

OREGON STATE SENATE

THIRD READING ALERT

PROJECTED THIRD READINGS FOR MONDAY, APRIL 10, 2023

Senate Convened at 10:30 AM

<u>BILL#</u>	COMM	RECOMMENDATION	FILED	CARRIER
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Propositions And Motions:

(Consideration Of Committee and Minority Reports)

<u>SB 326 A-Eng.</u>	<u>SJUD</u>	<u>do pass as amended, print engrossed</u> (Committee)	4/5/2023	Prozanski
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Requires real property owners to clean up waste on sites used for an illegal cannabis operation, permits a city or county to pursue a civil proceeding for public nuisance abatement, provides attorney fees for the prevailing party in such proceeding, and allows a city or county to file a claim of lien on real property at the site of the illegal operation. Defines waste to include any part of a marijuana plant, irrigation materials, hoop houses and similar structures (agricultural structures), and chemicals that the Department of Environmental Quality is authorized to clean up related to illegal drug manufacturing. Defines cleanup to include disposal and remediation and requires cleanup to conform with applicable laws. Permits an owner of leased property to retain irrigation materials, agricultural structures, or chemicals belonging to the owner, when the land was leased to a third party who engaged in unlawful production of marijuana, and the owner elects to properly care for the irrigation materials or agricultural structures, or to properly store the chemicals. Prohibits the use of permitted water rights or use of ground water at illegal cannabis grow sites, and permits the Oregon Water Resources Department to impose a civil penalty. Allows law enforcement to request judicial authorization to use mobile tracking devices, wiretaps, and pen register trap and trace devices related to illegal cannabis operation enforcement. Creates a Class B felony for possession of marijuana items that exceed 32 times allowable amounts, or manufacture of more than 100 mature or immature plants, or when accompanied by specified reckless or knowing unlawful conduct related to working conditions or environmental factors. Specifies classification for reckless unlawful conduct is a crime category six on the Criminal Justice Commission's sentencing grid, and classification of knowing unlawful conduct is a crime category of eight. Declares emergency, effective on passage. **Senate Amendment Permits owner of leased property to retain irrigation materials, agricultural structures, or chemicals belonging to the owner, when land was leased to a third party who engaged in unlawful production of marijuana, and the owner elects to properly care for the irrigation materials or agricultural structures, or to properly store the chemicals. Adds disposal and remediation to the definition of cleanup and specifies that cleanup must conform with applicable laws. Defines law enforcement agency by reference to existing statute. Expands unlawful use or collection of water for unlawful cannabis production to include rainwater catchment and groundwater uses otherwise exempted from groundwater registration, certification, or permitting requirements.** (Committee Vote: Aye, 3; Nay, 2 --Linthicum, Thatcher)

[Has minimal revenue impact](#)
[Fiscal impact issued](#)

LEGEND

SJUD=JUDICIARY
SHS=HUMAN SV
SNR=NAT RES
SLB=LAB & BUS
SRULES=RULES

[SB 326 A-Eng.](#) [SJUD](#) [do pass as amended](#) (Minority) **4/5/2023** **Linthicum**

Requires real property owners to clean up waste on sites used for an illegal cannabis operation, permits a city or county to pursue a civil proceeding for public nuisance abatement, provides attorney fees for the prevailing party in such proceeding, and allows a city or county to file a claim of lien on real property at the site of the illegal operation. Defines waste to include any part of a marijuana plant, irrigation materials, hoop houses and similar structures (agricultural structures), and chemicals that the Department of Environmental Quality is authorized to clean up related to illegal drug manufacturing. Makes a person leasing land responsible for cleanup if the property owner demonstrates that the owner did not know the property was used for or in connection with unlawful marijuana manufacturing or production. Specifies that, for the cleanup provisions in the measure, the city or county has the burden of proving the owner's knowledge that the property was being used for unlawful marijuana manufacturing or production. Conditions a marijuana production license on: an applicant statement accurately identifying the legal address and owner of the premises; Oregon Liquor and Cannabis Commission (OLCC) independent verification of the ownership; and, if the applicant is not the owner, OLCC must send the owner a form by certified mail with notice of the application, and the owner must confirm ownership and consent to marijuana production on a signed and witnessed OLCC form. Provides the same conditions for medical marijuana grow site registrations with the Oregon Health Authority (OHA). Provides rulemaking authority for OLCC and OHA to carry out the provisions and allows OLCC and OHA to take action prior to the operative date of the measure. Prohibits the use of permitted water rights or use of ground water at illegal cannabis grow sites and permits the Oregon Water Resources Department to impose a civil penalty. Allows law enforcement to request judicial authorization to use mobile tracking devices, wiretaps, and pen register trap and trace devices related to illegal cannabis operation enforcement. Creates a Class B felony for possession of marijuana items that exceed 32 times allowable amounts, or manufacture of more than 100 mature or immature plants, or when accompanied by specified reckless or knowing unlawful conduct related to working conditions or environmental factors. Specifies classification for reckless unlawful conduct is a crime category six on the Criminal Justice Commission's sentencing grid, and classification of knowing unlawful conduct is a crime category of eight. Provisions relating to OLCC license and OHA registration conditions have an operative date of January 1, 2024. Declares emergency, effective on passage. **Senate Amendment Makes a person leasing land responsible for cleanup if the property owner demonstrates that the owner did not know the property was used for or in connection with unlawful marijuana manufacturing or production. Specifies that, for the cleanup provisions in the measure, the city or county has the burden of proving the owner's knowledge that the property was being used for unlawful marijuana manufacturing or production. Conditions a marijuana production license on: an applicant statement accurately identifying the legal address and owner of the premises; Oregon Liquor and Cannabis Commission (OLCC) independent verification of the ownership; and, if the applicant is not the owner, OLCC must send the owner a form by certified mail with notice of the application, and the owner must confirm ownership and consent to marijuana production on a signed and witnessed OLCC form. Provides the same conditions for medical marijuana grow site registrations with the Oregon Health Authority (OHA). Replaces former signed consent form requirements with the new conditions. Provides rulemaking authority for OLCC and OHA to carry out the provisions and allows OLCC and OHA to take action prior to the operative date of the measure. Provisions relating to OLCC license and OHA registrations conditions have an operative date of January 1, 2024. (Filed by Sen. Dennis Linthicum, Sen. Kim Thatcher)**

[Has minimal revenue impact](#)

[Fiscal impact issued](#)

[SB 910](#) [SJUD](#) [do pass](#) **4/5/2023** **Prozanski**

LEGEND

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Provides that on-street and off-street parking pay stations that accept either coins or currency as one method of payment, or on-street and off-street parking pay stations that do not accept coins or currency, but provide readily available access to patrons to another pay station that accepts coins or currency, are exempt from the requirement of accepting U.S. coins and currency. (Committee Vote: Aye, 3; Nay, 2 --Linthicum, Thatcher)

[No revenue impact, statement issued \(Indeterminate Impact\)](#)
[Has minimal fiscal impact](#)

(Consideration Of Committee and Minority Reports)

SB 910 A-Eng.	SJUD	Aa	4/5/2023	Linthicum
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Provides that on-street and off-street parking pay stations that accept either coins or currency as one method of payment are exempt from the requirement of accepting U.S. coins and currency. Provides that on-street and off-street parking pay stations that do not accept coins or currency, are exempt from the requirement of accepting U.S. coins and currency, so long as another pay station, within 300 feet, does accept coins or currency. **Senate Amendment Replaces the language "readily available to patrons" with "available within 300 feet of a pay station that does not accept coins or currency."** (Filed by Sen. Dennis Linthicum, Sen. Kim Thatcher)

[No revenue impact, statement issued \(Indeterminate Impact\)](#)
[Has minimal fiscal impact](#)

(Third Reading and Final Consideration)

SB 326 A-Eng.	SJUD	do pass as amended, print engrossed	4/5/2023	Prozanski
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Requires real property owners to clean up waste on sites used for an illegal cannabis operation, permits a city or county to pursue a civil proceeding for public nuisance abatement, provides attorney fees for the prevailing party in such proceeding, and allows a city or county to file a claim of lien on real property at the site of the illegal operation. Defines waste to include any part of a marijuana plant, irrigation materials, hoop houses and similar structures (agricultural structures), and chemicals that the Department of Environmental Quality is authorized to clean up related to illegal drug manufacturing. Defines cleanup to include disposal and remediation and requires cleanup to conform with applicable laws. Permits an owner of leased property to retain irrigation materials, agricultural structures, or chemicals belonging to the owner, when the land was leased to a third party who engaged in unlawful production of marijuana, and the owner elects to properly care for the irrigation materials or agricultural structures, or to properly store the chemicals. Prohibits the use of permitted water rights or use of ground water at illegal cannabis grow sites, and permits the Oregon Water Resources Department to impose a civil penalty. Allows law enforcement to request judicial authorization to use mobile tracking devices, wiretaps, and pen register trap and trace devices related to illegal cannabis operation enforcement. Creates a Class B felony for possession of marijuana items that exceed 32 times allowable amounts, or manufacture of more than 100 mature or immature plants, or when accompanied by specified reckless or knowing unlawful conduct related to working conditions or environmental factors. Specifies classification for reckless unlawful conduct is a crime category six on the Criminal Justice Commission's sentencing grid, and classification of knowing unlawful conduct is a crime category of eight. Declares emergency, effective on passage. **Senate Amendment Permits owner of leased property to retain irrigation materials, agricultural structures, or chemicals belonging to the owner, when land was leased to a third party who engaged in unlawful production of marijuana, and the owner elects to properly care for the irrigation materials**

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or agricultural structures, or to properly store the chemicals. Adds disposal and remediation to the definition of cleanup and specifies that cleanup must conform with applicable laws. Defines law enforcement agency by reference to existing statute. Expands unlawful use or collection of water for unlawful cannabis production to include rainwater catchment and groundwater uses otherwise exempted from groundwater registration, certification, or permitting requirements. (Committee Vote: Aye, 3; Nay, 2 --Linthicum, Thatcher)

[Has minimal revenue impact](#)

[Fiscal impact issued](#)

[SB 910](#)

[SJUD](#)

[do pass](#)

4/5/2023

Prozanski

Provides that on-street and off-street parking pay stations that accept either coins or currency as one method of payment, or on-street and off-street parking pay stations that do not accept coins or currency, but provide readily available access to patrons to another pay station that accepts coins or currency, are exempt from the requirement of accepting U.S. coins and currency. (Committee Vote: Aye, 3; Nay, 2 --Linthicum, Thatcher)

[No revenue impact, statement issued \(Indeterminate Impact\)](#)

[Has minimal fiscal impact](#)

Third Reading Of Senate Measures:

(Carried Over from Wednesday, March 29, 2023)

[SB 807 A-Eng.](#)

[SJUD](#)

[do pass as amended, print
engrossed](#)

3/27/2023

Prozanski

Permits a judge who is the subject of a motion or series of motions to disqualify the judge from a case or cases to request a hearing from a disinterested judge if the motion or motions will effectively deny the judge assignment to a criminal or juvenile delinquency docket. Specifies applicability to a series of motions when the motions are filed by the same party, attorney, law firm, district attorney's office, public defender's office, or defense consortium. Requires a disinterested judge to make an objective inquiry and determine whether a reasonable person would believe that the judge lacks impartiality. Places the burden of proof by preponderance of the evidence on the moving party. Grants the disinterested judge authority to bar the motion filer from further motions to disqualify the subject judge for a period of up to one year, or take other appropriate action, if the motion filer fails to prove that a reasonable person would believe the judge lacks impartiality. Permits the Chief Justice to make rules to implement the measure. **Senate Amendment Adds parties and defense consortia to motion filers subject to challenge if a motion or multiple motions filed effectively deny a judge assignment to a criminal or juvenile delinquency docket. Permits the subject judge to challenge the motion or motions on these grounds, and need not wait until a subsequent motion is filed after the judge has been effectively disqualified from the docket. Removes requirement that challenge be decided without oral hearing. Permits subject judge to request a hearing. Removes detailed procedural specifications; procedure may be provided by rules promulgated by the Chief Justice. Extends permissible length to one year for an order preventing the motion filer from filing additional motions if the disinterested judge's objective inquiry does not establish that a reasonable person would believe the subject judge lacks impartiality.** (Committee Vote: Aye, 4; Nay, 1 --Thatcher)

[No revenue impact](#)

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Has minimal fiscal impact

SB 1016 A-Eng. SHS do pass as amended, print eng. **3/27/2023** **Hayden**
rescind sub

Directs the Department of Human Services (DHS) to establish and maintain regional family support networks to provide peer-delivered supports for families of individuals with intellectual or developmental disabilities in addition to already existing programs. Directs DHS to make these services available to families of individuals who are currently receiving or at risk of requiring developmental disability services. Permits DHS to contract directly with community organizations for the provision of regional family support network services. Takes effect on 91st day following adjournment sine die. **Senate Amendment Removes requirement for Department of Human Services to consult with the Family Support Advisory Council when establishing regional family support networks.** (Committee Vote: Aye, 4; Nay, 1 --Robinson)

No revenue impact

No fiscal impact

Third Reading Of Senate Measures:

(Carried Over from Thursday, March 30, 2023)

SB 57 A-Eng. SNR do pass as amended, print **3/28/2023** **Findley**
engrossed

Removes the prohibitions against the sale, offer for sale, importation, or breeding of female beef or dairy cattle that have not been vaccinated against brucellosis. Removes female cattle not vaccinated against brucellosis from indemnity and penalty provisions. **Senate Amendment Removes, for dairy breeds, the prohibitions against the sale, offer for sale, importation, or breeding of female cattle that have not been vaccinated against brucellosis and removes the indemnity provision.** (Committee Vote: Aye, 5)

No revenue impact

No fiscal impact

SB 340 A-Eng. SJUD do pass as amended, print **3/28/2023** **Prozanski**
engrossed

Adds crime of organized retail theft to the repeat property offender statute, ORS 137.717, authorizing a judge to impose a 24-month prison sentence. Extends time period prosecutor is permitted to aggregate value of stolen property for purposes of proving crime of organized retail theft from 90 days to 180 days. For purposes of stolen property statute, permits prosecutor to aggregate value of multiple thefts against the same or multiple victims within a one-year period. Amends venue statutes to allow defendant accused of committing multiple property crimes in different jurisdictions to be tried for a property crime in any county in which one crime was committed. Provides that trial may be held in any county in which one offense was committed when two or more specified offenses were allegedly committed against the same victim within a 180-day period. Amends crime of theft in the first degree to include situation where, during the course of the theft, the individual recklessly engages in conduct which creates a substantial risk of serious physical injury. **Senate Amendment Replaces the measure.** (Committee Vote: Aye, 5)

No revenue impact

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Fiscal impact issued

SB 812 A-Eng. SNR do pass as amended, print engrossed **3/28/2023** **Golden**

Authorizes a local government to enact an ordinance or resolution prohibiting or regulating the takeoff and landing of unmanned aircraft systems (UAS) in parks owned by the local government. Requires that the ordinance: allow utility providers a reasonable ability to use UAS in parks to inspect utility lines; allow public bodies to use UAS in parks for emergency operations; and provide for an affirmative defense to a charge or claim of a violation when a person performs an emergency landing of a UAS in a park in the absence of an equally safe alternative. **Senate Amendment Replaces the measure.** (Committee Vote: Aye, 5)

No revenue impact
No fiscal impact

Third Reading Of Senate Measures:
(Carried Over from Monday, April 3, 2023)

SB 789 A-Eng. SNR do pass **3/30/2023** **Golden**

Defines "canola" and the "Willamette Valley Protected District" (District). Requires a person growing canola in the District to receive prior approval by license from the Oregon Department of Agriculture (ODA). Permits ODA to authorize a person to grow canola in the District only in a manner determined to be compatible with the growing of other crops, and to authorize a maximum of 500 acres of canola production in the District per year. Authorizes ODA to assess a civil penalty, not to exceed \$25,000, against a person who grows canola in the District without a license or in violation of the terms of their license. Applies retroactively to July 1, 2023. Declares emergency, effective July 1, 2023. (Committee Vote: Aye, 3; Nay, 2 --Girod, Smith DB)

No revenue impact
Has minimal fiscal impact

SB 1047 SLB do pass **3/30/2023** **Patterson**

Raises contract price threshold under which contracting agency may apply specified solicitation and procurement methods for public contracts. Requires state contracting agency that awards public contract under specified method with price of at least \$10,000 to document in state contracting agency's procurement file actions taken to provide notice of procurement to Governor's Policy Advisor for Economic and Business Equity and to invite or consider for participation in procurement businesses or enterprises that Certification Office for Business Inclusion and Diversity (COBID) certifies. Requires Oregon Department of Administrative Services (DAS) to promote and apply a policy of diversity, equity, and inclusion in public contracting by attempting to increase public contracting opportunities for businesses and enterprises that are certified by the COBID. Specifies actions DAS must take and requires DAS to report every six months to the Governor's Policy Advisor for Economic and Business Equity on implementation efforts. Applies to procurements that contracting agency advertises or solicits or, if there is no advertisement or solicitation, public contracts that a contracting agency enters into on or after operative date. Operative January 1, 2024. Takes effect on 91st day following adjournment sine die. (Committee Vote: Aye, 5)

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[No revenue impact](#)
[Has minimal fiscal impact](#)

Third Reading Of Senate Measures:
(Carried Over from Tuesday, April 4, 2023)

[SB 168 A-Eng.](#) [SRULES](#) [do pass as amended, print engrossed](#) **3/31/2023** **Lieber**

Explicitly prohibits public employees from promoting or opposing appointment, nomination, or election of a person to public office, and from promoting or opposing filing of initiative, referendum, or recall petition, while on job during working hours or while otherwise working in official capacity. Excludes periods of time during which public employee takes time off for meal or rest breaks, or other allowable time, in accordance with Oregon labor laws, from meaning of when employee is on job during work hours. **Senate Amendment Excludes periods of time during which public employee takes time off for meal or rest breaks, or other allowable time, in accordance with Oregon labor laws, from meaning of when employee is on job during work hours.**
 (Committee Vote: Aye, 5)

[No revenue impact](#)
[No fiscal impact](#)

[SB 209 A-Eng.](#) [SHS](#) [do pass as amended, print engrossed](#) **3/31/2023** **Prozanski**

Defines “record of sexual orientation, gender identity or gender expression.” Makes records of sexual orientation, gender identity, or gender expression exempt from disclosure unless the failure to disclose the record is reasonably likely to jeopardize the child’s safety or well-being, the record is necessary to provide services to the child or the child’s family, or the child consents to the disclosure. Permits child’s attorney to consent to the disclosure in specific circumstances. **Senate Amendment Replaces the measure.** (Committee Vote: Aye, 4; Nay, 1 --Robinson)

[No revenue impact](#)
[Has minimal fiscal impact](#)

[SB 343 A-Eng.](#) [SJUD](#) [do pass as amended, print engrossed](#) **3/31/2023** **Manning Jr**

Clarifies that incarceration means confinement in a Department of Corrections institution, as defined in ORS 421.005, for persons who had their driver’s license suspended or revoked as part of a criminal sentence and their sentence included incarceration for applications to have their driver’s license reinstated. Provides that Section 1 and 2 of the Act apply to driving privileges suspended or revoked on or after the effective date of the Act. **Senate Amendment Replaces the measure.** (Committee Vote: Aye, 5)

[Has minimal revenue impact](#)
[Has minimal fiscal impact](#)

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[SB 418 A-Eng.](#)[SLB](#)[do pass as amended, print
engrossed](#)

3/31/2023

Bonham

Modifies provision allowing injured worker with accepted disabling compensable injury to receive temporary disability benefits when injured worker is required to leave work for specified reason by removing requirement that injured worker must be required to leave work for minimum of four hours. Allows insurer to require worker to confirm period that worker is absent from work. Exempts this provision from specified insurer or self-insured employer temporary disability benefit notice requirements. Operative on January 1, 2024. Declares emergency, effective on passage. **Senate Amendment Replaces the measure.** (Committee Vote: Aye, 5)

[No revenue impact](#)[Has minimal fiscal impact](#)**LEGEND**

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