



STATE OF OREGON
Legislative Counsel Committee

March 5, 2015

To: Members of the Seventy-eighth Legislative Assembly

From: Dexter A. Johnson, Legislative Counsel
Steven A. Wolf, Chief Counsel, General Counsel Division, Oregon Department of Justice

Subject: House Bill 4133 (2014)—Revision of Statutes Due to Obsolescence

House Bill 4133 (2014), which became chapter 101, Oregon Laws 2014, directs the Legislative Counsel and the Department of Justice to review Oregon statutes to identify laws that are outdated, obsolete or duplicative of other laws and to prepare legislative measures to repeal or amend the laws as needed. Chapter 101, Oregon Laws 2014, requires preparation of an accompanying report that identifies the affected laws and describes the reasons why the laws are amended or repealed. This report must be distributed to members of the Legislative Assembly and made available to the public at least 90 days before the start of the 2015 regular legislative session. This document is an update to the report originally distributed on November 4, 2014. The report is available to the public on the Legislative Counsel website at <https://www.oregonlegislature.gov/lc>.

The bills prepared pursuant to chapter 101, Oregon Laws 2014, and the provisions contained in the bills are described below. The reasons why the laws are amended or repealed are also set forth below and as notes following each section of each of these bills.

House Bill 2910—Relating to agricultural experiment stations

ORS 567.040: Repeals law establishing now defunct The Dalles experimental area that served as field laboratory of the agricultural experiment station of Oregon State University.

ORS 567.045: Repeals obsolete statement of legislative intent of 1955 repeal of statutes providing ongoing fixed appropriations for specific agricultural experiment stations.

ORS 567.255, 567.260, 567.265, 567.270 and 567.275: Repeals outdated laws governing now defunct John Jacob Astor Agricultural Experiment Station.

ORS 567.365: Repeals outdated law restricting certain eastern Oregon agricultural extension work to counties with qualified local agents.

House Bill 2911—Relating to courts

ORS 1.055: Repeals obsolete references to terms of court.

ORS 3.232 and 3.235: Repeals obsolete references to terms of court.

ORCP 10 B: Repeals obsolete references to terms of court.

ORS 202.300: Repeals obsolete references to terms of court.

ORCP 10 C: Reletters section due to repeal of ORCP 10 B.

ORCP 9 F: Conforming amendment for repeal of ORCP 10 B.

ORCP 10 A: Conforming amendment for repeal of ORCP 10 B.

ORS 1.110: Deletes obsolete references to terms of court.

ORS 1.120: Deletes obsolete references to terms of court.

ORS 1.655: Deletes obsolete references to terms of court.

ORS 3.075: Deletes obsolete references to terms of court.

ORS 8.225: Deletes obsolete references to terms of court.

ORS 34.200: Deletes obsolete references to terms of court.

ORS 34.710: Deletes obsolete references to terms of court.

ORS 137.060: Deletes obsolete references to terms of court.

ORS 180.080: Deletes obsolete references to terms of court.

ORS 30.655, 30.656, 30.658, 30.660, 30.661, 30.662, 30.664 and 30.665: Repeals outdated laws regulating actions for damages caused by computer date failure in the year 2000 (commonly known as Y2K).

ORS 51.440, 51.450, 51.460, 51.470, 51.480, 51.490, 51.500, 51.540 and 51.550: Repeals laws on appointment of constables for justice of the peace districts. There are no longer any constables in Oregon.

ORS 18.192: Repeals outdated law on enforcement of child support judgments. All child support judgments are now enforceable for 35 years. See ORS 18.180 (5). Specifies that the repeal does not revive any judgment that expired before the effective date of HB 2911.

Section 45, chapter 576, Oregon Laws 2003: Conforming amendment for repeal of ORS 18.192.

ORS 18.180: Conforming amendment for repeal of ORS 18.192.

ORS 18.182: Conforming amendment for repeal of ORS 18.192.

House Bill 2912—Relating to transportation

ORS 164.805: Deletes obsolete reference to abolished Interstate Commerce Commission in law creating crime of offensive littering.

ORS 184.658: Repeals duplicative requirement that Department of Transportation produce biennial Highway Construction Plan to accompany Governor's proposed budget for the department.

ORS 184.664: Repeals duplicative requirement that Department of Transportation produce quarterly Highway Construction Plan status report for Legislative Assembly.

ORS 184.666: Repeals duplicative requirement that Department of Transportation provide a biennial summary for the Legislative Assembly of how department costs for maintenance, preservation and modernization are affected by certain factors.

ORS 184.610: Conforming amendment for repeal of ORS 184.658 by section 3 of HB 2912.

ORS 184.654: Conforming amendment for repeal of ORS 184.666 by section 5 of HB 2912.

ORS 184.656: Conforming amendment for repeal of ORS 184.658 by section 3 of HB 2912.

ORS 366.015: Repeals obsolete definition of "hard surfaced highways."

ORS 366.317: Repeals obsolete statute allowing members of the public to remove trees and shrubs along state highway before construction project.

ORS 366.440: Repeals obsolete statute regarding payment of Department of Transportation employees by voucher or payroll.

ORS 366.785: Deletes outdated language in definition of "population" in laws governing highway fund distributions to cities.

ORS 366.815: Deletes outdated reference in laws governing highway fund distributions to cities to construction program that is no longer used.

ORS 366.915: Repeals outdated law regarding Crooked River highway project that has been completed.

ORS 367.826: Repeals reporting requirement to Emergency Board regarding Department of Transportation activities under the Oregon Innovative Partnerships Program.

ORS 801.455: Deletes obsolete reference to abolished Interstate Commerce Commission in definition of "school activity vehicle."

ORS 801.555: Deletes redundant reference to ORS chapter 825 in definition of "traffic offense" because definition applies to provisions of law for which a penalty is provided in the vehicle code and ORS chapter 825 is part of the vehicle code.

ORS 802.150: Eliminates the Motor Vehicle Records Account because the account is empty and no longer used. Moneys in the account were used to reimburse the Department of Transportation for costs of furnishing motor vehicle records to prosecuting attorneys.

Section 19: Transition language for the repeal of the Motor Vehicle Records Account by section 18 of HB 2912. Specifies that if any moneys remain in the Motor Vehicles Records Account, the moneys are transferred to the General Fund.

ORS 802.179: Deletes superfluous words in law governing exemptions from prohibition on release of personal information for motor vehicle records.

ORS 802.320: Remedies problem with read-in of subsection in law relating to Department of Transportation motorcycle safety program.

ORS 802.325: Remedies problem with read-in of subsection in law relating to Department of Transportation bicycle safety program.

ORS 805.266: Deletes obsolete language relating to date Department of Transportation may begin creating or issuing wine country registration plates.

ORS 810.438: Deletes duplicative Department of Transportation reporting requirement relating to photo radar because information is provided by cities.

ORS 814.470: Deletes unnecessary language excluding electric personal assistive mobility devices from offense of failure to use a bicycle seat because an electric personal assistive mobility device is not a bicycle.

ORS 815.280: Deletes unnecessary language excluding electric personal assistive mobility devices from offense of violation of bicycle equipment requirements because an electric personal assistive mobility device is not a bicycle.

ORS 814.484: Clarifies that certain traffic laws applicable to bicycles apply to bicycles with wheels that are exactly 14 inches in diameter.

ORS 806.020: Corrects errors in motor vehicles laws to references to defined terms "antique vehicle" and "vehicle of special interest."

ORS 811.525: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

ORS 815.135: Corrects errors in motor vehicles laws to references to defined terms "antique vehicle" and "vehicle of special interest."

ORS 815.190: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

ORS 815.235: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

ORS 815.250: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

ORS 815.255: Corrects error in motor vehicles laws to reference to defined term "antique vehicle."

ORS 816.310: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

ORS 816.340: Corrects errors in motor vehicles laws to references to defined terms “antique vehicle” and “vehicle of special interest.”

ORS 816.370: Corrects errors in motor vehicles laws to references to defined terms “antique vehicle” and “vehicle of special interest.”

ORS 822.033: Corrects error in motor vehicles laws to reference to defined term “antique vehicle.”

ORS 820.010: Deletes redundant reference to “station wagons” in law describing motor vehicles subject to safety regulation when furnished by employers and used to transport workers.

ORS 825.005: Deletes unnecessary defined term “safe for operation” in definitions applicable to ORS chapter 825 on motor carriers. The term is not used in ORS chapter 825.

Sections 21 and 22, chapter 4, Oregon Laws 2013: Repeals obsolete statutes requiring Department of Transportation to provide quarterly reports on the progress of the Interstate 5 bridge replacement project.

ORS 807.100: Deletes duplicative requirement that person who holds commercial driver license carry separate medical qualification card.

House Bill 2913—Relating to human services

ORS 409.182: Repeals outdated provision requiring the Department of Human Services to conduct an evaluation of processes to reduce administrative and resource burdens on human services providers and report the results to the Seventy-seventh Legislative Assembly.

ORS 409.260: Clarifies that moneys in Services to Children and Families Account that are continuously appropriated to the Department of Human Services are to be used for child welfare purposes. Removes reference to sources of moneys unrelated to child welfare services.

ORS 410.530: Deletes references in long term care laws to specific private organizations, some of which have new names or do not exist, and replaces them with generic descriptions of organizations.

ORS 411.010: Amends definition of “public assistance” in human services laws to delete inappropriate reference to ORS 418.647 relating to the foster care payments program.

ORS 411.091: Updates public assistance laws to reflect current use of electronic benefits transfer cards instead of checks for issuing public assistance.

ORS 411.141: Amends law relating to payment of public assistance to delete inappropriate reference to ORS 418.647 relating to the foster care payments program.

ORS 411.818: Repeals requirement to implement an eligibility change for the Supplemental Nutrition Assistance Program pursuant to a federal waiver because the application for the federal waiver was denied by the United States Department of Agriculture.

ORS 412.054: Amends law relating to application for temporary assistance for needy families to delete inappropriate reference to ORS 418.647 relating to the foster care payments program.

ORS 412.064: Amends law relating to eligibility for temporary assistance to needy families to delete inappropriate reference to ORS 418.647 relating to the foster care payments program.

ORS 413.592: Repeals obsolete provisions requiring health care providers to complete a pain management education program by 2008.

ORS 430.925: Repeals provisions regarding demonstration pilot projects in local health departments to alleviate the health related problems of pregnant and postpartum women and infants arising from substance use. The projects began in 1989 and are no longer in operation.

ORS 440.420: Repeals provisions regarding the Medicaid upper payment limit financing methodology that is no longer in use.

ORS 442.490: Clarifies method of appointment of members of Rural Health Coordinating Council. Clarifies consumer membership on the council. Updates names of private organizations represented on the council.

ORS 442.505: Substitutes use of defined term "rural hospital" in law directing Office of Rural Health to provide technical assistance to rural hospitals. Updates reference to Oregon Association of Hospitals to a generic reference to a trade association representing hospitals and health systems in Oregon.

ORS 442.520: Updates reference to Oregon Association of Hospitals to a generic reference to a trade association representing hospitals and health systems in Oregon.

ORS 743.775: Repeals requirement for Department of Consumer and Business Services to collect data on the impact of 2003 amendments to statutes relating to coverage under individual health benefit plans.

ORS 414.721, 743.951, 743.960, 743.961, 743.965 and 743.990: Repeals statutes governing expired assessment on health insurance premiums and on claims to self-insured health plans.

ORS 291.055: Conforming amendment for repeal of ORS 743.951 to 743.965 and 743.990 by section 18 of HB 2913.

ORS 731.292: Conforming amendment for repeal of ORS 743.951 to 743.965 and 743.990 by section 18 of HB 2913.

ORS 731.840: Conforming amendment for repeal of ORS 743.951 to 743.965 and 743.990 by section 18 of HB 2913.