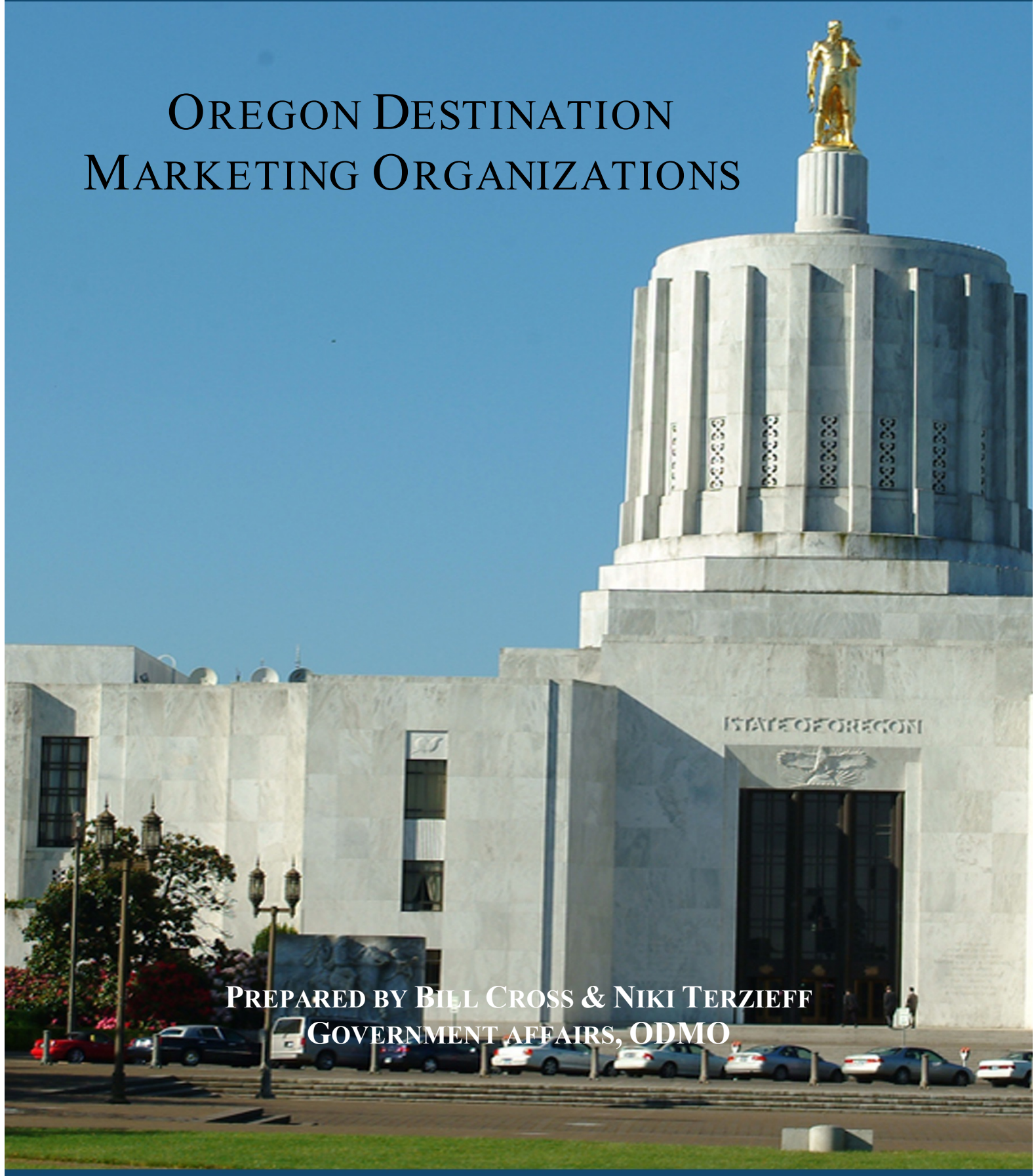


# 2015 LEGISLATIVE REPORT

## OREGON DESTINATION MARKETING ORGANIZATIONS

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## NOT WITH A BANG, BUT WITH A WHIMPER (T.S. ELLIOT)

The small troop of dogged Republicans still serving in the State Legislature were finally released the evening of Monday, July 6th - too late to truly celebrate Independence Day. After six months in Salem, the 25 House and the 12 Senate Republicans were sent home with their tails between their legs, whimpering that it was the “most partisan session in recent history.”

2015 saw a Legislative Session that liberals now laud as one that “put opportunity for working families first,” as characterized by Speaker Tina Kotek (D- North Portland) after adjournment last week. For a handful of Democrats who represent more conservative districts, however, the figurative red fern now sprouts where their political power once ran. Indeed, the fall of 2014 also ushered in the fall of former Governor John Kitzhaber. Before his unprecedented fourth term could even begin to take shape there was an explosion of transgressions and troubles emanating from the Executive Office.

Then First Lady of Oregon, Cylvia Hayes, found herself the centerpiece of his final reelection efforts - for all the wrong reasons. The shared vision for Oregon that these two had nurtured for years was shattered when Ms. Hayes’ missteps proliferated publicly - jeopardizing his legacy in a story line a kin to Fred Gipson’s [classic American tale](#). Kitzhaber’s historic resignation was made public immediately after Oregon’s 156th birthday, February 14th; hardly the Valentine’s Day gift anyone expected. As the Chicago Tribune Editorial Board noted in their [open letter](#) to flummoxed Oregonians: *We’ve lost a mess of governors to the seductions of money, cronyism, clout. We never lost one to love.*

In a transition that some Salem insiders describe as “bizarre” and “tragic,” the gates were then thrown open for Secretary of State Kate Brown to assume the Governorship. An unabashed liberal Democrat, Governor Brown struck a contrasting figure to her predecessor, raising further hopes for the newly energized majority in both chambers. Emboldened, Democrats pushed several key votes in the first days of this long Session, setting an initial tone of partisanship - some even asserted malfeasance. Daily there were public remonstrances and complaints by Republicans in the Senate and the House for what would amount to an overall charge of a hostile work environment.

Democrats, however, maintain they felt the squeeze of Realpolitik.<sup>1</sup> Stuck between obstinate progressive interests and the looming election cycle (yes, already!), some felt their position

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<sup>1</sup> Realpolitik (from German: real "realistic", "practical", or "actual"; and Politik "politics", German pronunciation: [ʁeˈaːlpoliˌtiːk]) is politics or diplomacy based primarily on power and on practical and material factors and considerations, rather than explicit ideological notions or moral or ethical premises.

difficult at best. In an attempt to thread the needle, leadership often indicated that they were concerned that a reach too far risked the very majority that allowed them to pass a slough of liberal, labor-and-lawyer focused legislation. Working to protect members under the Democratic Big Tent *and* honor perceived electoral commitments was unfortunately only seen by many social justice, environmental, education and union advocates as a slight and indefensible excuse for not being willing to exercise their majority to the fullest.

Oregon maintained its status as foremost in the nation for issues ranging from access to women's reproductive health care and firearm reforms, to fending off global warming and mandating paid sick-leave. Some issues, such as a comprehensive deal on much needed transportation funding, increase in affordability and attainability of working-family housing were staved off by powerful special interests who were able to leverage their relationships with some members of the middle. A hot-list of policies around the implementation of recreational marijuana, banning toxics from being sold in Oregon and the installation of an Earthquake Tsar were handled, though not gracefully, satisfactorily for another six month. Finally, other issues such as minimum-wage hike were left for another day, with the anticipation that the Democrats will not lose control of every branch of government - or just perhaps the U.S. congress will function.<sup>2</sup>

Although matters of the day in Salem are now complete, the short, 35-day February Legislative Session is right around the corner and there is much to be done ... and probably some to be undone, too.

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<sup>2</sup> NOTE: Your Advocacy Team is not so naive to believe this will happen in the near future, but eternal optimists (and appreciative of an occasional glass of wine) we hope that this did not evoke too much of a bittersweet laugh.

## **OREGON DESTINATION MARKETING ORGANIZATIONS PRIORITIES**

For the Oregon Destination Marketing Organizations, it was a very successful session considering the circumstances. The Association's Legislative Team tracked approximately 25 bills that affected the tourism and hospitality industry. A summary of all the bills monitored by ODMO and their history can be viewed by going to [<insert link to report on ODMO's website>](#).

Some of the more significant legislation in the 2015 legislative session included:

### ***Agri-Tourism Liability Protection***

*SB 341 – Passed*

SB 341 is a long-worked compromise to provide liability protection to agri-tourism businesses and promote Oregon agricultural. Modeled after a similar law in Virginia, the measure provides liability protection to agri-tourism operators who post certain notices on the property enabling agri-tourism businesses to more readily obtain liability insurance for their activities and ensuring that agri-tourism is supported and encouraged in Oregon.

Facilitated by the Senate Judiciary Committee in the 2104 interim, ODMO and other organizations worked with the Oregon Trail Lawyers Association to address the risk of liability for agri-tourism and agricultural businesses. Approved by the Legislature and signed into law, SB 341 provides liability protection for agri-tourism providers against certain claims when the agri-tourism provider posts clear notice at the property of risks inherent in engaging in the activity. Potential risks include, but are not limited to, uneven ground, farm equipment and domestic animals. The law affords liability protection to only those activities authorized under the land use system.

SB 341 is a critical step for Oregon farmers who open their farms to the public for pumpkin patches, corn mazes, farm festivals, farm stays, u-pick, farm markets and educational activities. Agri-tourism has become a big attraction for many Oregon families and visitors. The bill went into effect June 22 and Oregon joins at least 20 other states with limited liability laws for agri-tourism operators.

### ***Extending Certain Tax Credits***

*HB 2171 – Passed*

With HB 2067 in 2009, nearly all tax credits have been subject to a policy review that includes statutory sunset dates. Roughly speaking, one-third of such tax credits are reviewed each legislative session. The review conducted in 2015 completes the first round of such reviews, following work done in 2011 and 2013. HB 2171 was based on the recommendations from policy committees regarding which tax credits should be extended and in what form.

The Oregon Production Investment Fund has been extended for eight more years to 2024. The Fund allows the state to offer up to \$10 million in total tax credits to attract film and television productions to Oregon. ODMO joined with other film and video industry, hospitality and tourism organizations to support the extension of the sunset on the film and video tax credits.

## OTHER BILLS OF INTEREST

### *Decreases Membership of Travel Information Council*

*SB 139 – Passed*

SB 139, passed by both chambers and signed into law by the Governor, decreases the Travel Information Council membership from 11 members to nine members. It also eliminates the requirement that an organization that wishes to serve cookies, coffee or other nonalcoholic beverages at roadside rest areas must submit a request to the Council by a specified date which will provide the Council the flexibility to find replacements for these services, particularly at rest areas where the Council has more difficulty getting organizations to volunteer.

### *Authorizes Trust for Cultural Development Board to Solicit and Accept Gifts*

*SB 441 – Passed*

SB 441 authorizes the Trust for Cultural Development Board to solicit and accept gifts, bequests or devises of money, securities or other property. It directs income from property to be credited to Trust for Cultural Development Account. The bill creates a minimum of fifty percent and a maximum of sixty percent that must be disbursed from Trust for Cultural Development Account each fiscal year. It also changes maximum amount from 7.5 percent to \$400,000 that Arts Program may use from amounts disbursed from Account for certain purposes.

### *Authority of Metropolitan Service District to Finance Visitor-Oriented Facilities*

*SB 927 - Passed*

Passed and signed into law, SB 927 modifies the authority of the metropolitan service district to acquire or construct visitor-oriented facilities. This measure aligns existing law for a metropolitan service district with a charter to have the power to construct and acquire certain facilities if authorized to do so by its own charter. In 2012, METRO embarked on a public private partnership approach to the construction of a hotel connected with the convention center. The overall project is approximately \$200 million, with over 60 percent of private investment; the largest public contribution will be payment of bonds from transient lodging taxes paid by guests of the hotel itself. The 2013 Legislative Assembly approved \$10 million in lottery bonds to complete the finance plan.

**Equally as important to securing passage of legislation is preventing bad measures from passing. Again, legislation to remove restrictions on how transit rooming tax proceeds can be spent for non-tourism related activities received little traction.**

This report has been prepared by OSIA's government affairs advocates Bill Cross and Niki Terzieff.