



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## 2021: A SESSION FOR OREGON'S EQUITABLE REBUILDING AND RECOVERY

### OREGON SENATE DEMOCRATS AGENDA CHECKLIST FOR THE 2021 LEGISLATIVE SESSION

The Oregon Senate Democrats showed up and delivered for Oregonians in every corner of the state. We invested in Oregonians in all communities and ensured their voices were represented in the 81st Legislative Assembly.

The Oregon Senate Democrats strove to address all policy and budget proposals through a lens of racial equity and justice as our approach to governing. We developed and passed an antiracist agenda, understanding that racist and oppressive structures have exacerbated the challenges of the past year for Black Indigenous and People of Color (BIPOC) communities, low-income residents, women, LGBTQIA+, those living with physical and intellectual disabilities, as well as marginalized and historically underserved Oregonians.

Oregon Senate Democrats also worked to address the dramatic impacts of the COVID-19 pandemic and a historic wildfire season. This session, we prioritized recovery, reinvestment and rebuilding in an equitable manner. With support from our partners in federal government and with better-than-expected revenue projections we crafted a historic budget that will improve public health, economic vitality and environmental sustainability.

During the 2021 Legislative Session, Senate Democrats met Oregonians' needs by:

#### **Supporting Small Businesses and Securing Family Wage Jobs:**

- ✓ Promoted job creation for rural, traditionally marginalized and BIPOC communities; (SB 493, SB 762, SB 704)
- ✓ Assisted businesses in navigating pandemic restrictions and recovery; (HB 2266)
- ✓ Advanced workplace policies that support working families (SB 493, SB 483, SB 716)
- ✓ Protected collective bargaining rights for Oregon workers; (SB 493)
- ✓ Ensured successful implementation of Keep Oregon Moving transportation investments (HB 3055)

#### **Protecting Our Natural Resources and Developing Clean Energy:**

- ✓ Committed to transitioning to 100% renewable energy and promoting related rural jobs; (HB 2021, HB 2475)
- ✓ Strengthened forest stewardship and water conservation for future generations; (SB 762, HB 2498)
- ✓ Improved wildfire response policies to protect vulnerable communities; (HB 2289, SB 590)
- ✓ Protected our working lands to keep our fisheries healthy and preserve wildlife (SB 582)

#### **Demanding Justice in Our Courts, Law Enforcement Transparency and Practical Public Safety:**

- ✓ Advanced police accountability measures; (SB 621, HB 3355, HB 3059, HB 3164, HB 2986, HB 2513, HB 2936, HB 2928)
- ✓ Advocated for common sense gun safety; (SB 554)
- ✓ Reformed policies that disproportionately impact BIPOC communities; (HB 2167, SB 778, HB 3265, HB 2935, SB 398, SB 289)
- ✓ Guided the implementation of Measure 110 by honoring the will of the voters. (SB 755)



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Expanding Access and Equity in Public Education:**

- ✓ Advanced equity-centered educational practices to help students succeed; (SB 52, SB 236, SB 580, SB 713, SB 743, HB 2001)
- ✓ Promoted pathways to apprenticeship and career technical education (SB 713, HB 2092, HB 2537);
- ✓ Created rapid training options for dislocated workers in a post-COVID economy (SB 623, HB 2949);
- ✓ Streamlined pathways for Oregon transfer students (SB 233).

## **Delivering Effective, Equitable and Person-Centered Health Care and Social Services**

- ✓ Prioritized resources and policies to meet the needs of those most impacted by COVID-19; (SB 428, SB 567, SB 800, SB 844, HB 3016, SJR 12)
- ✓ Improved the quality of programs and facilities serving our youngest and oldest Oregonians; (SB 266, SB 703, SB 710, SB 714, HB 2360, HB 2362, HB 3352)
- ✓ Developed robust and integrated mental health and substance use recovery systems of care (SB 698, HB 2086, HB 2316, HB 2417, HB 2469, HB 2949, HB 2980, HB 3045, HB 3046);
- ✓ Promoted housing accessibility, including robust wildfire and pandemic responses. (SB 282, SB 278, SB 464, HB 2009)

## **Making Democracy and Government Work for Oregonians:**

- ✓ Ensured a fair redistricting process for all Oregon communities; (SB 259)
- ✓ Improved equal access to voting across the state; (HB 3291, SB 27)
- ✓ Advanced government transparency, including Oregon's public records law; (SB 500)
- ✓ Implemented budget and tax policy that works for everyday Oregonians. (SB 139, HB 2433, SB 464)

## **LEGISLATIVE SESSION KEY BILL EXPLANATIONS:**

### **ENHANCING EQUITY ACROSS SYSTEMS**

#### **Senate 704 – Banning LGBTQIA Panic Defense**

Senate Bill 704 is a landmark law that prohibits the harmful and discriminatory criminal defense colloquially known as “the gay panic defense”. This defense has been used as a mitigating factor by those charged with a violent crime, who argue their sentencing should be less severe because they became aware of the victims’ sexuality or gender. Senate Bill 704 says that the discovery of a victim’s actual or perceived gender, gender identity, gender expression or sexual orientation does not constitute a reasonable explanation for extreme emotional disturbance for purposes of asserting an affirmative defense to murder in the second degree.

#### **Senate Bill 289 – Bias Crimes in State Parks**

Senate Bill 289 assures that all Oregonians can enjoy and feel safe in our places of natural beauty. It prohibits any person previously convicted of a bias crime while in state parks or waters from entering any state parks.

#### **Senate Bill 398 – Punishing the Display of a Noose**

This bill takes a firm stand and says Oregonians will not tolerate hate crimes or racist intimidation. Senate Bill 398 makes displaying a noose a crime. The offense will be a Class A misdemeanor, punishable by a maximum of 364 days’ imprisonment, \$6,250 fine, or both.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **House Bill – C.R.O.W.N. Act**

House Bill 2935 is known as the Create a Respectful and Open World for Natural Hair (CROWN) Act. It prohibits employers and schools from discriminating against natural hair or any form of hairstyle specific to a race, culture, or religion. It also requires any voluntary organization that administers interscholastic activities to have an equity focus and permit students to wear religious clothing when applicable.

## **House Bill 2167 – Racial Equity Office**

House Bill 2167 allocates \$1.2 million to the creation of the Racial Justice Council within the Office of the Governor. The Council shall advise the Governor on policy related to advancing racial equity. Additionally, the Secretary of State, Bureau of Labor and Industries, State Treasurer, and Attorney General are directed to report back to the legislature annually on recommendations for dismantling systemic and institutional racism.

## **Senate Bill 778 – Office of Immigrant Advancement**

Senate Bill 778 creates the Office of Immigrant and Refugee Advancement. This office will provide services statewide to new Oregonians and help them navigate career and educational opportunities. The legislature has allocated approximately \$4.6 million over this biennium and the next to get the office up and running.

## **House Bill 2475 – Discount Utility Rates for Lower-Income Households**

House Bill 2475, known as the Energy Affordability Act, will allow the Public Utilities Commission to consider differential energy burdens for low-income Oregonians in setting their rates. It also permits PUC to consider social equity factors and consult with environmental justice groups. This change will allow energy to be discounted for those who need it most.

## **House Bill 2842 – Healthy Homes Initiative**

Fifty-four percent of Oregonians live in housing built before 1978. Housing that has not been retrofitted for energy efficiency is expensive to heat or outfit with proper filtration, and, according to the Oregon Health Authority, has been correlated with poor health outcomes for residents, including asthma and other respiratory issues. House Bill 2842 A establishes the Healthy Homes Program within the Oregon Health Authority, for the purpose of awarding grants to eligible entities which provide financial assistance to low income households and communities disproportionately affected by environmental pollution or other hazards, and to landlords for the repair and rehabilitation of residential dwelling units.

## **House Bill 3265 – Sanctuary Promise (a \$905K investment)**

House Bill 3265 strengthens Oregon's commitment to protecting undocumented immigrants. It requires any law enforcement officer who arrests a foreign national to inform the person of any immigration implications that may arise. It also prohibits any public agency from denying services based on documentation status and prohibits law enforcement from inquiring about an individual's citizenship status without connection to a criminal investigation. It also prohibits a public body from entering into contracts with federal immigration enforcement to disclose citizenship status or related identifying information. The measure also allocates approximately \$905k for the Criminal Justice Commission and the Department of Justice (DOJ) to engage in annual reporting and for DOJ to create a reporting mechanism for any violations of the sanctuary promise.

## **Senate Bill 562 – Strengthening Oregon's Indian Child Welfare Act**

In 1978, Congress enacted the Indian Child Welfare Act (ICWA) to establish minimum standards to guide states with respect to the removal and out-of-home placement of Native children, after acknowledging that such children were removed from their families and communities at disproportionately higher rates than other children. The ICWA supports the integrity of Indian tribes and families, respects the unique values of Native cultures, and prioritizes the value of an Indian child's connection to their culture, family, and tribe. Senate Bill 562 clarifies and builds on previous legislation,





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Continued: Senate Bill 562 – Strengthening Oregon’s Indian Child Welfare Act**

continuing implementation of and compliance with the ICWA, making several technical corrections and adjustments, and providing additional direction concerning the adoption of Indian children, including recognizing customary tribal adoptions.

## **Senate Bill 567 – Health Care Delivery Anti-Discrimination**

Senate Bill 567 establishes a clear and specific prohibition on discrimination in healthcare, making it unlawful for a health care provider to discriminate on the basis of a protected class by denying medical treatment to the patient that is likely to benefit the person, or by limiting or restricting the allocation of medical resources to the patient.

## **Senate Bill 428 – Universal Health Care Task Force Extension**

In 2019, the Oregon Legislative Assembly passed Senate Bill 770, establishing the Task Force on Universal Health Care. The Task Force is charged with recommending a universal health care system that offers equitable, affordable, comprehensive, high quality, publicly funded health care to all Oregon residents. Senate Bill 428 extends the Task Force on Universal Health Care to the 2022 regular session.

## **House Bill 2166 – Education Equity**

Governor Brown convened a Racial Justice Council (RJC) in September 2020 to recommend changes to policy and long-term strategies to align with the administration's racial justice and equity goals. House Bill 2166 serves as a vehicle for the RJC's policy recommendations related to education. This measure combines various education equity initiatives including the creation of an Early Childhood Suspension and Expulsion Prevention Program within the Early Learning Division of the Department of Education (ODE), the formation of a social emotional learning standards advisory group at ODE, the adoption of rules relating to educator equity at the State Board of Education and the establishment of the Public Charter School Equity grant program to support historically underserved students.

## **House Bill 3354 – Equity in Educator Licensing Standards**

Oregon currently uses the EdTPA assessment to evaluate candidates for licensure. EdTPA is a performance-based assessment created by the Stanford Center for Assessment, Learning, and Equity (SCALE) at Stanford University as a more practical assessment than other teacher preparation and licensing exams. Although EdTPA was designed to be more equitable than other assessments, there are still notable inequities in passing rates among demographic subgroups. House Bill 3354 requires the use of multiple measures to evaluate licensure candidates

## **House Bill 2001 – Diversifying the Educator Workforce**

Current law requires school districts to prioritize the retention of its most senior teachers in the event of layoffs and allows a district to retain a teacher with less experience only if it can determine that the teacher being retained is more competent or has more merit. House Bill 2001 A requires districts to prioritize seniority but retain teachers with less seniority in order to maintain the proportion of teachers with cultural and linguistic expertise compared to teachers without such expertise. The measure maintains the current permissive structure for districts to retain teachers with less seniority but who are determined to have more competency or merit.

## **House Bill 2433 – Earned Income Tax Credit Expansion**

House Bill 2433 extended and modified many tax expenditures, including Oregon’s Earned Income Tax Credit (EITC). This measure made the earned income tax credit more equitable by eliminating the distinction between taxpayers filing with a Social Security Number and those filing with an Individual Taxpayer Identification Number. This change allows both resident or nonresident individuals to claim Oregon’s EITC and applies to tax years 2022 through 2025.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## IMPROVING PUBLIC SAFETY AND JUSTICE

### **Senate Bill 554 - Prohibiting Guns in Public Buildings & Safe Storage**

Senate Bill 554 creates safer environments at public buildings and schools. Current law provides Concealed Handgun License (CHL) holders an affirmative defense for bringing loaded firearms into schools and public offices. Senate Bill 554 allows school districts and public higher education institutions to vote to remove that affirmative defense and ban firearms on their premises. Senate Bill 554 also requires that gun owners store their firearms safely by using a cable lock, a storage container or safe, or in a gun room. Safety measures must also be used when transferring a firearm and owners must report if a gun is stolen or missing. Finally, Senate Bill 554 prohibits the CHL affirmative defense in public buildings, which include the Portland International Airport.

### **Senate Bill 621 - Police Accountability - Civilian Oversight Board**

Senate Bill 621 is one in the series of police accountability measures that the legislature has passed since 2020. It is part of the Senate Democrats' ongoing commitment to making police-community interactions safer. This law allows cities to create civilian boards to oversee law enforcement disciplinary matters, so long as a related measure was referred to voters on or after July 1, 2020 and the measure passed.

### **House Bill 3355 - Law Enforcement Officer Uniforms**

House Bill 3355 continues the Senate Democrats work on police reform and accountability. Peaceful protestors identified during law enforcement identification as a key challenge during lawful assemblies in 2020, citing that it was difficult to ascertain who is law enforcement in large public settings. As such, this law requires that police wear uniforms and gear that is easily identifiable when conducting crowd management in cities with populations of 150k or over. It also states a law enforcement officer must provide their name and identifying number or a business card to a member of the public upon request, so long as doing so is practical, safe, and tactically feasible.

### **House Bill 3059 - Unlawful Assemblies**

House Bill 3059 is another bill in the 2021 police accountability package. This law removes language requiring an arrest if persons fail to disperse as ordered during an unlawful assembly. It still permits police to engage with a crowd and request dispersal if appropriate.

### **House Bill 3047 - Civil Remedy for Doxing**

Doxing is the term used for disclosing someone's identity and related personal information with the intent of harassing, stalking or causing harm. House Bill 3047 creates a civil cause of action for doxing victims. A prevailing plaintiff may recover economic and non-economic damages as well as other types of relief. The statute of limitation is two years.

### **House Bill 3164 - Interfering with Police Officer**

House Bill 3164 works to end over-criminalizing in our system. This law simply states that a person cannot be arrested or charged with interfering with a police officer if the person has already been arrested or charged with a crime for the same conduct.

### **House Bill 2986 - Police Training on Prejudice Based on Perceived Gender**

House Bill 2986 works to track and end bias crimes. It requires that police officers be trained to identify and investigate crimes committed based on a victim's gender identity or perceived gender. This is already required for crimes committed based on a persons' perceived race, color, religion, national origin and sexual orientation. It also requires that these crimes be reported and tracked.





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **House Bill 2513 – Police Training in Cardiopulmonary/Circulatory Anatomy**

This law is another step towards ending police brutality. It requires that law enforcement be trained on the airway and circulatory anatomy to know clearly what impedes someone's ability to breathe and therefore avoid. It also requires police to call for emergency medical services immediately if a person is suffering from respiratory or cardiac compromise.

## **House Bill 3273– Booking Photos**

Currently, when a person is booked at a jail, their photo is taken and is generally published online whereupon it is publicly accessible. This often causes humiliation and makes it hard for people to move on with their lives. House Bill 3273 prohibits law enforcement agencies from releasing booking photos except under certain circumstances and sets requirements for the destruction of a booking photo image by a publish-for-pay publication upon request.

## **House Bill 2936 – Police Background Checks and Conduct**

House Bill 2936 is a multipronged police reform bill. It requires the development of universal background checks for law enforcement candidates that shall include an assessment of history in biases towards races, gender, sexual orientation and related identities. This law also directs enforcement units to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment.

## **Senate Bill 193 – Compliance with Recent Court Decisions**

Senate Bill 193 brings state law into compliance with the Oregon Supreme Court decision, which stated that a general cap on non-economic damages violates the constitutional guarantee of access to remedy as determined by the courts. (*Busch v. McInnis Waste Systems, Inc.*). It also brings state law into compliance with the Supreme Court of the United States in *Ramos v Louisiana*, 140 S. Ct. 1390 ruling, that found that guilty verdicts in criminal cases must be a unanimous jury verdict. Thus, it removes the statutory cap on noneconomic damages for claims for bodily injury but retains the cap on noneconomic damages for wrongful death claims. It also requires unanimous agreement of jurors for a verdict of guilty and concurrence of at least 10 of 12 jurors for a verdict of not guilty.

## **Senate Joint Resolution 10 – Eliminating Exception to Abolition of Slavery**

Senate Joint Resolution 10 seeks to eliminate legal slavery in all forms. Section 34, Article I of the Oregon Constitution states, "There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted." SJR 10 proposes amending the Oregon Constitution to remove language allowing slavery and involuntary servitude for punishment of a crime. This proposed amendment now moves to the voters to be considered in the next General Election.

## **House Bill 2928 – Limiting Police Munitions (a \$1.5m investment)**

House Bill 2928 continues Democrats' work to add accountability and prevent injury. The bill prohibits the use of chemical incapacitants, kinetic impact projectiles, munitions and sound cannons for purposes of crowd control unless use of force is otherwise authorized by statute. House Bill 2928 also makes it so that if munitions are to be used, law enforcement officers must give instructions on how to safely disperse and provide accommodations for those that cannot. Law enforcement must also make every reasonable attempt to get medical care to any subsequently injured individuals.

## **House Bill 2527 – Private Security Firms Licensing**

House Bill 2527 creates regulatory oversight of private security operations. It directs the Department of Public Safety Standards and Training (DPSST) to license the approximately 1600 businesses that employ private security providers and ensure competency of the providers. This will be a fee-based program and will be supported by certification, licensure, and renewal fees.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Senate Bill 755 – Ballot Measure 110 Implementation**

Senate Bill 755 is the omnibus bill to implement Ballot Measure 110. Also referred to as the Drug Addiction Treatment and Recovery Act (Act), Ballot Measure 110 decriminalized possession of small amounts of controlled substances. It classified those offenses as Class E violations that are subject to a \$100 fine. If a cited person completes a screening, the fine will be waived. Screenings are to assess level of addiction and provide access to services for both recovery and acute care. Cited individuals will also be offered access to services related to housing and employment. The Act additionally establishes the Treatment and Recovery Services Fund, which is financed primarily by marijuana revenues and is disbursed through grants to increase access to behavioral healthcare. Finally, it creates an Oversight and Accountability Council (OAC) that acts as the rulemaking and grant disbursement body under the wing of the Oregon Health Authority. \$1.9 million is appropriated over the 2021-2023 and 2023-2025 biennia to launch Ballot Measure 110.

## **SUPPORTING WORKERS AND LOCAL BUSINESSES**

### **House Bill 2266 – Small Business Recovery Funds**

This bill represents Senate Democrats' commitment to helping small businesses recover from the pandemic and thrive. It directs the Oregon Business Development Department to create and implement the Disadvantaged and Emerging Small Business Loan program. It appropriates \$20 million from the general fund for this purpose.

### **Senate Bill 493 – Prevailing Wage**

Senate Bill 493 will make sure Oregonians working in trades will be paid a fair wage. Under the current system, a prevailing wage for a given trade and region is set through a complicated process and a rate determined in a collective bargaining agreement only prevails as the required pay if it represents 50% or more of the current rate. Senate Bill 493 will require that the prevailing wage always be set based on the relevant collective bargaining agreement. When there is more than one applicable CBA, the higher rate will become the prevailing wage.

### **Senate Bill 483 – Ending retaliation in the workplace**

Senate Bill 483 will protect workers who speak out against health, harassment or other applicable violations in the workplace. This law will create a rebuttable presumption that a firing or demoting of an employee that happens within 60 days of the employee engaging in a protected activity such as whistleblowing was a retaliatory action. If the employment action happens after 60 days, there is no such presumption.

## **PROTECTING OREGON'S ENVIRONMENT**

### **Senate Bill 582 – Recycling - Extended Producer Responsibility**

Senate Bill 582 will overhaul and modernize Oregon's recycling system. The law will create Producer Responsibility Organizations (PROs) and require producers to pay into the system. The Environmental Quality Commission will establish a waste prevention and reuse fee to be charged to PROs. This fee may not exceed 10 percent of the three-year average of the organization's annual expenditures. It also directs the Department of Environmental Quality to develop statewide recycling contamination reduction goals, and to evaluate the cost effectiveness of different methods for reducing contamination. The measure also establishes the Oregon Recycling System Advisory Council, to advise DEQ and producer responsibility programs. The Council is to report to the interim committees of the Legislative Assembly related to the environment no later than September 15 of each even-numbered year, on recommendations made. Additionally, this measure establishes the Truth in Labeling Task Force to study and evaluate misleading claims about recyclability of products. Finally, DEQ is directed to develop a uniform statewide collection and create facilities to address commingled recycling products.





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Senate Bill 762 – Wildfire Prevention and Response (a \$150m investment)**

Senate Bill 762 is Oregon's omnibus wildfire prevention and response bill. This landmark legislation makes a variety of policy changes and critical investments. This bill directs the development statewide, publicly available, map of wildfire risk incorporating information such as risk classes. It will also develop community-driven wildfire prevention applications and create new defensible space standards. Senate Bill 762 includes a workforce development component with a youth corps training program and increases firefighter capacity. The bill also creates an advisory council, provides for air purification systems for populations vulnerable to smoke, and directs utility systems to adapt to more extreme and frequent wildfires.

## **House Bill 2021 – 100% Clean Energy**

House Bill 2021 sets Oregon on the path to using 100% renewable energy by 2040; this is double the previous standard established by the legislature in 2016 of 50% by 2040. The bill sets new incremental clean energy goals to reach 80% by 2030 and 90% by 2035. House Bill 2021 invests in community small scale renewable projects and encourages employment of women, veterans and BIPOC Oregonians. It also includes labor standards for those Oregonians who work on these projects, thus spurring economic and community growth while reducing our reliance on unsustainable resources.

## **HOUSING ACCESS AND AFFORDABILITY**

### **Senate Bill 282 – COVID-Response Rent Repayment Period**

During the 2020 3rd Special Session, the Legislature passed House Bill 4401, creating a qualified extension of Oregon's eviction moratorium for nonpayment of rent until June 30, 2021 and establishing the Oregon Landlord Compensation Fund. Senate Bill 282 extends the tenant grace period for repayment for back rent until February 28, 2022. This measure also created tenant screening protections and temporarily eased restrictions on non-tenant guests in rental units.

### **Senate Bill 278 – COVID-Response Rent Assistance Protections**

As of June 2021, Oregon Housing and Community Services (OHCS) was distributing or preparing to distribute approximately \$423 million in relief funds to qualified renters who have experienced financial hardship due to the COVID-19 pandemic and are at risk of homelessness or housing instability. Senate Bill 278 created 60-day eviction protections for tenants awaiting rental assistance and provided a risk guarantee for landlords during that timeframe. The measure also retroactively and prospectively increased reimbursement from the Landlord Compensation Fund from 80 percent to 100 percent.

### **House Bill 2009 – COVID-Response Residential Foreclosure Moratorium**

During the 1st Special Session of 2020, the Legislature passed House Bill 4204. This legislation established temporary limitations on lenders being able to enforce default remedies on obligations secured by mortgages or other contracts and allowed the Governor to extend these protections up to December 31, 2020. House Bill 2009 extended these temporary mortgage payment deferral and foreclosure protections until June 30, 2021 and authorizes the Governor to continue these protections until December 31, 2021 by executive order.

### **House Bill 2006 – Easing Siting Requirements for Emergency Shelters**

Oregon's percentage of unsheltered homeless individuals is one of the highest in the United States. A 2019 Urban Institute report found that 24 percent of homeless individuals (10,142 people) in Oregon were unsheltered. During the first special session of 2020, the Legislative Assembly enacted House Bill 4212 to provide temporary shelter to individuals and families lacking permanent housing. House Bill 2006 expands transitional housing and supports shelter development. It requires local governments to approve emergency shelter developments under certain conditions and





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Continued: House Bill 2006 – Easing Siting Requirements for Emergency Shelters**

includes motor vehicles in parking lots or at facilities that allow overnight stays within the definition of transitional housing.

## **House Bill 2364 – Manufactured Dwelling Park Sale Requirements**

Manufactured homes serve as one key feature of Oregon's affordable housing market. As of 2017, there were roughly 141,000 manufactured homes in Oregon representing eight percent of the state's housing inventory. When a manufactured home facility is sold, manufactured homeowners may be left to relocate at their own expense. House Bill 2364 provides more time for tenant organizations and owners to communicate with respect to certain aspects of the process when a manufactured dwelling park is for sale and provides damages of 10 percent of a park's sale price if an owner fails to comply with process requirements.

## **SERVICES TO SUPPORT OREGONIANS**

### **Senate Bill 266 – Improving Quality of Care at Long-Term Residential Facilities**

The Department of Human Services (DHS) is currently required to make an acuity-based staffing tool available that it and residential care facilities may use collaboratively to evaluate whether the facility has enough qualified caregivers to meet residents' needs and to share staffing plan information with residents and their families. Senate Bill 266 requires DHS to assess whether residential, memory care, and long-term care facilities consistently meet residents' needs by April 1, 2022, according to rules adopted by the Centers for Medicare and Medicaid Services. As part of its assessment, DHS is directed to consider whether each resident has a person-centered service plan and whether the subject facility consistently provides timely 24-hour access to supports needed for activities of daily living, timely responses to issues affecting resident dignity, and care that is delivered in conformity with each resident's plan.

### **Senate Bill 703 – Caregiver Quality Metrics**

During the 2017 Session the Legislature passed House Bill 3359, directing the Department of Human Services (DHS) to work with the Quality Measurement Council to develop a quality metrics reporting system so that the performance of residential care facilities and assisted living facilities could be evaluated. Senate Bill 703 makes various changes to quality metrics oversight of these facilities including the addition of a representative of direct care workers to the Council, additional notification requirements and added responsibilities at DHS to evaluate the cost of care, medical assistance reimbursements and direct care compensation and report to the legislature by January 1, 2023

### **Senate Bill 710 – Use of Restraints in Child Care Settings**

Unnecessary and improper use of restraint and involuntary seclusion in residential facilities and child caring agencies can traumatize and physically injure the individual subject to restraint, as well as the person applying the restraint. Senate Bill 710 codifies, centralizes, and makes existing rules around the use of restraint and involuntary seclusion, and corresponding training and certification requirements more robust. It also clarifies the narrowly tailored exceptions for permissible uses of restraint and requires secure transportation service providers to be licensed by DHS if they have a nexus to Oregon.

### **Senate Bill 714 – Minimum Staffing Ratios**

Senate Bill 714 is a companion to Senate Bill 266, which requires the Department of Human Services (DHS) to assess whether residential, memory care, and long-term care facilities consistently meet residents' needs by April 1, 2022, according to rules adopted by the Centers for Medicare and Medicaid Services. Senate Bill 714 is a companion to Senate Bill 266, which requires DHS to assess whether residential, memory care, and long-term care facilities consistently meet residents' needs by April 1, 2022, according to rules adopted by the Centers for Medicare and Medicaid Services. The measure also requires DHS to take specified regulatory actions based on the results of assessments that could include requiring enhanced oversight of a facility and imposing license conditions.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **House Bill 3073 – Department of Early Learning and Care**

The Early Learning Division of the Department of Education was established by passage of House Bill 3234 in 2013. That measure transferred certain duties previously assigned to the Early Learning Council to the Division. Since that time, the Division has served to govern and manage most of the state's early childcare and education programs and services. House Bill 3073 makes the Early Learning Division into an independent state agency, titles the new agency the Department of Early Learning and Care, modifies related definitions and duties, and transfers the Employment Related Day Care subsidy program currently managed by the Department of Human Services to the newly created agency.

## **IMPROVING OREGON'S TRANSPORTATION SYSTEM**

### **House Bill 3055 – Transportation Omnibus**

House Bill 3055 is the omnibus transportation bill for the 2021 session. The measure makes several technical statutory adjustments with respect to various transportation related issues. It also makes several more substantive statutory changes including amending certain instruction requirements for motor carriers, allowing electric and natural gas utilities to recoup costs associated with infrastructure for alternative fuel vehicle charging from retail consumers and restructuring statutes related to tolling and financing of tollway projects.

### **House Bill 2165 – Transportation Electrification & Zero-Emission Vehicle Adoption**

The Oregon Legislature most recently affirmed state commitment to zero-emission vehicle adoption by enacting Senate Bill 1044 during the 2019 Legislative Session. That measure declared legislative intent to assist in transforming the motor vehicle market by 2035 and directed executive agencies to assist by purchasing light- and medium-duty zero-emission vehicles. Senate Bill 1044 also included ongoing zero-emission vehicle adoption tracking and reporting requirements. House Bill 2165 requires electric companies to collect an amount from retail electricity consumers to support transportation electrification pursuant to a plan accepted by Public Utility Commission. The measure authorizes the Commission to allow electric companies to recover costs from retail electricity consumers to support transportation electrification if certain criteria are met. Additionally, the bill modifies eligibility for and increases value of Charge Ahead zero-emission and electric vehicle rebates.

### **House Bill 2290 – State Parks Electric Vehicle Charging Infrastructure**

According to the Oregon Department of Energy, there are approximately 32,000 electric vehicles (EVs) spread across all 36 counties in Oregon. Multnomah County has the highest number of EVs at 9,100, whereas Wheeler County has the lowest number of EVs at 3. House Bill 2290 requires the State Parks and Recreation Department to allow for installation and service of public electric vehicle charging stations. The measure also establishes the Parks and Recreation Transportation Electrification Fund and authorizes the Public Utility Commission to allow electric companies to recover costs from retail electricity consumers for transportation electrification measures under certain conditions.

## **OPPORTUNITY THROUGH EDUCATION**

### **Senate Bill 580 – Class Size Mandatory Bargaining in Title I Schools**

Oregon's Public Employee Collective Bargaining Act (PECBA) establishes a collective bargaining and dispute resolution process for Oregon's public employers and public employee unions. Aspects of employment relations subject to mandatory bargaining under PECBA include matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, labor organization communication procedures and grievance procedures. Senate Bill 580 A makes class size and caseload limits in Title I schools mandatory subjects of school district collective bargaining.

### **Senate Bill 551 – Part-Time Faculty Health Care**

Since 2009, Oregon law has provided eligibility for part-time faculty members at public institutions of higher education for the same health care benefits as their full-time counterparts, on the condition that the part-time faculty member is





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Continued: Senate Bill 551 – Part-Time Faculty Health Care**

eligible for the Public Employees Retirement System by teaching at one or more public institutions in the prior year. Under this system, part-time faculty would be required to pay the full cost of the insurance premium, unless otherwise provided by an institution's policies or collective bargaining agreements. Senate Bill 551 requires part-time faculty of public institutions of higher education to pay 10 percent of health insurance premiums for employee benefit plans while the state pays the remainder, unless previously covered by a collective bargaining agreement, and specifies the mechanisms by which this will be provided.

## **Senate Bill 744 – Essential Studies Requirements**

State law currently establishes only a portion of the requirements for a high school diploma (math and English language arts credits). The remaining credit requirements, along with additional requirements such as demonstrated proficiency in nine essential skills, education plans, and education profiles, are codified in Oregon Administrative Rule. Senate Bill 744 requires the Department of Education to review high school graduation requirements, requires a report to the legislature on the results of the review, and suspends essential learning skills requirements for three school years.

## **Senate Bill 233 – Common Course Numbering**

Students who transfer from one public college or university to another may be required to repeat certain courses, causing a buildup of excess academic credits, increasing student debt, and delaying graduation. Senate Bill 233 establishes the Transfer Council to develop recommendations for a common course numbering system among the state's public universities and community colleges, requires the Higher Education Coordinating Commission to establish a common course numbering system based on the work and recommendations of the council, incorporates management of foundational curricula and unified statewide transfer agreements, and mandates all public post-secondary educational institutions in Oregon to adopt the system by the 2025-2026 academic year.

## **FINANCIAL AND REVENUE FAIRNESS**

### **Senate Bill 139 – Pass-Through Tax Reform**

During the 2013 Special Session, the Legislature created preferential marginal tax rates for certain business income reported on personal income tax returns. Income subject to these preferential marginal tax rates could include income earned from S-corporations, partnerships and limited liability companies (LLCs). This legislation also established certain eligibility requirements including the material participation of the taxpayer and at least one non-owner employee, among other requirements. Senate Bill 139 modifies the rate structure for small businesses and eliminates the preferential rates for large businesses. The measure also includes new requirements to ensure that participating businesses are helping to create jobs and support Oregon's economy.

### **Senate Bill 464 – Wildfire Property Tax Relief**

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

### **Senate Bill 743 – School Funding Formula Fix**

Oregon's school districts are primarily funded through distributions from the State School Fund. The formula is also built to help prevent immediate and severe loss of revenue to any given district – which is most often due to student enrollment losses. Because of the COVID-19 pandemic and resulting closures, a number of children who enrolled in virtual charter schools for the 2020-2021 school year, may return to their brick and mortar schools for the 2021-2022 school year as schools open for in-person education. As a result, virtual charter schools and the districts that sponsor





# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Continued: Senate Bill 743 – School Funding Formula Fix**

them will likely see a significant increase in their state school fund allocations for the 2021-2022 school year, which may be disproportionate to their student population. To prevent double payment resulting from a student's change in enrollment, virtual schools will receive 10% of that "free year" of extension money. This provision is temporary – for the next biennium only.

## **IMPROVING THE HEALTH AND WELLBEING OF OREGONIANS**

### **Senate Bill 844 – Prescription Drug Affordability**

Increasing prescription drug prices have contributed to rising overall costs for health care consumers. Data from the Centers for Medicare and Medicaid Services show that prescription drug spending increased by 7.2% annually on average from 1991 to 2014 in Oregon. Senate Bill 844 establishes the Prescription Drug Affordability Board in the Department of Business and Consumer Services to review the affordability of prescription drugs sold in Oregon.

### **Senate Bill 800 – Long-Term Care Worker Health Care Trust**

A Kaiser Family Foundation analysis found that 14 percent of long-term care health workers lack health insurance coverage. Senate Bill 800 establishes the Oregon Essential Workforce Health Care Program to provide health care to employees of qualified facility operators participating in the state's medical assistance program.

### **House Bill 2360 – Diminishing Barriers to Care at Hospitals**

In 2019, House Bill 3076 passed, requiring nonprofit hospitals and hospital systems to establish financial assistance policies, often referred to as charity care, that provide free or discounted care to patients based on household income. The bill requires nonprofit hospitals to conduct an eligibility screening to determine if patients qualify for their financial assistance policy. House Bill 2360 prohibits nonprofit hospitals and health systems from requiring an individual to apply for Medicaid as part of the financial assistance eligibility screening process.

### **House Bill 3016 – Emergency Period Hospital Nurse Staffing Plans**

During the 2015 Session, the Legislature passed Senate Bill 469 which established hospital nurse staffing committees (HNSCs) to formulate nurse staffing plans. This measure provided composition and mediation requirements for HNSCs and established a 12-member Nurse Staffing Advisory Board within the Oregon Health Authority (OHA). House Bill 3016 adds requirements for suspension of hospital nurse staffing plans during national or state emergency declarations.

### **Senate Joint Resolution 12 – HOPE Amendment - Right to Health Care**

Many state constitutions contain provisions recognizing state involvement with public health. As of 2010, at least six state constitutions contained provisions requiring the state to promote and protect public health. Senate Joint Resolution 12 refers to voters an amendment to the State Constitution on affordable health care for Oregon residents.

### **House Bill 3352 – Cover All People**

House Bill 3352 expands health care coverage to adults who would be eligible for Medicaid except for their immigration status, beginning July 1, 2022. The bill appropriates \$100 million General Fund to OHA to implement this program, including for outreach and education.

### **House Bill 2362 – Health Care Entity Mergers & Acquisitions**

Provider consolidation into vertically integrated health systems increased nationally from 2016 to 2018. More than half of U.S. physicians and 72 percent of hospitals were affiliated with one of 637 health systems in 2018. For-profit and church-operated systems had the largest increases in system size, driven in part by many system mergers and acquisitions.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **Continued: House Bill 2362 – Health Care Entity Mergers & Acquisitions**

House Bill 2362 directs the Oregon Health Authority to examine and monitor the competitiveness of the health care market, and approve or deny mergers, acquisitions, and affiliations among hospitals, insurers, and provider organizations.

## **Senate Bill 587 – Tobacco Retail Licensure**

According to the Oregon Health Authority's 2020 Tobacco Facts report, Tobacco use remains the leading cause of preventable death in Oregon. Tobacco use costs Oregonians about \$2.9 billion per year in medical expenses, lost productivity and early death. Adult tobacco use disproportionately affects Oregonians of lower socio-economic status. Senate Bill 587 prohibits the retail sale of tobacco products or inhalant delivery systems in Oregon, unless the retailer is licensed by the Department of Revenue (DOR) or they hold a license with a city or local public health authority. The bill allows DOR to revoke, suspend, or refuse to issue or renew a license. The measure also authorizes DOR to establish fees, impose civil penalties, and to share licensing information with the Department of Justice (DOJ), OHA, and local public health authorities.

## **Senate Bill 763 – Pharmaceutical Representative Licensure**

Medical marketing influences decisions that impact quality and cost of care. From 1997 through 2016, total annual spending on the marketing of prescription drugs, disease awareness campaigns, health services, and laboratory testing increased from \$17.7 billion to \$29.9 billion. Marketing to medical professionals accounted for the highest proportion of spending, increasing from \$15.6 billion in 1997 to \$20.3 billion in 2016, with most spending for marketing of prescription drugs. SB 763 establishes a licensing and regulatory program for pharmaceutical representatives within DCBS. Pharmaceutical representatives would need to obtain a license if they engaged in marketing or sales presentations, negotiating pricing and terms and conditions for the sale of pharmaceutical product, selling, or offering pharmaceutical product for sale, among other activities. Licensees must submit annual reports to DCBS and take continuing education to maintain their licenses. Senate Bill 763 requires DCBS to submit an annual report to the legislature based on the information provided by licensees each year.

## **ENHANCING ACCESS TO DEMOCRACY**

### **House Bill 3291 - Accepting Ballots Postmarked by Election Day**

Oregon's vote by mail system is a leader across the country in making voting easy and accessible. House Bill 3291 makes it even easier by turning every mailbox into a drop box and allowing ballots to be mailed up until election day. Clerks must accept mailed ballots if the ballot has a postmark no later than election day.

### **House Bill 3021 - Voting Materials Produced in Top 5 Oregon Languages**

Oregon's population continues to grow and become more diverse. Yet many of our official election materials are only published in English. House Bill 3021 requires the Secretary of State's Elections Division to translate Voters Pamphlet into languages other than English as determined by an analysis of the most commonly spoken languages other than English on a state and county-by-county basis.

### **House Bill 2992 - Expenses Compensation for Public Board and Commission Members**

Most of Oregon's boards and commissions rely on volunteers from all walks of life and all areas of Oregon to dedicate big chunks of their time to serve the public. This has the effect of skewing the recruitment of board and commission members to those who can afford to volunteer their time. House Bill 2992 will expand the field of Oregonians who can participate in public service by introducing an element of compensation for commission members who are serving Oregon.



# OREGON SENATE DEMOCRATS 2021 LEGISLATIVE SESSION HIGHLIGHTS

## **House Bill 2560 - Requires Public Meetings to Have Remote Accessibility**

The COVID-19 Pandemic dramatically improved remote access to all types of meetings and gatherings. As we come out of the pandemic and return to normal life, House Bill 2560 will require governments and public bodies to offer a remote technology option for participating in the meeting.

## **FUNDING OREGON'S REBUILDING, RECOVERY AND OPPORTUNITY**

The Oregon Senate Democrats continued their commitment to invest in the programs and services that Oregonians rely on to thrive, and to support an equitable recovery across the state.

### ***Education:***

- K-12 State School Fund - \$9.3 billion;
- Student Success Act: \$892 million for Student Investment grants; \$436 million for Early Learning;
- \$125 million in capital improvement matching funds, \$110 million seismic rehabilitation;
- Summer learning programs - \$250 million;
- Public Universities - \$900 million;
- Community Colleges - \$703 million;
- Oregon Opportunity Grant - \$200 million;
- \$414 million for higher education construction and maintenance;
- \$68 million to expand preschool education programs.

### ***Wildfire Recovery and Preparedness:***

- \$200 million for wildfire preparedness, recovery and response investments;
- \$150 million for wildfire recovery housing.

### ***Critical Infrastructure:***

- \$276 million for drinking water, stormwater and sewer projects;
- \$136 million for repairing and replacing water infrastructure;
- \$80 million for safety improvements to Portland's NE/SE 82nd Avenue;
- \$32 million for Newberg-Dundee Bypass Road;
- \$5 million for Hood River Bridge;
- \$3.3 million for Lake County Railroad.

### ***Housing:***

- \$410 million for LIFT and Permanent Supportive Housing programs;
- \$130 million for acquisition and preservation of affordable housing;
- \$47 million for emergency shelters and navigation centers;
- \$20 million for homebuyer down payment assistance.

### ***Health Care:***

- \$100 million for Cover All People health care program;
- \$302 million for Behavioral Health Resource Networks;
- \$130 million for increasing capacity of licensed residential housing facilities;
- \$31 million for additional units at Junction City Oregon State Hospital campus;
- \$121 million for Certified Community Behavioral Health Clinics.

### ***Communities:***

- Each Senator allocated \$4 million to community projects within their Senate District as a dedicated expenditure of state funding from the American Rescue Plan Act (ARPA). Similarly, State Representatives designated \$2 million to community projects;
- A total of \$240 million in legislator-designated ARPA community project funding is designated to improve communities across Oregon.