

Oregon Parks and Recreation Commission

September 20, 2023

Agenda Item: 3c **Information**

Public Comment Allowed: **Yes**

Topic: **Legislative Update**

Presented by: **Katie Gauthier, Government Relations and Policy Manager**

Background:

The 82nd legislative session concluded on June 25 after a flurry of activity in the final days. After a 43-day walkout denying quorum in the senate, a late session agreement enabled a return of enough senators to pass bills and budgets. Coupled with construction throughout the building and number of new legislators, this was once again a strange session.

Introduction of agency priority bills were delayed due to the change in administration. In the end, we had four bills introduced by a committee and two bills were led by partners or legislators.

OPRD started the session with the following priorities:

- [HB 2011](#): Park and Recreation employee assault penalties (Died in committee);
- [HB 2737](#): Transferring land to federally-recognized Indian Tribes (enacted, eff. 1/24);
- [SB 149](#): Extend sunset on historic property special assessment program (Died in Committee);
- [SB 888](#): ATV Class IV Safety Education Cards (Died in Committee);
- [SB 889](#): ATV Class IV Definition changes (enacted, eff. 1/24); and
- [SB 890](#): Parks Commission Update (enacted, eff. 1/24).

For the three bills that were enacted, we are working on implementation and rulemaking, if necessary. Over the next few months we will evaluate options for the bills that did not pass to better understand the issues surrounding it and determine how to move forward in the future.

In addition to the legislation above, there were a number of bills that passed through the session that may have an impact on the agency. The following pages include a summary of legislation that may have an impact on the agency, organized by topic area, instead of bill number.

2023 Legislation enacted with potential to impact OPRD

Topic	Bill	Bill Summary	Effective Date	Notes
ADA	<u>SB 569</u>	Requires closed-captioned television receivers in public areas within places of public accommodation to display closed captioning unless exception applies.	9/24/2023	This does not require new programming or purchase of new equipment, only turning on CC when available.
ATV	<u>SB 889</u>	Modifies definitions of "Class I all-terrain vehicle" and "Class IV all-terrain vehicle." Removes requirement that certain off-road vehicles be equipped with windshield wipers when vehicle is operated off highway.	1/1/2024	
budget	<u>HB 5045</u>	Modifies certain appropriations from General Fund to specified state agencies and Emergency Board for biennium ending June 30, 2023.	4/6/2023	Omnibus budget reconciliation bill. OPRD adjustments in debt service for GF and LF.
budget	<u>SB 5506</u>	Appropriates moneys from General Fund to Emergency Board for allocations during biennium.	8/4/2023	*Governor line item vetoed, but not anything impacting OPRD. Christmas tree bill. Includes \$10 million for Oregon Main Street Program.
budget	<u>SB 5527</u>	Appropriates moneys from General, Lottery, Federal, and Other Fund to State Parks and Recreation Department for certain biennial expenses.	7/27/2023	OPRD's budget
Commission	<u>HB 2038</u>	Requires statement of economic interest to include certain information about sources of income for business in which public official or candidate, or member of household of public official or candidate, is officer, holds directorship or does business under if source of income has legislative or administrative interest and 10 percent or more of total gross annual income of business comes from that source of income.	1/1/2024	

2023 Legislation enacted with potential to impact OPRD

Topic	Bill	Bill Summary	Effective Date	Notes
Commission	<u>SB 1095</u>	Provides transitional guidance and adjusts membership of certain boards and commissions whose governing body membership is based in whole or part on congressional districts, to account for increase in congressional districts.	1/1/2024	does not include specific changes for OPRD commission
Commission	<u>SB 890</u>	Modifies composition of State Parks and Recreation Commission membership.	1/1/2024	
Drones	<u>HB 2520</u>	Prohibits person from recklessly, knowingly or intentionally using unmanned aircraft system to interfere with wildfire suppression, law enforcement or emergency response effort.	1/1/2024	
Drones	<u>SB 812</u>	Allows local government to prohibit takeoff and landing of unmanned aircraft systems in parks owned by local government.	1/1/2024	
Employment	<u>HB 2296</u>	Extends sunset from 2024 to 2034 on provisions allowing retired member of Public Employees Retirement System to be reemployed by participating public employer for unlimited number of hours without reduction in pension benefits.	1/1/2024	
Employment	<u>HB 3028</u>	Prohibits employer from requiring employee to use vacation, sick or annual leave for time spent by employee as appointed member of state board or commission.	9/24/2023	
Employment	<u>HB 3331</u>	Amends eligibility requirements for employee to receive benefits under shared work plan.	9/24/2023	
Employment	<u>SB 168</u>	Expressly prohibits public employees, while on job during working hours or while otherwise working in official capacity, from promoting or opposing appointment, nomination or election of public officials.	1/1/2024	added appointment and nomination to prohibition on election involvement at work.
Employment	<u>SB 210</u>	Creates exception to certain confidentiality protections to authorize Department of Human Services employees to comply with mandatory abuse reporting requirements.	1/1/2024	

2023 Legislation enacted with potential to impact OPRD

Topic	Bill	Bill Summary	Effective Date	Notes
Employment	<u>SB 418</u>	Removes minimum time period that injured worker must be absent from work for compensable medical services before injured worker may receive temporary disability benefits for such absence.	6/1/2023	
Employment	<u>SB 692</u>	Directs state agencies to use information system maintained by Oregon Department of Administrative Services to track internal investigations conducted by state agency regarding allegations of workplace discrimination and harassment concerning employees of state agency.	1/1/2024	
Employment	<u>SB 745</u>	Directs county juvenile department to ensure that specified youth or adjudicated youth receives sex trafficking screening.	9/24/2023	By January 2026, all agency staff who work with youth will need to take a DOJ created training on sex trafficking every two years.
Employment	<u>SB 907</u>	Prohibits employer from retaliating or discriminating against employee or prospective employee who, in good faith and with no reasonable alternative, refuses exposure arising from hazardous condition at place of employment.	1/1/2024	
Employment	<u>SB 912</u>	Authorizes Director of Employment Department to deduct amount from future weekly family and medical leave insurance benefits for overpayments due to individual's fault.	9/24/2023	
Employment	<u>SB 999</u>	Clarifies meaning of "one-year period" for purposes of determining amount of unpaid family leave that eligible employee is entitled to take within any given one-year period.	6/7/2023	

Topic	Bill	Bill Summary	Effective Date	Notes
Fleet	HB 3550	Requires state agency that purchases or leases light-duty vehicle on and after January 1, 2025, to purchase only zero-emission vehicle unless state agency finds that zero-emission vehicle is not feasible for specific use state agency has for light-duty vehicle.	1/1/2024	DAS says this is a technical fix to something we are already required to do.
Housing	SB 406	Requires certain cities and communities in Tillamook County to allow middle housing on residentially zoned lands, to adopt housing production strategies and to accommodate estimated housing needs upon lands inventoried as buildable lands.	1/1/2024	
IT	HB 3127	Identifies certain covered vendors.	9/24/2023	Bans download of TikTok on state devices. Includes other companies of concern.
Ocean shore	HB 2914	Establishes Oregon Abandoned and Derelict Vessel program in Department of State Lands to address abandoned and derelict vessels.	7/27/2023	Directs OPRD to be one of the agencies coordinating with DSL on creation of a policy framework for the newly created Oregon Abandoned and Derelict Vessel Program.
Ocean shore	HB 3382	Allows local government to adopt land use exception to Goal 16 under certain conditions for applications for deep draft navigation channel improvements in Oregon International Port of Coos Bay.	7/31/2023	

Topic	Bill	Bill Summary	Effective Date	Notes
Operations	HB 3409	Requires State Department of Energy to report on rate of heat pump technology adoption and to collaborate with designated state agencies to reduce barriers to home energy efficiency and resilience.	7/27/2023	energy efficiency/ climate omnibus bill that includes a number of requirements energy efficiency, natural and working lands, global warming commission. Will need to check in with DEQ and Dept. of energy as implementation moves forward.
Operations	HB 3421	Requires official ceremony or other event held by state government to commemorate Memorial Day or Veterans Day to be held on legal holiday.	1/1/2024	Requires memorials to veterans on state property be of clean condition and good repair for Memorial Day, Veterans Day.
Operations	SB 594	Requires payment of prevailing rate of wage for demolition of or removal of hazardous waste from road, highway, building, structure or improvement in public improvement contract that uses \$750,000 or more of public funds or that occurs on real property that state agency owns, including demolition or removal of hazardous waste that occurs in connection with construction, reconstruction, renovation or painting of road, highway, building, structure or improvement.	9/24/2023	
Operations	SB 910	Excludes certain on-street and off-street parking pay stations from requirement to accept coins and currency as payment for goods and services.	1/1/2024	
Other agencies	HB 2010	Directs Oregon Watershed Enhancement Board to establish program to provide grants to water suppliers.	8/4/2023	
Other agencies	HB 2484	Directs Department of State Fire Marshal to coordinate urban search and rescue function of this state.	1/1/2024	
Other agencies	HB 3086	Clarifies process of Senate confirmation of members of State Fish and Wildlife Commission.	1/1/2024	ODFW commissioners appointed by river basin districts

2023 Legislation enacted with potential to impact OPRD

Topic	Bill	Bill Summary	Effective Date	Notes
Other agencies	<u>SB 161</u>	Moves deadline for occurrence of events related to establishment of Elliott State Research Forest to December 31, 2023.	6/30/2023	
Other agencies	<u>SB 203</u>	Transfers Director of Affirmative Action from office of Governor to Oregon Department of Administrative Services.	1/1/2024	
Procurement	<u>HB 2295</u>	Broadens public contracting preference for businesses that service-disabled veterans own to include all veteran-owned businesses.	9/24/2023	
Procurement	<u>HB 2649</u>	Provides that qualifying agency must require as material provision of public improvement contract that contractor establish and implement plan for outreach to and recruitment and retention of women, minority individuals and veterans to perform work under public improvement contract, with aspirational target of having individuals in one or more of these groups perform at least 15 percent of total work hours that workers perform under public improvement contract.	9/24/2023	
Procurement	<u>HB 3332</u>	Requires Dept of Administrative Services and Dept of Transportation, in procuring public improvement contract or contract for public works with estimated price of \$250,000 or more, to include in solicitation documents conspicuous notice that resulting public improvement contract or contract for public works will require contractors to use steel, iron, coatings for steel and iron and manufactured products that are produced in United States.	7/31/2023	

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Procurement	HB 3572	Permits contracting agency to grant preference to procuring for public use goods or services that are provided by benefit company incorporated, organized, formed or created under laws of this state, if goods or services cost not more than five percent more than goods or services available from contractor that is not benefit company.	9/24/23; but only for procurements after 1/1/24	Can by 5% more for contracting w/ benefit company
Procurement	SB 1047	Raises contract price threshold under which contracting agency may apply certain solicitation and procurement methods for public contracts.	9/24/2023	
Property	HB 2737	Allows agencies to sell, lease or donate agency's real property or interests in real property to eligible Indian tribes notwithstanding ordinary transfer procedures.	1/1/2024	
Public Meeting	HB 2806	Authorizes governing body of public body to meet in executive session to consider matters relating to safety of governing body, public body staff and public body volunteers and to security of public body facilities and meeting spaces, and relating to cyber security infrastructure and responses to cyber security threats.	7/13/2023	
Public Meeting	HB 3167	Modifies definitions to allow for publication of legal notices in digital newspaper.	7/13/2023	Adds newspapers with digital subscribers instead of just print subscribers for public notices.
Public Meeting	SB 11	Requires certain executive department boards or commissions that conduct public meetings through electronic means to record and promptly publish recording on website or hosting service so that public may observe or listen to meetings free of charge.	1/1/2024	Requires putting commission mtg recording on website.

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Public Meeting	<u>SB 207</u>	Authorizes Oregon Government Ethics Commission to proceed on own motion to review and investigate, if commission has reason to believe that public body conducted meetings in exec session that were not in compliance with laws authorizing exec session	1/1/2024	
Public Records	<u>HB 2112</u>	Updates definitions and terminology used in public records law pertaining to records retention.	1/1/2024	
public records	<u>HB 2490</u>	Exempts from required disclosure records concerning cybersecurity plans, devices and systems, including contractual and insurance records setting forth specifications, applications and coverages.	1/1/2024	
Public Records	<u>SB 510</u>	Directs Public Records Advocate to estimate biennial costs to carry out duties of advocate and to allocate and assess costs among public bodies of state government.	9/24/2023	

Prior Action by Commission: Approved moving agency legislation forward in April 2022.

Action Requested: none, information only

Attachments: none

Prepared by: Katie Gauthier

Oregon State Parks and Recreation Commission // 9-20-2023 // Agenda item 3e: Attachment A

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