



JULY 2015

2015 LEGISLATIVE SESSION EXCEEDS EXPECTATIONS...

So maybe I mean it exceeded *my* expectations...because so many others seem to be complaining. I am hearing “worse session” and “a tragedy” from politicians, but I just don’t see it.

I know the near super-majority for Democrats in both the House (35-25) and Senate (18-12) had people worried about bills bulldozing over the Republican agenda...Low carbon fuel standard, gun control, and paid sick leave certainly caused a clash, but for the most part, I saw considerate conversation, a true solicitation of and attention to opinions of others and amendments offered on many issues that satisfied all involved. And the political chaos that could have ensued with the changing of the State’s Chief Executive Officer, never materialized as Governor Brown seamlessly transitioned into the office.

Did the Republicans make head way with their major platform issues? No, but the Democrats did not get all they wanted either. That seems more balanced than some onlookers predicted. The clash of the parties did in fact lead to one failure of note as they did not agree upon a transportation package, which is disappointing, but a special session to remedy this could be in store.

So maybe my opinion is *further* biased...because you as my clients know that we achieved all that we set out to. For this, I am grateful for all your guidance and assistance, cheering and steering, participation and patience.

“Politics is rough and sometimes it’s dirty and it’s always hard work and tedious details. But it’s the only sport for grownups.” – Robert A. Heinlein, American Novelist

Following is information about the big plays this session that will be of interest to all of you and then a play-by-play commentary of the matches you were each involved in.

The Legislative Scoreboard

Budget:

- Rebounding Oregon economy led to \$2 billion more revenue for the 2015-2017 budget than the previous biennium.
- Almost \$7.4 billion for K-12 schools.
- \$35 million for Career and Technical Education (CTE) as well as Science, Technology, Engineering and Math (STEM) education.
- \$700 million in funding for Oregon’s Universities for the 2015-17 biennium, a 27.2% increase above the 2013-15 budget.
- \$550 million for Community Colleges, a 17.9% increase above the 2013-15 budget.

A series of bills referred to as “Fair Shot Legislation” and “Democrats’ National Labor Agenda”:

SB 454 Paid Sick Leave

- Beginning January 1, 2016 the bill will require most employers having 10 or more employees to implement a sick time policy allowing an employee to earn, accrue, donate or use up to 40 hours of paid sick time per year. Threshold is 6 employees in Portland area.
- Requires employers provide paid sick time to employees for the purpose of caring for personal or a family member’s mental or physical illness, injury, or health condition or for preventative medical care.
- Medical verification can be required for absences longer than three consecutive days.
- Employee may not experience a reduction in benefits, including but not limited to health care benefits, that the employee earns from the employer.
- Applies to full and part-time workers after working for 90 days.
- If employee returns to employer within 180 days of separation, accrual resumes.
- During break in service, 90-day waiting-period clock stops, resumes if employee rehired within 180 days.
- One hour accrued for every 30 hours worked.
- Can accrue 80 hours – businesses can limit use to 40 hours per year.
- Employers are free to allow employees to donate unused sick leave to other employees.
- Exempts employers that have a front-load sick time policy.
- Exempts employees whose terms and conditions of employment are covered by a collective bargaining agreement, AND are employed through a referral hiring hall or similar referral system operated by the union or a third party; AND whose benefits are delivered through a multiemployer trust
- Employee must make reasonable attempt to take leave when least disruptive.
- Employer can require that leave be taken in 4-hour increments.
- The employer may require reasonable advance notice of the employee’s intention to use sick time, not to exceed 10 days prior to the date the sick time is to begin or as soon as otherwise practicable
- Bill appropriates general funds totaling \$1.4 million to the Bureau of Labor and Industries, Department of Human Services, and the Oregon Health Authority for costs related to the implementation of the bill.
- BOLI will be responsible for processing and investigating complaints regarding paid sick time provisions and enforcement of the law with employers found to be out of compliance. Utilizing its experience with enforcing the City of Portland’s sick time ordinance as a base line, BOLI anticipates an additional 440 complaints, approximately 15.0 percent of which would result in a formal investigation.
- Effective January 1, 2016.

HB 3025 Ban the Box

- Establishes an unlawful employment practice for an employer to ask about an applicant’s conviction history on a job application or prior to an interview.
- If no interview is conducted, the measure prohibits employers from asking about an applicant’s criminal history prior to a conditional offer of employment.
- The measure creates a right of civil action for violations.
- Creates exceptions for employers subject to federal, state or local law requiring consideration of applicant’s criminal history, law enforcement agencies, and employers in criminal justice system and employers seeking nonemployee volunteers.
- Grants enforcement authority to the Bureau of Labor and Industries under ORS 659A.
- Effective January 1, 2016

HB 2960 Statewide Retirement Savings Program

- Creates the seven-member Oregon Retirement Savings Board within the State Treasury.
- The Board is directed to develop and implement a mandatory defined contribution retirement plan that can be accessed through employee payroll and automatic deductions.
- Requires Oregon companies to offer the state managed plan unless they provide a qualified retirement plan.
- The Board is required to establish rules for employees to be automatically enrolled and to be able to opt out of the plan, as well as for contribution and withdrawal processes, and exemptions for employers that provide alternative plans.
- Employee accounts would be held in trust by private third party investment administrator(s).
- Employers and the State of Oregon would have no proprietary interest in the accounts nor would they be liable for any losses.
- The measure establishes the Retirement Savings Plan Administrative Fund, into which the application, account, or administrative fees, and other sources of funding are to be deposited to pay for the Board's operating expenses. Fee revenue is anticipated to begin during the 2017-19 biennium after the Board establishes fee amounts.
- A General Fund appropriation of \$993,541 is required to fund the Board's operating expenses (including one full-time employee) until the Fund has sufficient revenue to support the Board. The measure stipulates that General Fund expenditures are to be repaid with future administrative fees.
- Pre-tax contributions to the plan, which would be made by employees only, would begin on July 1, 2017.

HB 2002 Ending Profiling

- Requires law enforcement agencies to have written policies prohibiting profiling.
- "Profiling" means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.
- Establishes the Law Enforcement Contacts and Policy Data Review Committee as a repository for profiling complaints. The Review Committee will be housed at Portland State University. The cost for this work is \$250,431 from the General Fund.
- The bill also establishes a 10-member work group, staffed by the Department of Justice.
- The work group is to prepare a report concerning profiling, including recommendations for legislation.
- Bill effective immediately
- Law enforcement policies required by January 1, 2016

HB 2007 Talking About Wage Disparities

- Protects employees who inquire about, discuss, or disclose information about their wage or the wage of another employee.
- The measure also protects an employee who makes a charge, files a complaint, or institutes any proceeding based on the disclosure of the wage information by the employee.
- A violation is an unlawful employment practice that allows an aggrieved employee to file a private right of action.
- Effective January 1, 2016

Other Wins from Democrat Agenda:

SB 324 Low Carbon Fuel Standard

- A fuel mandate that seeks to decrease greenhouse gas emissions 10 percent over 10 years through biofuel blends and a carbon credit market system starting this year through 2025.
- Approved in 2009 but set to expire with no real headway ever made in implementing the program.
- 2015 legislation requires DEQ to adopt rules, extends goal date from 2020 to 2025, and provides directions for implementation, exemptions and formulas for acceptable costs (some say the cost of fuel could increase 19 cents per gallon).

HB 2177 Motor Voter Law /Automatic Voter Registration

- Any eligible Oregonian with a driver's license will be automatically registered to vote and will receive a ballot by mail weeks before Election Day.
- Bill allows electronic records of the Oregon Department of Transportation (ODOT) to be constituted as a completed voter registration card. ODOT is to provide the Secretary of State (SOS) with electronic records for this purpose, containing name, age, residence and citizenship information, along with electronic signatures.
- The Secretary of State will add persons who are identified as qualified to vote, but not already registered, to the elector registration list, unless they decline registration within 21 calendar days of notification.
- The bill requires the Secretary of State or county clerk to notify potential voters of how they may opt-out of voter registration, and of how they may choose a political affiliation.
- The measure is the first of its kind in the nation, and state officials project it will add 300,000 people to a voter roll that now numbers about 2.2 million.
- Effective immediately.

SB 941 Oregon Firearms Safety Act

- Senate Bill 941A, also named the "Oregon Firearms Safety Act," requires universal background checks for firearm transfers in the state of Oregon, including checks for private gun sales and transfer.
- The Act makes a background check between private individuals mandatory, with some exceptions:
 - Transfers between law enforcement agencies;
 - Transfers at firearms turn-in or buy-back events;
 - Transfers to certain family members; or
 - Transfers as a result of the death of the owner.
- Violation of these provisions is classified as a Class A misdemeanor for a first offense, and a Class B felony for second and subsequent offenses.
- In the event that a background check reveals a transferee's ineligibility to possess a firearm, the Act allows the Department of State Police to notify the local sheriff of the attempted firearm transfer.
- Lastly, the Act allows judges to prohibit those undergoing assisted outpatient treatment from owning a firearm if, in the opinion of the court, there is a reasonable likelihood the person would constitute a danger to themselves or others as the result of the person's mental or psychological state.
- Effective immediately.

Ethics Bills (Governor Brown's response to Gov. Kitzhaber issues)

- Audit how state agencies respond to public records requests.
- Require Governor's spouse or partner to file economic interest disclosure forms.
- Changes to makeup of Government Ethics Commission.

Major failures on Democrat agenda

- All minimum wage increase legislation
- Transportation package (Republicans would not support after passage of low carbon fuel standard claiming passage of both would result in unbearable high gas prices)

Other Legislation of Note:

Marijuana

- Line drawn between medical and recreational marijuana.
- Determination of some local opt out provisions for sales of medical and recreational marijuana (other provisions will have to be litigated). Includes ban on recreational sales in eastern Oregon counties where a majority of voters opposed Ballot Measure 91.
- Up to 20% tax on recreational sales (17% state, 3% local if voters approve)
- Recreational sales at medical marijuana dispensaries starting Oct 1 until permanent rules are written and adopted by OLCC for recreational sales facilities

Capital Construction & Bonding

- \$175 million bonding investment for seismic upgrades to K-12 schools.
- \$125 million bond match for other school upgrades.
- \$80 million in lottery-backed bonds for transportation infrastructure
 - \$35 million for improving Oregon's most dangerous intersections and stretches of highway
 - \$45 million for critical air, marine, transit, rail and other multi-modal transportation projects. ConnectOregon was created in 2005 by the Legislature to invest the proceeds of lottery-backed bonds in grants and loans to non-highway transportation projects that promote economic development in Oregon.
- \$40 million investment in affordable housing (Speaker Kotek wanted \$100 million).

Specific to AIA

This truly was a great session for AIA Oregon. We passed the two bills we introduced, defeated interior design and most onerous of public contracting bills, and achieved significant funding for the National Center for Advanced Wood Products and seismic upgrades for schools. Following is more detail on legislation we were tracking, starting with those that passed.

HB 2270 Resilience Officer

Effective Immediately

- **AIA Oregon requested this bill.**
- HB 2270 creates the office of State Resilience Officer within the Office of the Governor to direct, implement and coordinate seismic safety and resilience goal setting and state agency planning and preparation for this purpose.
- The bill also specifies that both the legislative and judicial branches must identify an individual to monitor the effectiveness of seismic safety resilience and planning for their respective branches.
- Passed with General Fund appropriation of \$304,653 for the Office of the Governor to support two positions, the State Resilience Officer and an executive support specialist to fulfill the requirements of the measure.
- As background, Senate Bill 33 (2013) created a 17-member Task Force on Resilience Plan Implementation to facilitate a comprehensive plan to implement the Oregon Resilience Plan, aimed at reducing risks and improving recovery after the next Cascadia earthquake. In December 2014 the Task Force narrowed the more than 140 recommendations in the Oregon Resilience Plan into the most critical for implementation in the 2015-17 biennium. The top recommendation was to centralize ongoing, long-term, statewide resilience oversight within the Governor's office, to replace the current temporary, unfunded, volunteer structure.

HB 2375 Contract Templates

Effective Immediately

- Requires all state contracting agencies to use a contract form or contract template for all price agreements, cooperative procurements or procurements for which the Attorney General or the Director of the Oregon Department of Administrative Services determines that the specifications for goods and services, the terms and conditions, the scope or work or other aspects of a procurement or a class of procurements do not vary significantly among state contracting agencies.
- Permits a state contracting agency, in accordance with Public Contracting Code, to negotiate terms and conditions of contract form/template, but may only vary from terms and conditions without advice of Attorney General or legal counsel if state contracting agency anticipates form or template will result in contract price that exceeds \$150,000.
- Requires SOS and State Treasurer establish standards for education and training to conduct procurement or administer a public contract not later than December 31, 2017.
- Requires person that conducts procurement or administers public contract for SOS or Treasurer to meet established standards by December 31, 2018.
- As background, the Department of Administrative Services recently contracted with a consulting firm about making improvements in contracts and purchasing processes, and one of the recommendations was for Oregon state government to develop standardized forms and contracts for state agency procurements. The Oregon Department of Justice reviewed 3,200 state agency contracts, and found that agencies had used over 400 different forms. Other states are currently working on making similar improvements to contract forms, as well as providing increased training for state employees who administer contracts.

HB 2716 Public Contracts & DBE Operative January 1, 2016

- Requires contracting agencies provide as material condition of public contract that contractor remain certified as disadvantaged, minority, women or emerging small business enterprise (MWESB) during entire term of contract if contract was awarded on basis of contractor's certification.
- Requires contractors include similar provision in subcontracts.
- Requires contracting agency to verify certification status of contractor or subcontractor during entire term of contract, and provides that contracting agency may terminate contract, require contractor to terminate subcontract, or pursue remedies for breach of contract if contractor or subcontractor does not retain certification.
- Makes exception for emerging small businesses that no longer qualify because of growth in employees or gross receipts.
- Provides that Oregon Business Development Department (OBDD) may independently impose civil penalty up to \$5,000 for each violation of certification requirement if contracting agency does not impose civil penalty.
- **Amendment achieved** deleting requirement that *contractor* verify compliance of subcontractor by obtaining documentation from OBDD and continuing to contact OBDD on quarterly basis.

SB 584 Public Contracts & DBE Operative January 1, 2016

- Requires contracting agency to suspend the right to submit a bid or proposal for disadvantaged, minority, women, or emerging small business (DMWESB) enterprise that exhibits pattern of failing to perform a commercially useful function.
- Extends maximum possible length of suspension for violations.
- Requires Oregon Business Development Department (OBDD) to revoke certification for DMWESB enterprises after performing investigation under certain conditions.
- Requires contracting agency to notify OBDD when investigating contractor for failing to perform a commercially useful function.
- Allows OBDD to conduct independent investigation in response to notification.

HB 2843 Interagency Agreements Effective Immediately

- Authorizes Department of Consumer and Business Services and Construction Contractors Board for Board to enter into interagency agreements to perform duties on behalf of each other related to state building code.
- As background, the Building Codes Division of the Department of Consumer and Business Services (DCBS) adopts and administers uniform statewide building codes, provides interpretation and enforcement of building codes, certifies inspectors and assists local governments, and licenses specialty contractors such as electricians and plumbers. The Construction Contractors Board (CCB) licenses people working for compensation in construction involving improvement to real property, including activities such as roofing, siding, painting, carpentry, plumbing, electrical work and home inspections. The CCB investigates reports of unlicensed activity on construction sites and engages in dispute resolution between consumers and contractors.
- HB 2843 authorizes DCBS and CCB to enter into interagency agreements to perform certain duties on each other's behalf, and provides terms for such agreements related to the use of each other's employees and information to carry out work under interagency agreements, the sharing of resources, the acceptance and transfer of fees and the reimbursement of expenses.

- HB 3526 Main Street Revitalization Effective Immediately**
- Establishes the Oregon Main Street Revitalization Grant Program within the Oregon Parks and Recreation Department for the purpose of awarding annual competitive grants for preservation-based community revitalization and economic development.
 - Outlines requirements for Department:
 - Adopt formula for awarding grants
 - Give priority to proposals in traditionally underserved communities
 - Develop criteria to determine eligibility of grant applicants and proposed projects
 - Provide assistance and monitoring for grant recipients
 - Develop rules to implement grant program
 - The program is anticipated to be supported by the issuance, in the Spring of 2017, of lottery bonds sufficient enough to produce \$2.5 million in funding.

- SB 20 Minimum Energy Efficiency Operative January 1, 2016**
- Modifies applicability of energy efficiency standards to apply to televisions and large battery charger systems manufactured on or after January 1, 2014.
 - Clarifies efficiency standards apply to battery backups and uninterruptible power supplies for small battery charger systems not sold at retail manufactured on or after January 1, 2017.
 - As background, in 2005, the Legislature set minimum energy efficiency standards for 11 types of appliances. In 2013 the Legislature passed Senate Bill 692 which established minimum energy efficiency standards for additional items including televisions, large battery charger systems, inductive charger systems, small battery charger systems with certain exceptions, and high light output double-ended quartz halogen lamps. Senate Bill 20 modifies the applicability of certain standards adopted as a part of 2013 legislation.

- SB 133 Electronic Access to Building Code Effective January 1, 2016**
- Authorizes the Department of Consumer and Business Services to enter into agreements with public bodies to allow access to public body's construction-related services through Department's electronic building codes information system.
 - Enables information system to include coordination and tracking of construction-related services.
 - Removes sunset on building permit surcharge used to fund operation of electronic building codes system.
 - **AIA amendment achieved** which retain sideboards on BCD allowable work - restores limitation that the system cannot allow the altering of the substance of information or the addition and omission of information and defines "construction related services" as consisting of, or involving the approving, enabling, expediting or facilitating of, the alteration, construction, demolishing, development, improvement, inspection, moving, operation, repair or wrecking of, or the addition to or subtraction from, public improvements, real property or a structure (made sure design not included).
 - As background, in 2003, the Building Codes Division of the Oregon Department of Consumer and Business Services worked with local government, contractors and the Legislative Assembly to implement a pilot project for an electronic, or e-permitting, building permit system. Legislation was passed in 2005 and 2007 that transitioned the program from pilot to a regional, then statewide, service to contractors and local government. The 2007 legislation included a sunset provision in order to allow evaluation and renewal.
 - Senate Bill 133 removes the sunset and makes e-permitting available to additional local governments that provide construction-related services.

SB 383 Design Prof. Pleading Requirements Effective January 1, 2016

- **AIA Oregon requested this bill**
- Two changes to expert witness /certificate of merit statute to improve by making sure that expert witnesses are well suited to address the standard of care by adding requirements that:
 - Expert witness must be currently allowed to practice in the United States so they are knowledgeable of current construction processes; and
 - Expert witness must have similar credentials as the professional whose conduct is in question (i.e. an engineer attesting to another engineer's work – rather than a different design professional, such as a professional land surveyor assessing engineer fault).
- Other change in bill is technical: Phrase in ORS 31.300 changed from “construction design professional” to just “design professional” as nowhere else in ORS is the term used and this adds continuity. This does not change the statute meaning, implication or applicability.
- As background, in 2003, the American Institute of Architects Oregon (AIA) and the American Council of Engineering Companies-Oregon (ACEC) worked to pass “certificate of merit” legislation for design professional lawsuits. Oregon certificate of merit statute requires that an attorney representing a plaintiff certify that a qualified third party design professional has been consulted and believes that there is sufficient basis for the complaint against the design professional. This third party is an unnamed “expert witness,”
- Certificates of merit address the problem of design professional liability risk - they are often drawn into large, complex construction lawsuits on activities well outside of a design professional's control. An expert witness helps to identify when the design professional may potentially share in the fault, and the attorney provides that information to the court when filing the claim. A certificate of merit in this circumstance is some proof that the lawyer has consulted a qualified expert and that the expert has offered an opinion that the design professional was negligent. This process is established to reduce frivolous claims filed against design professionals. The immediate effect is stronger cases going forward and the long-term effect may be lowering of the design professional risk levels and insurance costs.

SB 447 School District Matching Grants Effective Immediately

- Establishes a program to provide matching grants to school districts for capital grants.
- The Department of Education is to administer the program funded with the proceeds of up to \$125 million of Article XI-P general obligation bonds, which are authorized in the bonding bill.
- Grants are for the capital costs including construction, improvement, remodeling, equipment purchase, maintenance and repair of a school district building. The District must match the state grant with funds from local voter approved bonds.
- The size of the grant must be between \$4 million and \$8 million.
- Sixty percent of the grants are based on a priority list and forty percent is on a first come first served basis.
- Prior to receiving a grant under this program a district must prepare and submit a facilities assessment and a long-rang facilities plan.
- An Office of School Facilities is established to administer the program, provide hardship grants, provide grants for preparation of a facilities assessment and long-rang facilities plan, and maintain the Oregon School Facilities Database. These costs are funded by a distribution from the State School Fund of up to \$2.5 million for 2015-17.

SB 491 Pay Equity Training Programs Effective Immediately

- Originally, this bill prohibited all public contracting agencies from prequalifying proposers for goods and services if prospective proposer or bidder could not prove completion of training on pay equity provisions of Oregon law – AIA Oregon opposed that language.
- **Amendments achieved** that narrowed the bill to:
 - Apply only to State contracting agencies (not local governments)
 - Only apply to contracts worth more than \$500,000
 - Only apply to proposers with more than 50 employees
- As passed, SB 491 requires DAS to develop an online training and certification module to allow vendors to prove knowledge of state and federal pay equity laws and provides that state contracting agency may not prequalify prospective bidder or proposer for public contract for goods or services, or for public improvement contract, unless prospective bidder or proposer submits certificate that shows completion of training program.
- No fee for training program.
- Prohibits contractor from retaliating against employee who discusses compensation with another employee.
- Requires public contract include provision that contractor must comply with prohibition against discriminatory compensation and wage payments.

SB 675 Responsible Proposer Effective Immediately*

- As finally passed, bill applies to public contracting activities in ORS 279B (“procurements”) **not** 279C (“improvements”) that regulates to design work in public contracting.
- Removes requirement that bidder or proposer for public contract demonstrate responsibility by submitting signed affidavit that attests that bidder or proposer complied with tax laws of this state.
- Replaces with requirement that bidder and proposer for public contract with a local contracting agency attest to being current on state taxes.
- Specifies that when soliciting bids for public construction contracts, public agencies may not accept bids from contractors with outstanding construction debt or those out of compliance with state or local tax laws.
- *Becomes operative 91 days after effective date of Act.

SB 886 Fire Standard Citation Effective January 1, 2016

- Original bill resulted from a work group AIA Oregon participated in during the interim.
- Original bill transferred authority over health care facility structure plan review and inspections for fire and life safety from State Fire Marshal to Department of Consumer and Business Services (BCD) or to municipalities having building inspection programs.
- Legal hurdles and disagreement between agencies involved led to the decision to work on language during the interim. The Governor committed to writing a letter directing agencies and stakeholders to work together to draft something for 2016 session.
- Bill as passed is “write it and cite it” language that requires the State Fire Marshal, deputy or assistant of State Fire Marshal, or person acting for governmental subdivision who inspects structure and issues citation or order for nonconformity with federal, state or local fire safety standard, to include on citation or order: exact reference to law, regulation, rule or other source of authority that establishes the fire safety standard and plain statement of facts upon which citation or order is based.
- Thanks to Eric Sandoval for delving into this issue during session.

Funding in Final Legislation of Session...

- \$2.5 million in funding for OSU/UofO National Center for Advanced Wood Products Manufacturing and Design
- Bonding for seismic retrofits of \$175 million for schools and \$20 million for emergency buildings
- Another \$125 million for infrastructure improvement matching funds for schools

Other Resilience Bills That Passed...

HB 2566 Business Residency Thresholds Effective October 5, 2015

- Provides that disaster or emergency related work conducted by an out-of-state business may not be used as the sole basis for determining that the company is doing business in Oregon and therefore subject to Oregon's income tax.
- Similarly, out-of-state employees working in Oregon for disaster or emergency related work would not be subject to the personal income tax.
- As background, current law provides that Oregon residents are subject to tax on all of their income, while part-year residents and nonresidents are taxed only on income earned in Oregon. A corporation may be deemed to be doing business in Oregon if it has personnel conducting business in the state. Consequently, corporations and individuals could be subject to the state's income tax laws if they are in the state assisting in the response to a natural disaster or other emergency.

SB 85 Financing for Seismic Rehab Effective Immediately

- Permits local governments to provide financial assistance to qualifying real property owners for seismic preparedness improvements.
- Describes types of assistance and parameters of financial arrangements.
- Conditions financial agreements on written notice to and consent of any effected mortgagees as specified.
- As background, The Portland area in particular has a high proportion of “unreinforced masonry” buildings. Many private building owners are interested in upgrading for earthquake preparedness, but the cost of doing so is prohibitive, even for those who are relatively well-to-do. There is current momentum to rehabilitate public buildings in preparation for catastrophic earthquake and tsunami events, and private buildings are another piece of resilience planning that communities must consider.
- Senate Bill 85 permits local jurisdictions to develop financial programs to assist qualifying private property owners to make seismic improvements.

SB 93 Drug Supply / Natural Disaster Effective January 1, 2016

- Requires insurance to provide reimbursement for up to 90-day supply of previously dispensed eligible prescription drugs in certain circumstances, as specified.
- As background, in the event of a major disaster Oregonians may be prevented from accessing chronic condition medication. A recent study aimed at medical relief teams during extreme weather and natural disasters found that medication refills were a common need, that a considerable number of patients lost medication during evacuation and it was difficult to fill prescriptions due to a lack of information from evacuees.

SB 574 License / Restoration After Disaster Effective January 1, 2017

- Directs the Construction Contractors Board to adopt rules for the issuance of residential restoration contractor license for persons providing restoration work on residential or small commercial structure following man-made or natural disaster.
- As background, SB574 is a result of SB 1571 from 2014 when the Legislative Assembly heard concerns from the public on restoration companies approaching homeowners and renters to solicit work while their homes and belongings were being lost to fire. Some restoration services, such as “board up” and construction services are regulated by the Construction Contractors Board and such businesses are required to be licensed with the Board. Companies that just advertise restoration and cleaning have limited regulation. After Senate Bill 1571 failed to pass in the House in 2014 a work group formed to address the issues, and the result of their work is Senate Bill 574 which added natural disasters (including seismic) to the man-made disaster components.

Defeated Bills of Note....

HB 2164 Tax compliance bill

- Similar to a bill that we fought against in 2013, this legislation attempted to make permanent a pilot program in which we do not want to participate.
- The pilot project required certain licensees to demonstrate and maintain tax compliance as a condition of the issuance or renewal of the license.
- With expansion envisioned in HB 2164, the law would have required proof of tax compliance before an architect (and other registered professionals) could renew a license or receive an initial license.
- We joined with other professionals impacted to oppose.

HB 2528 Needless citizen review of public works projects

- Attempted to establish a Task Force on Citizen Review of Public Works Projects.
- Directed Task Force to study the need for and feasibility of establishing review board to review, approve and oversee public works projects.
- Directed Task Force to submit report to interim committee of Legislative Assembly relating to public contracting no later than September 15, 2016. Declares emergency, effective upon passage. Sunsets December 31, 2016.

HB 2914 Bargaining unit request for judicial review of contracts

- Permitted employee of contracting agency that conducts cost analysis or determines feasibility of procurement, or exclusive representative of employee’s bargaining unit, to seek judicial review of cost analysis or determination. Specifies conditions under which review may occur.
- Required contracting agency to estimate prospective contractor’s profit in cost analysis.
- Prohibited contracting agency from considering proceeds of sale of, or costs of replacing, long-term assets in cost analysis.

HB 2926 Onerous subcontractor disclosures

- Required that developer or owner of capital project eligible for tax benefit provide proof of certain information regarding project contractors, first-tier subcontractors and responsible managing individuals for contractors and first-tier subcontractors in order to receive tax benefit.

HB 3321 & HB 3322 Oregon AFSCME, SEIU, OSEA et al Public Contracting Bill

- AIA Oregon participated in a work group that was established during session to work toward “agreement” on these bills. We testified and lobbied against both bills.
- HB 3321 would have required public contracting agencies to:
 - Post to Oregon’s transparency website contract items related to purchase, lease, rental, acquisition, sale or disposal of personal property, goods or services, personal services, minor repairs, alterations and maintenance necessary to preserve a public improvement.
 - Post Information regarding all current public contracts, all public contracts in the last five years, total amount of each contract, a graphic representation of the amount spent on all contracts as a percentage of the contracting agencies total budget, a graphic representation of the amount expended for full-time equivalent positions for contractors compared with full-time equivalent positions of the contracting agency, and a comparison of wages for contractor positions with public contracting agency-equivalent positions.
 - Provide to contractor copies of records, books and documents used in relation to performing the public contract those records subject under public records law meetings between the public contracting agency and contractor subject to public meetings law.
- HB 3322 would have required all public contracting agencies to conduct a study prior to procuring services with an estimated contract price over \$250,000.
 - Study had to examine how the procurement would impact employment, worker income, social services and public assistance programs, other businesses, tax revenue for the local jurisdiction, the environment, any other issues that may concern residents of the area.
 - The results of the study would be posted to the State of Oregon transparency website.
 - Required public contracting agencies to conduct public hearings on the procurement.
 - Results of cost analysis would be provided to employees of the agency and would allow employees of their bargaining unit to present an alternative cost analysis.
 - Required that contractors provide health insurance and other health benefits to employees that are comparable to the insurance and benefits of public contracting agency employees.

HB 3424 Interior Designer Registry

- Required Oregon Business Development Department to establish voluntary registry for commercial interior designers.
- Required department to establish minimum education and experience requirements for commercial interior designer to be included in registry.
- Allowed commercial interior designer included on registry to create and supervise carrying out of plans, drawings and specifications for parts of buildings other than structural systems or building envelope.
- **AND**, stated: “(3) A commercial interior designer who is included in the department registry: (a) Is exempt from the requirements of ORS 671.010 to 671.220 and 672.002 to 672.325 and ORS chapter 701.”
- ***While a voluntary registry may be innocuous, being exempt from all architect and engineering law is ridiculous.***

Other Failed Bills....

- HB 2435** Directs Oregon Business Development Department (Department) and Oregon Infrastructure Finance Authority (IFA) to establish Oregon Infrastructure Opportunity Program.
- HB 2447** Modifies credit limits for each type of category one alternative energy device.
- HB 2572** Mandates carbon footprint labeling on all consumer products sold or offered for sale in state on and after January 1, 2016.
- HB 2577** Relating to electric vehicle charging infrastructure at parking facilities.
- HB 2627** Requires ODOE to conduct study of State of Oregon's return on investment, for period beginning July 1, 2007, and ending June 30, 2014, in programs adopted by state to support clean energy generation, renewable energy generation and energy efficiency.
- HB 2632** Directs Oregon Department of Administrative Services to establish program to incentivize generation of electricity derived from solar energy.
- HB 2633** DLCDC to adopt natural disaster planning guidelines.
- HB 2634** Makes covered multifamily dwelling constructed prior to adoption of accessibility and usability standards for persons with disabilities subject to standards if dwelling undergoes alteration, renovation or modification.
- HB 2748** Public Infrastructure Commission - ***was needed to continue work***
- Added engineer as 13th member of Public Infrastructure Commission
 - Specified that Department of Administrative Services, rather than State Treasurer, is to coordinate with Commission.
 - Changed date of required report to Legislative Assembly to January 15, 2016.
 - Extended the sunset of the Commission to July 1, 2016.
- HB 2822** Tax credit for capitol improvements of businesses and homes
- HB 2833** Adds woody biomass to green energy technology for public buildings 1.5% of contract price requirement.
- HB 3061** Established Task Force on Family-Friendly Public Contracting
- HB 3065** ODOE to approve energy rating system that uses all forest product certifications
- HB 3246** Tax exemptions for certain energy efficiency improvements in Portland for properties build before 2008.
- HB 3310** Requires Environmental Quality Commission to adopt by rule standards and programs for on-road and non-road diesel engines no later than January 1, 2020.
- SB 94** DLCDC to develop tsunami resilience guidelines & planning.
- SB 95** Requires facility dispensing Class 1 flammable liquids or diesel fuel to have manually-operated system for use in emergency.

- SB 100** Directs Oregon Business Development Department, in consultation with Department of Consumer and Business Services, to conduct study regarding state regulation of businesses and persons engaged in occupations.
- SB 101** Creates Joint Legislative Committee to Review Agency Regulation of Oregon Businesses. Directs committee to research, study and compile data regarding processes, requirements and fees imposed by state agencies upon Oregon businesses and persons engaged in occupations.
- SB 155** Permits contracting agency in procurement for goods or services to give preference to bidder or proposer that is located in distressed area.
- SB 289** Attempted to establish a legislative policy of conducting periodic review of and repeal schedule for state boards, commissions and other small entities within executive branch of state government to enhance budget and government efficiency, minimize duplication of effort and enhance efforts of such entities.
- SB 351** Statute of limitations moved from 10 years to 12 years for action for recovery of real property or for recovery of possession of real property
- SB 353** Increases statute of limitations from 10 to 12 years for causes of action with no specified statute of limitations.
- SB 414** Permits employee of contracting agency that conducts cost analysis or determines feasibility of procurement, or exclusive representative of employee's bargaining unit, to seek judicial review of cost analysis or determination.
- SB 565** Creates tax credit for certified historic property rehabilitation.
- SB 808** Creates Task Force on Mass Care and Sheltering staffed by Department of Human Services. Initial version directed Department of Human Services to coordinate and facilitate state and local community resilience planning.
- SB 824** Requires certain public improvement contracts to contain and reserve one percent of total contract price for performing repowers or retrofits of certain diesel engines used in course of performing contract.
- SB 826** Creates task force to study potential for merging two or more agencies or agency divisions that regulate construction contracting, building trades, building codes or other matters impacting construction industry.
- SB 858** Adds woody biomass to green energy technology for public buildings 1.5% of contract price requirement.