

Oregon Volunteer Firefighters Association



August 2013
Genoa Ingram, OVFA Staff

2013 Legislative Summary



Session Overview

The Oregon Legislature officially began its 77th session on January 14 to organize and reconvened on February 4 for the business of hearing and acting on legislation. The legislature adjourned 155 days later on the afternoon of July 8, just five days short of the constitutional deadline.

<u>BILLS</u>	<u>House</u>	<u>Senate</u>	<u>Total</u>
Introduced	1,600	910	2,510
Passed (Enrolled)	483	305	788
Vetoed	0*	1+	1
Became Law	483	304	787
Unsigned by Governor	0	0	0

RESOLUTIONS AND MEMORIALS

Introduced	70	99	169
Adopted (Enrolled)	43	23	66

* Sections 99 (4) and (5) and 100 of HB 5008 (three line items) vetoed.
+ SB 215. Emergency clause (section 8) of SB 547 also vetoed

Source: Office of Legislative Counsel, 2013 Statistical Summary

Governor John Kitzhaber, Democrat

OREGON STATE SENATE: 16 Democrats, 14 Republicans.

Senator Peter Courtney (D-Salem), President of the Senate

Senator Diane Rosenbaum (D-Portland), Senate Majority Leader

Senator Ted Ferrioli (R-John Day), Senate Republican Leader

OREGON HOUSE OF REPRESENTATIVES: 34 Democrats, 26 Republicans

Representative Tina Kotek (D-Portland), Speaker of the House

Representative Val Hoyle (D-Eugene), House Majority Leader

Representative Mike McLane (R-Powell Butte) House Republican Leader

INFORMATION ON 2013 INTERIM – 2014 FEBRUARY SESSION

Tuesday, November 26, 2013 – Measure requests are due to Legislative Counsel

Monday, January 13, 2014 – Measure drafts to be returned from Legislative Counsel

Tuesday, January 21, 2014 – Measures must be filed with the Desks by 5 p.m.

Legislative Days:

**2013: September 16, 17, 18
November 20, 21, 22**

**2014: January 15, 16, 17
May 28, 29, 30
September 15, 16, 17
December 8, 9, 10**

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Introduction

The Oregon Legislature convened on February 4, 2013 with the promise that the spirit of cooperation brought about by the 30-30 split between Democrats and Republicans in the 2011 session, would continue. That promise was short lived as controversial issues such as PERs reform, voting privileges for undocumented aliens, and revamping Oregon's tax structure were debated.

While some of the Governor's promised PERS reform was passed into law in the form of SB 822, the "Grand Bargain" between the Governor and the legislature ultimately failed, although negotiations continued until the final days of the session. The package represented \$5 billion in cuts to government retiree pensions, a tough sale for Democrats, in exchange for \$275 million in new tax revenue, which has consistently been opposed by Republicans.

And, while the Governor signed HB 2800 into law, providing \$450 million in matched funding for the Columbia River Crossing project, Washington State balked at the proposal and voted down their portion of the matching funds, effectively halting the project.

As always, funding for education and public safety continued to be in the forefront of nearly every budget discussion. A summary of key legislation relating to public safety follows.

Summary of Legislation

9-1-1 Funding

Going into the session, the public safety community had high hopes—coupled with some concerns—regarding 9-1-1 legislation. The first priority was to secure extension of the .75 per line tax that supports Oregon’s 9-1-1 system. The tax was scheduled to sunset January 1, 2014. Throughout the halls of the Capitol, there was agreement on three salient issues:

1. The current .75 tax on all land lines must be extended;
2. There should be no additional sweeps of 9-1-1 funds; and
3. Pre-paid cell phones should be included in the tax.

What could not be agreed upon was how the pre-paid funds should be collected. Some public safety proponents felt that the providers/carrier should pay the tax based on one of the two options:

- (a) *On a monthly basis, the provider shall collect an amount equal to the tax from each active prepaid telecommunications service customer that is authorized to access the service and whose account balance is equal to or greater than the tax; or*
- (b) *If the provider cannot determine with reasonable specificity the number of prepaid telecommunications service customers that are authorized to access the service, the provider shall determine, on a monthly basis, the number of prepaid telecommunications service customers by dividing the provider’s total intrastate monthly income from prepaid telecommunications service customers by the average income from each prepaid telecommunications service customer of the national prepaid telecommunications service industry and multiply the calculated number of prepaid telecommunications service customers by the amount of the tax.*

Source: HB 2036, Section (2), Subsection (4), 2013 Legislative Session

Providers (wireless carriers), on the other hand, argued that the collection methodology was overly complex, could not be audited for accuracy, and was not in keeping with statutes setting the stage for a legal challenge. The disagreement ultimately became the focal point of the discussion and, in the end, only an extension of the current tax was approved to January 1, 2022. No pre-paid mechanism was included, leaving an estimated minimum of \$1.9 million on the table. Legislators were quick to announce a work group aimed at passing a pre-paid collection method during the 2014 “short session”.

Aside from the funding priority, an additional concern to public safety was that the legislature would force consolidation of Public Safety Answer Points (PSAPs) rather than allow consolidations to occur naturally, as is currently the case. A bill relating to consolidation was introduced in an interim committee by the Military Department, then withdrawn, then picked up by the legislature as a “placeholder” bill. That bill did not pass.

Following is a summary of 9-1-1 legislation considered in 2013.

HB 2035 – 9-1-1 TAX EXTENSION

Effective Date: Did Not Pass

Chapter: N/A

HB 2035 would have extended the period of applicability of the 9-1-1 emergency communications tax to January 1, 2026.

HB 2036 – 9-1-1 TAX ON PRE-PAID DEVICES

Effective Date: Did Not Pass

Chapter: N/A

Would have imposed the .75 cent tax on all telephone lines, including pre-paid phones. HB 2036 would have enhanced the Department of Revenue's enforcement of the 9-1-1 tax and allocated an additional 0.25% of revenue collected to the Department of Revenue for enforcement and administration.

HB 2415 – 9-1-1 TAX ON PREPAID DEVICES

Effective Date: Did Not Pass

Chapter: N/A

HB 2415 would have established alternative methods for a telecommunications provider to satisfy the requirement to collect and remit tax on customer access to the 9-1-1 emergency reporting system from prepaid telecommunications service customers.

HB 2454 – 9-1-1 TAX ON PREPAID DEVICES – “POINT OF SALE”

Effective Date: Did Not Pass

Chapter: N/A

HB 2454 would have provided for a point-of-sale collection of tax for access to the 9-1-1 emergency reporting system from prepaid wireless telecommunications service customers. In addition, the bill would have extended the period of applicability of the emergency communications tax.

HB 2496 – 9-1-1 TAX EXTENSION

Effective Date: Did Not Pass

Chapter: N/A

HB 2496 would have extended the period of applicability of the 9-1-1 emergency communications tax.

HB 3486 – 9-1-1 VOICE RECORDINGS

Effective Date: Did Not Pass

Chapter: N/A

HB 3486 would have exempted audio recordings of voice of caller to 9-1-1 emergency reporting system from disclosure under public records law unless public interest requires disclosure. The bill would have allowed any person to obtain a transcript of the audio recording.

SB 134 – CONSOLIDATION OF 9-1-1 CENTERS

Effective Date: Did Not Pass

Chapter: N/A

SB 134 was originally submitted to an interim committee by the Oregon Military Department (OMD) and ultimately introduced as a committee bill after the OMD attempted to withdraw the concept. The bill received no hearings during the 2013 session.

The fire service, the OMD, and a number of legislators were of the opinion that the legislature should not attempt to force consolidation. Rather, it should provide incentives to do so and let local jurisdictions work it out among themselves. Additionally, representatives of the OMD did not believe the Department had the authority to consolidate 9-1-1 centers.

SB 598 – MULTI-LINE TELEPHONE SYSTEMS

Effective Date: January 1, 2014

Chapter: 305 (2013 Laws)

SB 598 establishes requirements for 9-1-1 calls placed from multi-line telephone systems (MLTS), enabling 9-1-1 call centers to accurately pinpoint the location of the origination of a distress call. The bill requires operators to enable public safety answering points (PSAPs) to obtain street address and building name, at minimum, from automatic location identification database (ALID) for 9-1-1 calls. SB 598 exempts operators of key telephone systems, wireless telecommunications, and multiline systems serving single level, single tract structures of 10,000 square feet or less.

Budgets

HB 5038 – STATE POLICE BUDGET (OFFICE OF STATE FIRE MARSHAL)

Effective Date: July 1, 2013

Chapter: 503 (2013 Laws)

The Oregon State Police houses the Office of State Fire Marshal and, while the OSFM receives no general fund dollars, it is supported by a number of programs including the

Fire Insurance Premium Tax, Hazardous Substance Possession Fee, and Petroleum Load Fee. In passing the budget, the legislature anticipated increases in these fees, along with a reduction in PERS costs under SB 822, as well as other PERS adjustments. The legislature approved a budget of \$21.1 million total funds with 66.25 full-time equivalent positions. This represents a 3.3 percent increase in expenditures from the 2011-13 Legislatively Approved Budget. The fire service submitted testimony in support of the OSFM budget and was instrumental in passage of HB 2084, which increased the Fire Insurance Premium Tax (See also HB 2084).

HB 5042 – DPSST BUDGET

Effective Date: July 1, 2013

Chapter: 508 (2013 Laws)

The legislature approved a budget of \$44 million total funds and 129.54 full-time equivalent (FTE) positions. This is a 0.8 percent decrease from the agency's 2011-13

Legislatively Approved Budget excluding “Other Funds”. In passing the budget, the legislature also anticipated passage of HB 2084 which increased the Fire Insurance Premium tax and restored earlier reductions in fire training. The legislature also anticipated savings in PERS as a result of SB 822, along with other PERS adjustments. The legislature also approved a budget of \$251,539 which is 2.4 percent above the 2011-13 Legislatively Approved Budget to support the Public Safety Memorial Fund, which provides financial assistance to beneficiaries of public safety officers who are killed, or are permanently and totally disabled in the line of duty.

SB 5522 – BUDGET FOR OREGON GOVERNMENT ETHICS COMMISSION

Effective Date: July 1, 2013

Chapter: 453 (2013 Laws)

The Oregon Government Ethics Commission (OGEC) is funded by assessments charged to state agencies and local governmental entities. Assessments are split equally between state agencies and local government entities. The legislature approved a \$1,948,766 “Other Funds” budget for the 2013-15 biennium, which is 20.6 percent higher than the legislatively approved budget for the 2011-13 biennium. The number of positions (eight) remains unchanged from the prior biennium and FTE (7.88) is decreased by 1.5 percent. The approved budget includes statewide adjustments for administrative savings and Public Employees Retirement System Savings as well as approving an initial investment in an electronic reporting system, reclassifying a compliance specialist position, and restoring a full time training position.

Public Safety

SB 97 – EMERGENCY PREPAREDNESS

Effective Date: Did Not Pass

Chapter: N/A

SB 97 was intended to streamline the Office of Emergency Management’s accounting process and improve flexibility. The bill would have changed the names of Oregon’s Pre-Disaster Mitigation Fund and Disaster Response Fund to Emergency Preparedness Account, and Disaster Response Account, respectively, and relocated these funds to within the General Fund. In addition, the Local Disaster Assistance Loan and Grant Account would have been renamed the Local Disaster Assistance Loan and Grant Subaccount.

SB 126 – SMOKE ALARMS

Effective Date: Did Not Pass

Chapter: N/A

SB 126 was introduced at the request of the Oregon Fire Marshals Association to amend Oregon’s smoke alarm statutes. The bill would have accomplished the following:

Smoke alarms sold and installed in Oregon that are solely battery operated would have to come equipped with a tamper proof (sealed, non-removable) battery expected to last ten-years;

Required that when a home is sold, smoke alarms would have been installed to meet current residential building code requirements, which includes installation in every sleeping room, just outside the sleeping room, and one on every level of the home.

Required that when a home is sold, all smoke alarms shall be less than ten-years old. This includes battery operated and hard wired units, and exempts smoke detectors as part of a fire alarm system.

Currently manufacturers have products on the market to meet these requirements, specifically ten-year sealed smoke alarms containing either photoelectric or ionization technology. Sealed battery ionization smoke alarms retail for approximately \$13.00 and the sealed photoelectric retail for approximately \$24.00. This compares to a removable ten-year battery Ionization Smoke Alarm at \$10.00 or an Oregon compliant non-ten year Photoelectric at \$12.00. Over the life of the alarm the sealed tamper resistant units never require battery maintenance, averaging the cost for life safety at \$1.30 - \$2.40 cents per year per unit. The bill would have set an implementation date of January 1, 2015 to allow manufacturers and retailers to prepare for Oregon's change.

The bill was referred to a work group chaired by Sen. Herman Baertschiger (R-Grants Pass) and, while consensus was reached among the parties, the bill was never returned to Committee.

SB 422 – FIRE DISTRICT CONTRACTS FOR LAW ENFORCEMENT

Effective Date: Did Not Pass

Chapter: N/A

SB 422 would have authorized rural fire protection districts and state or local law enforcement agencies to enter into contracts with agencies to provide a special level or type of law enforcement services. The fire service opposed the bill on the grounds that a) Oregon law currently provides for the creation of "enhanced service districts" to provide additional services upon voter approval; and b) there were concerns that the new policy would pit fire service against law enforcement for funding.

SB 482 – SALIVA PROPULSION

Effective Date: June 24, 2013

Chapter: 477 (2013 Laws)

SB 482 adds saliva to the list of fluids that are illegal to propel at public safety officers when it comes into contact with public safety officers. The bill requires the propulsion of saliva to be intentional.

HB 2043 – DENIAL OF TRAINING OR CERTIFICATION PROCEEDINGS

Effective Date: March 18, 2013

Chapter: 6 (2013 Laws)

The Board of Public Safety Standards and Training is required by rule to establish minimum standards for fitness and training for public safety officers. The Department of Public Safety Standards and Training (DPSST) can revoke or suspend the certification of a public safety officer in certain circumstances. HB 2043 clarifies that the DPSST has the jurisdiction to proceed with a denial of training or certification of a public safety officer regardless of a change in employment status.

HB 2050 – OREGON FOREST LAND PROTECTION FUND

Effective Date: July 6, 2013

Chapter: 619 (2013 Laws)

The Oregon Forest Land Protection Fund (OFLPF) is utilized to equalize the costs of firefighting across the state and to support the purchase of insurance to protect against disastrously high fire costs. HB 2050 adds to the permissible uses of money in the OFLPF, including for emergency fire insurance policy premiums, for the availability and mobilization of emergency fire suppression resources on statewide basis, and for paying for non-routine supplemental fire protection, detection or suppression. HB 2050 aims to increase funding for the acquisition of equipment, improve the affordability of fire protection on the eastside, and move towards a funding model that would split costs more evenly between landowners and the General Fund.

HB 2084 – FIRE INSURANCE PREMIUM TAX

Effective Date: October 6, 2013

Chapter: 191 (2013 Laws)

HB 2084 increases the rate of fire insurance premium tax from 1 percent to 1.15 percent of gross premium. While the bill will increase revenue from fire insurance premium taxes, it will result in an overall reduction in General Fund revenue, due to lower corporate excise taxes and lower retaliatory taxes.

HB 2182 – FIRST RESPONDER APPRECIATION DAY

Effective Date: January 1, 2014

Chapter: 20 (2013 Laws)

HB 2182 designates September 27th as annual First Responder Appreciation Day.

HB 3199 – INCENDIARY DEVICES

Effective Date: January 1, 2014

Chapter: 223 (2013 Laws)

The State Forester must impose restrictions on uses on forestland on a district-by-district basis. HB 3199 establishes that a person commits a Class A violation if 1) person releases sky lantern or discharges exploding target or tracer ammunition inside or within 1/8 mile of a district boundary or 2) sky lantern released by person crosses above land inside district or within 1/8 mile of district. The bill authorizes the State Fire Marshal, the State Forestry Department or State Forester to issue citations for violations as well as enforcement officers as specified in ORS 153.005.

HB 2969 – INSURANCE PAYMENTS FOR AMBULANCE

Effective Date: January 1, 2014

Chapter: 91 (2013 Laws)

Currently, insurers providing coverage for ambulance care and transportation must make payments jointly to the provider of services and to the insured, unless the policy provides for direct payment to the provider. HB 2969 requires insurers providing coverage for ambulance care and transportation to pay ambulance care and transportation directly to the provider (including those fire districts providing the services).

HB 3453 – PUBLIC SAFETY FISCAL EMERGENCY

Effective Date: October 7, 2013

Chapter: 753 (2013 Laws)

HB 3453 authorizes the Governor to determine the fiscal conditions that compromise the ability of a county to provide a minimally adequate level of services and declare a “Public Safety Fiscal Emergency” in a county. After obtaining written authorization from the governing body of each affected county, the Governor may enter into a written intergovernmental agreement (IGA) with the affected counties and other counties for performance of functions and activities of the affected county.

SB 9 – TEXTING WHILE DRIVING

Effective Date: January 1, 2014

Chapter: 757 (2013 Laws)

SB 9 increases the violation class for using a mobile communication device for texting while driving from a Class D traffic violation to a Class B traffic violation. The bill requires signage on all state highways to alert drivers of the potential \$1000 fine.

SB 29 – FIREWORKS LAW DEFINITIONS

Effective Date: January 1, 2014

Chapter: 24 (2013 Laws)

SB 29 was a priority bill for the Office of State Fire Marshal and was one of the first bills to pass both Chambers. The bill aligns Oregon Fireworks Law definitions with current national standard definitions.

SB 33 – EMERGENCY PREPAREDNESS

Effective Date: June 26, 2013

Chapter: 512 (2013 Laws)

SB 33 updates the statutory list of agency participants in emergency preparedness and response planning consistent with current practice. In addition, the bill creates a 17-member Task Force on Resilience Plan Implementation in order to facilitate a comprehensive plan to implement the Oregon Resilience Plan for responding to naturally occurring seismic events.

SB 709 – DAMAGES FROM WILDFIRE

Effective Date: Did Not Pass

Chapter: N/A

SB 709 clarifies how damages will be calculated in the event of a wildfire in an effort to provide certainty to landowners, defines “wildfire” and allows recovery of twice the amount of economic and property damages if fire occurred as result of recklessness, gross negligence, willfulness or malice.

SB 764 – INCIDENTS INVOLVING “ACTIVE SHOOTER”

Effective Date: Did Not Pass

Chapter: N/A

In response to increasing events involving random weapon assaults on the public, SB 764 would have required counties to establish policies for law enforcement response involving an “active shooter”. The bill received no hearings.

Public Safety: Building Official Authority

Three separate bills (SB 528, SB 625, and HB 3326) were heard in the 2013 session that would have—either as introduced or as amended—sought to limit the timing and scope of State Fire Marshal plan reviews for construction, reconstruction, alteration or repair of a building or structure. The Oregon Fire Marshals Association (OFMA) felt strongly that such policy would pose a life safety threat and hinder fire suppression. As one representative of the fire service stated, “*These were the most significant fire marshal-related bills that we have seen in many, many years.*”

A work group was formed by Sen. Arnie Roblan (D-Coos Bay) to work out a compromise. That group included representatives from the Building Codes Agency, architects, the League of Oregon Cities, City of Portland, the OFMA, Oregon Building Officials Association and the Office of State Fire Marshal. Representatives of Oregon Building Codes agreed to delete language that removed the Fire Marshal’s authority over approach and water supply in favor of the following language, which was acceptable to the group:

Notwithstanding ORS 476.030, 476.033, 476.035, 476.150 and 476.155, the director, or the building official administering a program under ORS 455.148 or 455.150, has the authority to determine whether the structure’s plans or specifications, or the structure as actually constructed, meet the standards of the state building code, including but not limited to, fire and life safety standards. The State Fire Marshal or local fire official may provide advice to building officials, inspectors or department employees concerning the standards of the state building code. The department or the building official shall give consideration to the advice that does not conflict with the state building code while retaining authority to make final code decisions.

On April 11, a second group met to discuss SB 625. That meeting, primarily between representatives from the fire service and the National Electrical Contractors Association, was attended by Sen. Alan Olsen (R-Canby) who introduced the bill. The group agreed to importance of building relationships between Building Officials and Fire Marshals and, in the end, agreed to adopt the same language as above. Additionally, quarterly meetings between OFMA and other fire service partners, and representatives of the Building Codes and construction industry were planned.

SB 582 – BUILDING OFFICIAL AUTHORITY

Effective Date: June 26, 2013

Chapter: 528 (2013 Laws)

Allows DCBS, at request of affected municipalities, to enter into agreement, combine resources, and share fee revenue with local governments for DCBS to assist in the administration and enforcement of all or part of the building inspection program. The bill requires DCBS to give special consideration to the needs of rural and remote regions when adopting state building code.

SB 625 – BUILDING OFFICIAL AUTHORITY

Effective Date: January 1, 2014

Chapter: 487 (2013 Laws)

Allows Director of Department of Consumer and Business Services or local building official administering building inspection program to determine whether structure, as set forth in plans and specifications or as constructed, meets standards of state building code, including fire and life safety standards. The bill specifies that State Fire Marshal or local fire official may provide advice to building officials, inspectors, or Department employees concerning state building code standards. The amendments offered by the fire service and adopted by the legislature require local building officials and DCBS employees to give consideration to advice given by State Fire Marshal or local fire officials so long as that advice does not conflict with state building code.

HB 3326 – BUILDING CODE ENFORCEMENT IN RURAL AREAS

Effective Date: Did Not Pass

Chapter: N/A

HB 3326 would have authorized DCBS to limit the application of the specialty code provision of state building codes if the Director considered a provision to be unclear, duplicative, inadequate or unsuitable. It also would have authorized the Director to adopt an alternative standard.

Urban Renewal/Enterprise Zones

SB 478 – URBAN RENEWAL

Effective Date: Did Not Pass

Chapter: N/A

SB 478 would have required approval for an urban renewal plan by electors of the municipality proposing the plan. The bill received no hearings.

HB 2320 – ENTERPRISE ZONES

Effective Date: Did Not Pass

Chapter: N/A

Under HB 2320, a city would have been allowed to seek the designation of enterprise zones for electronic commerce regardless of whether the zone is an existing enterprise zone. The bill received no hearings.

HB 2632 – URBAN RENEWAL

Effective Date: October 7, 2013

Chapter: 579 (2013 Laws)

HB 2632 removes local option levies approved by voters after January 1, 2013 from the division of tax revenue for standard rate urban renewal plans and does not allow levy funds to be compressed by urban renewal. The bill is an attempt to address the further chipping away of local option levies which has resulted in the collection of less money than approved by voters.

Workers' Compensation

HB 2340 – WORKERS' COMPENSATION

Effective Date: Did Not Pass

Chapter: N/A

HB 2340 would have modified provisions requiring the public body to provide workers' compensation coverage for qualified emergency services volunteers. The bill received a hearing before the House Business and Labor Committee early in the session and did not progress.

Annexations

HB 2617 – TERRITORY ANNEXATION

Effective Date: Did Not Pass

Chapter: N/A

In an election proposing annexation for a territory of 100 acres or more, HB 2617 would have required a majority of votes in the city as well as a majority of votes in the territory favoring annexation for approval. For less than 100 acres, the bill would have required a majority of combined votes cast in the city and the territory favoring annexation for approval. The bill was brought forward by Rep. Brian Clem (D-Salem) in response to the attempted annexation of the Clear Lake area, served by Marion County Fire District, by Keizer Fire District.

HB 2618 – ANNEXATIONS

Effective Date: October 7, 2013

Chapter: 277 (2013 Laws)

Under ORS 222.520, a city is allowed to withdraw portions of a district from the district upon annexation or incorporation of the area into the city. In order to comply with the Marion County court decision in *Marion County Fire District #1 v. City of Keizer and Keizer Fire District*, HB 2618 clarifies the statute, authorizing a city to withdraw an area from a district only if the city will provide the services formerly provided by the district. The bill was sponsored by Rep. Brian Clem (D-Salem) and Rep. Vic Gilliam (R-Silverton) in response to the attempted annexation of the Clear Lake area, served by Marion County Fire District, by Keizer Fire District.

General Government

HB 2429 – ELECTRONIC DEVICES

Effective Date: Did Not Pass

Chapter: N/A

HB 2429 proposed to require public bodies to remove personal information from electronic devices before disposal. In addition, under this measure, public bodies would be required to own, lease, or otherwise control any devices used for copying documents containing personal information, or meet certain other requirements.

HB 2060 – CHARITABLE ORGANIZATIONS

Effective Date: October 7, 2013

Chapter: 260 (2013 Laws)

HB 2060 grants the Attorney General the power to disqualify charitable organizations from receiving deductible contributions or a property tax exemption (given under ORS 307.130). Such an order would be contingent on the finding that the organization failed to spend an average of 30 percent of its annual expenses on program services. Disqualified organizations are still allowed to solicit donations, but are required to disclose the order.

HB 2343 – GREEN ENERGY

Effective Date: Did Not Pass

Chapter: N/A

HB 2343 would have revised the requirement that a contracting agency dedicate a certain amount of the contract price toward including green energy technology in public building. This measure provided that the contracting agency may use energy from green energy technology located away from the site of the public building if the green energy technology meets certain qualifications.

HB 2374 – PUBLIC RECORDS LAW

Effective Date: Did Not Pass

Chapter: N/A

HB 2374 would have revised public records law and established a Public Records Exemptions Accountability Commission. The bill would have revised procedures relating to requesting and responding to public records requests as well as the appeal process following denial of a public records request.

HB 2212 – SMALL PROCUREMENTS

Effective Date: January 1, 2014

Chapter: 66 (2013 Laws)

Under Oregon's Public Contracting Code, small procurements may be awarded in any manner deemed practical or convenient by a contracting agency. HB 2212 increases the maximum amount of procurement that qualifies as small procurements under the Public Contracting Code from \$5,000 to \$10,000.

HB 2216 – HOSPITAL ASSESSMENT

Effective Date: October 7, 2013

Chapter: 608 (2013 Laws)

The hospital assessment is a revenue stream created to finance Medicaid (Oregon Health Plan) services, which was set to expire in 2013. HB 2216 extends the sunset on the collection of the assessment through 2015. In addition, the bill allocates one percent of the assessment to a hospital transformation and performance fund, and extends the requirement that long-term care facilities pay the assessment to June 30, 2013.

SB 483 – ADVERSE HEALTH INCIDENT RESOLUTION

Effective Date: March 18, 2013

Chapter: 5 (2013 Laws)

SB 483 is the product of the Patient Safety and Defensive Medicine (PSDM) Task Force established by Senate Bill 1580 in the 2012 session. The measure, a priority for Governor Kitzhaber, allows a patient, health care facility or provider to file notice of an “adverse health incident” with the Oregon Patient Safety Commission. The bill provides a mechanism for discussion and options for responding to the notice, as well as an option for mediation after discussion. In addition, the bill creates a 14-member Task Force on Resolution of Adverse Health Care Incident, which is required to report to the legislature every five years. Governor Kitzhaber testified in the Senate Judiciary Committee that SB 483 “allows health care providers to meet with patients in a confidential setting to attempt to resolve serious medical events before they go to court.” The Governor garnered support from both the Oregon Medical Association and the Oregon Trial Lawyers Association, as well as the Oregon Patient Safety Commission.

HB 2480 – CHANGE IN USE OF FACILITIES

Effective Date: N/A

Chapter: N/A

The Wapato Jail in Multnomah County was built using bond funds for capital construction. Multnomah County is proposing that the jail be repurposed and leased, but the ability to collect property tax revenue for repayment may be threatened by legal action if the jail is repurposed. HB 2480 allows for a change in the use of facilities constructed with certain general obligation bonds without causing the expenditure to be an improper expenditure that must be refunded.

HB 3415 – RADIO TOWER ACCESS FEES

Effective Date: January 1, 2014

Chapter: 440 (2013 Laws)

HB 3415 requires public bodies acting as radio common carriers to charge market rates for access to that radio tower and defines market rate. During testimony, proponents of the bill testified that public entities have begun bringing commercial clients on to public towers, going into direct competition with private companies who have invested heavily in infrastructure and are unable to compete. They testified that because public bodies receive state and federal grants, do not pay property taxes or other costs, they are able to offer lower fees for access. As of January 1, 2014, public bodies must charge private businesses no less than market rates.

Labor/Collective Bargaining

HB 2418 – DEFINITION OF SUPERVISORY EMPLOYEE

Effective Date: Did Not Pass

Chapter: N/A

HB 2418, also known as the “Battalion Chief” bill, would have modified the definition of “supervisory employee” to exclude certain firefighters for the purposes of public employee collective bargaining law. The revised definition would have excluded firefighters who merely assign, transfer, or direct the work of others and who do not

have the authority to impose economic discipline on other employees from qualifying as a supervising employee. These employees would have then been included in the collective bargaining unit. There was concern among fire service management due to the fact that in many cases, the Fire Chief would be the only employee not included in the collective bargaining unit. The bill is expected to resurface in 2014.

HB 2448 – COLLECTIVE BARGAINING

Effective Date: Did Not Pass

Chapter: N/A

HB 2448 would have required issues subject to collective bargaining during term agreement, as specified under the Public Employee Collective Bargaining Act, to be submitted for mediation. Should the issue fail to be resolved through negotiation or mediation, the bill would have required the issue to be submitted for binding arbitration.

HB 3165 – SUPERVISORY RATIO EXCEPTIONS

Effective Date: August 14, 2013

Chapter: 748 (2013 Laws)

Under HB 2020 (2011) the Legislative Assembly established a target supervisory ratio of 11 public employees to 1 supervisory employee across all state agencies with at least 100 employees. HB 4131 (2012) clarified and reinforced the requirement. Currently, statute prohibits an agency from filling vacant supervisory positions until the agency meets the 11 to 1 ratio or has increased its ratio by 1 employee from the preceding year. HB 3165 specifies the types of exceptions that the Director of Administrative Services may grant from staffing restrictions applied to agencies that do not yet meet the 11 to 1 supervisory ratio.

HB 3187 – ARBITRATION AWARD

Effective Date: Did Not Pass

Chapter: N/A

HB 3187 would have allowed the arbitrator of a labor dispute between a public employer and public employees to make an arbitration award containing elements from each of the last best offers submitted by parties.

HB 3062 – LABOR ORGANIZATIONS

Effective Date: Did Not Pass

Chapter: N/A

HB 3062 would have prohibited individuals from being required to be members of labor organizations or pay dues or other charges to labor organizations or related entities as a condition of employment.

HB 2847 ARBITRATION HEARING LAST BEST OFFER DEADLINE

Effective Date: Did Not Pass

Chapter: N/A

HB 2847 would have extended the deadline for submission of last best offer in an arbitration hearing for public employee collective bargaining from 14 calendar days prior to hearing to 35 calendar days prior to hearing.

Volunteers

SB 128 – TAX CHECK-OFF FOR VOLUNTEER FIREFIGHTER BENEFITS

Effective date: Did Not Pass

Chapter: N/A

Oregon's Tax Check-off program allows taxpayers to make contributions to approved charities from their tax refunds. In order to become eligible, charitable organizations must collect 10,000 signatures and show a gross income of at least \$1 million for the year prior to making application. Several entities, including the Oregon Veterans' Home, the Alzheimer's Disease Research Fund, and the Oregon Military Emergency Financial Assistance Fund, have been allowed through statute to waive the \$1 million threshold. HB 2564 would have added the Oregon Volunteer Firefighters Association to the list of charities excused from the \$1 million threshold, allowing the Association to accept donations to pay scholarships, equipment grants, and death and hardship benefits to volunteer firefighters. The bill passed the House unanimously in a previous session and passed the Senate unanimously in the 2013 session but was opposed by the Chair of the House Revenue Committee who refused to grant a hearing.

HB 3127 – VOLUNTEER MILEAGE

Effective Date: Did Not Pass

Chapter: N/A

HB 3127 would have created income tax subtractions for mileage of volunteers.

HB 2475 – RURAL EMERGENCY MEDICAL SERVICES

Effective Date: Did Not Pass

Chapter: N/A

HB 2475 would have extended the sunset on tax credit for the provision of volunteer emergency medical services in rural areas. While the bill did not pass, HB 3367 was approved, which continues the tax credit for rural Emergency Medical Technicians.

HB 2416 – VOLUNTEER LEAVE OF ABSENCE

Effective Date: Did Not Pass

Chapter: N/A

HB 2416 would have made an employer's violation of statute providing for leave of absence by an employee who is a search and rescue volunteer unlawful employment practice. Under this measure, an employee would be allowed to file a complaint for violation with the Commissioner of Bureau of Labor and Industries or to file civil action.

HB 3367 – EMT TAX CREDITS

Effective Date: October 7, 2013

Chapter: 750 (2013 Laws)

HB 3367 represents the list tax credits that were approved for extension by the Oregon legislature, including credits for film production, livestock killed by wolves, construction of farmworker housing, and political contributions, to name a few. Among those approved for an additional six years was the \$250 credit for Emergency Medical Technicians (EMTs), which was scheduled to sunset on December 31, 2013. The Rural EMT Tax Credit was also scheduled to sunset on December 31, 2013. The program

sunset was extended six years and no other changes were made. An amendment passed in the House doubled the credit to \$500 but that amendment was deleted in the Senate. The \$250/year tax credit remains for qualifying rural, volunteer EMS providers. The bill defines a “rural area” as an area located at least 25 miles from any city with a population of 30,000 or more.

Ethics

HB 2078 A – LOBBYIST REGISTRATION

Effective Date: January 1, 2014

Chapter: 262 (2013 Laws)

HB 2078 requires any lobbyist receiving compensation to register with the Oregon Government Ethics Commission (OGEC) within ten business days of agreeing to provide lobbying services or after first working as a representative. The bill also clarifies that lobbyist registration expires December 31st of each odd-number year, and changes the grace period for registration during even-numbered years to January 31st.

HB 2079 – ETHICS LAWS DEFINITIONS

Effective Date: January 1, 2014

Chapter: 42 (2013 Laws)

HB 2079 clarifies discrepancies and standardizes the definitions of “member of the household” and “relative” for the purposes of ethics laws. The bill also combines the definitions of Senate Bill 10 (2007) and Senate Bill 30 (2009).

HB 2080 – ETHICS VIOLATIONS PROCEDURES

Effective Date: April 18, 2013

Chapter: 43 (2013 Laws)

HB 2080 modifies language relating to government ethics violations in order to align statute with the current practices of the Oregon Government Ethics Commission (OGEC). The bill aligns civil penalty imposition with the procedures prescribed by the Administrative Procedures Act (ORS Chapter 183). HB 2080 was to be the vehicle for amendments support by the Special Districts Association of Oregon clarifying that the Oregon Government Ethics Commission had the authority to enter into no-fault stipulated judgments, similar to those used by BOLI. OGEC had repeatedly said that it did not have that authority. The Department of Justice subsequently advised the OGEC that the authority to enter into no-fault stipulated judgments does exist. Senator Diane Rosenbaum (D-Portland), Chair of the Senate Rules Committee, requested that the OGEC Executive provide testimony on the record to that affect. (Note: this does not necessarily mean that the OGEC will exercise that authority, but it does make it clear that the authority exists, which accomplishes the same objective as the amendments.

HB 3528 – LOBBYIST REPORTING

Effective Date: July 29, 2013

Chapter: 701 (2013 Laws)

House Bill 3528 exempts registered lobbyists from reporting to the Oregon Government Ethics Commission funds spent on lobbying another registered lobbyist. Under the OGEC’s interpretation of ORS 171.745(1)(a), a registered lobbyist would be required to

report food, drink, and entertainment expenses, if the individual approached another lobbyist to request that the join in forming a coalition to influence legislative action. The exemption enacted under HB 3528 does not apply if the person lobbied is a legislative official, an executive official, or a member of a state board or commission. The exemption expires June 30, 2015.

SB 41 – PRIVATE MEETINGS OF GOVERNING BODY

Effective Date: Did Not Pass

Chapter: N/A

SB 41 would have provided that matters for which a quorum of a governing body may not meet in private for the purpose of deciding or deliberating are limited to budget, fiscal, or policy matters that are before, or likely to come before, the governing body. The bill provided that certain communication, fact gathering activities or on-site inspections of property or facilities do not constitute governing body deciding on or deliberating toward decision. The bill was introduced in response to *Dumdi versus Handy*, the case involving the Lane County Commissioners. In that case before the Lane County Circuit Court, Judge Michael Gillespie found that the Commissioners willfully violated the spirit of the law by discussing the supplemental budget for 2009-2010 fiscal year in a series of “serial meetings”, though not in a quorum. There were two primary findings:

1. Email exchanges occurred in which budget issues were discussed; and
2. One-on-one meetings with Commissioners occurred in which budget issues were discussed.

The Judge found that those activities continued and the supplemental budget was adopted shortly thereafter (approximately nine days following the meetings). The findings are significant because the ethics statutes have always been interpreted to allow for gatherings and discussions among public officials so long as a quorum was not present. It was hoped that Judge Gillespie’s decision would be appealed since most believe that the Court of Appeals would most likely have reached a different conclusion. However, the case was settled and there will be no appeal.

Special Districts and the Oregon Fire District Directors Association participated in an interim work group which resulted in SB 41. The bill would have accomplished a number of positive outcomes in that it would have provided a “bright line” approach to public meeting laws. It should be noted that the Circuit Court decision does not apply statewide.

SB 85 and SB 86 – DELIBERATIONS AND PUBLIC MEETINGS LAW

Effective Date: Did Not Pass

Chapter: N/A

Both SB 85 and SB 86 were also introduced in response to *Dumdi versus Handy*, which was heard in the Land County Circuit Court in December 2010. SB 85 provided that any discussion of matter for which a governing body has the authority to make a decision or a recommendation constitutes deliberations for the purposes of public meetings law, regardless of whether public notice is given. SB 86 stated that electronic communication that is “simultaneous and contemporaneous” is subject to public meetings law. Email was excluded from the bill and clarifies that electronic mail is not simultaneous and contemporaneous communication.

Finance and Taxation

HJR 8 – LOCAL OPTION TAXES

Effective Date: Did Not Pass

Chapter: N/A

HJR 8 proposed an amendment to the Constitution to authorize local taxing districts (including fire districts) to impose local option taxes not subject to compression under Ballot Measure 5 (1990) if voters approve. The bill received several hearings but did not pass.

HJR 22 – AD VALOREM PROPERTY TAXES

Effective Date: Did Not Pass

Chapter: N/A

HJR 22 proposed an amendment to the Constitution that would allow local option land value ad valorem property taxes outside the limitations of Ballot Measure 5 (1990). The bill received no hearings.

HJR 23 – LAND VALUE TAXATION SYSTEM

Effective Date: Did Not Pass

Chapter: N/A

HJR 23 proposed an amendment to the Constitution that would allow local taxing districts to adopt a land value taxation system that taxes land at one rate and all other property at a lesser rate. The resolution would have required the land value taxation system to be in lieu of uniform ad valorem property taxation system of the district.

SB 817 – TECHNICAL CHANGES TO LOCAL BUDGET LAW

Effective Date: October 7, 2013

Chapter: 420 (2013 Laws)

SB 817 is primarily housekeeping and is a follow-up to HB 2425 passed in 2011. HB 2425 represented a comprehensive rewrite of local budget law, the first since 1963. SB 817 makes some technical corrections and updates sections of the statutes that provide the framework in which counties, cities, education districts and special districts develop and execute their budgets.

PERS

SB 822 – PERS REFORM

Effective Date: May 6, 2013

Chapter: 53 (2013 Laws)

SB 822 modifies cost of living adjustments (COLAs) under Public Employees Retirement System (PERS) by capping it at 1.5 percent to the allowance made on or after July 1, 2013 and before July 1, 2014. The bill also eliminates payment of additional benefits to cover Oregon income taxes to retirees living outside Oregon who do not pay the tax. SB 822 also removes limitations on prohibition relating to date of retirement and imposes a similar prohibition for certain public employers that provide retirement benefits for police officers and firefighters other than by participation in PERS.

HB 3056 – UNUSED VACATION AND SICK LEAVE

Effective Date: Did Not Pass

Chapter: N/A

HB 3056 would have eliminated the use of accumulated unused vacation leave and unused sick leave in computation of final average salary for purposes of determining retirement benefit of a member of the Public Employees Retirement System. HB 3056, 3057, 3058 and 3059 represented a package of PERS reform legislation introduced at the request of Rep. Bruce Hanna (R-Roseburg) and Rep. Kevin Cameron (R-Salem). None of the bills received hearings.

HB 3057 – COST-OF-LIVING ADJUSTMENT

Effective Date: Did Not Pass

Chapter: N/A

HB 3057 would have limited the cost-of-living adjustment under the Public Employees Retirement System (PERS) to the first \$3,000 of monthly benefits.

HB 3058 – EMPLOYER CONTRIBUTIONS TO INDIVIDUAL ACCOUNT

Effective Date: Did Not Pass

Chapter: N/A

HB 3058 would have eliminated employer pick-up of the six-percent employee contribution required of members of the individual account program of the Public Employees Retirement System (PERS) as of July 1, 2020. The bill would have also eliminated the ability of a public employer to make employer contributions to the individual account program as of July 1, 2020.

HB 3059 – INCREASED RETIREMENT BENEFITS

Effective Date: Did Not Pass

Chapter: N/A

HB 3059 would have prohibited the Public Employees Retirement Board (PERS) from paying increased retirement benefits resulting from state income taxation of payments made by board if the person receiving payments does not pay Oregon income tax on benefits. The bill would have also removed limitations on prohibition relating to date of retirement and provided procedures for enforcing prohibition. The bill imposed a similar prohibition for certain public employers that provide retirement benefits for police officers and firefighters other than by participation in PERS.

HB 3148 – INCOME TAX ON RETIREMENT BENEFITS

Effective Date: Did Not Pass

Chapter: N/A

HB 3148 would have modified law providing retirement benefits to members of the Public Employees Retirement System (PERS) in compensation for income taxation of retirement benefits. The bill provided that increased retirement benefits enacted in 1995 would not be paid to a retired member who does not pay Oregon income tax on benefits, without regard to person's date of retirement. In addition, the bill would have imposed a similar prohibition for certain public employers that provide retirement benefits to police officers and firefighters other than by participation in PERS.

HB 3202 – COST-OF-LIVING ADJUSTMENT

Effective Date: Did Not Pass

Chapter: N/A

HB 3202 would have limited the cost-of-living adjustment under the Public Employees Retirement System to the first \$2,000 of monthly benefits. No hearings were scheduled on the bill.

HB 3204 – RETIREMENT BENEFIT LIMIT UNDER PERS

Effective Date: Did Not Pass

Chapter: N/A

HB 3204 would have limited the total retirement benefit payable under Public Employees Retirement System to 100 percent of final average salary. The bill would have reduced the limit to 90 percent for members who retire on or after January 1, 2018, and to 80 percent for members who retire on or after January 1, 2023. No hearings were scheduled.

HB 3243 – VESTED MEMBERS

Effective Date: June 13, 2013

Chapter: N/A

HB 3243 originally would have allowed deceased members of the Public Employees Retirement System (PERS) to be considered vested for all purposes under the pension program of the Oregon Public Service Retirement Plan if, at the time of death, they meet the following criteria:

1. killed in the line of duty between July 1 and December 31, 2011;
2. served as a police officer who was an active OPSRP member;
3. had not otherwise vested in the pension program;
4. completed at least 600 hours of service in each of three calendar years; and application for death benefits was made within 60 days after the measure's effective date.

The bill was brought forward in response to the death of Oregon Department of Corrections Officer Buddy Herron who was killed in the line of duty prior to becoming a vested member of PERS. The bill would have originally allowed the family to receive continuous benefits as though he had been vested but, as passed, it represented a one-time benefit to the Herron family of approximately \$1,541.

HB 3312 – EMPLOYEE CONTRIBUTION TO PERS

Effective Date: Did Not Pass

Chapter: N/A

HB 3312 would have required member of the Public Employees Retirement System to contribute a percent of income to benefit funding account. The bill received no hearings.

HB 3444 – OTHER RETIREMENT BENEFITS

Effective Date: Did Not Pass

Chapter: N/A

HB 3444 provided that if a public body agrees to pay or provide a benefit to retired employees other than the payments required or provided for by statute, then the public body must create a separate account for funding those benefits and make annual

contributions to the account in amounts necessary to amortize the liability for benefits in 25 years or less. The bill would have eliminated the provision prohibiting local government and health care insurer from creating a group solely for the purpose of rating or of establishing a premium for health care insurance coverage of retired employees and dependents.

HB 3487 – VESTED MEMBER

Effective Date: July 1, 2013

Chapter: 589 (2013 Laws)

Currently, a member of the Oregon Public Service Retirement Plan (OPSRP) becomes vested in the pension program when the member completes at least 600 hours of service in each of five calendar years or when an active member reaches the normal retirement age for the member. If a vested member dies before reaching retirement age, the Public Employees Retirement System (PERS) is required to pay the death benefit. Under HB 3487, any deceased member of PERS who is killed in the course and scope of the member's employment, as certified by the employer, is allowed to be considered vested for the purposes of the pension program under the OPSRP. The bill was in response to the death of Buddy Herron (see HB 3243 above).
