

Legislature 2009 wrap-up

A blur of bills dominated the Legislative landscape as the 75th Legislative Assembly concluded. June 29th closed the session as Sine Die adjourned legislators.

Status of pre-session bills filed by the Office of State Fire Marshal:

HB 2365 - Prevents youth-set fires by prohibiting the sale and distribution of novelty (toylike) lighters and imposes civil penalties for noncompliance. **Status** – Heard on opening day of the Session along with all the OSFM bills, this was the first to pass through the Legislative process. Championed by Representative Paul Holvey, and Representative Greg Matthews, the bill became law when signed by the Governor March 4.

SB 91 - Liquefied petroleum gas program fee increase: Changes statute to increase funding to avoid a shortfall in the 09-11 biennium. **Status** – Passed the Senate June 17 with a 21 to 8 vote then the House with a 35 to 23 vote. The Governor is expected to sign the bill.

SB 88 A - Cardlock program funding: Changes statute to increase funding to avoid a shortfall in the 09-11 bienniums. Clarifies statute by removing duplicate and outdated language. **Status** – Amendments by Senator Larry George reduced the gallonage requirement for cardlock users from 900 gallons to 500 and reduced the minimum number of audits required by OSFM in order to increase cardlock facility safety inspections in remote areas. The bill passed the Senate June 26, on a 23 to 6 vote, leaving the bill on the speaker's desk.

SB 89 - Eliminates overlapping regulation of the explosives industry between state and federal government. Allows compliance with federal regulations to satisfy state requirements. **Status** – Amendments from Senator Brian Boquist helped secure movement for this bill. The Governor signed the bill May 26 with an effective date of January 1, 2010.

HB 5038 - Approves fee increase for wholesale fireworks permits, public display permits, and retail fireworks permits. **Status** - Passed the House June 17 and the Senate June 23. The Governor is expected to sign the bill.

Bills of Interest introduced by other parties –

HB 2067 B - Relating to sunset of tax credits; Creates or adjusts sunset provision for certain July 2009, GATED WYE, page 4

personal income or corporate excise tax credits that are not required under federal law or Oregon Constitution. Requires future tax credits to sunset within six tax years of initial tax year for which credit is applicable. **Status** – This bill passed the House 36 to 24 and the Senate 19 to 9. The bill adjusts or creates sunset provisions on a large number of tax credits in January of 2012 and refers to ORS 317.122, which references ORS 731.820 covering Fire Insurance Premium Tax (FIPT). Section 20 of the bill states: A credit may not be claimed under ORS 317.122 for tax years beginning on or after January 1, 2012. The insurance industry has concerns about defending the FIPT tax credit in the future due to obscure references in the bill.

HB 2420 A- Relating to workers compensation claims for cancer by firefighters; Establishes presumption that certain cancers are compensable occupational diseases for certain nonvolunteer firefighters. Requires certain cities to apply presumption to claims by nonvolunteer firefighters employed by city. **Status** – Passed the House February 10, on a 55 to 1 vote; passed the Senate March 5, on a 29 to 1 vote with amendments, causing it to return to the House and re-passing with a 59 to 1 vote. The Governor signed the bill March 19, 2009 with an effective date of January 1, 2010.

HB 2457 - [Allows State Plumbing Board to authorize journeyman plumber who obtains training and certification from board-recognized provider to design fire sprinkler systems in one-and two-family dwellings and appurtenances. Provides that journeyman plumber designing fire sprinkler system within scope of board authorization is not engaged in practice of architecture or practice of engineering.] **Authorizes journeyman plumber to design plumbing portion of fire sprinkler system for installation in residential structure subject to Low-Rise Residential Dwelling Code. Status** - Though a work group put a lot of energy into it, did not fully resolve all the issues. The bill did not move out of the Senate Business and Transportation Committee. An interim work group will review issues concerning the installation of residential fire sprinkler systems.

HB 2790 A – Increases membership of Board on Public Safety Standards and Training to 25 members, three are nonvoting members. Changes membership of board policy committees. Directs policy committees to establish fitness for duty standards and procedures for reviewing denial,

suspension or revocation of certification. Establishes procedures for investigating and hearing cases involving denial, suspension and revocation of certification. **Status** - Adds a non-management parole and probation officer to the Board. The Department of Forestry position was eliminated. The Superintendent of State Police and the State Fire Marshal remain. The amendment restructures some of the policy committees. The bill passed the House May 4 with a vote of 57 to 2 and the Senate June 4 with a vote of 30 to 0. The Governor is expected to sign the bill.

HB 3450 B - Prohibits transferring title of or issuing certificate of occupancy for single-family dwelling or multifamily housing that has a carbon monoxide source unless dwelling or housing is equipped with carbon monoxide detector. Prohibits landlord from renting a dwelling unit that has carbon monoxide source or located within a structure that has carbon monoxide source, unless the dwelling unit is equipped with a carbon monoxide detector. Imposes duty on landlord to repair and maintain detector. Prohibits removing or tampering with detector. **Status** - Many stakeholders, in particular representatives of the Oregon Fire Service, amended the bill targeting closer alignment with current smoke alarm statute and minimal fire service enforcement. After passing the House 50 to 9, it had further amendments in the Senate, passing 17 to 7, with concurrence in the House, re-passed 35 to 11. The Governor is expected to sign the bill.

SB 935 A - Relating to first responder building mapping information systems. Directs Office of Emergency Management to develop and operate statewide first responder building mapping information system. **Status** – At press time, the bill remained in the Ways and Means Public Safety Subcommittee.

For more information visit http://www.oregon.gov/OSP/SFM/2009_Legis.shtml or contact OSFM Senior Policy Analyst Donna Disch at 503-934-8275 or Donna.Disch@state.or.us.

Oregon has a Citizen Legislature consisting of a 30-member Senate, elected to four-year terms; a 60-member House of Representatives, elected to two-year terms. The assembly convenes every two years in regular session the second Monday in January during odd-numbered years. Oregon Constitution does not specify a limitation on session length, however most sessions last approximately six months.