

2022 OR Regular Session Summary Report

March 11, 2022

The following is a summary of legislation passed during the 2022 Oregon Regular Session, with particular emphasis on proposed legislation which may have rural impact. **If you have questions about the implementation of a particular bill**, please contact your [state legislator](#). If there are issues you are aware of related to future legislation RDI should track, please email jgroth@rdiinc.org.

From a rural perspective, session highlights included significant legislation to address **broadband** infrastructure needs (HB 4092), the challenges of **cannabis** in rural Oregon (HB 4016, 4061, 4074, and SB 1564), the codification of the landmark **Private Forest Accord** (SB 1501), and a \$15 million Economic Equity Investment Program to provide **grants in support of disadvantaged groups**, including rural (SB 1579).

Democratic lawmakers in the majority also proposed a **\$100 million investment package for rural districts** typically represented by the Republican Party. This bipartisan agreement will be targeted to economic development and infrastructure investments in rural Oregon.

Broadband and Other Infrastructure

HB 4092 Title: Relating to telecommunications; declaring an emergency.

Status: Passed.

Summary: Modifies composition and duties of Oregon Broadband Advisory Council. Provides for establishment of grant application review committees. **Directs Oregon Broadband Office to develop Broadband Action Plan and Digital Equity Plan that address requirements in Infrastructure Investment and Jobs Act.** Directs Oregon Broadband Office to collect geospatial data information related to broadband service in Oregon to assist state to determine eligibility for grants and loans and confirm allocation of federal funds. Exempts from public disclosure proprietary information subject to nondisclosure agreement provided to office. Establishes Connecting Oregon Libraries Fund. Continuously appropriates moneys in fund to State Library for purpose of providing matching funds for federal moneys received by certain libraries for providing broadband access. Requires State Library Board to adopt certain rules before distributing moneys in fund. Directs Public Utility Commission, in consultation with certain other state agencies, to investigate and make recommendations on feasibility of expanding Oregon Telephone Assistance Program and applying residential service surcharge to support access to broadband Internet access service or other telecommunications services. Requires commission to submit report to appropriate regular or interim committee of Legislative



Assembly and Oregon Broadband Office no later than June 1, 2023. Removes requirement that Public Utility Commission serve notice of all filings of applications for certificates of authority to provide intrastate telecommunications services. Removes requirement that commission provide annual competitive provider report to Legislative Assembly. Declares emergency, effective on passage.

Economic and Workforce Development

HB 4002 Title: Relating to overtime for agricultural workers; prescribing an effective date.
Status: Passed.

Summary: **Prohibits employers from permitting or requiring agricultural workers to work in excess of maximum allowable hours unless workers are compensated for overtime hours worked.** Specifies exemptions to overtime compensation requirements. Requires Employment Department, in consultation with Bureau of Labor and Industries, Department of Revenue and State Department of Agriculture, to submit report to interim committees of Legislative Assembly related to agriculture on identified economic impacts of overtime compensation requirements under Act. Requires division of Oregon Department of Administrative Services that serves as office of economic analysis to include in economic forecast for biennium any available relevant economic and wage data related to agricultural economy as impacted by overtime compensation requirements. Requires State Department of Agriculture and Oregon Business Development Department to make recommendations for legislation to regular or interim committee of Legislative Assembly related to agriculture on available options for establishing grant, loan or other lending program to provide financial assistance to employers to mitigate costs associated with compliance with overtime compensation requirements. Creates refundable income or corporate excise tax credit allowed to employer for excess amount of wages paid as overtime pay to agricultural workers. Provides for administration of credit by Department of Revenue. Directs department to issue notice to taxpayers that meet application requirements and indicate maximum amount of credit allowed. Provides for Legislative Assembly to use reports submitted by agencies to adjust tax credit provisions and revise rates if deemed appropriate. Applies to tax years beginning on or after January 1, 2023, and before January 1, 2029. Takes effect on 91st day following adjournment sine die.

HB 4074 Title: Relating to cannabis; declaring an emergency.
Status: Passed.

Summary: Requires employee or worker of marijuana licensee to report human trafficking on licensed premises to Oregon Liquor and Cannabis Commission. Directs commission to establish human trafficking coordinator position. Directs State Department of Agriculture to require any rebuttal testing of cannabis to be performed by department staff member in department-operated laboratory. **Includes community-based organizations as eligible entities to receive financial assistance from Illegal Marijuana Market Enforcement**



Grant Program in order to address ongoing humanitarian crisis associated with unlawful marijuana cultivation or distribution operations. Repeals sunset of Illegal Marijuana Market Enforcement Grant Program. Becomes operative on passage. Authorizes commission to allow certain licensed marijuana retailers to relocate to other premises without obtaining new license. Requires marijuana testing laboratory employee to obtain worker permit from commission. Becomes operative on January 1, 2023. Declares emergency, effective on passage.

HB 4077 Title: Relating to environmental justice (at the request of Gov. Kate Brown)
Status: Passed.

Summary: Renames Environmental Justice Task Force as Environmental Justice Council. Modifies membership and duties of council. Directs certain agencies to develop environmental justice mapping tool. Authorizes natural resource agencies to consider results of environmental justice mapping tool when developing administrative rules or agency policies or programs. Takes effect on 91st day following adjournment sine die.

HB 4117 Title: Relating to services for low-income individuals; prescribing an effective date.

Status: Passed.

Summary: **Directs Department of Human Services to adopt by rule grant program to provide funding to culturally specific and responsive organizations, tribal governments and under-resourced rural community service organizations to conduct outreach regarding federal earned income tax credits and other tax benefits and to provide tax navigation and preparation services to low-income Oregonians.** Takes effect on 91st day following adjournment sine die.

SB 1545 Title: Relating to workforce development; declaring an emergency. (Governor Brown's Future Ready Oregon Initiative)

Status: Passed.

Summary: **Establishes grant programs in Higher Education Coordinating Commission to provide funding for workforce development activities that aim to increase access for priority populations to training opportunities in technology, health care and manufacturing and to workforce development services and benefits.** Appropriates moneys from General Fund to Higher Education Coordinating Commission to support grant programs. Establishes Prosperity 10,000 Program in Higher Education Coordinating Commission to be administered by local workforce development boards to provide workforce development services and wraparound supports to program participants. Requires Department of Human Services to incorporate program into statewide plan for SNAP Employment and Training Program and to seek federal reimbursement for percentage of program costs and other eligible activities. Appropriates moneys from General Fund to Higher Education Coordinating Commission, Department of Human



Services and Oregon Health Authority for carrying out provisions relating to Prosperity 10,000 Program. Requires commission to distribute moneys appropriated to commission to local workforce development boards not later than 60 days following effective date of Act. Requires Bureau of Labor and Industries to establish and administer grant program to provide financial support for development, expansion and implementation of registered apprenticeship and pre-apprenticeship training programs in specific industry sectors. Appropriates moneys from General Fund to Bureau of Labor and Industries to carry out provisions related to grant program. Requires Youth Development Division] Department of Education to develop grant program to award grants to entities that provide youth and young adults from priority populations with increased access to youth workforce programs that offer workforce readiness training and job placement services. Appropriates moneys from General Fund to Youth Development Division] Department of Education to support grant program. Requires Higher Education Coordinating Commission to establish program to convene industry consortia throughout state to increase training and career opportunities for priority populations. Appropriates moneys from General Fund to Higher Education Coordinating Commission to support program activities. Requires Higher Education Coordinating Commission to establish grant program to award grants to pilot projects brought by local workforce development boards that partner with comprehensive one-stop centers or community-based organizations that hire workforce benefits navigator. Requires Higher Education Coordinating Commission, in collaboration with State Workforce and Talent Development Board, Bureau of Labor and Industries and Youth Development Council, to review programs established under Act and submit report to Governor and interim committees of Legislative Assembly related to workforce development on performance and expenditure outcomes of programs. Declares emergency, effective on passage.

SB 1579 Title: Relating to a program to address economic inequity; prescribing an effective date.

Status: Passed.

Summary: **Directs Oregon Business Development Department to develop and implement Economic Equity Investment Program to award grants to organizations that provide culturally responsive services to support economic stability, self-sufficiency, wealth building and economic equity among disadvantaged individuals, families, businesses and communities in Oregon.** Becomes operative January 1, 2023. Appropriates moneys from General Fund to department for purposes of grant program. Takes effect on 91st day following adjournment sine die.

Natural Resources & Wildfire Response

HB 4055 Title: Relating to forest products harvest taxation; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.



Status: Passed.

Summary: Extends biennial privilege taxes on merchantable forest products harvested on forestlands. Directs Legislative Assembly to use data from quarterly economic and revenue forecast released in February of each odd-numbered year when determining] begin considering biennial forest products harvest tax rates not later than March 10 of each odd-numbered year. Requires State Forestry Department to provide Legislative Revenue Officer or Legislative Fiscal Officer with timber harvest data upon request for purpose of determining biennial forest products harvest tax rates] such consideration. Imposes additional privilege tax on merchantable forest products harvested on forestlands. Directs revenues to be used to fund mitigation of effects of forest practices on aquatic species. Makes additional privilege tax conditional and temporary and caps collections at \$250 million of revenue. Takes effect on 91st day following adjournment sine die.

HB 4057 Title: Relating to minimum energy efficiency standards; prescribing an effective date.

Status: Passed.

Summary: Adds "spray sprinkler bodies" to minimum energy efficiency standards. Adds "spray sprinkler bodies" to prohibition against sale or installation of products that do not meet minimum energy efficiency standards. Becomes operative January 1, 2023. Takes effect on 91st day following adjournment sine die.

SB 1501 Title: Relating to a negotiated agreement concerning private forestland; and declaring an emergency.

Status: Passed.

Summary: **Directs State Board of Forestry to adopt single rule package on or before November 30, 2022, to implement Private Forest Accord Report.** Directs board to adopt rules related to post-disturbance harvest and to initiate rulemaking concerning tethered logging by certain dates. Establishes certain exemptions from requirements for just compensation for land use regulation. Directs State Forestry Department to procure services for development and application of landslide modeling. Directs board to submit habitat conservation plan consistent with Private Forest Accord Report, procure related services and apply for incidental take permit. Provides exemption from Oregon Forest Practices Act requirements related to species addressed in certain federal agreement. Establishes small forestland owner minimum options related to forest practices by small forestland owners. Directs board to adopt by rule Small Forestland Investment in Stream Habitat Program. Creates Small Forestland Owner Assistance Office within department. Establishes certain requirements and prohibitions related to beaver. Establishes Private Forest Accord Mitigation Advisory Committee. Directs State Fish and Wildlife Commission to establish by rule Private Forest Accord Grant Program. Directs board to establish by rule adaptive management program. Establishes Adaptive Management Program Committee and Independent Research and Science Team as advisory committees to board. Amends



Oregon Forest Practices Act. Provides that policies do not affect treaty or other rights of Indian tribe or beneficial ownership interest of land held in trust for Indian tribe or held by Indian tribe] certain property rights of Indian tribe or tribally owned or operated corporation. Authorizes department to adopt rules related to pesticide applications. Makes operability of new provisions and amendments contingent on issuance of incidental take permit on or before December 31, 2027, and incidental take permit remaining in effect. Appropriates moneys from General Fund to certain agencies for certain purposes. Increases certain limitations on expenditures. Declares emergency, effective on passage.

SB 1546 Title: Relating to Elliott State Research Forest; prescribing an effective date.

Status: Passed.

Summary: Establishes Elliott State Research Forest consisting of lands formerly constituting Elliott State Forest. Declares Oregon State University's Elliott State Research Forest Proposal accepted and amended by State Land Board. Provides for further amendments to proposal by university under certain circumstances. Creates Elliott State Research Forest Authority to administer Elliott State Research Forest. Provides that authority shall be governed by board of directors to which voting members are appointed by State Land Board. Describes duties of board of directors. Provides that board of directors constitutes governing body of authority for purposes of public meetings statutes. Describes duties and powers of State Land Board related to forest. Describes duties of executive director of authority. Describes powers of authority. Provides that requirements of public records statutes apply to authority. Provides that requirements of Administrative Procedures Act do not apply to actions of authority or board of directors. Creates exception allowing judicial review of action principally concerning person's individual rights. Creates exception allowing judicial review of certain other actions. Authorizes board of directors to request revenue bonding to be used for owning, operating or administering forest. Authorizes board of directors to request certain general obligation bonding to be used for owning and operating forest.] Authorizes use of certificates of participation financing to finance capital projects or purchases related to owning, operating or administering forest. Provides that provisions related to forest become operative on January 1, 2024, only if certain events occur on or before July 1, 2023. Takes effect on 91st day following adjournment sine die.

Water, Land Use & Housing

HB 4016 Title: Relating to cannabis; declaring an emergency.

Status: Passed.

Summary: Authorizes Oregon Liquor and Cannabis Commission to, based on supply of and demand for marijuana, refuse to issue initial marijuana production, processing, wholesale and retail licenses for amount of time commission determines necessary. Requires commission to study effects of refusal to issue production licenses and submit report



annually to committee or interim committee of Legislative Assembly related to economic development. Authorizes State Department of Agriculture to, based on supply of and demand for industrial hemp, refuse to issue industrial hemp grower licenses for amount of time department determines necessary. Requires department to study effects of refusal to issue grower licenses and submit report annually to interim committee of Legislative Assembly related to agriculture. Sunsets authority March 31, 2024. Allows commission to establish by rule program to assign expired, relinquished or otherwise surrendered licenses to qualified applicants. Becomes operative July 1, 2022. **Subjects building or premises used for unlawful growing or handling of industrial hemp to lien and allows building or premises to be sold to pay all fines and costs.** Allows immediate enforcement of lien by civil action. Requires employee or worker of marijuana licensee to report human trafficking on licensed premises to commission. Directs commission to establish human trafficking coordinator position. Authorizes commission to allow certain licensed marijuana retailers to relocate to other premises without obtaining new license. Specifies that building or premises used for unlawful marijuana production, processing, sale or use may be sold to pay all fines and costs. Allows immediate enforcement of lien by civil action. Becomes operative January 1, 2023. Declares emergency, effective on passage.

HB 4054 Title: Relating to special assessment of historic property; prescribing an effective date.

Status: Passed.

Summary: **Limits program for property tax special assessment of historic property to commercial property.** Requires preservation plan to have aim of preventing displacement, reversing impacts of, or preventing, community disinvestment and engaging and serving underrepresented histories. Reduces minimum expenditure commitment to five percent of historic property's real market value. Requires, for rehabilitation work in city with population of at least 30,000, at least 50 percent of services to be performed by minority-owned business, woman-owned business or emerging small business.] Extends historic property special assessment program for two years. Amends formulas for assessing property in program. Takes effect on 91st day following adjournment sine die.

HB 4061 Title: Authorizes Water Resources Director to petition for warrant authorizing entry onto land or inspection.

Status: Passed.

Summary: Authorizes Water Resources Director to petition for warrant authorizing entry onto land or inspection. Requires person that owns or operates place of use at which hauled water is used for irrigation, nursery or agricultural purposes, or that hauls water to be used for irrigation, nursery or agricultural purposes, certain water suppliers to maintain certain records for at least 12 months and provide records to law enforcement or Water Resources Department upon request. Requires person that purchases water from water supplier at distribution location to be hauled for irrigation or nursery purposes to keep



certain records for at least 12 months and provide records to law enforcement or department upon request. **Prohibits person that owns or operates place of use at which hauled water is used for irrigation, nursery or agricultural purposes from soliciting or accepting hauled water from illegal source from hauling water to, or arranging for hauling of water to, certain grow sites.** Provides that violation with criminal negligence under certain circumstances is subject to maximum penalty of 364 days' imprisonment, \$25,000 fine, or both. Prohibits person from making false verbal or written statement or representation willfully or negligently providing false information to law enforcement or department regarding hauled water or hauling of water related to plants in plant Cannabis family Cannabaceae. Authorizes imposition of civil penalties for violation of requirements or prohibitions]. Provides that violation of false statement or representation prohibition is subject to maximum penalty of 364 days' imprisonment, \$25,000 fine, or both] is subject to maximum penalty of 364 days' imprisonment, \$6,250 fine, or both. Instructs Water Resources Commission to notify certain violators of time allowed to correct violation within 10 business days after commission becomes aware of violation. Provides that civil penalty for certain violations related to water resources may not exceed \$5,000 per day for each day of violation. Establishes exception for violation related to crop of plants in plant Cannabis family Cannabaceae, for which civil penalty may not exceed \$20,000 per day for each day of violation or economic value of crop, whichever is greater. Instructs commission to consider value of any crop of plants in plant Cannabis family Cannabaceae to which certain violations may relate when imposing civil penalty for violation. Provides that certain violations related to water resources are Class A misdemeanors, that each day of violation constitutes separate offense and that maximum fine is \$25,000. Takes effect on 91st day following adjournment sine die.

HB 4062 Title: Relating to licensing of persons using pesticides.

Status: Passed.

Summary: Authorizes State Department of Agriculture to establish by rule types or classes of licenses or certificates for persons using pesticides. Establishes noncommercial pesticide applicator license and noncommercial pesticide trainee's certificate. Takes effect on 91st day following adjournment sine die.

HB 4128 Title: Relating to zoonotic disease; declaring an emergency.

Status: Passed.

Summary: Directs Legislative Policy and Research Office to prepare report concerning Oregon's current framework for preventing, monitoring and responding to zoonotic disease. Directs office to present report to committee or interim committee of Legislative Assembly related to public health not later than December 31, 2022. Directs State Fish and Wildlife Commission, at commission's discretion, to review and update list of prohibited species that may not be imported, possessed, sold, purchased, exchanged or transported in this state due to certain risks to public health. Authorizes commission to institute civil suit



for recovery of damages for violation of rule related to list of prohibited species. Prohibits person from selling, offering for sale or otherwise participating in sale or offer for sale of wildlife that is sold alive for purpose of human consumption. Provides that prohibition does not apply to otherwise lawful sale, offer for sale or other participation in sale or offer for sale of animal utilized in farm use or certain marine animals lawfully raised or harvested. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both. Requires commission, when adopting rules authorizing holding of wildlife, to consider public health risks, including risks of zoonotic disease transmission. Declares emergency, effective on passage.

SB 1564 Title: Relating to cannabis; declaring an emergency.

Status: Passed.

Summary: Allows State Department of Agriculture to, based on supply of and demand for industrial hemp, refuse to issue industrial hemp grower license for amount of time department determines necessary. Requires department to study effects of refusal to issue grower license and to submit report to committee of Legislative Assembly related to agriculture not later than March 30, 2024. Sunsets March 31, 2024.] Allows governing body of county that declares state of emergency related to cannabis to request that State Department of Agriculture deny issuance of industrial hemp grower licenses in area subject to jurisdiction of county. Sunsets June 30, 2023. Renames Task Force on Cannabis-Derived Intoxicants as Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Production. Increases membership of task force, and expands task force's scope of work. Declares emergency, effective on passage.

Education, Health & Child Care

HB 4003 Title: Relating to nursing; declaring an emergency.

Status: Passed.

Summary: Directs Oregon State Board of Nursing to issue nurse internship license to qualified applicant. Allows nurse intern to practice nursing subject to certain limitations and under supervision of registered nurse. **Directs Healthcare Workforce Advisory Committee to study nursing workforce shortage.** Requires report to interim committee of Legislative Assembly related to health care no later than November 15, 2022. Allows nonresident nurses to practice in Oregon for up to 90 days under certain circumstances at specified entities. Requires entities experiencing temporary staffing shortage to notify nurses' exclusive bargaining representative of shortage and other information. Allows person other than applicant for licensure by indorsement to pay application fee. Directs board to support Oregon nonprofit organization that promotes well-being of Oregon health professionals in order to ensure nurses may access program. Declares emergency, effective on passage.



HB 4005 Title: Relating to early childhood; declaring an emergency.

Status: Passed.

Summary: Extends date for transition of Early Learning Division to Department of Early Learning and Care. Extends date by which Early Learning Council is required to establish by rule process for determining true cost of child care compared to market rate cost for purposes of Employment Related Day Care subsidy program. Clarifies authority of Early Learning Division related to day care resource and referral system. Extends date by which Early Learning Division is required to submit report on proposed implementation of prohibition on suspensions or expulsions of children from certain publicly funded early childhood care or education programs. Clarifies entities with which Early Learning Division may share specified information related to child care. Corrects certain statutory cross-references related to Central Background Check Registry. Modifies Employment Related Day Care subsidy program to require certain individuals associated with subsidized care provider to be enrolled in Central Background Registry. Authorizes Early Learning Division to use moneys in Early Learning Account to pay for costs incurred in conducting biennial evaluation related to early childhood support grant program. Directs Department of Human Services to adopt rules to establish reimbursement rates under Employment Related Day Care subsidy program that are specified percentile of market rate cost for child care. Declares emergency, effective on passage.

HB 4026 Title: Relating to state moneys for school districts impacted by wildfires; and declaring an emergency.

Status: Passed.

Summary: Directs Department of Education to award grants to wildfire-impacted school districts in amounts to cover funding decreases resulting from decreases in district average daily membership, as compared to 2019-2020 school year, that are caused by wildfires. Sunsets on July 1, 2025. **Establishes School Stabilization Subaccount for Wildfire-impacted School Districts for purpose of awarding grants.** Declares emergency, effective on passage.

SB 1524 Title: Relating to taxation; prescribing an effective date.

Status: Passed.

Summary: Modifies provisions of tax laws. Increases expense reimbursement percentage allowed to single film or single local media production project from Oregon Production Investment Fund. Applies to fiscal years beginning on or after July 1, 2022. **Extends availability of income tax credit for rural medical providers to certain medical laboratory scientists and medical laboratory technicians.** Applies to tax years beginning on or after January 1, 2022.] For purposes of pass-through business alternative income tax, provides for add-back amounts to be treated as qualifying income and taxed at elective reduced rate, and directs Department of Revenue to require estimated payments. Provides for penalty relief if either pass-through entity or its members make sufficient



estimated payments. Applies to tax years beginning on or after January 1, 2022, and before January 1, 2024, and to estimated payments due on and after June 15, 2022. Increases limit on Multistate Tax Commission Revolving Account. Lowers income threshold for occupants for property tax exemptions that county may adopt for newly constructed single-family dwelling. Exempts, from commercial activity subject to corporate activity tax, receipts of certain pharmacies from sale of prescription drugs. Applies to tax years beginning on or after January 1, 2022, and before January 1, 2026. Extends sunset for shared services distributions. Allows taxpayer primarily doing business in agricultural sector to use three-year net operating loss carryback. Applies to tax years beginning on or after January 1, 2023, and before January 1, 2029, and to any tax year to which net operating loss arising in those tax years is carried back. Becomes operative only if all sections of chapter __, Oregon Laws 2022 (Enrolled House Bill 4002), become law before January 1, 2023. Requires Department of Revenue to waive penalty or interest due to underpayment or underreporting resulting from authorization of required estimated payments of pass-through business alternative income tax. Takes effect on 91st day following adjournment sine die.

