

**2024 CRSOA LEGISLATIVE SESSION FINAL REPORT**





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## 2024 LEGISLATIVE SESSION IN REVIEW

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The short session of the 82<sup>nd</sup> Oregon Legislative Assembly convened on February 5th, and concluded March 7<sup>th</sup> at approximately 8:00 pm, three days earlier than the constitutional deadline to sine die. Nearly 300 bills, resolutions and memorials were introduced during the session with 115 ultimately passing both chambers.

Entering the short session, Governor Kotek outlined her priorities for the session which included the passage of her Housing Production Proposal that had failed on the last day of the 2023 long session by one vote in the Senate. She also indicated her openness to reforming Ballot Measure 110 that decriminalized the possession of small amounts of hard drugs, recommended additional funding for mental health, addiction services, education support, childcare and held state agencies accountable.

Meanwhile, Legislative Leadership entering the session with similar priorities including addressing housing production, infrastructure, and the homeless crisis, increasing access to addiction treatment and behavioral health support, and improving community safety. Speaker Dan Rayfield and Majority Leader Julie Fahey maintained their leadership roles for the majority party in the House, however, Rep. Jeff Helfrich served as the newly elected Minority Leader in that chamber. The leadership in the Senate remained the same from the previous long session with President Rob Wagner, Majority Leader Kate Lieber and Minority Leader Tim Knopp.

Each member was permitted to introduce up to two bills, and each committee was allowed to introduce up to three measures. Bills that were not worked long in advance of the convening of the assembly struggled due to the very tight timelines to get bills through committees. For example, bills had to be posted for a work session within seven days of the opening day to remain alive. Furthermore, ongoing construction on the Capitol frequently interrupted committee meetings and floor sessions, adding additional urgency to meet those deadlines.

A few days before the session began, the Oregon Supreme Court ruled that the 9 Republican Senators and an Independent Senator – a third of the Senate – were ineligible to run for reelection, thereby upholding Ballot Measure 113 approved by the voters in 2022. Senate Minority Leader Tim Knopp (R-Bend) warned that the ruling would mean majority Democrats would have to come up with incentives for Republicans to attend sessions.

Generally speaking, the five-week session, which saw Democrats and Republicans come together to pass major bills, was a departure from the previous sessions. Particularly the venomous 2023 session, when Senate Republicans walked out for six weeks and ground the Legislature to a standstill. Significant legislation to address some of the state's most challenging issues, all of which was largely bipartisan, included bills to address housing production, infrastructure, addiction, and public safety concerns, and— a surprise nearing the end of session — campaign finance reform. A robust revenue forecast showed that the state had \$588 million more in General Fund revenue from the previous forecast and more than \$1.21 billion in additional revenue from the close of session forecast, thereby clearing the deck to make substantial investments in various programs.

As the House concluded its business on the final evening, Julie Fahey (D-Eugene) was elected as its next speaker, as Dan Rayfield (D-Corvallis) stepped down to focus on his campaign for attorney general.

## **LOOKING FORWARD**

The following Senators will be ineligible to run for their existing offices in 2024: Senator Tim Knopp (Bend), Senator Brian Boquist (Dallas) who is now running for Treasurer, Senator Lynn Findley (Vale) – retiring and not running, Senator Bill Hansell (Athena) – retiring and not running, Senator Dennis Linthicum (Klamath Falls) who is now running for Secretary of State, and Senator Art Robinson (Central Point). Four Senators disqualified from running in 2026 but will serve until the end of 2026: Senator Daniel Bonham (The Dalles), Senator Suzanne Weber (Tillamook), Senator Kim Thatcher (Keizer), and Senator Cedric Hayden (Fall Creek).

March 12<sup>th</sup> was filing day and as a result there will be at least seven new faces in each chamber. Senator Michael Dembrow of Portland is retiring after serving 16 years. Senator Elizabeth Steiner (Portland) and Senator James Manning (Eugene) could finish their four-year terms if they don't succeed in their bids for treasurer and secretary of state.

In the House, Democratic Representative Dan Rayfield (Corvallis) can't return to the House because he is running for Attorney General. Republican Christine Goodwin (Canyonville) and Democrat Khanh Pham (Portland) are running for open Senate seats. Democrats Maxine Dexter (Portland) and Janelle Bynum (Happy Valley) are running for U.S. House seats. And two members are retiring, Democrat Paul Holvey of Eugene after 20 years — he defeated a recall attempt last fall — and Republican Brian Stout of Columbia City after just two years serving in the chamber.

Voters will decide the fate of three referrals from the Legislative Assembly passed during the 2023 session, two constitutional, and one statutory:

- **Senate Joint Resolution 34** would amend the Oregon Constitution to establish an Independent Public Service Compensation Commission that will be responsible for establishing the salaries of state-wide elected officials, judges at the state and circuit level, and the members of the Legislative Assembly.
- **House Joint Resolution 16** would amend the Oregon Constitution to give the House of Representatives the power of impeachment for statewide elected officials of Executive Branch for malfeasance or corrupt conduct in office, willful neglect of statutory or constitutional duty, or other felony or high crimes, and the Senate the power to try any impeachment received from House.
- **HB 2004** would establish ranked choice voting as voting method to determine major political party nomination and elections for the office of President and Vice President of the United States, United States Senator, Representative in Congress, Governor, Secretary of State (SOS), State Treasurer, and Attorney General and allow local governments including cities, counties, school districts and special districts to use ranked choice voting as well.

To qualify, constitutional measures for the ballot, gatherers will need to collect approximately 156,231 signatures; statutory measures to qualify for the ballot will need 117,173 signatures. The deadline to turn in those signatures will be July 5, 2024. 55 petitions have already been filed, although several have already been withdrawn and it is hard to predict what petitions will have the financial backing to have a chance to appear before the voters.

Finally, there will be three statewide seats that will be up during the upcoming election cycle – State Treasurer, Secretary of State, and Attorney General.

### **NOTABLE ACTIONS TAKEN THIS SESSION**

- Temporarily fixed Oregon’s Recreational Immunity Statute under SB 1526
- Campaign finance reforms place limits on contributions by individuals and organizations.
- New drug addiction system that recriminalizes small amounts of hard drugs that were decriminalized under Ballot Measure 110 – \$211 million
- Passed right to repair legislation to enable Oregonians to repair their own electronic equipment.
- Gave cities the option to expand their Urban Growth Boundaries to build housing.
- Housing Infrastructure Development – \$101.4 Million
- Housing Project Revolving Loan Fund – \$75 Million
- Supporting Shelters, Turnkey Sites and Navigation Centers – \$65 Million
- Homeless Prevention Services – \$41 Million
- Subsidized childcare – \$170 million
- Homeless prevention services – \$34.0 million (one-time General Fund appropriation)
- Summer learning programs – \$30 million
- ODOT Winter Road Maintenance – \$19 Million
- Address health and safety issues along state highways in the Portland – \$20 million
- Semiconductor Workforce Development – \$10 Million
- Bridge of the Gods Preservation Study – \$6 Million

## LABOR BILLS THAT PASSED

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### **HB 4004 – Child Labor Penalties**

*Chapter Law: 1                      Effective Date: June 6, 2024*

Prior to the passage of this measure the Bureau of Labor and Industries (BOLI) was prohibited from assessing penalties when a violation of child labor law had been assessed a penalty for a similar violation in fact(s) by the United States Department of Labor (USDOL). Effectively, if BOLI substantiated a violation of child labor law and assessed civil penalties, the funds had to be refunded if the employer paid the USDOL a penalty related to the same factual circumstances. This bill permits BOLI to impose a civil penalty of up to \$10,000 for violation of child labor laws even when a civil penalty has been paid to USDOL for a violation of the same facts. In addition, the measure repeals the requirement that BOLI refund any civil penalties collected by the agency, if civil penalties are paid to USDOL. Effective 91 days after sine die.

### **SB 1515 – Oregon Paid Leave and Oregon Family and Medical Leave Alignment**

*Chapter Law: 20                      Effective Date: March 20, 2024*

This bill makes several revisions to the Oregon Paid Leave Act and the Oregon Family and Medical Leave Act. It repeals the provisions of the Oregon Family Leave Act (OFLA) that are duplicated by Paid Leave Oregon to minimize stacking of leave under these two laws. Except as noted below, many of the changes will go into effect on July 1, 2024, which means Oregon employers have four months to prepare for the changes. Highlights include:

- OFLA will no longer cover parental leave or serious health condition leave. Leave for these purposes will only be available under Paid Leave Oregon.
- Sick child leave under OFLA is expanded. An employee may take leave under OFLA to care for a child suffering from any illness, injury, or condition that requires home care (even if it may qualify as a serious health condition). An employee may still also use OFLA sick child leave to care for a child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official.
- Bereavement leave under OFLA is capped at four weeks per leave year.
- OFLA still allows for an additional 12 weeks of pregnancy disability leave. In addition to any other OFLA leave used for sick child leave and bereavement leave, an employee may still take up to 12 additional weeks of OFLA leave for their own pregnancy disability in the same leave year.
- OFLA is temporarily amended to cover two additional weeks of leave for the fostering or adoption process. In addition to the OFLA leave above, between July 1, 2024, and December 31, 2024, an employee may take an additional two weeks of OFLA leave to effectuate the legal process for the placement of a foster child or the adoption of a child.
- OFLA leave will be *in addition to* leave under Paid Leave Oregon. That is, OFLA leave may not be taken concurrently with any leave under Paid Leave Oregon.
- Use of paid time off during a period of leave under Paid Leave Oregon is changing (again). An employee will now be permitted to decide whether to use any accrued paid time off in addition to their Paid Leave Oregon benefits, if the total amount received by the employee does not exceed their regular pay. However, an employer may still permit an employee to use their paid time off such that the total combined amounts exceed their regular pay.

- Family leave under Paid Leave Oregon will include leave for the fostering and adoption process. Beginning January 1, 2025, Paid Leave Oregon will include leave to effectuate the legal process required for the placement of a foster child or the adoption of a child.
- Predictive scheduling relief – Employers will be exempt from the predictive scheduling compensation penalties if (1) an employee provides less than 14 days’ notice of the need for or return from leave under Paid Leave Oregon, OFLA, or any other leave under ORS Ch. 659A, and (2) the employer makes a change to the schedule of an employee who was temporarily assigned to specific shifts to cover for an employee on leave.

## **PORTS BILLS THAT PASSED**

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### **HB 4080 – Offshore Wind Roadmap**

*Chapter Law: 31                      Effective Date: March 27, 2024*

This bill creates two new state policies related to offshore wind. The policies include support for the engagement between offshore wind developers and impacted organizations, communities, and tribes in the development of an Offshore Wind Roadmap and promotes economic diversification and resilience in offshore wind energy development by ensuring labor and supply chain standards.

### **HB 4109 – Aviation Grants**

*Chapter Law: 82                      Effective Date: June 6, 2024*

House Bill 4109 was the transportation omnibus bill for the 2024 Session and contained several provisions. The one provision of interest to ports specifies that grant funds available to the Oregon Department of Aviation can be used as matching funds for any Federal Aviation Administration grant available, rather than just for Airport Improvement Program grants.

### **HB 4132 – Marine Reserves**

*Chapter Law: 38                      Effective Date: March 27, 2024*

This measure appropriates \$894,324 General Fund to the Oregon Department of Fish and Wildlife (ODFW) for the implementation of recommendations made by the Ocean Policy Advisory Council in 2022 related to marine reserves. It directs the ODFW and the State Land Board to implement recommendations from the Ocean Policy Advisory Council to develop an adaptive management plan and a collaborative process through social monitoring data for marine reserves. HB 4132 requires ODFW to develop and implement an adaptive management plan including specific, measurable, achievable, relevant, and time-oriented objectives for ecological and socioeconomic monitoring and research, consistent measurable indicators of social impacts, efficient long-term ecological sampling protocols, assessment for the capacity of the marine reserves, and defined goals for outreach and engagement.

### **SB 1526 – Uncollectable Property Taxes and Regionally Significant Industrial Sites**

*Chapter Law: 52                      Effective Date: June 6, 2024*

This bill contained several provisions, three of which are of interest to ports. The first provision of interest fixes a mistake in a bill from the 2023 session that would have cancelled the uncollectible property taxes for the International Port of Coos Bay. The fix contained in this bill should result in those outstanding property taxes finally being cancelled. The second important provision extended the sunset



to the Regionally Significant Industrial Site program that had sunset in 2023 by three years by moving the sunset from July 1, 2023, to December 31, 2029. A similar bill was introduced in the House, HB 4042, but that bill did not proceed. SB 1526 changes employment level and wage qualification language to align with available data. And finally, the bill adds semiconductor-related development activities in a designated e-commerce city to property that may qualify for a property tax exemption from three to five years under the E-Commerce provisions of the Enterprise Zone exemption.

**HB 5201 – Bond Authorization Bill - International Port of Coos Bay & Port Orford**

*Chapter Law: 104      Effective Date: April 17, 2024*

Among other things, this bill approved the following scope or recipient modifications to previously approved lottery bond authorizations. Specifically, it modified the scope of \$40 million in lottery revenue bond proceeds authorized during the 2023 legislative session for the 2023-25 and 2025-27 biennia. The new scope is for distribution to the Oregon International Port of Coos Bay to deepen and widen the Coos Bay Federal Navigation Channel and for the design, engineering, permitting and land acquisition efforts related to the Pacific Coast Intermodal Port project.

Additionally, HB 5201 approved modifying the scope of the Infrastructure Improvements of Port Facilities and Site for the Port of Port Orford, to install a seawater pump ashore and distribution system to pump undiluted seawater directly from the ocean adjacent to the Port of Port Orford, including installation of a seawater reservoir. The new system will benefit the seafood and aquaculture industries, commercial fisherman and researchers. The project was funded with \$500,000 in net lottery bond proceeds authorized for the Regional Infrastructure Fund in the 2017 legislative session and approved at the September 2018 meeting of the Emergency Board, to include improvements to port facilities and site.

**SB 5701 – Port of Cascade Locks – Bridge of the Gods**

*Chapter Law: 114      Effective Date: April 17, 2024*

Senate Bill 5701 served as the Budget Reconciliation bill for the short session. It contains a one-time General Fund appropriation of \$6 million for distribution to the Port of Cascade Locks to fund engineering analysis, site investigations, project cost estimating, external outreach, and impact analysis for a seismic retrofit and other preservation actions for the Bridge of the Gods. The studies will also examine the feasibility of the addition of a pedestrian and bike pathway to enhance safety on the Pacific Crest Trail crossing of the Columbia River. HB 4110 and SB 1512 were introduced in both chambers seeking this funding. Ultimately HB 4110 was moved to and remained in the Ways and Means Committee.

**PUBLIC SAFETY BILLS THAT PASSED**

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**SB 1576 – Recreational Immunity Fix**

*Chapter Law: 64      Effective Date: March 27, 2024*

As a result of a case entitled *Fields v. City of Newport*, City County Insurance Services recommended that all improved trails owned and operated by cities and counties in the state be closed to the public. The Oregon Court of Appeals remanded the case back to the circuit court and it was determined that Oregon’s Recreational Immunity statute needed modifications to maintain the long-standing principle that those who open their lands to the public for recreational purposes should be immune from liability,

provided the owners of the land make it available free of charge. SB 1576 temporarily restores the State’s Recreational Immunity statute by adding the words “running, walking, and bicycling” to the non-exclusive list of outdoor activities in the definition of recreational purposes in ORS 105.672. It also clarifies that the immunities provided under the statute apply to improved trails. The bill permits districts to opt into another statute providing immunities exclusively to cities and counties. SDAO is currently evaluating this addition and will provide further details if it is determined that this new provision will be beneficial to the membership. The changes made by this bill sunset on January 2, 2026. It is anticipated that an interim workgroup will be convened to seek a more permanent solution to be considered during the 2025 Legislative Session.

## **PUBLIC SAFETY BILLS THAT FAILED**

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### **HJR 201 – Statewide Property Tax to Fund Public Safety**

House Joint Resolution 201 (2024) proposed an amendment to Oregon’s Constitution to require the Legislature to impose a statewide property tax to fund public safety. The measure would have required quire the Legislature to define taxable property, establish the process to levy an annual property tax based upon necessary funding requirements, and to further define “public safety.” The measure would have limited the annual tax rate to no more than 25 cents per \$1,000 of the assessed value. Had the measure passed it would have been referred to the voters in November 2024.