47
HB 2209 , 47	HB 2856 , 62	SB 256 , 20
HB 2243 , 27	HB 2860 , 62	SB 286 , 57
HB 2250 , 19	HB 2949 , 24	SB 288 , 46
HB 2272 , 30	HB 2974 , 30	SB 290 , 49
HB 2284 , 43	HB 2978 , 54	SB 291 , 53
HB 2306 , 28	HB 2983 , 17	SB 294 , 41
HB 2331 , 62	HB 3044 , 22	SB 305 , 45
HB 2341 , 32	HB 3061 , 29	SB 332 , 39
HB 2351 , 42	HB 3099 , 42	SB 369 , 45
HB 2353 , 46	HB 3110 , 15	SB 370 , 34
HB 2383 , 25	HB 3182 , 57	SB 379 , 40
HB 2390 , 23	HB 3132 , 63	SB 408 , 41
HB 2408 , 14	HB 3273 , 54	SB 431 , 49
HB 2415 , 43	HB 3307 , 53	SB 445 , 20
HB 2423 , 28	HB 3309 , 48	SB 471 , 45
HB 2430 , 46	HB 3326 , 63	SB 478 , 34
HB 2436 , 19	HB 3348 , 17	SB 479 , 35
HB 2437 , 19	HB 3427 , 4, 24	SB 494 , 35
HB 2449 , 48	HB 3430 , 63	SB 507 , 49
HB 2496 , 44	HB 3431 , 44	SB 543 , 31
HB 2503 , 52	HB 5017 , 55,62	SB 643 , 51

SB 684 , 30
SB 695 , 42
SB 726 , 35
SB 756 , 58
SB 770 , 35
SB 775 , 51
SB 796 , 36
SB 861 , 16
SB 884 , 57, 58
SB 894 , 64
SB 932 , 58
SB 935 , 60
SB 998 , 51
SB 1045 , 25
SB 1049 , 36
SB 5525 , 61
SCR 1 , 61
SJR 18 , 6, 16

SDAO

SPECIAL DISTRICTS
ASSOCIATION OF OREGON

Administrators for SDIS

PO Box 12613
Salem, OR 97309-0613

Toll-free 800-285-5461

Phone: 503-371-8667

Fax: 503-371-4781

Web: www.sdao.com



SDAO

SPECIAL DISTRICTS
ASSOCIATION OF OREGON

2019 LEGISLATIVE SESSION

Final Report