

D R A F T

SUMMARY

Makes nonsubstantive and technical changes in Oregon law. Corrects grammar and punctuation. Conforms language to existing statutes and legislative style.

A BILL FOR AN ACT

Relating to correction of erroneous material in Oregon law; creating new provisions; and amending ORS 63.644, 92.170, 100.205, 105.464, 109.096, 109.680, 127.002, 137.540, 174.535, 197.493, 271.715, 271.725, 271.735, 271.775, 276.598, 293.490, 305.410, 366.916, 366.917, 366.918, 366.919, 366.923, 366.924, 366.925, 403.135, 418.353, 419B.005, 419C.306, 419C.320, 419C.457, 420.011, 420.017, 420.019, 420A.300, 420A.305, 420A.310, 442.361, 459A.866, 475.900, 475.925, 476.132, 646.737, 646.738, 646.739, 646.740, 659A.156, 659A.885, 662.010, 662.020, 741.300 and 811.111.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 174.535 is amended to read:

174.535. It is the policy of the Legislative Assembly to revise sections from Oregon Revised Statutes and Oregon law periodically in order to maintain accuracy. However, nothing in chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter

1 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws
2 2017, chapter 13, Oregon Laws 2019, [or] chapter 97, Oregon Laws 2021, **or**
3 **this 2023 Act** is intended to alter the legislative intent or purpose of statu-
4 tory sections affected by chapter 740, Oregon Laws 1983, chapter 565, Oregon
5 Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989,
6 chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws
7 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter
8 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon
9 Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007,
10 chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter 1,
11 Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws
12 2017, chapter 13, Oregon Laws 2019, [and] chapter 97, Oregon Laws 2021, **and**
13 **this 2023 Act**, except insofar as the amendments thereto, or repeals thereof,
14 specifically require.

15 **NOTE:** Sets forth Reviser's Bill policy statement.

16 **SECTION 2.** ORS 63.644 is amended to read:

17 63.644. (1) A dissolved limited liability company that has filed articles of
18 dissolution in accordance with ORS 63.631 may publish notice of the limited
19 liability company's dissolution and request that persons with claims against
20 the limited liability company present the claims in accordance with the no-
21 tice.

22 (2) The notice must:

23 (a) Be published one time in a newspaper of general circulation in the
24 county where the dissolved limited liability company's principal office is lo-
25 cated or, if the principal office is not in this state, where the dissolved lim-
26 ited liability company's registered office is or was last located;

27 (b) Describe the information that must be included in a claim and provide
28 a mailing address where the claim may be sent; and

29 (c) State that, except as provided in subsection (4) of this section, a claim
30 against the limited liability company will be barred unless a proceeding to
31 enforce the claim is commenced within five years after the publication of the

1 notice.

2 (3) If a dissolved limited liability company publishes a newspaper notice
3 in accordance with subsection (2) of this section, the claim of each of the
4 following claimants is barred, except as provided in subsection (4) of this
5 section, unless the claimant commences a proceeding to enforce the claim
6 against the dissolved limited liability company within five years after the
7 publication date of the newspaper notice:

8 (a) A claimant who did not receive written notice under ORS 63.641;

9 (b) A claimant whose claim was sent in a timely manner to the dissolved
10 limited liability company but not acted on; or

11 (c) A claimant whose claim is contingent or based on an event occurring
12 after the effective date of dissolution.

13 (4)(a) A claim against a dissolved limited liability company that may be
14 satisfied, in whole or in part, by insurance assets held by, on behalf of or for
15 the benefit of the dissolved limited liability company, including any rights,
16 benefits or proceeds arising or derived from the insurance assets, is not
17 subject to the time limitation set forth in subsection (3) of this section, but
18 is subject to other applicable statutes of limitation. A claimant that brings
19 a claim after the time limitation set forth in subsection (3) of this section
20 may not recover from the dissolved limited liability company more than the
21 rights, benefits or proceeds available from the insurance assets.

22 (b) Notwithstanding ORS 63.121, a claimant may serve a summons or
23 other process upon a dissolved limited liability company for a claim de-
24 scribed in paragraph (a) of this subsection by delivering the summons or
25 process to a [*director*] **manager** or officer of the dissolved limited liability
26 company, to a person that has charge of the dissolved limited liability
27 company's assets or, if the claimant cannot locate the [*director*] **manager**,
28 officer or person, to any agent who was authorized to accept service of pro-
29 cess immediately before the limited liability company dissolved.

30 (c) If a claimant states in an affidavit to a circuit court of this state that
31 the claimant cannot after due diligence locate any of the persons described

1 in paragraph (b) of this subsection, the court may provide in an order that
2 the claimant may serve process upon the dissolved limited liability company
3 by personally delivering the service, together with a copy of the court's or-
4 der, to the office of the Secretary of State. Service delivered as provided in
5 this paragraph is complete on the 10th day after the delivery.

6 **NOTE:** Corrects terminology in (4)(b).

7 **SECTION 3.** ORS 92.170 is amended to read:

8 92.170. (1) Any plat of a subdivision or partition filed and recorded under
9 the provisions of ORS [92.018 to 92.190] **92.010 to 92.192** may be amended by
10 an affidavit of correction:

11 (a) To show any courses or distances omitted from the subdivision or
12 partition plat;

13 (b) To correct an error in any courses or distances shown on the subdi-
14 vision or partition plat;

15 (c) To correct an error in the description of the real property shown on
16 the subdivision or partition plat; or

17 (d) To correct any other errors or omissions where the error or omission
18 is ascertainable from the data shown on the final subdivision or partition
19 plat as recorded.

20 (2) Nothing in this section shall be construed to permit changes in
21 courses or distances for the purpose of redesigning lot or parcel configura-
22 tions.

23 (3) The affidavit of correction shall be prepared by the registered profes-
24 sional land surveyor who filed the plat of the subdivision or partition. In the
25 event of the death, disability or retirement from practice of the surveyor who
26 filed the subdivision or partition plat, the county surveyor may prepare the
27 affidavit of correction. The affidavit shall set forth in detail the corrections
28 made and show the names of the present fee owners of the property mate-
29 rially affected by the correction. The seal and signature of the registered
30 professional land surveyor making the correction shall be affixed to the af-
31 fidavit of correction.

1 (4) The county surveyor shall certify that the affidavit of correction has
2 been examined and that the changes shown on the certificate are permitted
3 under this section.

4 (5) The surveyor who prepared the affidavit of correction shall cause the
5 affidavit to be recorded in the office of the county recorder where the sub-
6 division or partition plat is recorded. The county clerk shall return the re-
7 corded copy of the affidavit to the county surveyor. The county surveyor
8 shall note the correction and the recorder's filing information, with perma-
9 nent ink, upon any true and exact copies filed in accordance with ORS 92.120
10 (3). The corrections and filing information shall be marked in such a manner
11 so as not to obliterate any portion of the subdivision or partition plats.

12 (6) For recording the affidavit in the county deed records, the county
13 clerk shall collect a fee as provided in ORS 205.320. The county clerk shall
14 also collect a fee set by the county governing body to be paid to the county
15 surveyor for services provided under this section. Corrections or changes
16 shall not be allowed on the original plat once it is recorded with the county
17 clerk.

18 **NOTE:** Standardizes orphan series citation in (1).

19 **SECTION 4.** ORS 100.205 is amended to read:

20 100.205. (1) A transitional committee shall be established as provided in
21 this section in a single stage condominium consisting of at least 20 units and
22 in a staged or flexible condominium if the number of units [*which*] **that** the
23 declarant may submit to the provisions of this chapter under ORS 100.125
24 or 100.150 totals at least 20.

25 [(1)] (2) Unless the turnover meeting has been held, the declarant shall
26 call a meeting of the unit owners for the purpose of forming a transitional
27 committee in accordance with the bylaws of the condominium. The declarant
28 shall call such meeting:

29 (a) In a single stage condominium, within 60 days of conveyance to per-
30 sons other than the declarant of 50 percent of the units.

31 (b) In a staged or flexible condominium, within 60 days of conveyance to

1 persons other than the declarant of 50 percent of the total number of units
2 which the declarant may submit to the provisions of this chapter under ORS
3 100.125 or 100.150.

4 [(2)] (3) The transitional committee shall be advisory only and shall con-
5 sist of two or more members selected by unit owners other than the declarant
6 and may include not more than one representative of the declarant. The
7 members shall serve until the turnover meeting. The function of the com-
8 mittee shall be that of enabling ease of transition from control of the ad-
9 ministration of the association of unit owners by the declarant to control
10 by the unit owners. The committee shall have access to the information,
11 documents and records [*which*] **that** the declarant must turn over to the unit
12 owners under ORS 100.210 (5).

13 [(3)] (4) The declarant shall give notice of the meeting required under
14 subsection [(1)] (2) of this section in accordance with the bylaws of the
15 condominium to each unit owner at least seven but not more than 50 days
16 prior to the meeting. The notice shall state the purpose of the meeting and
17 the time and place where it is to be held.

18 [(4)] (5) If the meeting required under subsection [(1)] (2) of this section
19 is not called by the declarant within the time specified, the meeting may be
20 called and notice given by a unit owner.

21 [(5)] (6) If the owners other than the declarant do not select members for
22 the committee under subsection [(2)] (3) of this section, the declarant shall
23 have no further responsibility to form the committee.

24 **NOTE:** Corrects numbering of subsections; improves syntax in (1) and (3);
25 adjusts internal references.

26 **SECTION 5.** ORS 105.464 is amended to read:

27 105.464. A seller's property disclosure statement must be in substantially
28 the following form:

29 _____
30

31 If required under ORS 105.465, a seller shall deliver in substantially the fol-

1 lowing form the seller's property disclosure statement to each buyer who
2 makes a written offer to purchase real property in this state:

3

4 INSTRUCTIONS TO THE SELLER

5

6 Please complete the following form. Do not leave any spaces blank. Please
7 refer to the line number(s) of the question(s) when you provide your
8 explanation(s). If you are not claiming an exclusion or refusing to provide
9 the form under ORS 105.475 (4), you should date and sign each page of this
10 disclosure statement and each attachment.

11

12 Each seller of residential property described in ORS 105.465 must deliver this
13 form to each buyer who makes a written offer to purchase. Under ORS
14 105.475 (4), refusal to provide this form gives the buyer the right to revoke
15 their offer at any time prior to closing the transaction. Use only the
16 section(s) of the form that apply to the transaction for which the form is
17 used. If you are claiming an exclusion under ORS 105.470, fill out only Sec-
18 tion 1.

19

20 An exclusion may be claimed only if the seller qualifies for the exclusion
21 under the law. If not excluded, the seller must disclose the condition of the
22 property or the buyer may revoke their offer to purchase anytime prior to
23 closing the transaction. Questions regarding the legal consequences of the
24 seller's choice should be directed to a qualified attorney.

25

26 **(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN**
27 **EXCLUSION UNDER ORS 105.470)**

28

29 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

30

31 You may claim an exclusion under ORS 105.470 only if you qualify under the

1 statute. If you are not claiming an exclusion, you must fill out Section 2 of
2 this form completely.

3

4 Initial only the exclusion you wish to claim.

5

6 _____ This is the first sale of a dwelling never occupied. The dwelling is
7 constructed or installed under building or installation permit(s) #_____, is-
8 sued by _____.

9

10 _____ This sale is by a financial institution that acquired the property as
11 custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

12

13 _____ The seller is a court appointed receiver, personal representative,
14 trustee, conservator or guardian.

15

16 _____ This sale or transfer is by a governmental agency.

17

18 _____
19 Signature(s) of Seller claiming exclusion

20 Date _____

21

22 _____
23 Buyer(s) to acknowledge Seller's claim

24 Date _____

25 _____

26

27 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST
28 FILL OUT THIS SECTION.)

29

30 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

31

(NOT A WARRANTY)

(ORS 105.464)

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NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT _____ (“THE PROPERTY”).

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER’S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER’S DELIVERY OF THIS SELLER’S DISCLOSURE STATEMENT TO REVOKE BUYER’S OFFER BY DELIVERING BUYER’S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER’S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER’S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller _____ is/ _____ is not occupying the property.

I. SELLER’S REPRESENTATIONS:

The following are representations made by the seller and are not the re-

1 presentations of any financial institution that may have made or may make
2 a loan pertaining to the property, or that may have or take a security in-
3 terest in the property, or any real estate licensee engaged by the seller or
4 the buyer.

5

6 *If you mark yes on items with *, attach a copy or explain on an attached
7 sheet.

8

9 1. TITLE

10 A. Do you have legal authority to sell the property? []Yes []No []Unknown

11 *B. Is title to the property subject to any of the

12 following: []Yes []No []Unknown

13 (1) First right of refusal

14 (2) Option

15 (3) Lease or rental agreement

16 (4) Other listing

17 (5) Life estate?

18 *C. Is the property being transferred an

19 unlawfully established unit of land? []Yes []No []Unknown

20 *D. Are there any encroachments, boundary

21 agreements, boundary disputes or recent

22 boundary changes? []Yes []No []Unknown

23 *E. Are there any rights of way, easements,

24 licenses, access limitations or claims that

25 may affect your interest in the property? []Yes []No []Unknown

26 *F. Are there any agreements for joint

27 maintenance of an easement or right of way? []Yes []No []Unknown

28 *G. Are there any governmental studies, designations,

29 zoning overlays, surveys or notices that would

30 affect the property? []Yes []No []Unknown

31 *H. Are there any pending or existing governmental

- 1 assessments against the property?]Yes]No]Unknown
2 *I. Are there any zoning violations or
3 nonconforming uses?]Yes]No]Unknown
4 *J. Is there a boundary survey for the
5 property?]Yes]No]Unknown
6 *K. Are there any covenants, conditions,
7 restrictions or private assessments that
8 affect the property?]Yes]No]Unknown
9 *L. Is the property subject to any special tax
10 assessment or tax treatment that may result
11 in levy of additional taxes if the property
12 is sold?]Yes]No]Unknown
13

14 2. WATER

15 A. Household water

16 (1) The source of the water is (check ALL that apply):

17]Public]Community]Private

18]Other _____

19 (2) Water source information:

20 *a. Does the water source require a water permit?]Yes]No]Unknown

21 If yes, do you have a permit?]Yes]No

22 b. Is the water source located on the property?]Yes]No]Unknown

23 *If not, are there any written agreements for

24 a shared water source?]Yes]No]Unknown]NA

25 *c. Is there an easement (recorded or unrecorded)

26 for your access to or maintenance of the water

27 source?]Yes]No]Unknown

28 d. If the source of water is from a well or spring,

29 have you had any of the following in the past

30 12 months?]Flow test]Bacteria test

31]Chemical contents test]Yes]No]Unknown]NA

- 1 *e. Are there any water source plumbing problems
 2 or needed repairs? []Yes []No []Unknown
- 3 (3) Are there any water treatment systems for
 4 the property? []Yes []No []Unknown
 5 []Leased []Owned
- 6 B. Irrigation
- 7 (1) Are there any [] water rights or [] other
 8 irrigation rights for the property? []Yes []No []Unknown
- 9 *(2) If any exist, has the irrigation water been
 10 used during the last five-year period? []Yes []No []Unknown []NA
- 11 *(3) Is there a water rights certificate or other
 12 written evidence available? []Yes []No []Unknown []NA
- 13 C. Outdoor sprinkler system
- 14 (1) Is there an outdoor sprinkler system for the
 15 property? []Yes []No []Unknown
- 16 (2) Has a back flow valve been installed? []Yes []No []Unknown []NA
- 17 (3) Is the outdoor sprinkler system operable? []Yes []No []Unknown []NA
- 18
- 19 3. SEWAGE SYSTEM
- 20 A. Is the property connected to a public or
 21 community sewage system? []Yes []No []Unknown
- 22 B. Are there any new public or community sewage
 23 systems proposed for the property? []Yes []No []Unknown
- 24 C. Is the property connected to an on-site septic
 25 system? []Yes []No []Unknown
- 26 (1) If yes, when was the system installed? _____ []Unknown []NA
- 27 (2) *If yes, was the system installed by permit? []Yes []No []Unknown []NA
- 28 (3) *Has the system been repaired or altered? []Yes []No []Unknown
- 29 (4) *Has the condition of the system been
 30 evaluated and a report issued? []Yes []No []Unknown
- 31 (5) Has the septic tank ever been pumped? []Yes []No []Unknown

- 1 If yes, when? _____ []NA
- 2 (6) Does the system have a pump? []Yes []No []Unknown
- 3 (7) Does the system have a treatment unit such
- 4 as a sand filter or an aerobic unit? []Yes []No []Unknown
- 5 (8) *Is a service contract for routine
- 6 maintenance required for the system? []Yes []No []Unknown
- 7 (9) Are all components of the system located on
- 8 the property? []Yes []No []Unknown
- 9 D. *Are there any sewage system problems or
- 10 needed repairs? []Yes []No []Unknown
- 11 E. Does your sewage system require on-site
- 12 pumping to another level? []Yes []No []Unknown
- 13
- 14 4. DWELLING INSULATION
- 15 A. Is there insulation in the:
- 16 (1) Ceiling? []Yes []No []Unknown
- 17 (2) Exterior walls? []Yes []No []Unknown
- 18 (3) Floors? []Yes []No []Unknown
- 19 B. Are there any defective insulated doors or
- 20 windows? []Yes []No []Unknown
- 21
- 22 5. DWELLING STRUCTURE
- 23 *A. Has the roof leaked? []Yes []No []Unknown
- 24 If yes, has it been repaired? []Yes []No []Unknown []NA
- 25 B. Are there any additions, conversions or
- 26 remodeling? []Yes []No []Unknown
- 27 If yes, was a building permit required? []Yes []No []Unknown []NA
- 28 If yes, was a building permit obtained? []Yes []No []Unknown []NA
- 29 If yes, was final inspection obtained? []Yes []No []Unknown []NA
- 30 C. Are there smoke alarms or detectors? []Yes []No []Unknown
- 31 D. Are there carbon monoxide alarms? []Yes []No []Unknown

- 1 E. Is there a woodstove or fireplace
2 insert included in the sale? Yes No Unknown
3 *If yes, what is the make? _____
4 *If yes, was it installed with a permit? Yes No Unknown
5 *If yes, is a certification label issued by the
6 United States Environmental Protection
7 Agency (EPA) or the Department of
8 Environmental Quality (DEQ) affixed to it? Yes No Unknown
9 *F. Has pest and dry rot, structural or
10 "whole house" inspection been done
11 within the last three years? Yes No Unknown
12 *G. Are there any moisture problems, areas of water
13 penetration, mildew odors or other moisture
14 conditions (especially in the basement)? Yes No Unknown
15 *If yes, explain on attached sheet the frequency
16 and extent of problem and any insurance claims,
17 repairs or remediation done.
18 H. Is there a sump pump on the property? Yes No Unknown
19 I. Are there any materials used in the
20 construction of the structure that are or
21 have been the subject of a recall, class
22 action suit, settlement or litigation? Yes No Unknown
23 If yes, what are the materials? _____
24 (1) Are there problems with the materials? Yes No Unknown NA
25 (2) Are the materials covered by a warranty? Yes No Unknown NA
26 (3) Have the materials been inspected? Yes No Unknown NA
27 (4) Have there ever been claims filed for these
28 materials by you or by previous owners? Yes No Unknown NA
29 If yes, when? _____
30 (5) Was money received? Yes No Unknown NA
31 (6) Were any of the materials repaired or

- 1 replaced?]Yes]No]Unknown]NA
- 2
- 3 6. DWELLING SYSTEMS AND FIXTURES
- 4 If the following systems or fixtures are included
- 5 in the purchase price, are they in good working
- 6 order on the date this form is signed?
- 7 A. Electrical system, including wiring, switches,
- 8 outlets and service]Yes]No]Unknown
- 9 B. Plumbing system, including pipes, faucets,
- 10 fixtures and toilets]Yes]No]Unknown
- 11 C. Water heater tank]Yes]No]Unknown
- 12 D. Garbage disposal]Yes]No]Unknown]NA
- 13 E. Built-in range and oven]Yes]No]Unknown]NA
- 14 F. Built-in dishwasher]Yes]No]Unknown]NA
- 15 G. Sump pump]Yes]No]Unknown]NA
- 16 H. Heating and cooling systems]Yes]No]Unknown]NA
- 17 I. Security system]Owned]Leased]Yes]No]Unknown]NA
- 18 J. Are there any materials or products used in
- 19 the systems and fixtures that are or have
- 20 been the subject of a recall, class action
- 21 suit settlement or litigation?]Yes]No]Unknown
- 22 If yes, what product? _____
- 23 (1) Are there problems with the product?]Yes]No]Unknown
- 24 (2) Is the product covered by a warranty?]Yes]No]Unknown
- 25 (3) Has the product been inspected?]Yes]No]Unknown
- 26 (4) Have claims been filed for this product
- 27 by you or by previous owners?]Yes]No]Unknown
- 28 If yes, when? _____
- 29 (5) Was money received?]Yes]No]Unknown
- 30 (6) Were any of the materials or products repaired
- 31 or replaced?]Yes]No]Unknown

1 7. COMMON INTEREST

2 A. Is there a Home Owners' Association

3 or other governing entity? Yes No Unknown

4 Name of Association or Other Governing

5 Entity _____

6 Contact Person _____

7 Address _____

8 Phone Number _____

9 B. Regular periodic assessments: \$_____

10 per Month Year Other _____

11 *C. Are there any pending or proposed special

12 assessments? Yes No Unknown

13 D. Are there shared "common areas" or joint

14 maintenance agreements for facilities like

15 walls, fences, pools, tennis courts, walkways

16 or other areas co-owned in undivided interest

17 with others? Yes No Unknown

18 E. Is the Home Owners' Association or other

19 governing entity a party to pending litigation

20 or subject to an unsatisfied judgment? Yes No Unknown N/A

21 F. Is the property in violation of recorded

22 covenants, conditions and restrictions or in

23 violation of other bylaws or governing rules,

24 whether recorded or not? Yes No Unknown N/A

25

26 8. SEISMIC

27 Was the house constructed before 1974? Yes No Unknown

28 If yes, has the house been bolted to its

29 foundation? Yes No Unknown

30

31 9. GENERAL

- 1 A. Are there problems with settling, soil,
2 standing water or drainage on the property
3 or in the immediate area? []Yes []No []Unknown
- 4 B. Does the property contain fill? []Yes []No []Unknown
- 5 C. Is there any material damage to the property or
6 any of the structure(s) from fire, wind, floods,
7 beach movements, earthquake, expansive soils
8 or landslides? []Yes []No []Unknown
- 9 D. Is the property in a designated floodplain? []Yes []No []Unknown
- 10 Note: Flood insurance may be required for
11 homes in a floodplain.
- 12 E. Is the property in a designated slide or
13 other geologic hazard zone? []Yes []No []Unknown
- 14 *F. Has any portion of the property been tested
15 or treated for asbestos, formaldehyde, radon
16 gas, lead-based paint, mold, fuel or chemical
17 storage tanks or contaminated soil or water? []Yes []No []Unknown
- 18 G. Are there any tanks or underground storage
19 tanks (e.g., septic, chemical, fuel, etc.)
20 on the property? []Yes []No []Unknown
- 21 H. Has the property ever been used as an illegal
22 drug manufacturing or distribution site? []Yes []No []Unknown
- 23 *If yes, was a Certificate of Fitness issued? []Yes []No []Unknown
- 24 *I. Has the property been classified as
25 [*forestland-urban*] **wildland-urban** interface? []Yes []No []Unknown
- 26
- 27 10. FULL DISCLOSURE BY SELLERS
- 28 *A. Are there any other material defects affecting
29 this property or its value that a prospective
30 buyer should know about? []Yes []No
- 31 *If yes, describe the defect on attached sheet and

1 explain the frequency and extent of the problem
2 and any insurance claims, repairs or remediation.

3 B. Verification:

4 The foregoing answers and attached explanations (if any) are complete and correct to
5 the best of my/our knowledge and I/we have received a copy of this disclosure statement.

6 I/we authorize my/our agents to deliver a copy of this disclosure statement to all
7 prospective buyers of the property or their agents.

8

9 Seller(s) signature:

10

11 SELLER _____ DATE _____

12

13 SELLER _____ DATE _____

14 _____

15

16 II. BUYER'S ACKNOWLEDGMENT

17

18 A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any
19 material defects that are known to me/us or can be known by me/us by uti-
20 lizing diligent attention and observation.

21

22 B. Each buyer acknowledges and understands that the disclosures set forth
23 in this statement and in any amendments to this statement are made only
24 by the seller and are not the representations of any financial institution that
25 may have made or may make a loan pertaining to the property, or that may
26 have or take a security interest in the property, or of any real estate licensee
27 engaged by the seller or buyer. A financial institution or real estate licensee
28 is not bound by and has no liability with respect to any representation,
29 misrepresentation, omission, error or inaccuracy contained in another party's
30 disclosure statement required by this section or any amendment to the dis-
31 closure statement.

1 C. Buyer (which term includes all persons signing the “buyer’s acknowledg-
2 ment” portion of this disclosure statement below) hereby acknowledges re-
3 ceipt of a copy of this disclosure statement (including attachments, if any)
4 bearing seller’s signature(s).

5

6 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED
7 BY THE SELLER ON THE BASIS OF SELLER’S ACTUAL KNOWLEDGE
8 OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER
9 HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE
10 FIVE DAYS FROM THE SELLER’S DELIVERY OF THIS DISCLOSURE
11 STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEP-
12 ARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE
13 SELLER DISAPPROVING THE SELLER’S DISCLOSURE UNLESS YOU
14 WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE
15 AGREEMENT.

16

17 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS
18 SELLER’S PROPERTY DISCLOSURE STATEMENT.

19

20 BUYER _____ DATE _____

21

22 BUYER _____ DATE _____

23

24 Agent receiving disclosure statement on buyer’s behalf to sign and date:

25

26 _____ Real Estate Licensee

27

28 _____ Real Estate Firm

29

30 Date received by agent _____

31 _____

1 **NOTE:** Updates terminology in section 2.I.9.I. of form.

2 **SECTION 6.** ORS 109.096 is amended to read:

3 109.096. (1) When the parentage of a child has not been established under
4 ORS 109.065 or has not been established or acknowledged under ORS
5 419B.609, the putative father is entitled to reasonable notice in adoption or
6 other court proceedings concerning the custody of the child, except for ju-
7 venile court proceedings, if the petitioner knows, or by the exercise of ordi-
8 nary diligence should have known:

9 (a) That the child resided with the putative father at any time during the
10 60 days immediately preceding the initiation of the proceeding, or at any
11 time since the child's birth if the child is less than 60 days old when the
12 proceeding is initiated; or

13 (b) That the putative father repeatedly has contributed or tried to con-
14 tribute to the support of the child during the year immediately preceding the
15 initiation of the proceeding, or during the period since the child's birth if
16 the child is less than one year old when the proceeding is initiated.

17 (2) Except as provided in subsection (3) or (4) of this section, a verified
18 statement of the mother of the child or of the petitioner, or an affidavit of
19 another person with knowledge of the facts, filed in the proceeding and as-
20 serting that the child has not resided with the putative father, as provided
21 in subsection (1)(a) of this section, and that the putative father has not
22 contributed or tried to contribute to the support of the child, as provided in
23 subsection (1)(b) of this section, is sufficient proof to enable the court to
24 grant the relief sought without notice to the putative father.

25 (3) The putative father is entitled to reasonable notice in a proceeding for
26 the adoption of the child if notice of the initiation of filiation proceedings
27 as required by ORS 109.225 *[was]* **is** on file with the Center for Health Sta-
28 tistics of the Oregon Health Authority prior to the child's being placed in
29 the physical custody of a person or persons for the purpose of adoption by
30 them. If the notice of the initiation of filiation proceedings *[was]* **is** not on
31 file at the time of the placement, the putative father is barred from contest-

1 ing the adoption proceeding.

2 (4) Except as otherwise provided in subsection (3) of this section, the pu-
3 tative father is entitled to reasonable notice in court proceedings concerning
4 the custody of the child, other than juvenile court proceedings, if notice of
5 the initiation of filiation proceedings as required by ORS 109.225 [*was*] **is** on
6 file with the Center for Health Statistics prior to the initiation of the pro-
7 ceedings.

8 (5) Notice under this section is not required to be given to a putative
9 father who was a party to a filiation proceeding under ORS 109.125 or to a
10 proceeding to acknowledge or establish parentage of an Indian child under
11 ORS 419B.609 [*that*] **if the proceeding under ORS 109.125 or 419B.609** was
12 dismissed or resulted in a finding that [*he*] **the putative father** was not the
13 father of the child.

14 (6) The notice required under this section shall be given in the manner
15 provided in ORS 109.330.

16 (7) No notice given under this section need disclose the name of the
17 mother of the child.

18 (8) A putative father has the primary responsibility to protect his rights,
19 and nothing in this section shall be used to set aside an act of a permanent
20 nature including, but not limited to, adoption or termination of parental
21 rights, unless the father establishes within one year after the entry of the
22 final judgment or order fraud on the part of a petitioner in the proceeding
23 with respect to matters specified in subsections (1) to (5) of this section.

24 **NOTE:** Improves grammar in (3) and (4); rephrases (5) for clarity.

25 **SECTION 7.** ORS 109.680 is amended to read:

26 109.680. (1) As used in this section, “mental health care provider” means
27 a physician or physician assistant licensed by the Oregon Medical Board,
28 psychologist licensed by the Oregon Board of Psychology, nurse practitioner
29 registered by the Oregon State Board of Nursing, clinical social worker li-
30 censed under ORS 675.530, professional counselor or marriage and family
31 therapist licensed by the Oregon Board of Licensed Professional Counselors

1 and Therapists, naturopathic physician licensed under ORS chapter 685 or
2 community mental health program established and operated pursuant to ORS
3 430.620 when approved to do so by the Oregon Health Authority pursuant to
4 rule.

5 (2)(a) A mental health care provider that is providing services to a minor
6 pursuant to ORS 109.675 may disclose relevant health information about the
7 minor without the minor's consent as provided in ORS 109.675 (2) and this
8 subsection.

9 (b) If the minor's condition has deteriorated or the risk of a suicide at-
10 tempt has become such that inpatient treatment is necessary, or if the
11 minor's condition requires detoxification in a residential or acute care fa-
12 cility, the minor's mental health care provider may disclose the relevant in-
13 formation regarding the minor's diagnosis and treatment to the minor's
14 parent or legal guardian to the extent the mental health care provider de-
15 termines the disclosure is clinically appropriate and will serve the best in-
16 terests of the minor's treatment.

17 (c) If the mental health care provider assesses the minor to be at serious
18 and imminent risk of a suicide attempt but inpatient treatment is not nec-
19 essary or practicable:

20 (A) The mental health care provider shall disclose relevant information
21 about the minor to and engage in safety planning with the minor's parent,
22 legal guardian or other individuals the provider reasonably believes may be
23 able to prevent or lessen the minor's risk of a suicide attempt.

24 (B) The mental health care [*professional*] **provider** may disclose relevant
25 information regarding the minor's treatment and diagnosis that the mental
26 health care [*professional*] **provider** determines is necessary to further the
27 minor's treatment to those organizations, including appropriate schools and
28 social service entities, that the mental health care provider reasonably be-
29 lieves will provide treatment support to the minor to the extent the mental
30 health care provider determines necessary.

31 (d) Except as provided in ORS 109.675 (2) and paragraphs (a) and (b) of

1 this subsection, if a mental health care provider has provided the minor with
2 the opportunity to object to the disclosure and the minor has not expressed
3 an objection, the mental health care provider may disclose information re-
4 lated to the minor's treatment and diagnosis to individuals, including the
5 minor's parent or legal guardian, and organizations when the information
6 directly relates to the individual's or organization's involvement in the
7 minor's treatment.

8 (3) Notwithstanding subsection (2)(c)(A) of this section, a mental health
9 care provider is not required to disclose the minor's treatment and diagnosis
10 information to an individual if the mental health care provider:

11 (a) Reasonably believes the individual has abused or neglected the minor
12 or subjected the minor to domestic violence or may abuse or neglect the
13 minor or subject the minor to domestic violence;

14 (b) Reasonably believes disclosure of the minor's information to the indi-
15 vidual could endanger the minor; or

16 (c) Determines that it is not in the minor's best interest to disclose the
17 information to the individual.

18 (4) Nothing in this section is intended to limit a mental health care
19 provider's authority to disclose information related to the minor with the
20 minor's consent.

21 (5) If a mental health care provider discloses a minor's information as
22 provided in subsection [(1) or] (2) of this section in good faith, the mental
23 health care provider is immune from civil liability for making the disclosure
24 without the consent of the minor.

25 **NOTE:** Corrects terminology in (2)(c)(B); deletes errant internal reference
26 in (5).

27 **SECTION 8.** ORS 127.002 is amended to read:

28 127.002. For the purposes of ORS 127.005 to 127.045:

29 (1) "Agent" includes an attorney-in-fact[; *and*].

30 (2) "Financially incapable" has the meaning given that term in ORS
31 125.005.

1 (3) "Incapacitated" has the meaning given that term in ORS 125.005.

2 **NOTE:** Eliminates superfluous conjunction in (1).

3 **SECTION 9.** ORS 137.540, as amended by section 10, chapter 78, Oregon
4 Laws 2022, is amended to read:

5 137.540. (1) The court may sentence the defendant to probation subject to
6 the following general conditions unless specifically deleted by the court. The
7 probationer shall:

8 (a) Pay fines, restitution or [*other*] fees ordered by the court.

9 (b) Submit to testing for controlled substance, cannabis or alcohol use if
10 the probationer has a history of substance abuse or if there is a reasonable
11 suspicion that the probationer has illegally used controlled substances.

12 (c) Participate in a substance abuse evaluation as directed by the super-
13 vising officer and follow the recommendations of the evaluator if there are
14 reasonable grounds to believe there is a history of substance abuse.

15 (d) Remain in the State of Oregon until written permission to leave is
16 granted by the Department of Corrections or a county community corrections
17 agency.

18 (e) Not change residence without prior permission from the Department
19 of Corrections or a county community corrections agency and inform the
20 parole and probation officer of any change in employment.

21 (f) Permit the parole and probation officer to visit the probationer or the
22 probationer's work site or residence and to conduct a walk-through of the
23 common areas and of the rooms in the residence occupied by or under the
24 control of the probationer.

25 (g) Consent to the search of person, vehicle or premises upon the request
26 of a representative of the supervising officer if the supervising officer has
27 reasonable grounds to believe that evidence of a violation will be found, and
28 submit to fingerprinting or photographing, or both, when requested by the
29 Department of Corrections or a county community corrections agency for
30 supervision purposes.

31 (h) Obey all laws, municipal, county, state and federal, and in circum-

1 stances in which state and federal law conflict, obey state law.

2 (i) Promptly and truthfully answer all reasonable inquiries by the De-
3 partment of Corrections or a county community corrections agency.

4 (j) Not possess weapons, firearms or dangerous animals.

5 (k) Report as required and abide by the direction of the supervising offi-
6 cer.

7 (L) If recommended by the supervising officer, successfully complete a sex
8 offender treatment program approved by the supervising officer and submit
9 to polygraph examinations at the direction of the supervising officer if the
10 probationer:

11 (A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

12 (B) Was previously convicted of a sex offense under ORS 163.305 to
13 163.467; or

14 (C) Was previously convicted in another jurisdiction of an offense that
15 would constitute a sex offense under ORS 163.305 to 163.467 if committed in
16 this state.

17 (m) Participate in a mental health evaluation as directed by the super-
18 vising officer and follow the recommendation of the evaluator.

19 (n) If required to report as a sex offender under ORS 163A.015, report with
20 the Department of State Police, a city police department, a county sheriff's
21 office or the supervising agency:

22 (A) When supervision begins;

23 (B) Within 10 days of a change in residence;

24 (C) Once each year within 10 days of the probationer's date of birth;

25 (D) Within 10 days of the first day the person works at, carries on a vo-
26 cation at or attends an institution of higher education; and

27 (E) Within 10 days of a change in work, vocation or attendance status
28 at an institution of higher education.

29 (o) Submit to a risk and needs assessment as directed by the supervising
30 officer and follow reasonable recommendations resulting from the assess-
31 ment.

1 (2) In addition to the general conditions, the court may impose any spe-
2 cial conditions of probation that are reasonably related to the crime of con-
3 viction or the needs of the probationer for the protection of the public or
4 reformation of the probationer, or both, including, but not limited to, that
5 the probationer shall:

6 (a) For crimes committed prior to November 1, 1989, and misdemeanors
7 committed on or after November 1, 1989, be confined to the county jail or
8 be restricted to the probationer's own residence or to the premises thereof,
9 or be subject to any combination of such confinement and restriction, such
10 confinement or restriction or combination thereof to be for a period not to
11 exceed one year or one-half of the maximum period of confinement that could
12 be imposed for the offense for which the defendant is convicted, whichever
13 is the lesser.

14 (b) For felonies committed on or after November 1, 1989:

15 (A) Be confined in the county jail, or be subject to other custodial sanc-
16 tions under community supervision, or both, as provided by rules of the
17 Oregon Criminal Justice Commission; and

18 (B) Comply with any special conditions of probation that are imposed by
19 the supervising officer in accordance with subsection (9) of this section.

20 (c) For crimes committed on or after December 5, 1996, sell any assets of
21 the probationer as specifically ordered by the court in order to pay
22 restitution.

23 (d) For crimes constituting delivery of a controlled substance, as those
24 terms are defined in ORS 475.005, or for telephonic harassment under ORS
25 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,
26 be prohibited from using Internet websites that provide anonymous text
27 message services.

28 (e) Not use or possess controlled substances except pursuant to a medical
29 prescription.

30 (3)(a) If a person is released on probation following conviction of stalking
31 under ORS 163.732 (2)(b) or violating a court's stalking protective order un-

1 der ORS 163.750 (2)(b), the court may include as a special condition of the
2 person's probation reasonable residency restrictions.

3 (b) If the court imposes the special condition of probation described in
4 this subsection and if at any time during the period of probation the victim
5 moves to a location that causes the probationer to be in violation of the
6 special condition of probation, the court may not require the probationer to
7 change the probationer's residence in order to comply with the special con-
8 dition of probation.

9 (4) When a person who is a sex offender is released on probation, the
10 court shall impose as a special condition of probation that the person not
11 reside in any dwelling in which another sex offender who is on probation,
12 parole or post-prison supervision resides, without the approval of the
13 person's supervising parole and probation officer, or in which more than one
14 other sex offender who is on probation, parole or post-prison supervision re-
15 sides, without the approval of the director of the probation agency that is
16 supervising the person or of the county manager of the Department of Cor-
17 rections, or a designee of the director or manager. As soon as practicable,
18 the supervising parole and probation officer of a person subject to the re-
19 quirements of this subsection shall review the person's living arrangement
20 with the person's sex offender treatment provider to ensure that the ar-
21 rangement supports the goals of offender rehabilitation and community
22 safety. As used in this subsection:

23 (a) "Dwelling" has the meaning given that term in ORS 469B.100.

24 (b) "Dwelling" does not include a residential treatment facility or a
25 halfway house.

26 (c) "Halfway house" means a publicly or privately operated profit or
27 nonprofit residential facility that provides rehabilitative care and treatment
28 for sex offenders.

29 (d) "Sex offender" has the meaning given that term in ORS 163A.005.

30 (5)(a) If the person is released on probation following conviction of a sex
31 crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175

1 or 163.185, and the victim was under 18 years of age, the court, if requested
2 by the victim, shall include as a special condition of the person's probation
3 that the person not reside within three miles of the victim unless:

4 (A) The victim resides in a county having a population of less than
5 130,000 and the person is required to reside in that county;

6 (B) The person demonstrates to the court by a preponderance of the evi-
7 dence that no mental intimidation or pressure was brought to bear during
8 the commission of the crime;

9 (C) The person demonstrates to the court by a preponderance of the evi-
10 dence that imposition of the condition will deprive the person of a residence
11 that would be materially significant in aiding in the rehabilitation of the
12 person or in the success of the probation; or

13 (D) The person resides in a halfway house. As used in this subparagraph,
14 "halfway house" means a publicly or privately operated profit or nonprofit
15 residential facility that provides rehabilitative care and treatment for sex
16 offenders.

17 (b) A victim may request imposition of the special condition of probation
18 described in this subsection at the time of sentencing in person or through
19 the prosecuting attorney.

20 (c) If the court imposes the special condition of probation described in
21 this subsection and if at any time during the period of probation the victim
22 moves to within three miles of the probationer's residence, the court may
23 not require the probationer to change the probationer's residence in order
24 to comply with the special condition of probation.

25 (6) When a person who is a sex offender, as defined in ORS 163A.005, is
26 released on probation, the Department of Corrections or the county commu-
27 nity corrections agency, whichever is appropriate, shall notify the city police
28 department, if the person is going to reside within a city, and the county
29 sheriff's office of the county in which the person is going to reside of the
30 person's release and the conditions of the person's release.

31 (7) Failure to abide by all general and special conditions of probation may

1 result in arrest, modification of conditions, revocation of probation or im-
2 position of structured, intermediate sanctions in accordance with rules
3 adopted under ORS 137.595.

4 (8) The court may order that probation be supervised by the court.

5 (9)(a) The court may at any time modify the conditions of probation.

6 (b) When the court orders a defendant placed under the supervision of the
7 Department of Corrections or a community corrections agency, the super-
8 vising officer may file with the court a proposed modification to the special
9 conditions of probation. The supervising officer shall provide a copy of the
10 proposed modification to the district attorney and the probationer, and shall
11 notify the probationer of the right to file an objection and have a hearing
12 as described in subparagraph (A) of this paragraph. The notice requirement
13 may be satisfied by providing the probationer with a copy of a form devel-
14 oped in accordance with rules adopted under ORS 137.595 (2)(b) that de-
15 scribes the right to a hearing. If the district attorney or probationer:

16 (A) Files an objection to the proposed modification less than five judicial
17 days after the proposed modification was filed, the court shall schedule a
18 hearing no later than 10 judicial days after the proposed modification was
19 filed, unless the court finds good cause to schedule a hearing at a later time.

20 (B) Does not file an objection to the proposed modification less than five
21 judicial days after the proposed modification was filed, the proposed modifi-
22 cation becomes effective five judicial days after the proposed modification
23 was filed.

24 (10) A court may not order revocation of probation as a result of the
25 probationer's failure to pay restitution unless the court determines from the
26 totality of the circumstances that the purposes of the probation are not being
27 served.

28 (11) If the court ordered as a special condition of probation that the
29 probationer find and maintain employment, it is not a cause for revocation
30 of probation that the probationer failed to apply for or accept employment
31 at any workplace where there is a labor dispute in progress. As used in this

1 subsection, “labor dispute” has the meaning for that term provided in ORS
2 662.010.

3 (12) As used in this section, “attends,” “institution of higher education,”
4 “works” and “carries on a vocation” have the meanings given those terms
5 in ORS 163A.005.

6 **NOTE:** Clarifies types of obligations in (1)(a).

7 **SECTION 10. Notwithstanding any other provision of law, ORS**
8 **195.500, 195.505 and 195.510 shall not be considered to have been added**
9 **to or made a part of ORS chapter 203 for the purpose of statutory**
10 **compilation or for the application of definitions, penalties or adminis-**
11 **trative provisions applicable to statute sections in that chapter.**

12 **NOTE:** Confirms removal of series from inappropriate chapter.

13 **SECTION 11.** ORS 197.493 is amended to read:

14 197.493. (1) A state agency or local government may not prohibit the
15 placement or occupancy of a recreational vehicle, or impose any limit on the
16 length of occupancy of a recreational vehicle as a residential dwelling, solely
17 on the grounds that the occupancy is in a recreational vehicle, if the recre-
18 ational vehicle is:

19 (a)(A) Located in a manufactured dwelling park, mobile home park or
20 recreational vehicle park;

21 (B) Occupied as a residential dwelling; and

22 (C) Lawfully connected to water and electrical supply systems and a
23 sewage disposal system; or

24 (b) Is on a lot or parcel with a manufactured dwelling or single-family
25 dwelling that is uninhabitable due to damages from a natural [*disasters*]
26 **disaster**, including wildfires, earthquakes, flooding or storms, until no later
27 than the date:

28 (A) The dwelling has been repaired or replaced and an occupancy permit
29 has been issued;

30 (B) The local government makes a determination that the owner of the
31 dwelling is unreasonably delaying in completing repairs or replacing the

1 dwelling; or

2 (C) Twenty-four months after the date the dwelling first became
3 uninhabitable.

4 (2) Subsection (1) of this section does not limit the authority of a state
5 agency or local government to impose other special conditions on the place-
6 ment or occupancy of a recreational vehicle.

7 **NOTE:** Cures solecism in (1)(b).

8 **SECTION 12.** ORS 271.715 is amended to read:

9 271.715. As used in ORS 271.715 to 271.795, unless the context otherwise
10 requires:

11 (1) “Conservation easement” means a nonpossessory interest of a holder
12 in real property imposing limitations or affirmative obligations the purposes
13 of which include retaining or protecting natural, scenic[,] or open space
14 values of real property, ensuring its availability for agricultural, forest,
15 recreational[,] or open space use, protecting natural resources, maintaining
16 or enhancing air or water quality, or preserving the historical, architectural,
17 archaeological[,] or cultural aspects of real property.

18 (2) “Highway scenic preservation easement” means a nonpossessory in-
19 terest of a holder in real property imposing limitations or affirmative obli-
20 gations the purposes of which include retaining or protecting natural, scenic
21 or open space values of property.

22 (3) “Holder” means:

23 (a) The state, any county, metropolitan service district, soil and water
24 conservation district, city or park and recreation district or a county service
25 district established under ORS 451.410 to 451.610 to construct, maintain and
26 operate service facilities in Washington or Clackamas [*Counties*] **County** for
27 the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington
28 County for the purpose specified in ORS 451.010 (5) acting alone or in coop-
29 eration with any federal or state agency, public corporation or political
30 subdivision;

31 (b) A charitable corporation, charitable association[,] **or** charitable trust,

1 the purposes or powers of which include retaining or protecting the natural,
2 scenic[,] or open space values of real property, assuring the availability of
3 real property for agricultural, forest, recreational[,] or open space use, pro-
4 tecting natural resources, maintaining or enhancing air or water quality, or
5 preserving the historical, architectural, archaeological[,] or cultural aspects
6 of real property; or

7 (c) An Indian tribe as defined in ORS 97.740.

8 (4) “Third-party right of enforcement” means a right provided in a con-
9 servation easement or highway scenic preservation easement to enforce any
10 of its terms granted to a governmental body, charitable corporation, chari-
11 table association or charitable trust, [*which*] **that**, although eligible to be a
12 holder, is not a holder.

13 **NOTE:** Conforms punctuation to legislative style in (1) and (3)(b); cor-
14 rects word choice in (3)(a); improves construction in (3)(b); improves word
15 choice in (4).

16 **SECTION 13.** ORS 271.725 is amended to read:

17 271.725. (1) The state, any county, metropolitan service district, soil and
18 water conservation district, city or park and recreation district or a county
19 service district established under ORS 451.410 to 451.610 to construct, main-
20 tain and operate service facilities in Washington or Clackamas [*Counties*]
21 **County** for the purposes specified in ORS 451.010 (1)(a) and (b) and in
22 Washington County for the purpose specified in ORS 451.010 (5) may acquire
23 by purchase, agreement or donation, but not by exercise of the power of
24 eminent domain, unless specifically authorized by law, conservation ease-
25 ments in any area within their respective jurisdictions wherever and to the
26 extent that a state agency or the governing body of the county, metropolitan
27 service district, soil and water conservation district, city, park and recre-
28 ation district or county service district established under ORS 451.410 to
29 451.610 to construct, maintain and operate service facilities in Washington
30 or Clackamas [*Counties*] **County** for the purposes specified in ORS 451.010
31 (1)(a) and (b) and in Washington County for the purpose specified in ORS

1 451.010 (5) determines that the acquisition will be in the public interest.

2 (2) Except as otherwise provided in ORS 271.715 to 271.795, a conservation
3 easement or highway scenic preservation easement may be created, conveyed,
4 recorded, assigned, released, modified, terminated[,] or otherwise altered or
5 affected in the same manner as other easements.

6 (3) The state, any county, metropolitan service district, soil and water
7 conservation district, city or park and recreation district or a county service
8 district established under ORS 451.410 to 451.610 to construct, maintain and
9 operate service facilities in Washington or Clackamas [*Counties*] **County** for
10 the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington
11 County for the purpose specified in ORS 451.010 (5) may acquire by purchase,
12 agreement or donation, but not by exercise of the power of eminent domain
13 unless specifically authorized by law, highway scenic preservation easements
14 in land within 100 yards of state, county or city highway rights of way.
15 These easements may be acquired only in lands that possess significant sce-
16 nic value in themselves and contribute to the overall scenic beauty of the
17 highway.

18 (4) No right or duty in favor of or against a holder and no right in favor
19 of a person having a third-party right of enforcement arises under a conser-
20 vation easement or highway scenic preservation easement before its accept-
21 ance by the holder and recordation of the acceptance.

22 (5) Except as provided in ORS 271.755 (2), a conservation easement or
23 highway scenic preservation easement is unlimited in duration unless the
24 instrument creating it otherwise provides.

25 (6) An interest in real property in existence at the time a conservation
26 easement or highway scenic preservation easement is created is not impaired
27 by it unless the owner of the interest is a party to or consents to the con-
28 servation easement or highway scenic preservation easement.

29 **NOTE:** Corrects word choice in (1) and (3); conforms punctuation to leg-
30 islative style in (2) and (5).

31 **SECTION 14.** ORS 271.735 is amended to read:

1 271.735. (1) Before the acquisition of a conservation easement or highway
2 scenic preservation easement, the state agency, county, metropolitan service
3 district, soil and water conservation district, city, park and recreation dis-
4 trict or county service district established under ORS 451.410 to 451.610 to
5 construct, maintain and operate service facilities in Washington or
6 Clackamas [*Counties*] **County** for the purposes specified in ORS 451.010 (1)(a)
7 and (b) and in Washington County for the purpose specified in ORS 451.010
8 (5) considering acquisition of such an easement shall hold one or more public
9 hearings on the proposal and the reasons therefor. The hearings shall be held
10 in the community where the easement would be located and all interested
11 persons, including representatives of other governmental agencies, shall have
12 the right to appear and a reasonable opportunity to be heard.

13 (2) Notice of the hearing shall be published at least twice, once not less
14 than 12 days and once not less than five days, prior to the hearing in a
15 newspaper of general circulation in the community. The notice may also be
16 published by broadcasting or telecasting generally in the community.

17 (3) At least 30 days prior to the hearing, the state agency shall mail no-
18 tice of the hearing to the governing body of each county, city and other
19 governmental agency having jurisdiction in the area of the proposed ease-
20 ments.

21 (4) This section does not apply to conservation easements or highway
22 scenic preservation easements acquired pursuant to ORS 390.121, 390.310 to
23 390.338 and 390.805 to 390.925 or acquired pursuant to a metropolitan service
24 district bond measure authorizing the acquisition of open spaces within spe-
25 cific areas.

26 **NOTE:** Corrects word choice in (1).

27 **SECTION 15.** ORS 271.775 is amended to read:

28 271.775. The board or officer administering a state agency or the govern-
29 ing body of any county, metropolitan service district, soil and water conser-
30 vation district, city or park and recreation district or of a county service
31 district established under ORS 451.410 to 451.610 to construct, maintain and

1 operate service facilities in Washington or Clackamas [*Counties*] **County** for
2 the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington
3 County for the purpose specified in ORS 451.010 (5) may make and enforce
4 reasonable rules, regulations, orders or ordinances governing the care, use
5 and management of its conservation easements and highway scenic preser-
6 vation easements.

7 **NOTE:** Corrects word choice.

8 **SECTION 16.** ORS 276.598 is amended to read:

9 276.598. (1) Notwithstanding the provisions of ORS 283.395, the Oregon
10 Department of Administrative Services may establish [*car pool or van pool*]
11 **carpool or vanpool** programs in which state-owned vehicles are used by
12 state employees as commute vehicles, provided that a daily, weekly or
13 monthly fee is charged that is adequate to reimburse the state for the cost
14 of providing such vehicles for such purposes.

15 (2) The department shall prescribe rules [*which*] **that**:

16 (a) Define the use of state-owned motor vehicles [*which constitute*] **that**
17 **constitutes** use in the conduct of state business and distinguish such use
18 from misappropriation for private use;

19 (b) Identify procedures for determining and collecting the appropriate
20 charges from employees for the use of commute vehicles; and

21 (c) Identify procedures to be used in the operation of state-owned vehicles
22 as commute vehicles in the state [*car pool or van pool*] **carpool or vanpool**
23 programs authorized in subsection (1) of this section.

24 (3) The department may authorize other state agencies to use state-owned
25 vehicles under the control of such agencies for the purposes set forth in
26 subsection (1) of this section.

27 **NOTE:** Standardizes terminology in (1) and (2)(c); improves syntax in (2)
28 and (2)(a).

29 **SECTION 17.** ORS 293.490 is amended to read:

30 293.490. (1) Except for property described under ORS [~~98.304~~] **98.302** to
31 98.436, and as otherwise directed by law, upon the death of any person enti-

1 tled to payment of money in the State Treasury or on deposit with a state
2 agency or officer, if the estate is not to be administered in a court having
3 probate jurisdiction, the State Treasurer or the state agency or officer au-
4 thorized to disburse the funds may pay or cause to be paid the money due,
5 as provided in subsection (3) of this section. Except as to payment of salary
6 or wages due a deceased state officer or employee from the State of Oregon,
7 no payment under this section shall be made in excess of \$10,000.

8 (2) Notwithstanding the provisions of subsection (1) of this section, mon-
9 eys on deposit with a state agency or officer representing unpaid wages col-
10 lected on behalf of a person by the Bureau of Labor and Industries shall be
11 payable pursuant to subsection (3) of this section.

12 (3) Payment authorized by subsection (1) of this section shall be made to
13 the following groups of survivors of the decedent, their guardians or the
14 conservators of their estates, in equal shares to all survivors in a group, and
15 in the order listed, with no payment to survivors in any group if there is any
16 survivor in any group preceding it as listed:

17 (a) Surviving spouse.

18 (b) The trustee of a revocable inter vivos trust created by the decedent,
19 unless within six months after the decedent dies a will executed by the
20 decedent requiring distribution of the amount to a different person is ad-
21 mitted to probate.

22 (c) In equal shares to the children of the decedent and to the issue of any
23 deceased child by right of representation.

24 (d) Parents.

25 (e) Brothers and sisters.

26 (f) Nephews and nieces.

27 **NOTE:** Updates orphan series citation in (1).

28 **SECTION 18.** ORS 305.410 is amended to read:

29 305.410. (1) Subject only to the provisions of ORS 305.445 relating to ju-
30 dicial review by the Supreme Court and to subsection (2) of this section, the
31 tax court shall be the sole, exclusive and final judicial authority for the

1 hearing and determination of all questions of law and fact arising under the
2 tax laws of this state. For the purposes of this section, and except to the
3 extent that they preclude the imposition of other taxes, the following are not
4 tax laws of this state:

- 5 (a) ORS chapter 577 relating to Oregon Beef Council contributions.
- 6 (b) ORS 576.051 to 576.455 relating to commodity commission assessments.
- 7 (c) ORS chapter 477 relating to fire protection assessments.
- 8 (d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 743B, 744, 746, 748
9 and 750 relating to insurance company fees and taxes.
- 10 (e) ORS chapter 473 relating to liquor taxes.
- 11 (f) ORS chapter 825 relating to motor carrier taxes.
- 12 (g) ORS chapter 319 relating to motor vehicle and aircraft fuel taxes and
13 the road usage charges imposed under ORS 319.885.
- 14 (h) [ORS title 59] **The Oregon Vehicle Code** relating to motor vehicle
15 and motor vehicle operators' license fees and ORS [title 39] **chapter 830** re-
16 lating to boat licenses.
- 17 (i) ORS chapter 578 relating to Oregon Wheat Commission assessments.
- 18 (j) ORS chapter 462 relating to racing taxes.
- 19 (k) ORS chapter 657 relating to unemployment insurance taxes.
- 20 (L) ORS chapter 656 relating to workers' compensation contributions, as-
21 sessments or fees.
- 22 (m) ORS 311.420, 311.425, 311.455, 311.650, 311.655 and ORS chapter 312
23 relating to foreclosure of real and personal property tax liens.
- 24 (n) ORS 409.800 to 409.816 and 409.900 relating to long term care facility
25 assessments.

26 (2) The tax court and the circuit courts shall have concurrent jurisdiction
27 to try actions or suits to determine:

- 28 (a) The priority of property tax liens in relation to other liens.
- 29 (b) The validity of any deed, conveyance, transfer or assignment of real
30 or personal property under ORS 95.060 and 95.070 (1983 Replacement Part)
31 or 95.200 to 95.310 where the Department of Revenue has or claims a lien or

1 other interest in the property.

2 (3) Subject only to the provisions of ORS 305.445 relating to judicial re-
3 view by the Supreme Court, the tax court shall be the sole, exclusive and
4 final judicial authority for the hearing and determination of all questions
5 of law and fact concerning the authorized uses of the proceeds of bonded
6 indebtedness described in **Article XI**, section 11 (11)(d), [*Article XI*] of the
7 Oregon Constitution.

8 (4) Except as permitted under **Article VII (Amended)**, section 2,
9 [*amended Article VII,*] **of the** Oregon Constitution, this section and ORS
10 305.445, no person shall contest, in any action, suit or proceeding in the
11 circuit court or any other court, any matter within the jurisdiction of the
12 tax court.

13 **NOTE:** Updates title citations in (1)(h); conforms Constitution citations
14 to legislative style in (3) and (4).

15 **SECTION 19.** ORS 366.916 is amended to read:

16 366.916. (1) The portion of Interstate 84[,] beginning where it intersects
17 with Interstate 5 in Portland and ending at the Idaho state line[,] shall also
18 be known as the Vietnam Veterans Memorial Highway.

19 (2) The Department of Transportation shall place and maintain suitable
20 markers along the highway described in this section that indicate the desig-
21 nation of the highway as the Vietnam Veterans Memorial Highway.

22 (3)(a) The department may accept moneys from and may enter into
23 agreements with veterans groups to create, install and maintain the markers.

24 (b) The department may not use public funds for the installation and
25 maintenance of the markers.

26 **NOTE:** Improves syntax in (1).

27 **SECTION 20.** ORS 366.917 is amended to read:

28 366.917. (1)(a) The portion of U.S. Highway 97[,] **that is** known as The
29 Dalles-California Highway, crossing the State of Oregon[,] beginning at the
30 California state line and ending at the Washington state line, shall also be
31 known as the World War II Veterans Historic Highway.

1 (b) The portion of State Highway [No.] 126 from U.S. 97 to Prineville-
2 Crook County Airport shall be known as the World War II Veterans Historic
3 Highway.

4 (2) The Department of Transportation shall place and maintain suitable
5 markers along the highways described in this section indicating the desig-
6 nation of each highway as the World War II Veterans Historic Highway and
7 indicating proximity to local World War II military sites.

8 (3)(a) The department may accept moneys from and may enter into
9 agreements with veterans groups to create, install and maintain the markers.

10 (b) The department may not use public funds for the installation and
11 maintenance of the markers.

12 **NOTE:** Improves syntax in (1)(a); conforms name reference to legislative
13 style in (1)(b).

14 **SECTION 21.** ORS 366.918 is amended to read:

15 366.918. (1) The portion of U.S. Highway 30[,] **that is** known as the Lower
16 Columbia River Highway, beginning in St. Helens and ending in Rainier,
17 shall also be known as Police Chief Ralph Painter Memorial Highway.

18 (2) The Department of Transportation shall place and maintain suitable
19 markers along the highway described in this section indicating the desig-
20 nation of the highway as the Police Chief Ralph Painter Memorial Highway.

21 **NOTE:** Improves syntax in (1).

22 **SECTION 22.** ORS 366.919 is amended to read:

23 366.919. (1) **The portion of** State Highway 126[,] **that is** known as the
24 Eugene-Springfield Highway, beginning where the highway intersects with
25 West 6th Avenue and West 7th Avenue in Eugene and ending where the
26 highway intersects with Main Street in Springfield, shall also be known as
27 the Officer Chris Kilcullen Memorial Highway.

28 (2) The Department of Transportation shall place and maintain suitable
29 markers along the highway described in this section that indicate the desig-
30 nation of the highway as the Officer Chris Kilcullen Memorial Highway.

31 **NOTE:** Improves syntax in (1).

1 **SECTION 23.** ORS 366.923 is amended to read:

2 366.923. (1) The portion of State Highway 126[,] **that is** known as the
3 Florence-Eugene Highway, beginning where the highway intersects with U.S.
4 Highway 101 in Florence and ending where it intersects with Oregon Route
5 569, the Beltline Highway[,] in Eugene, shall also be known as the William
6 Tebeau Memorial Highway.

7 (2) The Department of Transportation shall place and maintain suitable
8 markers along the highway described in this section indicating the desig-
9 nation of the highway as the William Tebeau Memorial Highway.

10 **NOTE:** Improves syntax in (1).

11 **SECTION 24.** ORS 366.924, as amended by section 1, chapter 21, Oregon
12 Laws 2022, is amended to read:

13 366.924. (1) The portion of U.S. Highway 395[, *crossing*] **that crosses** the
14 State of Oregon, beginning at the California state line and ending at the
15 Washington state line, shall also be known as the World War I Veterans
16 Memorial Highway.

17 (2) The portion of Interstate 5[, *crossing*] **that crosses** the State of
18 Oregon, beginning at the California state line and ending at the Washington
19 state line, shall also be known as the Korean War Veterans Memorial
20 Highway[,] and as the Purple Heart Trail.

21 (3) The portion of Interstate 5[,] beginning in Albany and ending in
22 Salem[,] shall also be known as the Atomic Veterans and Atomic Cleanup
23 Veterans Memorial Highway.

24 (4) The portion of U.S. Highway 101[, *crossing*] **that crosses** the State
25 of Oregon, beginning at the California state line and ending at the
26 Washington state line, shall also be known as the Persian Gulf, Afghanistan
27 and Iraq Veterans Memorial Highway.

28 (5) The portion of U.S. Highway 26[,] beginning where the highway
29 intersects with U.S. Highway 101 and ending at the Idaho state line[,] shall
30 also be known as the POW/MIA Memorial Highway.

31 (6) The portion of Oregon Route 35[,] beginning where the highway

1 intersects with U.S. Highway 26 and ending where the highway intersects
2 with U.S. Highway 30[,] shall also be known as the Oregon Nisei Veterans
3 World War II Memorial Highway.

4 (7) The Department of Transportation shall place and maintain suitable
5 markers along each highway described in this section to indicate the desig-
6 nation of each highway.

7 (8)(a) The department may accept moneys from and may enter into
8 agreements with veterans groups to create, install and maintain the markers.

9 (b) The department may not use public funds for the installation and
10 maintenance of the markers.

11 **NOTE:** Improves syntax in (1) to (6).

12 **SECTION 25.** ORS 366.925 is amended to read:

13 366.925. (1) The portion of U.S. Highway 395[,] known as the Pendleton-
14 John Day Highway, beginning where the highway intersects with State
15 Highway 74, known as the Heppner Highway, [to] **and ending at** Ukiah,
16 shall also be known as the Don Kendall Memorial Highway.

17 (2) The Department of Transportation shall place and maintain suitable
18 markers along the highway described in this section that indicate the desig-
19 nation of the highway as the Don Kendall Memorial Highway.

20 **NOTE:** Improves syntax in (1).

21 **SECTION 26.** ORS 403.135 is amended to read:

22 403.135. (1) A provider may not block delivery or forwarding to a public
23 safety answering point [*of location*] or a 9-8-8 coordinated crisis services
24 system **of location** information, a call-back number or other identifying in-
25 formation related to an emergency call.

26 (2) Automatic number identifications received by public safety answering
27 points [*and*] **or a** 9-8-8 coordinated crisis services system are confidential and
28 are not subject to public disclosure unless and until an official report is
29 written by the public or private safety agency and that agency does not
30 withhold the telephone number under ORS 192.311 to 192.478 or other state
31 and federal laws. The official report of a public safety answering point or a

1 9-8-8 coordinated crisis services system may not include nonpublished or
2 nonlisted telephone numbers. The official report of a public or private safety
3 agency may not include nonpublished or nonlisted telephone numbers. Non-
4 published or nonlisted telephone numbers are not otherwise subject to public
5 disclosure without the permission of the subscriber.

6 (3) A provider is not subject to an action for civil damages for providing
7 in good faith confidential or nonpublic information, including nonpublished
8 and nonlisted subscriber information, to emergency and 9-8-8 services pro-
9 viders who are:

10 (a) Responding to an emergency call;

11 (b) Responding to emergency situations that involve the risk of death or
12 serious physical harm to an individual, as provided in ORS 403.132; or

13 (c) Notifying the public of an emergency.

14 (4) Subsection (3) of this section does not compel a provider to provide
15 nonpublished and nonlisted subscriber information directly to emergency or
16 9-8-8 services providers or law enforcement agencies prior to placement of
17 an emergency call without process of law.

18 (5) Subscriber information acquired by a 9-1-1 jurisdiction or the 9-8-8
19 coordinated crisis services system for the purpose of providing emergency
20 communications services under ORS 403.105 to 403.250 or coordinated crisis
21 services under ORS 430.626 to 430.628 is not subject to public disclosure and
22 may not be used by other public agencies except:

23 (a) To respond to an emergency call;

24 (b) To respond to an emergency situation that involves the risk of death
25 or serious physical harm to an individual, as provided in ORS 403.132; or

26 (c) To notify the public of an emergency by utilizing an automated no-
27 tification system if a provider has provided subscriber information to the
28 9-1-1 jurisdiction or emergency services provider.

29 **NOTE:** Corrects misplaced phrase in (1); improves syntax in (2).

30 **SECTION 27.** ORS 418.353 is amended to read:

31 418.353. (1) A referral agent shall provide a client with a disclosure at the

1 same time the client is offered information, referral or recommendation re-
2 garding a residential care program. The written disclosure must be con-
3 spicuous, provided in clear language and include:

4 (a) A description of the residential care referral to be provided by the
5 referral agent, including:

6 (A) The names of all agencies that license the program and the type of
7 licenses the program currently holds.

8 (B) All licensing actions taken against the program or its parent company
9 in the prior 24 months, based on direct inquiry with each agency that li-
10 censes the program.

11 (C) The number of substantiated allegations of abuse, deaths and [or] se-
12 rious injuries at the program in the prior 24 months, based on direct inquiry
13 with each agency that licenses the program or investigates abuse at the
14 program.

15 (D) The program's restraint, seclusion and behavioral management policy.

16 (E) Names, titles and educational background of the leadership team of
17 the program.

18 (F) Day and nighttime staff to student ratio of the program.

19 (G) Whether the program serves youth offenders.

20 (H) Names, titles and educational background of all health care providers
21 who are employees of the program.

22 (I) If the program advertises treatment services, whether the program is
23 regulated as a behavioral health center by its state's health authority.

24 (b) A description of the relationship between the referral agent and the
25 program the agent is making referral to, including:

26 (A) A statement of whether the referral agent provides residential care
27 referrals only to programs with which the agent has an existing contract.

28 (B) A disclosure of all sources of fees, compensation or consideration the
29 referral agent may receive in exchange for making the residential care re-
30 ferral.

31 (c) A description of the referral agent's qualifications and business prac-

1 tices, including:

2 (A) The referral agent's contact information, including address and tele-
3 phone number.

4 (B) The referral agent's educational background and qualifications.

5 (C) The referral agent's privacy policy.

6 (d) The date of the referral agent's last visit to the facility and whether
7 the visit was in person or a virtual tour as permitted under subsection (2)(b)
8 of this section.

9 (2) A referral agent may not:

10 (a) Refer a client to a residential care program that is not licensed by the
11 agency responsible for licensing child-caring agencies in the state where the
12 program is located.

13 (b) Refer a client to a residential care program unless within the prior
14 24 months, the agent has personally toured the program or, if the tour oc-
15 curred during a time when personal tours were prohibited by a federal, state
16 or local emergency declaration, virtually toured the program.

17 (c) Refer a client to a residential care program that has had a restriction,
18 revocation or suspension of its license by any licensing entity within the
19 prior 12 months.

20 (d) Refer a client to an organization or company that offers secure
21 transportation services that is not approved by the state Department of Hu-
22 man Services to accept referrals, under rules adopted by the department.

23 (e) Share a client's placement information with or sell a client's place-
24 ment information to a program or marketing affiliate without obtaining af-
25 firmative consent from the client for each instance of sharing or selling the
26 information.

27 (f) Refer a client to a residential care program in which the referral agent
28 or an immediate family member of the referral agent has an ownership in-
29 terest.

30 (g) Refer a client to a residential care program that provides any com-
31 pensation, payment or consideration to the referral agent in exchange for the

1 referral.

2 (h) Contact a client who has requested in writing that the referral agent
3 stop contacting the client.

4 (3) For each residential care program to which the referral agent makes
5 residential care referrals, a referral agent shall provide to a client via a
6 website or written notice:

7 (a) A link to the state agency website listing licensing or abuse com-
8 plaints concerning the program.

9 (b) Contact information to facilitate reporting of abuse or neglect or li-
10 censing violations in the state in which the program is located.

11 (c) Contact information for the law enforcement agency responsible for
12 coverage of the community in which the program is located.

13 (4)(a) A referral agent must include in any contract with a residential
14 care program provisions prohibiting the referral agent from collecting com-
15 pensation for a referral to a program when the program is a subsequent
16 program as described in this subsection. A program is a subsequent program
17 if:

18 (A) The subject of placement enters a residential care program to which
19 the subject of placement is referred by a first referral agent, but subse-
20 quently leaves that program; and

21 (B) A new referral agent refers the subject of placement to the subsequent
22 program.

23 (b) When a residential care referral is made to a subsequent program for
24 a subject of placement by a new referral agent as described in paragraph (a)
25 of this subsection, the new referral agent must present evidence to the sub-
26 sequent program that the first referral agent is not entitled to compensation
27 for the referral.

28 (5) A client may bring a cause of action for a violation of this section and
29 may recover actual damages or \$750, whichever is greater. The court may
30 award reasonable attorney fees to the prevailing party in an action under
31 this subsection.

1 **NOTE:** Deletes superfluous conjunction in (1)(a)(C).

2 **SECTION 28.** ORS 419B.005, as amended by section 8, chapter 90, Oregon
3 Laws 2022, is amended to read:

4 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
5 quires otherwise:

6 (1)(a) “Abuse” means:

7 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-
8 ical injury to a child [*which*] **that** has been caused by other than accidental
9 means, including any injury [*which*] **that** appears to be at variance with the
10 explanation given of the injury.

11 (B) Any mental injury to a child, which shall include only observable and
12 substantial impairment of the child’s mental or psychological ability to
13 function caused by cruelty to the child, with due regard to the culture of the
14 child.

15 (C) Rape of a child, which includes but is not limited to rape, sodomy,
16 unlawful sexual penetration and incest, as those acts are described in ORS
17 chapter 163.

18 (D) Sexual abuse, as described in ORS chapter 163.

19 (E) Sexual exploitation, including but not limited to:

20 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
21 chapter 163, and any other conduct [*which*] **that** allows, employs, authorizes,
22 permits, induces or encourages a child to engage in the performing for people
23 to observe or the photographing, filming, tape recording or other exhibition
24 [*which*] **that**, in whole or in part, depicts sexual conduct or contact, as de-
25 fined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse
26 involving a child or rape of a child, but not including any conduct [*which*]
27 **that** is part of any investigation conducted pursuant to ORS 419B.020 or
28 [*which*] **that** is designed to serve educational or other legitimate purposes;
29 and

30 (ii) Allowing, permitting, encouraging or hiring a child to engage in
31 prostitution as described in ORS 167.007 or a commercial sex act as defined

1 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
2 or to engage in commercial sexual solicitation as described in ORS 167.008.

3 (F) Negligent treatment or maltreatment of a child, including but not
4 limited to the failure to provide adequate food, clothing, shelter or medical
5 care that is likely to endanger the health or welfare of the child.

6 (G) Threatened harm to a child, which means subjecting a child to a
7 substantial risk of harm to the child's health or welfare.

8 (H) Buying or selling a person under 18 years of age as described in ORS
9 163.537.

10 (I) Permitting a person under 18 years of age to enter or remain in or
11 upon premises where methamphetamines are being manufactured.

12 (J) Unlawful exposure to a controlled substance, as defined in ORS
13 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
14 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
15 the child's health or safety.

16 (b) "Abuse" does not include reasonable discipline unless the discipline
17 results in one of the conditions described in paragraph (a) of this subsection.

18 (2) "Child" means an unmarried person who:

19 (a) Is under 18 years of age; or

20 (b) Is under 21 years of age and residing in or receiving care or services
21 at a child-caring agency as that term is defined in ORS 418.205.

22 (3) "Higher education institution" means:

23 (a) A community college as defined in ORS 341.005;

24 (b) A public university listed in ORS 352.002;

25 (c) The Oregon Health and Science University; and

26 (d) A private institution of higher education located in Oregon.

27 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
28 safety of a child alleged to have experienced abuse.

29 (b) "Investigation" does not include screening activities conducted upon
30 the receipt of a report.

31 (5) "Law enforcement agency" means:

- 1 (a) A city or municipal police department.
- 2 (b) A county sheriff's office.
- 3 (c) The Oregon State Police.
- 4 (d) A police department established by a university under ORS 352.121 or
5 353.125.
- 6 (e) A county juvenile department.
- 7 (6) "Public or private official" means:
- 8 (a) Physician or physician assistant licensed under ORS chapter 677 or
9 naturopathic physician, including any intern or resident.
- 10 (b) Dentist.
- 11 (c) School employee, including an employee of a higher education insti-
12 tution.
- 13 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
14 aide, home health aide or employee of an in-home health service.
- 15 (e) Employee of the Department of Human Services, Oregon Health Au-
16 thority, Early Learning Division, Department of Education, Youth Develop-
17 ment Division, Office of Child Care, the Oregon Youth Authority, a local
18 health department, a community mental health program, a community de-
19 velopmental disabilities program, a county juvenile department, a child-
20 caring agency as that term is defined in ORS 418.205 or an alcohol and drug
21 treatment program.
- 22 (f) Peace officer.
- 23 (g) Psychologist.
- 24 (h) Member of the clergy.
- 25 (i) Regulated social worker.
- 26 (j) Optometrist.
- 27 (k) Chiropractor.
- 28 (L) Certified provider of foster care, or an employee thereof.
- 29 (m) Attorney.
- 30 (n) Licensed professional counselor.
- 31 (o) Licensed marriage and family therapist.

- 1 (p) Firefighter or emergency medical services provider.
- 2 (q) [A] Court appointed special advocate, as defined in ORS 419A.004.
- 3 (r) [A] Child care provider registered or certified under ORS 329A.030 and
4 329A.250 to 329A.450.
- 5 (s) [An] Elected official of a branch of government of this state or a state
6 agency, board, commission or department of a branch of government of this
7 state or of a city, county or other political subdivision in this state.
- 8 (t) Physical, speech or occupational therapist.
- 9 (u) Audiologist.
- 10 (v) Speech-language pathologist.
- 11 (w) Employee of the Teacher Standards and Practices Commission directly
12 involved in investigations or discipline by the commission.
- 13 (x) Pharmacist.
- 14 (y) [An] Operator of a preschool recorded program under ORS 329A.255.
- 15 (z) [An] Operator of a school-age recorded program under ORS 329A.255.
- 16 (aa) Employee of a private agency or organization facilitating the pro-
17 vision of respite services, as defined in ORS 418.205, for parents pursuant to
18 a properly executed power of attorney under ORS 109.056.
- 19 (bb) [An] Employee of a public or private organization providing child-
20 related services or activities:
- 21 (A) Including but not limited to an employee of a:
- 22 (i) Youth group or center;
- 23 (ii) Scout group or camp;
- 24 (iii) Summer or day camp;
- 25 (iv) Survival camp; or
- 26 (v) Group, center or camp that is operated under the guidance, super-
27 vision or auspices of a religious, public or private educational system or a
28 community service organization; and
- 29 (B) Excluding an employee of a qualified victim services program as de-
30 fined in ORS 147.600 that provides confidential, direct services to victims of
31 domestic violence, sexual assault, stalking or human trafficking.

1 (cc) [A] Coach, assistant coach or trainer of an amateur, semiprofessional
2 or professional athlete, if compensated and if the athlete is a child.

3 (dd) Personal support worker, as defined in ORS 410.600.

4 (ee) Home care worker, as defined in ORS 410.600.

5 (ff) Animal control officer, as defined in ORS 609.500.

6 (gg) Member of a school district board, an education service district board
7 or a public charter school governing body.

8 (hh) [An] Individual who is paid by a public body, in accordance with
9 ORS 430.215, to provide a service identified in an individualized [written]
10 service plan of a child with a developmental disability.

11 (ii) Referral agent, as defined in ORS 418.351.

12 **NOTE:** Improves word choice in (1)(a)(A) and (E)(i); conforms syntax in
13 (6)(q), (r), (s), (y), (z), (bb), (cc) and (hh); updates terminology in (6)(hh).

14 **SECTION 29.** ORS 419B.005, as amended by section 58, chapter 631,
15 Oregon Laws 2021, section 16, chapter 27, Oregon Laws 2022, and section 7,
16 chapter 90, Oregon Laws 2022, is amended to read:

17 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
18 quires otherwise:

19 (1)(a) "Abuse" means:

20 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-
21 ical injury to a child [which] **that** has been caused by other than accidental
22 means, including any injury [which] **that** appears to be at variance with the
23 explanation given of the injury.

24 (B) Any mental injury to a child, which shall include only observable and
25 substantial impairment of the child's mental or psychological ability to
26 function caused by cruelty to the child, with due regard to the culture of the
27 child.

28 (C) Rape of a child, which includes but is not limited to rape, sodomy,
29 unlawful sexual penetration and incest, as those acts are described in ORS
30 chapter 163.

31 (D) Sexual abuse, as described in ORS chapter 163.

1 (E) Sexual exploitation, including but not limited to:

2 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
3 chapter 163, and any other conduct [*which*] **that** allows, employs, authorizes,
4 permits, induces or encourages a child to engage in the performing for people
5 to observe or the photographing, filming, tape recording or other exhibition
6 [*which*] **that**, in whole or in part, depicts sexual conduct or contact, as de-
7 fined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse
8 involving a child or rape of a child, but not including any conduct [*which*]
9 **that** is part of any investigation conducted pursuant to ORS 419B.020 or
10 [*which*] **that** is designed to serve educational or other legitimate purposes;
11 and

12 (ii) Allowing, permitting, encouraging or hiring a child to engage in
13 prostitution as described in ORS 167.007 or a commercial sex act as defined
14 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
15 or to engage in commercial sexual solicitation as described in ORS 167.008.

16 (F) Negligent treatment or maltreatment of a child, including but not
17 limited to the failure to provide adequate food, clothing, shelter or medical
18 care that is likely to endanger the health or welfare of the child.

19 (G) Threatened harm to a child, which means subjecting a child to a
20 substantial risk of harm to the child's health or welfare.

21 (H) Buying or selling a person under 18 years of age as described in ORS
22 163.537.

23 (I) Permitting a person under 18 years of age to enter or remain in or
24 upon premises where methamphetamines are being manufactured.

25 (J) Unlawful exposure to a controlled substance, as defined in ORS
26 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
27 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
28 the child's health or safety.

29 (b) "Abuse" does not include reasonable discipline unless the discipline
30 results in one of the conditions described in paragraph (a) of this subsection.

31 (2) "Child" means an unmarried person who:

1 (a) Is under 18 years of age; or

2 (b) Is under 21 years of age and residing in or receiving care or services
3 at a child-caring agency as that term is defined in ORS 418.205.

4 (3) "Higher education institution" means:

5 (a) A community college as defined in ORS 341.005;

6 (b) A public university listed in ORS 352.002;

7 (c) The Oregon Health and Science University; and

8 (d) A private institution of higher education located in Oregon.

9 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
10 safety of a child alleged to have experienced abuse.

11 (b) "Investigation" does not include screening activities conducted upon
12 the receipt of a report.

13 (5) "Law enforcement agency" means:

14 (a) A city or municipal police department.

15 (b) A county sheriff's office.

16 (c) The Oregon State Police.

17 (d) A police department established by a university under ORS 352.121 or
18 353.125.

19 (e) A county juvenile department.

20 (6) "Public or private official" means:

21 (a) Physician or physician assistant licensed under ORS chapter 677 or
22 naturopathic physician, including any intern or resident.

23 (b) Dentist.

24 (c) School employee, including an employee of a higher education insti-
25 tution.

26 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
27 aide, home health aide or employee of an in-home health service.

28 (e) Employee of the Department of Human Services, Oregon Health Au-
29 thority, Department of Early Learning and Care, Department of Education,
30 Youth Development Division, Office of Child Care, the Oregon Youth Au-
31 thority, a local health department, a community mental health program, a

1 community developmental disabilities program, a county juvenile department,
2 a child-caring agency as that term is defined in ORS 418.205 or an alcohol
3 and drug treatment program.

4 (f) Peace officer.

5 (g) Psychologist.

6 (h) Member of the clergy.

7 (i) Regulated social worker.

8 (j) Optometrist.

9 (k) Chiropractor.

10 (L) Certified provider of foster care, or an employee thereof.

11 (m) Attorney.

12 (n) Licensed professional counselor.

13 (o) Licensed marriage and family therapist.

14 (p) Firefighter or emergency medical services provider.

15 (q) [A] Court appointed special advocate, as defined in ORS 419A.004.

16 (r) [A] Child care provider registered or certified under ORS 329A.250 to
17 329A.450.

18 (s) [An] Elected official of a branch of government of this state or a state
19 agency, board, commission or department of a branch of government of this
20 state or of a city, county or other political subdivision in this state.

21 (t) Physical, speech or occupational therapist.

22 (u) Audiologist.

23 (v) Speech-language pathologist.

24 (w) Employee of the Teacher Standards and Practices Commission directly
25 involved in investigations or discipline by the commission.

26 (x) Pharmacist.

27 (y) [An] Operator of a preschool recorded program under ORS 329A.255.

28 (z) [An] Operator of a school-age recorded program under ORS 329A.255.

29 (aa) Employee of a private agency or organization facilitating the pro-
30 vision of respite services, as defined in ORS 418.205, for parents pursuant to
31 a properly executed power of attorney under ORS 109.056.

1 (bb) [An] Employee of a public or private organization providing child-
2 related services or activities:

3 (A) Including but not limited to an employee of a:

4 (i) Youth group or center;

5 (ii) Scout group or camp;

6 (iii) Summer or day camp;

7 (iv) Survival camp; or

8 (v) Group, center or camp that is operated under the guidance, super-
9 vision or auspices of a religious, public or private educational system or a
10 community service organization; and

11 (B) Excluding an employee of a qualified victim services program as de-
12 fined in ORS 147.600 that provides confidential, direct services to victims of
13 domestic violence, sexual assault, stalking or human trafficking.

14 (cc) [A] Coach, assistant coach or trainer of an amateur, semiprofessional
15 or professional athlete, if compensated and if the athlete is a child.

16 (dd) Personal support worker, as defined in ORS 410.600.

17 (ee) Home care worker, as defined in ORS 410.600.

18 (ff) Animal control officer, as defined in ORS 609.500.

19 (gg) Member of a school district board, an education service district board
20 or a public charter school governing body.

21 (hh) [An] Individual who is paid by a public body, in accordance with
22 ORS 430.215, to provide a service identified in an individualized [written]
23 service plan of a child with a developmental disability.

24 (ii) Referral agent, as defined in ORS 418.351.

25 **NOTE:** Improves word choice in (1)(a)(A) and (E)(i); conforms syntax in
26 (6)(q), (r), (s), (y), (z), (bb), (cc) and (hh); updates terminology in (6)(hh).

27 **SECTION 30.** ORS 419C.306 is amended to read:

28 419C.306. (1) [The summons] **A summons issued under ORS 419C.300**
29 shall require the person or persons who have physical custody of the youth
30 to appear and bring the youth before the court at the time and place stated
31 in the summons. The time for the hearing on the petition shall be fixed at

1 a reasonable time, not less than 24 hours, after the issuance of the summons.
2 If it appears to the court that the welfare of the youth or of the public re-
3 quires that the youth immediately be taken into custody, the court may
4 indorse an order on the summons as provided in ORS 419C.080 (2) directing
5 the officer serving it to take the youth into custody.

6 (2)(a) Summons shall be issued to the legal parents of the youth, without
7 regard to who has legal or physical custody of the youth, and to the legal
8 guardians, if any, of the youth.

9 (b) Parents or guardians summoned pursuant to paragraph (a) of this
10 subsection shall appear personally pursuant to the summons. Following the
11 initial appearance, parents or guardians shall appear as directed by the
12 court.

13 (c) An employer may not discharge, threaten to discharge, intimidate or
14 coerce any employee by reason of the employee's attendance at a juvenile
15 court hearing as required under paragraph (a) of this subsection.

16 (d) This subsection may not be construed to alter or affect an employer's
17 policies or agreements with employees concerning employees' wages during
18 times when an employee attends a juvenile court hearing under paragraph
19 (a) of this subsection.

20 (3) If the youth is 12 years of age or older, a certified copy of the sum-
21 mons shall be served upon the youth. If the petition alleges that the youth
22 is within the jurisdiction of the court for having violated ORS 471.430, the
23 summons must contain a statement that, if the youth fails to appear as re-
24 quired in the summons, the driving privileges of the youth are subject to
25 suspension under ORS 419C.472.

26 (4) Summons may be issued requiring the appearance of any person whose
27 presence the court deems necessary. When a summons is issued to a youth
28 pursuant to a petition alleging jurisdiction under ORS 419C.005, a copy of
29 the summons shall be mailed to all victims whose names appear on the pe-
30 tition pursuant to ORS 419C.255 (2). The copy of the summons shall be ac-
31 companied by a notice that the victim may be present for the youth's

1 appearance before the court and is entitled to request and receive notifica-
2 tion of future hearings before the court in regard to the particular case. The
3 copy of the summons shall also be accompanied by a notice informing the
4 victim of the provisions of ORS 30.765.

5 **NOTE:** Clarifies subject in (1).

6 **SECTION 31.** ORS 419C.320 is amended to read:

7 419C.320. If [*the summons*] **a summons issued under ORS 419C.300**
8 cannot be served, if the person to whom the summons is directed fails to obey
9 it or if it appears to the court that the summons will be ineffectual, the court
10 may direct issuance of a warrant of arrest against the person summoned or
11 against the youth.

12 **NOTE:** Clarifies subject.

13 **SECTION 32.** ORS 419C.457 is amended to read:

14 419C.457. (1) A court may not assess any fee or fine under ORS 137.533,
15 137.540, 409.220, 809.267 or 813.240 arising out of the actions of a person who:

16 (a) Was under 18 years of age at the time of the act or is subject to ju-
17 venile court probation; and

18 (b) Was not waived to circuit court for prosecution as an adult under ORS
19 419C.340.

20 (2) The fees and fines described in subsection (1) of this section may not
21 be assessed against the child, youth, [*youth offender*] **adjudicated youth,**
22 young person or, if the fee or cost would be assessed after the person attains
23 the age of 18, the person, or against the parent or guardian of the child,
24 youth, [*youth offender*] **adjudicated youth,** young person or person.

25 **NOTE:** Corrects terminology in (2).

26 **SECTION 33.** ORS 420.011 is amended to read:

27 420.011. (1) Except as provided in subsections (2), (3) and (4) of this sec-
28 tion, admissions to the youth correction facilities are limited to adjudicated
29 youths who are at least 12 but less than 20 years of age, found by the juve-
30 nile court to have committed an act that if committed by an adult would
31 constitute aggravated murder, murder, a felony or a Class A misdemeanor

1 and placed in the legal custody of the Oregon Youth Authority. An adjudi-
2 cated youth admitted to a youth correction facility may not be transferred
3 by administrative process to any penal or correctional institution.

4 (2)(a) In addition to the persons placed in the legal custody of the youth
5 authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of
6 the Director of the Oregon Youth Authority or the director's designee, per-
7 sons who are committed to the Department of Corrections under ORS 137.124
8 and meet the requirements of ORS 137.124 (5) may be temporarily assigned
9 to a youth correction facility as provided by ORS 137.124 (5). A person as-
10 signed on such a temporary basis remains within the legal custody of the
11 Department of Corrections and such reassignment is subject to termination
12 by the Director of the Oregon Youth Authority by referring the person back
13 to the Department of Corrections as provided in paragraph (b) of this sub-
14 section.

15 (b) After a person is transferred to the physical custody of the youth au-
16 thority under ORS 137.124 (5), the Director of the Oregon Youth Authority
17 may refer the person back to the Department of Corrections for physical
18 custody and placement if the director, after consulting with the Department
19 of Corrections, determines that the person is at least 18 years of age and:

20 (A) Poses a substantial danger to youth authority staff or persons in the
21 custody of the youth authority; or

22 (B) Is not likely, in the foreseeable future, to benefit from the rehabili-
23 tation and treatment programs administered by the youth authority and is
24 appropriate for placement in a Department of Corrections institution.

25 (3) Any person under 18 years of age at the time of committing the crime
26 and under 20 years of age at the time of sentencing and commitment who,
27 after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or
28 sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to
29 a term of imprisonment in the custody of the Department of Corrections, and
30 any person under 16 years of age who after waiver under ORS 419C.349 (1)(b),
31 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or

1 (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail,
2 shall be temporarily assigned to a youth correction facility by the Depart-
3 ment of Corrections, or by the sheriff to whose custody the person has been
4 committed, pursuant to ORS 137.124 (6). The director shall designate the ap-
5 propriate youth correction facility or schools for such assignment. A person
6 assigned to a youth correction facility under ORS 137.124 (6) and this sub-
7 section remains within the legal custody of the Department of Corrections
8 or sheriff to whose custody the person was committed. The assignment of
9 such a person to the youth correction facility is subject, when the person is
10 18 years of age or older, to termination by the director by referring the
11 person back to the Department of Corrections or the sheriff to serve the
12 balance of the person's sentence. Assignment to a youth correction facility
13 pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by
14 the director, shall terminate upon the person's attaining the age specified in
15 ORS 420A.010 (5) setting the age limits for which the Oregon Youth Au-
16 thority may retain legal and physical custody of the person, and the person
17 shall be referred to the Department of Corrections or the sheriff having legal
18 custody of the person to serve the balance of the person's sentence.

19 (4)(a) Admission to youth correction facilities for adjudicated youths who
20 have been previously adjudicated, but who have not been previously placed
21 in custody of a youth correction facility as a result of the adjudication, is
22 limited to adjudicated youths under 19 years of age.

23 (b) Notwithstanding paragraph (a) of this subsection, admission to youth
24 correction facilities for adjudicated youths who have been previously adju-
25 dicated for an act that, if committed by an adult, would constitute a crime
26 listed in ORS 137.707 (4), but who have not been previously placed in custody
27 of a youth correction facility as a result of the adjudication, is limited to
28 adjudicated youths under 20 years of age.

29 (5)(a) Whenever a person committed to the custody of the Department of
30 Corrections is temporarily assigned to a youth correction facility pursuant
31 to this section, the youth authority may provide programs and treatment for

1 the person, and may adopt rules relating to conditions of confinement at the
2 youth correction facility, as the youth authority determines are appropriate.
3 However, the person remains subject to laws and rules of the State Board
4 of Parole and Post-Prison Supervision relating to parole.

5 (b) Information or records prepared or maintained by the youth authority
6 relating to a person committed to the custody of the Department of Cor-
7 rections and temporarily assigned to a youth correction facility pursuant to
8 this section are confidential and exempt from disclosure if the public interest
9 in confidentiality clearly outweighs the public interest in disclosure and:

10 (A) The disclosure would interfere with the rehabilitation or treatment
11 of the person, of another person committed to the custody of the Department
12 of Corrections and temporarily assigned to a youth correction facility under
13 this section or of an adjudicated youth; or

14 (B) The disclosure would substantially prejudice or prevent the carrying
15 out of the functions of the youth authority.

16 (c) Nothing in this section prohibits the youth authority from disclosing
17 information or records relating to a person committed to the custody of the
18 Department of Corrections and temporarily assigned to a youth correction
19 facility pursuant to this section to counsel representing the person or to the
20 district attorney or assistant [*district*] attorney general representing the
21 state, for use in connection with the person's criminal, juvenile dependency
22 or juvenile delinquency proceeding.

23 (6) For the purposes of determining the person's age at the time of com-
24 mitting an offense under this section:

25 (a) If the person is convicted of two or more offenses occurring on dif-
26 ferent days, the person's age shall be calculated using the earliest date.

27 (b) If the person is convicted of an offense occurring within a range of
28 dates, the person's age shall be calculated using the date at the beginning
29 of the range.

30 **NOTE:** Corrects terminology in (5)(c).

31 **SECTION 34.** ORS 420.017 is amended to read:

1 420.017. (1) The Oregon Youth Authority shall work collaboratively with
2 the juvenile departments to divert [*youth offenders*] **adjudicated youths**
3 from commitment to the youth correction facilities to alternative community
4 services.

5 (2) The juvenile departments shall develop a plan for services needed to
6 divert the commitment of youth from the youth correction facilities, and how
7 these services are to be administered if funds are provided. The plan must
8 include the process the juvenile departments will use to provide hearings
9 officers and to conduct preliminary parole revocation hearings.

10 (3) The youth authority shall administer and coordinate the local juvenile
11 diversion plans and juvenile crime prevention basic services with county ju-
12 venile departments. Juvenile crime prevention basic services may be used for
13 detention and other juvenile department services.

14 (4) The youth authority, in consultation with county juvenile departments
15 and the Youth Development Division, shall adopt rules to coordinate and
16 align the high-risk juvenile crime prevention plans, the juvenile diversion
17 plans and the juvenile crime prevention basic services.

18 **NOTE:** Updates terminology in (1).

19 **SECTION 35.** ORS 420.019 is amended to read:

20 420.019. (1)(a) The Oregon Youth Authority may contract with the gov-
21 erning body of a county or two or more counties, if the counties have joined
22 together as a consortium or region, for implementing the diversion plan de-
23 scribed in ORS 420.017.

24 (b) A county or counties that contract with the Oregon Youth Authority
25 under this section shall have access to a continuum of out-of-home placement
26 options including, but not limited to, youth correction facilities and substi-
27 tute care placements, as defined by the youth authority by rule.

28 (c) The state and county may agree that the governing body of the county
29 or counties may subcontract for services or that the state will provide ser-
30 vices or that the county or counties may subcontract for some services and
31 the state provide other services as stipulated in the contract with the youth

1 authority.

2 (d) The youth authority is responsible for providing financial oversight
3 and administration of contracts and financial oversight of subcontracts.

4 (e) The funds provided to implement the diversion plan or provide for
5 out-of-home placement [*shall*] **may** not be used by a county to supplant
6 moneys otherwise provided to the county juvenile department for services to
7 [*delinquent*] **adjudicated** youth.

8 (2)(a) The Oregon Youth Authority shall enter into intergovernmental
9 agreements with a county or, if the counties have joined together as a con-
10 sortium or region, two or more counties to delineate specific duties necessary
11 to carry out the diversion plan described in ORS 420.017.

12 (b) The intergovernmental agreement must define the responsibilities of
13 the youth authority and the county or counties and support the mission of
14 the youth authority and the county or counties, taking into consideration
15 public safety, equitable services for [*youth offenders*] **adjudicated youths**
16 and counties, geographic considerations and staffing and funding levels for
17 the youth authority and the county or counties.

18 (c) The intergovernmental agreement may authorize the performance or
19 transfer of probation and parole services between the youth authority and
20 the county or counties.

21 (3) The Oregon Youth Authority shall adopt rules, in consultation with
22 the county juvenile departments, to ensure equitable access to a continuum
23 of out-of-home placement options among contracting counties and to develop
24 performance metrics for the diversion plans.

25 **NOTE:** Improves syntax and updates terminology in (1)(e); updates ter-
26 minology in (2)(b).

27 **SECTION 36.** ORS 420A.300 is amended to read:

28 420A.300. The Legislative Assembly finds and declares that:

29 (1) Restorative justice programs, including facilitated dialogues and re-
30 sponsibility letter banks, can promote justice and healing for crime victims
31 and survivors and can aid persons temporarily assigned to a youth correction

1 facility under ORS 137.124 or 420.011 and [*youth offenders*] **adjudicated**
2 **youths** in the process of rehabilitation;

3 (2) A facilitated dialogue or responsibility letter bank program is most
4 successful when the participants are able to communicate openly and hon-
5 estly about the crime or act that, if committed by an adult, would constitute
6 a crime and about the impact of that crime or act knowing that the
7 participants' communication will not be disclosed to other people or used
8 against them later; and

9 (3) It is the policy and purpose of ORS 420A.300 to 420A.315 that Oregon
10 Youth Authority facilitated dialogue and responsibility letter bank program
11 communications are confidential and should not be admissible in any ad-
12 ministrative, judicial or arbitration proceeding, except pursuant to limited
13 exceptions established by the Oregon Youth Authority by rule.

14 **NOTE:** Updates terminology in (1).

15 **SECTION 37.** ORS 420A.305 is amended to read:

16 420A.305. As used in ORS 420A.300 to 420A.315, "facilitated dialogue and
17 responsibility letter bank program communications" means all communi-
18 cations by a victim, survivor, person temporarily assigned to a youth cor-
19 rection facility under ORS 137.124 or 420.011 or [*youth offender*] **adjudicated**
20 **youth**, or by a program facilitator, advisory committee member, volunteer,
21 contractor or staff person, that are made in the course of or in connection
22 with a facilitated dialogue or responsibility letter bank program conducted
23 pursuant to Oregon Youth Authority rules. The communications include but
24 are not limited to:

25 (1) All memoranda, assessment and evaluation forms, documents and other
26 materials, including letters that are prepared for or submitted in connection
27 with a facilitated dialogue;

28 (2) All communications, whether oral, written or recorded, made during
29 the intake of a case, during preparations for a facilitated dialogue, during
30 any joint in-person meetings or telephone calls and during any post-dialogue
31 meetings or conversations; and

1 (3) All materials or recordings submitted in connection with a responsi-
2 bility letter bank program by a victim, survivor, person temporarily assigned
3 to a youth correction facility under ORS 137.124 or 420.011 or [*youth*
4 *offender*] **adjudicated youth** or by another person on behalf of a victim,
5 survivor or person temporarily assigned to a youth correction facility under
6 ORS 137.124 or 420.011 or [*youth offender*] **adjudicated youth**.

7 **NOTE:** Updates terminology in lead-in and (3).

8 **SECTION 38.** ORS 420A.310 is amended to read:

9 420A.310. (1) Facilitated dialogue and responsibility letter bank program
10 facilitators, advisory committee members, volunteers, contractors and staff
11 persons [*shall*] **may** not be compelled to testify or produce evidence in any
12 judicial or administrative proceeding with respect to any facilitated dialogue
13 or responsibility letter bank program communication, except as required un-
14 der rules established pursuant to ORS 420A.315.

15 (2) Facilitated dialogue and responsibility letter bank program
16 facilitators, advisory committee members, volunteers, contractors and staff
17 persons are not civilly liable for any act or omission done or made while
18 engaged in efforts to assist a victim, survivor, person temporarily assigned
19 to a youth correction facility under ORS 137.124 or 420.011 or [*youth*
20 *offender*] **adjudicated youth** in the course of or in connection with a facil-
21 itated dialogue or responsibility letter bank program conducted pursuant to
22 rules adopted by the Oregon Youth Authority, unless the facilitator, member,
23 volunteer, contractor or staff person acted or made an omission in bad faith,
24 with malicious intent or in a manner that exhibited a willful or wanton
25 disregard of the rights, safety or property of another person.

26 (3) Facilitated dialogue and responsibility letter bank program communi-
27 cations are confidential and may not be disclosed to any other person, except
28 as permitted under rules established pursuant to ORS 420A.315.

29 (4) Facilitated dialogue and responsibility letter bank program communi-
30 cations are not admissible as evidence in any subsequent administrative, ju-
31 dicial or arbitration proceeding, except as permitted under rules established

1 pursuant to ORS 420A.315.

2 **NOTE:** Improves syntax in (1); updates terminology in (2).

3 **SECTION 39.** ORS 442.361 is amended to read:

4 442.361. As used in this section and ORS 442.362 and 442.991:

5 (1)(a) “Capital project” means:

6 (A) The construction, development, purchase, renovation or any con-
7 struction expenditure by or on behalf of a reporting entity, for which the
8 cost:

9 (i) For type A hospitals, exceeds five percent of gross revenue.

10 (ii) For type B hospitals, exceeds five percent of gross revenue.

11 (iii) For DRG hospitals, exceeds 1.75 percent of gross revenue.

12 (iv) For ambulatory [*surgery*] **surgical** centers, exceeds \$2 million.

13 (B) The purchase or lease of, or other comparable arrangement for, a
14 single piece of diagnostic or therapeutic equipment for which the cost or, in
15 the case of a donation, the value exceeds \$1 million. The acquisition of two
16 or more pieces of diagnostic or therapeutic equipment that are necessarily
17 interdependent in the performance of ordinary functions shall be combined
18 in calculating the cost or value of the transaction.

19 (b) “Capital project” does not include a project financed entirely through
20 charitable fundraising.

21 (2) “DRG hospital” means a hospital that is not a type A or type B hos-
22 pital and that receives Medicare reimbursement based upon diagnostic re-
23 lated groups.

24 (3) “Gross revenue” has the meaning given that term in ORS 442.015.

25 (4) “Reporting entity” includes the following if licensed pursuant to ORS
26 441.015:

27 (a) A type A hospital as described in ORS 442.470.

28 (b) A type B hospital as described in ORS 442.470.

29 (c) A DRG hospital.

30 (d) An ambulatory surgical center as defined in ORS 442.015.

31 **NOTE:** Corrects terminology in (1)(a)(A)(iv).

1 **SECTION 40.** ORS 459A.866 is amended to read:

2 459A.866. For purposes of ORS 459A.860 to 459A.975, the producer of a
3 covered product shall be determined as follows:

4 (1)(a) For items sold in packaging at a physical retail location in this
5 state:

6 (A) If the item is sold in packaging under the manufacturer's own brand
7 or is sold in packaging that lacks identification of a brand, the producer of
8 the packaging is the person that manufactures the packaged item;

9 (B) If the item is manufactured by a person other than the brand owner,
10 the producer of the packaging is the person that is the licensee of a brand
11 or trademark under which a packaged item is used in a commercial enter-
12 prise, sold, offered for sale or distributed in or into this state, whether or
13 not the trademark is registered in this state; or

14 (C) If there is no person described in subparagraphs (A) and (B) of this
15 paragraph within the United States, the producer of the packaging is the
16 person that imports the packaged item into the United States for use in a
17 commercial enterprise that sells, offers for sale or distributes the item in this
18 state.

19 (b) For items sold or distributed in packaging in or into this state via
20 remote sale or distribution:

21 (A) The producer of packaging used to directly protect or contain the item
22 is the same as the producer for purposes of paragraph (a) of this subsection.

23 (B) The producer of packaging used to ship the item to a consumer is the
24 person that packages and ships the item to the consumer.

25 (c) For all other packaging that is a covered product, the producer of the
26 packaging is the person that first distributes the packaged item in or into
27 this state.

28 (2)(a) For printing and writing paper that is a magazine, newspaper, cat-
29 alog, telephone directory or similar publication, the producer is the pub-
30 lisher.

31 (b) For printing and writing paper not described in paragraph (a) of this

1 subsection, the producer is:

2 (A) The person that manufactures the printing and writing paper under
3 the manufacturer's own brand;

4 (B) If the printing and writing paper is manufactured by a person other
5 than the brand owner, the person that **is** the owner or licensee of a brand
6 or trademark under which the printing and writing paper is used in a com-
7 mercial enterprise, sold, offered for sale or distributed in or into this state,
8 whether or not the trademark is registered in this state; or

9 (C) If there is no person described in subparagraphs (A) and (B) of this
10 paragraph within the United States, the person that imports the printing and
11 writing paper into the United States for use in a commercial enterprise that
12 sells, offers for sale or distributes the printing and writing paper in this
13 state.

14 (3) The producer of food serviceware is the person that first sells the food
15 serviceware in or into this state.

16 **NOTE:** Supplies missing word in (2)(b)(B).

17 **SECTION 41.** ORS 475.900 is amended to read:

18 475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or
19 475.906 shall be classified as crime category 8 of the sentencing guidelines
20 grid of the Oregon Criminal Justice Commission if:

21 (a) The violation constitutes delivery or manufacture of a controlled
22 substance and involves substantial quantities of a controlled substance. For
23 purposes of this paragraph, the following amounts constitute substantial
24 quantities of the following controlled substances:

25 (A) Five grams or more of a mixture or substance containing a detectable
26 amount of heroin;

27 (B) Five grams or more of a mixture or substance containing a detectable
28 amount of fentanyl, or any substituted derivative of fentanyl as defined by
29 the rules of the [*Oregon*] **State** Board of Pharmacy;

30 (C) Ten grams or more of a mixture or substance containing a detectable
31 amount of cocaine;

1 (D) Ten grams or more of a mixture or substance containing a detectable
2 amount of methamphetamine, its salts, isomers or salts of its isomers;

3 (E) Two hundred or more user units of a mixture or substance containing
4 a detectable amount of lysergic acid diethylamide;

5 (F) Sixty grams or more of a mixture or substance containing a detectable
6 amount of psilocybin or psilocin; or

7 (G) Five grams or more or 25 or more pills, tablets or capsules of a mix-
8 ture or substance containing a detectable amount of:

9 (i) 3,4-methylenedioxyamphetamine;

10 (ii) 3,4-methylenedioxymethamphetamine; or

11 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

12 (b) The violation constitutes possession, delivery or manufacture of a
13 controlled substance and the possession, delivery or manufacture is a com-
14 mercial drug offense. A possession, delivery or manufacture is a commercial
15 drug offense for purposes of this subsection if it is accompanied by at least
16 three of the following factors:

17 (A) The delivery was of heroin, cocaine, methamphetamine, lysergic acid
18 diethylamide, psilocybin or psilocin and was for consideration;

19 (B) The offender was in possession of \$300 or more in cash;

20 (C) The offender was unlawfully in possession of a firearm or other
21 weapon as described in ORS 166.270 (2), or the offender used, attempted to
22 use or threatened to use a deadly or dangerous weapon as defined in ORS
23 161.015, or the offender was in possession of a firearm or other deadly or
24 dangerous weapon as defined in ORS 161.015 for the purpose of using it in
25 connection with a controlled substance offense;

26 (D) The offender was in possession of materials being used for the pack-
27 aging of controlled substances such as scales, wrapping or foil, other than
28 the material being used to contain the substance that is the subject of the
29 offense;

30 (E) The offender was in possession of drug transaction records or cus-
31 tomer lists;

1 (F) The offender was in possession of stolen property;

2 (G) Modification of structures by painting, wiring, plumbing or lighting
3 to facilitate a controlled substance offense;

4 (H) The offender was in possession of manufacturing paraphernalia, in-
5 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-
6 lating or power generating equipment;

7 (I) The offender was using public lands for the manufacture of controlled
8 substances;

9 (J) The offender had constructed fortifications or had taken security
10 measures with the potential of injuring persons; or

11 (K) The offender was in possession of controlled substances in an amount
12 greater than:

13 (i) Three grams or more of a mixture or substance containing a detectable
14 amount of heroin;

15 (ii) Three grams or more of a mixture or substance containing a detect-
16 able amount of fentanyl, or any substituted derivative of fentanyl as defined
17 by the rules of the [*Oregon*] **State** Board of Pharmacy;

18 (iii) Eight grams or more of a mixture or substance containing a detect-
19 able amount of cocaine;

20 (iv) Eight grams or more of a mixture or substance containing a detect-
21 able amount of methamphetamine;

22 (v) Twenty or more user units of a mixture or substance containing a
23 detectable amount of lysergic acid diethylamide;

24 (vi) Ten grams or more of a mixture or substance containing a detectable
25 amount of psilocybin or psilocin; or

26 (vii) Four grams or more or 20 or more pills, tablets or capsules of a
27 mixture or substance containing a detectable amount of:

28 (I) 3,4-methylenedioxyamphetamine;

29 (II) 3,4-methylenedioxymethamphetamine; or

30 (III) 3,4-methylenedioxy-N-ethylamphetamine.

31 (c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868,

1 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

2 (d) The violation constitutes manufacturing methamphetamine and the
3 manufacturing consists of:

4 (A) A chemical reaction involving one or more precursor substances for
5 the purpose of manufacturing methamphetamine; or

6 (B) Grinding, soaking or otherwise breaking down a precursor substance
7 for the purpose of manufacturing methamphetamine.

8 (e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is
9 not described in ORS 475.907.

10 (2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as
11 crime category 6 of the sentencing guidelines grid of the Oregon Criminal
12 Justice Commission if:

13 (a) The violation constitutes delivery of heroin, cocaine, methamphet-
14 amine or 3,4-methylenedioxyamphetamine,
15 3,4-methylenedioxymethamphetamine or
16 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

17 (b) The violation constitutes possession of substantial quantities of a
18 controlled substance. For purposes of this paragraph, the following amounts
19 constitute substantial quantities of the following controlled substances:

20 (A) Five grams or more of a mixture or substance containing a detectable
21 amount of heroin;

22 (B) Five grams or more of a mixture or substance containing a detectable
23 amount of fentanyl, or any substituted derivative of fentanyl as defined by
24 the rules of the [Oregon] State Board of Pharmacy;

25 (C) Ten grams or more of a mixture or substance containing a detectable
26 amount of cocaine;

27 (D) Ten grams or more of a mixture or substance containing a detectable
28 amount of methamphetamine;

29 (E) Two hundred or more user units of a mixture or substance containing
30 a detectable amount of lysergic acid diethylamide;

31 (F) Sixty grams or more of a mixture or substance containing a detectable

1 amount of psilocybin or psilocin; or

2 (G) Five grams or more or 25 or more pills, tablets or capsules of a mix-
3 ture or substance containing a detectable amount of:

4 (i) 3,4-methylenedioxyamphetamine;

5 (ii) 3,4-methylenedioxymethamphetamine; or

6 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

7 (3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained
8 in subsection (1) or (2) of this section shall be classified as crime category
9 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commis-
10 sion if the violation involves delivery or manufacture of a controlled sub-
11 stance.

12 (4) In order to prove a commercial drug offense, the state shall plead in
13 the accusatory instrument sufficient factors of a commercial drug offense
14 under subsections (1) and (2) of this section. The state has the burden of
15 proving each factor beyond a reasonable doubt.

16 (5) As used in this section, “mixture or substance” means any mixture or
17 substance, whether or not the mixture or substance is in an ingestible or
18 marketable form at the time of the offense.

19 **NOTE:** Corrects official title in (1)(a)(B), (1)(b)(K)(ii) and (2)(b)(B).

20 **SECTION 42.** ORS 475.925 is amended to read:

21 475.925. When a person is convicted of the unlawful delivery or manufac-
22 ture of a controlled substance, the court shall sentence the person to a term
23 of incarceration ranging from:

24 (1) 58 months to 130 months, depending on the person’s criminal history,
25 if the delivery or manufacture involves:

26 (a) 500 grams or more of a mixture or substance containing a detectable
27 amount of cocaine;

28 (b) 500 grams or more of a mixture or substance containing a detectable
29 amount of methamphetamine, its salts, isomers or salts of its isomers;

30 (c) 100 grams or more of a mixture or substance containing a detectable
31 amount of heroin;

1 (d) 100 grams or more of a mixture or substance containing a detectable
2 amount of fentanyl, or any substituted derivative of fentanyl as defined by
3 the rules of the [*Oregon*] **State** Board of Pharmacy; or

4 (e) 100 grams or more or 500 or more pills, tablets or capsules of a mix-
5 ture or substance containing a detectable amount of ecstasy.

6 (2) 34 months to 72 months, depending on the person's criminal history,
7 if the delivery or manufacture involves:

8 (a) 100 grams or more of a mixture or substance containing a detectable
9 amount of cocaine;

10 (b) 100 grams or more of a mixture or substance containing a detectable
11 amount of methamphetamine, its salts, isomers or salts of its isomers;

12 (c) 50 grams or more of a mixture or substance containing a detectable
13 amount of heroin;

14 (d) 50 grams or more of a mixture or substance containing a detectable
15 amount of fentanyl, or any substituted derivative of fentanyl as defined by
16 the rules of the [*Oregon*] **State** Board of Pharmacy; or

17 (e) 50 grams or more or 250 or more pills, tablets or capsules of a mixture
18 or substance containing a detectable amount of ecstasy.

19 **NOTE:** Corrects official title in (1)(d) and (2)(d).

20 **SECTION 43.** ORS 476.132 is amended to read:

21 476.132. (1) The office of the State Fire Marshal shall increase the office's
22 wildfire readiness and response capacity to the extent the office receives
23 funding for the increase, by means including:

24 (a) Increasing fire prevention and response personnel and fire adminis-
25 trative support personnel to address planning, communications, training, de-
26 ployment and safety.

27 (b) Implementing innovative technologies and modernizing systems to ex-
28 pedite fire resource deployment in an efficient and safe manner.

29 (2) The State Fire Marshal may:

30 (a) Designate funding intended for the Oregon fire mutual aid system to
31 support [*prepositioning*] **pre-positioning** of resources and costs.

1 (b) Enter into contracts with federal or state agencies, other states, poli-
2 tical subdivisions, corporations and authorities having fire suppression ju-
3 risdiction for fire prevention, suppression, coordination and response.

4 **NOTE:** Adds hyphen to prevent misinterpretation in (2)(a).

5 **SECTION 44.** ORS 646.737 is amended to read:

6 646.737. (1) As used in this section:

7 (a) “Blackberry” means a bramble of the genus *Rubus* identified by State
8 Department of Agriculture rule as a blackberry.

9 (b) “Blackberry regulatory program” means the state regulatory program
10 described in subsection (2) of this section that is actively supervised by the
11 Director of Agriculture and that authorizes parties to engage in certain
12 collective bargaining and negotiations to establish the price of blackberries
13 to be produced and sold to dealers in the future.

14 (c) “Dealer” means:

15 (A) A dealer as defined in ORS 646.515; or

16 (B) A licensed food processor that is a cooperative.

17 (d) “Parties” or “party” means producers, cooperative bargaining associ-
18 ations, cooperatives or dealers that are participants in the blackberry regu-
19 latory program.

20 (2) It is the intent of this section and ORS 646.535 (2) and 646.740 [(10)]
21 (11) to displace competition with a regulatory program in the Oregon
22 blackberry industry to a limited degree. The regulatory program is intended
23 to grant immunity from federal and state antitrust laws to Oregon
24 blackberry producers and dealers for the limited purpose of allowing the
25 producers and the dealers to bargain collectively and to arrive at a negoti-
26 ated price for the sale of Oregon blackberries by the producers to the dealers.
27 The activities of any party that comply with this section may not be con-
28 sidered to be in restraint of trade, a conspiracy or combination or any other
29 unlawful activity in violation of any provision of ORS 646.705 to 646.826 or
30 federal antitrust laws.

31 (3) An Oregon blackberry cooperative or cooperative bargaining associ-

1 ation may negotiate with one or more dealers to establish the price at which
2 members of the cooperative or bargaining association will sell Oregon
3 blackberries to be produced by or under the control of members of the co-
4 operative or bargaining association. The dealers may negotiate the price of
5 Oregon blackberries through a committee that sets forth the views of the
6 dealers and votes on any issues being negotiated as authorized by this sec-
7 tion, including the price of Oregon blackberries. However, a person that is
8 both a member of an Oregon blackberry cooperative or cooperative bargain-
9 ing association and a member of a dealer described in subsection (1)(c)(B)
10 of this section may not participate in negotiations under this section.

11 (4) The director shall actively supervise the conduct of a party in estab-
12 lishing the price of Oregon blackberries to be produced and sold to dealers
13 at a future date. The director shall supervise the negotiations between the
14 parties, review the prices established by the negotiations and approve the
15 prices proposed by the parties before the prices take effect. Proposed prices
16 and any adjustments to previously approved prices must be approved by the
17 director before the prices or adjustments may be implemented.

18 (5) The director may compel the parties to take whatever action the di-
19 rector considers necessary to:

20 (a) Ensure that the parties are engaging in conduct that is authorized
21 under this section;

22 (b) Ensure that the policies of this state are being fulfilled under the
23 blackberry regulatory program; and

24 (c) Enjoin conduct by any of the parties that is not authorized by the
25 director or conduct that the director finds does not advance the interests of
26 this state in carrying out the blackberry regulatory program.

27 (6) The director may designate employees of the State Department of Ag-
28 riculture to carry out the responsibility of actively supervising the conduct
29 of the parties, including serving as intermediaries between prospective par-
30 ties.

31 (7) The director may adopt rules to carry out the director's authority

1 under this section. The director by rule shall set and collect fees from the
2 parties who are participants in the blackberry regulatory program. The fees
3 shall be deposited in the Department of Agriculture Account established
4 under ORS 561.150.

5 **NOTE:** Adjusts reference to renumbered subsection in (2). See section 47
6 (amending ORS 646.740).

7 **SECTION 45.** ORS 646.738 is amended to read:

8 646.738. (1) As used in this section:

9 (a) "Parties" or "party" means seed producers, seed associations, seed
10 cooperatives or seed dealers that participate in a state regulatory program
11 described in subsection (2) of this section.

12 (b) "Regulatory program" means a state regulatory program described in
13 subsection (2) of this section that is actively supervised by the Director of
14 Agriculture and that authorizes parties to engage in certain collective bar-
15 gaining and negotiations to establish the price of perennial ryegrass seed to
16 be produced and sold to perennial ryegrass seed dealers in the future, annual
17 ryegrass seed to be produced and sold to annual ryegrass seed dealers in the
18 future or tall fescue seed to be produced and sold to tall fescue seed dealers
19 in the future.

20 (2)(a) It is the intent of this section and ORS 646.535 (2) and 646.740
21 [(10)] (11) to displace competition with regulatory programs in the perennial
22 ryegrass seed, annual ryegrass seed and tall fescue seed industries to a lim-
23 ited degree. The regulatory programs are intended to grant immunity from
24 federal and state antitrust laws to perennial ryegrass seed, annual ryegrass
25 seed and tall fescue seed producers and perennial ryegrass seed, annual
26 ryegrass seed and tall fescue seed dealers for the limited purpose of allowing
27 the producers and the dealers to bargain collectively and to arrive at a ne-
28 gotiated price for the sale of seed by the producers to the dealers. The ac-
29 tivities of any party that comply with the provisions of this section may not
30 be considered to be in restraint of trade, a conspiracy or combination or any
31 other unlawful activity in violation of any provision of ORS 646.705 to

1 646.826 or federal antitrust laws.

2 (b) A seed cooperative or seed association for perennial ryegrass seed,
3 annual ryegrass seed or tall fescue seed may negotiate with one or more
4 dealers, as defined in ORS 646.515, of perennial ryegrass seed, annual
5 ryegrass seed or tall fescue seed to establish the price at which members of
6 the cooperative or association will sell perennial ryegrass seed, annual
7 ryegrass seed or tall fescue seed to be produced by its members or under the
8 control of its members. The seed dealers may negotiate the price of the seed
9 through a committee that sets forth the views of the dealers and votes on
10 any issues being negotiated as authorized by this section, including the price
11 of the seed.

12 (c) The Director of Agriculture is authorized to actively supervise the
13 conduct of perennial ryegrass seed, annual ryegrass seed and tall fescue seed
14 agricultural cooperatives organized under ORS chapter 62, representative
15 committees of perennial ryegrass seed, annual ryegrass seed or tall fescue
16 seed dealers and any perennial ryegrass seed, annual ryegrass seed or tall
17 fescue seed associations in establishing the price of perennial ryegrass seed,
18 annual ryegrass seed or tall fescue seed to be produced and sold to seed
19 dealers at a future date. The director is authorized to supervise the negoti-
20 ations between the parties, review the prices established by the negotiations
21 and approve the prices proposed by the parties before the prices take effect.
22 The director must approve the proposed prices and any adjustments to pre-
23 viously approved prices before the prices may be implemented.

24 (d) The director may compel the parties to take whatever action the di-
25 rector considers necessary to:

26 (A) Ensure that the parties are engaging in conduct that is authorized
27 under this section;

28 (B) Ensure that the policies of this state are being fulfilled under the
29 regulatory programs; and

30 (C) Enjoin conduct by any of the parties that is not authorized by the
31 director or conduct that the director finds does not advance the interests of

1 this state in carrying out the regulatory programs.

2 (e) The Director of Agriculture may adopt rules to carry out the director's
3 authority under this section.

4 (f) The director may designate persons as the director deems necessary to
5 carry out the responsibility of actively supervising the conduct of the par-
6 ties, including serving as intermediaries between prospective parties. Persons
7 designated by the director must be employees of the State Department of
8 Agriculture.

9 (g) The director by rule shall set and collect fees from the parties who
10 are participants in regulatory programs. The fees shall be deposited in the
11 Department of Agriculture Account established under ORS 561.150.

12 (h) The director shall supervise the labeling of perennial ryegrass seeds,
13 annual ryegrass seeds and tall fescue seeds to ensure compliance with ORS
14 633.520, 633.531 and 633.541.

15 **NOTE:** Adjusts reference to renumbered subsection in (2)(a). See section
16 47 (amending ORS 646.740).

17 **SECTION 46.** ORS 646.739 is amended to read:

18 646.739. (1) As used in this section:

19 (a) "Dealer" has the meaning given that term in ORS 646.515.

20 (b) "Parties" or "party" means Oregon seafood harvesters, Oregon seafood
21 harvester associations, Oregon seafood harvester cooperatives or dealers that
22 are participants in the state regulatory program described in subsection (2)
23 of this section.

24 (c) "Regulatory program" means the state regulatory program described
25 in subsection (2) of this section that is actively supervised by the Director
26 of Agriculture and that authorizes parties to engage in certain collective
27 bargaining and negotiations to establish the price of Oregon seafood to be
28 harvested and sold to dealers in the future.

29 (d) "Season starting price" means the price at which the parties agree to
30 sell Oregon seafood and at which the parties agree to pay for Oregon seafood
31 at the onset of a seafood harvesting season and for as long a period as the

1 parties to the negotiations determine.

2 (2)(a) It is the intent of this section and ORS 646.535 (2) and 646.740
3 [(11)] (12) to displace competition with a regulatory program in the Oregon
4 seafood harvesting industry to a limited degree. The regulatory program is
5 intended to grant immunity from federal and state antitrust laws to Oregon
6 seafood harvesters and dealers for the limited purpose of allowing the
7 harvesters and the dealers to bargain collectively and to arrive at a negoti-
8 ated season starting price for the sale of Oregon seafood by the harvesters
9 to the dealers. The activities of any party that comply with the provisions
10 of this section may not be considered to be in restraint of trade, a conspiracy
11 or combination or any other unlawful activity in violation of any provision
12 of ORS 646.705 to 646.826 or federal antitrust laws.

13 (b) An Oregon seafood harvester cooperative or Oregon seafood harvester
14 association may negotiate with one or more dealers to establish the season
15 starting price at which members of the cooperative or association will sell
16 Oregon seafood to be harvested by its members or under the control of its
17 members. The dealers may negotiate the season starting price of Oregon
18 seafood through a committee that sets forth the views of the dealers and
19 votes on any issues being negotiated as authorized by this section, including
20 the season starting price of Oregon seafood. Participation by a dealer in
21 season starting price negotiations is voluntary.

22 (c) If the dealers negotiate the season starting price through a committee
23 under paragraph (b) of this subsection, nonparticipating dealers are not
24 bound by the acts of the committee.

25 (d) Any agreements that arise from negotiations conducted under this
26 section are binding only on the parties that participate in the negotiations
27 and agree to be bound.

28 (e) The Director of Agriculture is authorized to actively supervise the
29 conduct of an Oregon seafood harvester cooperative organized under ORS
30 chapter 62, a representative committee of dealers and any Oregon seafood
31 harvester association in establishing the season starting price of Oregon

1 seafood to be harvested and sold to dealers at a future date. The director is
2 authorized to supervise the negotiations between the parties, review the
3 season starting prices established by the negotiations and approve the season
4 starting prices proposed by the parties before the season starting prices take
5 effect. The director must approve the proposed season starting prices and any
6 adjustments to previously approved season starting prices before the season
7 starting prices may be implemented.

8 (f) The director may compel the parties to take whatever action the di-
9 rector considers necessary to:

10 (A) Ensure that the parties are engaging in conduct that is authorized
11 under this section;

12 (B) Ensure that the policies of this state are being fulfilled under the
13 regulatory program; and

14 (C) Enjoin conduct by any of the parties that is not authorized by the
15 director or conduct that the director finds does not advance the interests of
16 this state in carrying out the regulatory program.

17 (g) The director may adopt rules to carry out the director's authority
18 under this section.

19 (h) The director may designate persons as the director deems necessary
20 to carry out the responsibility of actively supervising the conduct of the
21 parties, including serving as intermediaries between prospective parties.
22 Persons designated by the director must be employees of the State Depart-
23 ment of Agriculture.

24 (i) The director by rule shall set and collect fees from the parties who are
25 participants in a regulatory program. The fees shall be deposited in the De-
26 partment of Agriculture Account established under ORS 561.150.

27 **NOTE:** Adjusts reference to renumbered subsection in (2)(a). See section
28 47 (amending ORS 646.740).

29 **SECTION 47.** ORS 646.740 is amended to read:

30 646.740. The provisions of ORS 136.617, 646.705 to 646.805 and 646.990 may
31 not be construed to make the following illegal:

1 (1) The activities of any labor organization or individual working men
2 and women permitted by ORS chapters 661 to 663.

3 (2) The right of producers, as defined in ORS 646.515, and commercial
4 fishermen to join, belong to and act through cooperative bargaining associ-
5 ations under ORS 646.515 to 646.545. For the purpose of this subsection,
6 activities of cooperative bargaining associations and their members that are
7 lawful under 15 U.S.C. 521 and 522 or 7 U.S.C. 291 and 292 are lawful under
8 ORS 646.515 to 646.545.

9 (3) The activities of any person subject to regulation by the Public Utility
10 Commission under ORS chapters 756 to 759 to the extent that such activities
11 are so regulated and are lawful thereunder or the activities of any person
12 conducted or carried out in accordance with any agreement or procedure
13 approved as provided in 49 U.S.C. 5b or 5c.

14 (4) The activities of any person subject to regulation by the Director of
15 the Department of Consumer and Business Services under ORS chapters [731
16 to 750] **731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and**
17 **750** to the extent that such activities are so regulated and are lawful there-
18 under.

19 **(5) The activities of any person subject to regulation by the Oregon**
20 **Health Authority under ORS chapter 741 to the extent that such ac-**
21 **tivities are so regulated and are lawful thereunder.**

22 [(5)] (6) The activities of any state or national banking institution or
23 savings and loan association, and of any other lending institution, to the
24 extent that such activities are regulated by the Director of the Department
25 of Consumer and Business Services under ORS chapters 706 to 725 and are
26 lawful thereunder.

27 [(6)] (7) Any other activity specifically authorized under state law or local
28 ordinance.

29 [(7)] (8) The activities of any metropolitan service district formed under
30 ORS chapter 268 and the activities of any person subject to regulation by a
31 metropolitan service district formed under ORS chapter 268 to the extent

1 that those activities are so regulated and are lawful thereunder.

2 [(8)] (9) The activities of any person conducted or carried out in accord-
3 ance with the terms and conditions of a certificate issued pursuant to 15
4 U.S.C. 4001 to 4021.

5 [(9)] (10) The activities of a health care provider authorized by and in
6 accordance with ORS 442.700 to 442.760 to the extent the activities are reg-
7 ulated and lawful under ORS 442.700 to 442.760.

8 [(10)] (11) The negotiating activities of a dealer in agricultural commod-
9 ities that are carried out and supervised under ORS 646.737 or 646.738.

10 [(11)] (12) The negotiating activities of a dealer in Oregon seafood com-
11 modities that are carried out and supervised under ORS 646.739.

12 **NOTE:** Deconstructs inaccurate series reference in (4); clarifies regula-
13 tory agency for ORS chapter 741 in (5); renumbers subsequent subsections.

14 **SECTION 48.** ORS 659A.156 is amended to read:

15 659A.156. (1) All employees of a covered employer are eligible to take
16 leave for one of the purposes specified in ORS 659A.159 (1)(b) to (e) except:

17 (a) An employee who was employed by the covered employer for fewer
18 than 180 days immediately before the date on which the family leave would
19 commence.

20 (b) An employee who worked an average of fewer than 25 hours per week
21 for the covered employer during the 180 days immediately preceding the date
22 on which the family leave would commence.

23 (2) All employees of a covered employer are eligible to take leave for the
24 purpose specified in ORS 659A.159 (1)(a) except an employee who was em-
25 ployed by the covered employer for fewer than 180 days immediately before
26 the date on which the family leave would commence.

27 (3) Notwithstanding subsections (1) and (2) of this section, all employees
28 of a covered employer are eligible to take leave for one of the purposes
29 specified in ORS 659A.159 (1)(a) to (e) during a period of time covered by a
30 public health emergency except:

31 (a) An employee who worked for the covered employer for fewer than 30

1 days immediately before the date on which the family leave would commence;
2 or

3 (b) An employee who worked for the covered employer for an average of
4 fewer than 25 hours per week in the 30 days immediately before the date on
5 which the family leave would commence.

6 (4)(a) Notwithstanding subsections (1) and (2) of this section, an employee
7 of a covered employer is eligible to take leave for one of the purposes spec-
8 ified in ORS 659A.159 [(1)(b)] (1)(a) to (e) [or for the purpose specified in ORS
9 659A.159 (1)(a),] if the employee:

10 (A)(i) Separates from employment with the covered employer, irrespective
11 of any reason;

12 (ii) Is eligible to take leave under subsection (1) or (2) of this section at
13 the time the employee separates; and

14 (iii) Is reemployed by the covered employer within 180 days of separation
15 from employment; or

16 (B)(i) Is eligible to take leave under subsection (1) or (2) of this section
17 at the beginning of a temporary cessation of scheduled hours of 180 days or
18 less; and

19 (ii) Returns to work at the end of the temporary cessation of scheduled
20 hours of 180 days or less.

21 (b) Any family leave taken by the employee within any one-year period
22 continues to count against the length of time of family leave the employee
23 is entitled under ORS 659A.162.

24 (c) The amount of time that an employee is deemed to have worked for
25 a covered employer prior to a break in service due to a separation from em-
26 ployment or a temporary cessation of scheduled hours shall be restored to
27 the employee when the employee is reemployed by the employer within 180
28 days of separation from employment or when the employee returns to work
29 at the end of the temporary cessation of scheduled hours of 180 days or less.

30 **NOTE:** Condenses redundant citation and improves syntax in (4)(a).

31 **SECTION 49.** ORS 659A.885, as amended by section 10, chapter 197,

1 Oregon Laws 2017, section 6, chapter 139, Oregon Laws 2019, section 8,
2 chapter 343, Oregon Laws 2019, section 8, chapter 463, Oregon Laws 2019,
3 section 58, chapter 700, Oregon Laws 2019, section 13, chapter 701, Oregon
4 Laws 2019, section 46, chapter 367, Oregon Laws 2021, and section 9, chapter
5 99, Oregon Laws 2022, is amended to read:

6 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice
7 specified in subsection (2) of this section may file a civil action in circuit
8 court. In any action under this subsection, the court may order injunctive
9 relief and any other equitable relief that may be appropriate, including but
10 not limited to reinstatement or the hiring of employees with or without back
11 pay. A court may order back pay in an action under this subsection only for
12 the two-year period immediately preceding the filing of a complaint under
13 ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries,
14 or if a complaint was not filed before the action was commenced, the two-
15 year period immediately preceding the filing of the action. In any action
16 under this subsection, the court may allow the prevailing party costs and
17 reasonable attorney fees at trial and on appeal. Except as provided in sub-
18 section (3) of this section:

19 (a) The judge shall determine the facts in an action under this subsection;
20 and

21 (b) Upon any appeal of a judgment in an action under this subsection, the
22 appellate court shall review the judgment pursuant to the standard estab-
23 lished by ORS 19.415 (3).

24 (2) An action may be brought under subsection (1) of this section alleging
25 a violation of:

26 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2),
27 475C.285, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547,
28 653.549, 653.601 to 653.661, 657B.060, [and] 657B.070, 659.852, 659A.030,
29 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103
30 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,
31 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262,

1 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318,
2 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 or section 5,
3 chapter 99, Oregon Laws 2022; or

4 (b) ORS 653.470, except an action may not be brought for a claim relating
5 to ORS 653.450.

6 (3) In any action under subsection (1) of this section alleging a violation
7 of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060,
8 [and] 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
9 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230,
10 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357,
11 659A.370 or 659A.421:

12 (a) The court may award, in addition to the relief authorized under sub-
13 section (1) of this section, compensatory damages or \$200, whichever is
14 greater, and punitive damages;

15 (b) At the request of any party, the action shall be tried to a jury;

16 (c) Upon appeal of any judgment finding a violation, the appellate court
17 shall review the judgment pursuant to the standard established by ORS
18 19.415 (1); and

19 (d) Any attorney fee agreement shall be subject to approval by the court.

20 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this
21 section alleging a violation of ORS 652.220, the court may award punitive
22 damages if:

23 (a) It is proved by clear and convincing evidence that an employer has
24 engaged in fraud, acted with malice or acted with willful and wanton mis-
25 conduct; or

26 (b) An employer was previously adjudicated in a proceeding under this
27 section or under ORS 659A.850 for a violation of ORS 652.220.

28 (5) In any action under subsection (1) of this section alleging a violation
29 of ORS 653.060 or 659A.147, the court may award, in addition to the relief
30 authorized under subsection (1) of this section, compensatory damages or
31 \$200, whichever is greater.

1 (6) In any action under subsection (1) of this section alleging a violation
2 of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the
3 relief authorized under subsection (1) of this section, compensatory damages
4 or \$250, whichever is greater.

5 (7) In any action under subsection (1) of this section alleging a violation
6 of ORS 10.090 or 10.092, the court may award, in addition to the relief au-
7 thorized under subsection (1) of this section, a civil penalty in the amount
8 of \$720.

9 (8) Any individual against whom any distinction, discrimination or re-
10 striction on account of race, color, religion, sex, sexual orientation, gender
11 identity, national origin, marital status or age, if the individual is 18 years
12 of age or older, has been made by any place of public accommodation, as
13 defined in ORS 659A.400, by any employee or person acting on behalf of the
14 place or by any person aiding or abetting the place or person in violation
15 of ORS 659A.406 may bring an action against the operator or manager of the
16 place, the employee or person acting on behalf of the place or the aider or
17 abettor of the place or person. Notwithstanding subsection (1) of this sec-
18 tion, in an action under this subsection:

19 (a) The court may award, in addition to the relief authorized under sub-
20 section (1) of this section, compensatory and punitive damages;

21 (b) The operator or manager of the place of public accommodation, the
22 employee or person acting on behalf of the place, and any aider or abettor
23 shall be jointly and severally liable for all damages awarded in the action;

24 (c) At the request of any party, the action shall be tried to a jury;

25 (d) The court shall award reasonable attorney fees to a prevailing
26 plaintiff;

27 (e) The court may award reasonable attorney fees and expert witness fees
28 incurred by a defendant who prevails only if the court determines that the
29 plaintiff had no objectively reasonable basis for asserting a claim or no
30 reasonable basis for appealing an adverse decision of a trial court; and

31 (f) Upon any appeal of a judgment under this subsection, the appellate

1 court shall review the judgment pursuant to the standard established by ORS
2 19.415 (1).

3 (9) When the commissioner or the Attorney General has reasonable cause
4 to believe that a person or group of persons is engaged in a pattern or
5 practice of resistance to the rights protected by ORS 659A.145 or 659A.421
6 or federal housing law, or that a group of persons has been denied any of the
7 rights protected by ORS 659A.145 or 659A.421 or federal housing law, the
8 commissioner or the Attorney General may file a civil action on behalf of
9 the aggrieved persons in the same manner as a person or group of persons
10 may file a civil action under this section. In a civil action filed under this
11 subsection, the court may assess against the respondent, in addition to the
12 relief authorized under subsections (1) and (3) of this section, a civil penalty:

13 (a) In an amount not exceeding \$50,000 for a first violation; and

14 (b) In an amount not exceeding \$100,000 for any subsequent violation.

15 (10) In any action under subsection (1) of this section alleging a violation
16 of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing
17 law, when the commissioner is pursuing the action on behalf of an aggrieved
18 complainant, the court shall award reasonable attorney fees to the commis-
19 sioner if the commissioner prevails in the action. The court may award rea-
20 sonable attorney fees and expert witness fees incurred by a defendant that
21 prevails in the action if the court determines that the commissioner had no
22 objectively reasonable basis for asserting the claim or for appealing an ad-
23 verse decision of the trial court.

24 (11) In an action under subsection (1) or (9) of this section alleging a vi-
25 olation of ORS 659A.145 or 659A.421 or discrimination under federal housing
26 law:

27 (a) "Aggrieved person" includes a person who believes that the person:

28 (A) Has been injured by an unlawful practice or discriminatory housing
29 practice; or

30 (B) Will be injured by an unlawful practice or discriminatory housing
31 practice that is about to occur.

1 (b) An aggrieved person in regard to issues to be determined in an action
2 may intervene as of right in the action. The Attorney General may intervene
3 in the action if the Attorney General certifies that the case is of general
4 public importance. The court may allow an intervenor prevailing party costs
5 and reasonable attorney fees at trial and on appeal.

6 **NOTE:** Corrects compilation error in (2)(a) and (3).

7 **SECTION 50.** ORS 662.010 is amended to read:

8 662.010. (1) As used in ORS 662.010 to 662.130 [*and for the purposes of*
9 *those sections:*],

10 [(1)] “labor dispute” includes any controversy concerning terms or condi-
11 tions of employment, or concerning the association or representation of per-
12 sons in negotiating, fixing, maintaining, changing or seeking to arrange
13 terms or conditions of employment, regardless of whether or not the
14 disputants stand in the proximate relation of employer and employee.

15 (2) **For the purposes of ORS 662.010 to 662.130**, a case involves or grows
16 out of a labor dispute when:

17 (a) The case involves persons who are engaged in the same industry,
18 trade, craft or occupation, or who have direct or indirect interests therein,
19 or who are employees of the same employer, or who are members of the same
20 or an affiliated organization of employers or employees, whether such dispute
21 is:

22 [(a)] (A) Between one or more employers or associations of employers and
23 one or more employees or associations of employees;

24 [(b)] (B) Between one or more employers or associations of employers and
25 one or more employers or associations of employers; or

26 [(c)] (C) Between one or more employees or associations of employees and
27 one or more employees or associations of employees; or

28 (b) [*when*] The case involves any conflicting or competing interests in a
29 labor dispute of persons participating or interested therein.

30 (3) **For the purposes of ORS 662.010 to 662.130**, a person or association
31 is a person participating or interested in a labor dispute if relief is sought

1 against the person or association, and if the person or association:

2 (a) Is engaged in the same industry, trade, craft or occupation in which
3 such dispute occurs.

4 (b) Has a direct or indirect interest therein.

5 (c) Is a member, officer or agent of any association composed in whole
6 or in part of employers or employees engaged in such industry, trade, craft
7 or occupation.

8 **NOTE:** Restructures section in conformance with legislative style; con-
9 forms tabulation to legislative style in (2).

10 **SECTION 51.** ORS 662.020 is amended to read:

11 662.020. In the interpretation of ORS 662.010 to 662.130, and in determin-
12 ing the jurisdiction and authority of the courts of this state, as such juris-
13 diction and authority are defined and limited in those statutes, the public
14 policy of Oregon is declared as follows:

15 (1) [*Whereas*] Under prevailing economic conditions, developed with the
16 aid of governmental authority for owners of property to organize in a cor-
17 porate and other forms of ownership association, the individual unorganized
18 worker is commonly helpless to exercise actual liberty of contract and to
19 protect the individual unorganized worker's freedom of labor and thereby to
20 obtain acceptable terms and conditions of employment[.].

21 (2) [*wherefore,*] Though the worker should be free to decline to associate
22 with the worker's fellows, it is necessary that the worker have full freedom
23 of association, self-organization and designation of representatives of the
24 worker's own choosing to negotiate the terms and conditions of employment
25 and that the worker shall be free from the interference, restraint or coercion
26 of employers of labor, or their agents, in the designation of such represen-
27 tatives or in self-organization or in other concerted activities for the purpose
28 of collective bargaining or other mutual aid or protection[;].

29 (3) [*therefore,*] The definitions of and limitations contained in ORS 662.010
30 to 662.130 upon the jurisdiction and authority of the courts of this state
31 hereby are enacted.

1 **NOTE:** Restructures section in conformance with legislative style; mod-
2 ernizes syntax in (1), (2) and (3).

3 **SECTION 52.** ORS 741.300 is amended to read:

4 741.300. As used in ORS 741.001 to 741.540:

5 (1) “Coordinated care organization” has the meaning given that term in
6 ORS 414.025.

7 (2) “Essential health benefits” has the meaning given that term in ORS
8 731.097.

9 (3) “Health benefit plan” has the meaning given that term in ORS
10 743B.005.

11 (4) “Health care service contractor” has the meaning given that term in
12 ORS 750.005.

13 (5) “Health insurance” has the meaning given that term in ORS 731.162,
14 excluding disability income insurance.

15 (6) “Health insurance exchange” or “exchange” means the division of the
16 Oregon Health Authority that operates an American Health Benefit Ex-
17 change as described in 42 U.S.C. 18031, 18032, 18033 and 18041.

18 (7) “Health plan” means a health benefit plan or dental only benefit plan
19 offered by an insurer.

20 [(8) “Insurer” means an insurer as defined in ORS 731.106 that offers
21 health insurance, a health care service contractor, a prepaid managed care
22 health services organization or a coordinated care organization.]

23 [(9)] (8) “Insurance producer” has the meaning given that term in ORS
24 731.104.

25 **(9) “Insurer” means an insurer as defined in ORS 731.106 that offers**
26 **health insurance, a health care service contractor, a prepaid managed**
27 **care health services organization or a coordinated care organization.**

28 (10) “Prepaid managed care health services organization” has the meaning
29 given that term in ORS 414.025.

30 **(11) “Qualified health plan” means a health benefit plan certified**
31 **by the authority in accordance with the requirements, standards and**

1 **criteria adopted by the authority under ORS 741.310.**

2 **(12) “Small Business Health Options Program” or “SHOP” means a**
3 **health insurance exchange for small employers as described in 42**
4 **U.S.C. 18031.**

5 ~~[(11)]~~ **(13)** “State program” means a program providing medical assistance,
6 as defined in ORS 414.025, and any self-insured health benefit plan or health
7 plan offered to employees by the Public Employees’ Benefit Board or the
8 Oregon Educators Benefit Board.

9 ~~[(12) “Qualified health plan” means a health benefit plan certified by the~~
10 ~~authority in accordance with the requirements, standards and criteria adopted~~
11 ~~by the authority under ORS 741.310.]~~

12 ~~[(13) “Small Business Health Options Program” or “SHOP” means a health~~
13 ~~insurance exchange for small employers as described in 42 U.S.C. 18031.]~~

14 **NOTE:** Alphabetizes definitions.

15 **SECTION 53.** ORS 811.111 is amended to read:

16 811.111. (1) A person commits the offense of violating a speed limit if the
17 person:

18 (a) Drives a vehicle on an interstate highway, except for the portions of
19 interstate highway described in subsection (2) of this section, at a speed
20 greater than 65 miles per hour or, if a different speed is posted under ORS
21 810.180, at a speed greater than the posted speed.

22 (b) Notwithstanding paragraph (a) of this subsection, drives any of the
23 following vehicles at a speed greater than 55 miles per hour on any highway,
24 except for the portions of highway described in subsections (2) to (12) of this
25 section, or, if a different speed is posted under ORS 810.180, at a speed
26 greater than the posted speed:

27 (A) A motor truck with a gross vehicle weight rating of more than 10,000
28 pounds or a truck tractor with a gross vehicle weight rating of more than
29 8,000 pounds.

30 (B) A school bus.

31 (C) A school activity vehicle.

1 (D) A worker transport bus.

2 (E) A bus operated for transporting children to and from church or an
3 activity or function authorized by a church.

4 (F) Any vehicle used in the transportation of persons for hire by a
5 nonprofit entity.

6 (c) Drives a vehicle or conveyance on any part of the ocean shore in this
7 state at a speed greater than any of the following:

8 (A) Any designated speed for ocean shores that is established and posted
9 under ORS 810.180.

10 (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

11 (d) Except as otherwise provided in this section, drives a vehicle upon a
12 highway at a speed greater than a speed posted by authority granted under
13 ORS 810.180 or, if no designated speed is posted, the following:

14 (A) Fifteen miles per hour when driving on an alley or a narrow resi-
15 dential roadway.

16 (B) Twenty miles per hour in a business district.

17 (C) Twenty-five miles per hour in a public park.

18 (D) Twenty-five miles per hour on a highway in a residence district if the
19 highway is not an arterial highway.

20 (E) Sixty-five miles per hour on an interstate highway.

21 (F) Fifty-five miles per hour in locations not otherwise described in this
22 paragraph.

23 (e) Drives a vehicle in a school zone at a speed greater than 20 miles per
24 hour if the school zone is:

25 (A) A segment of highway described in ORS 801.462 (1)(a) and:

26 (i) The school zone has a flashing light used as a traffic control device
27 and operated as provided under ORS 810.243; or

28 (ii) If the school zone does not have a flashing light used as a traffic
29 control device, the person drives in the school zone between 7 a.m. and 5 p.m.
30 on a day when school is in session.

31 (B) A crosswalk described in ORS 801.462 (1)(b) and:

1 (i) A flashing light is used as a traffic control device and operated as
2 provided under ORS 810.243; or

3 (ii) Children are present, as described in ORS 811.124.

4 (2) A person commits the offense of violating a speed limit if the person
5 drives a vehicle on the portion of Interstate 84 beginning at the eastern city
6 limit of The Dalles and ending at the Idaho state line at a speed greater
7 than:

8 (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of
9 this section; or

10 (b) Seventy miles per hour for all other vehicles.

11 (3) A person commits the offense of violating a speed limit if the person
12 drives a vehicle on the portion of [State] U.S. Highway 95 beginning at the
13 Idaho state line and ending at the Nevada state line at a speed greater than:

14 (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of
15 this section; or

16 (b) Seventy miles per hour for all other vehicles.

17 (4) A person commits the offense of violating a speed limit if the person
18 drives a vehicle on the portion of [State] U.S. Highway 20 beginning in
19 Bend and ending in Ontario at a speed greater than:

20 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
21 section; or

22 (b) Sixty-five miles per hour for all other vehicles.

23 (5) A person commits the offense of violating a speed limit if the person
24 drives a vehicle on the portion of [State] U.S. Highway 197 beginning in
25 The Dalles and ending at its intersection with [State] U.S. Highway 97 and
26 the portion of [State] U.S. Highway 97 beginning at its intersection with
27 [State] U.S. Highway 197 and ending at the California state line at a speed
28 greater than:

29 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
30 section; or

31 (b) Sixty-five miles per hour for all other vehicles.

1 (6) A person commits the offense of violating a speed limit if the person
2 drives a vehicle on the portion of State Highway 31 beginning in Valley Falls
3 and ending in La Pine at a speed greater than:

4 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
5 section; or

6 (b) Sixty-five miles per hour for all other vehicles.

7 (7) A person commits the offense of violating a speed limit if the person
8 drives a vehicle on the portion of State Highway 78 beginning in Burns
9 Junction and ending in Burns at a speed greater than:

10 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
11 section; or

12 (b) Sixty-five miles per hour for all other vehicles.

13 (8) A person commits the offense of violating a speed limit if the person
14 drives a vehicle on the portion of [State] U.S. Highway 395 beginning in
15 Burns and ending in John Day at a speed greater than:

16 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
17 section; or

18 (b) Sixty-five miles per hour for all other vehicles.

19 (9) A person commits the offense of violating a speed limit if the person
20 drives a vehicle on the portion of [State] U.S. Highway 395 beginning in
21 Riley and ending at the California state line at a speed greater than:

22 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
23 section; or

24 (b) Sixty-five miles per hour for all other vehicles.

25 (10) A person commits the offense of violating a speed limit if the person
26 drives a vehicle on the portion of Oregon Route 205 beginning in Burns and
27 ending in Frenchglen at a speed greater than:

28 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
29 section; or

30 (b) Sixty-five miles per hour for all other vehicles.

31 (11) A person commits the offense of violating a speed limit if the person

1 drives a vehicle on the portion of [State] U.S. Highway 26 beginning in
2 John Day and ending in Vale at a speed greater than:

3 (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this
4 section; or

5 (b) Sixty-five miles per hour for all other vehicles.

6 (12) A person commits the offense of violating a speed limit if the person
7 drives a vehicle on the portion of Interstate 82 beginning at the Washington
8 state line and ending at its intersection with Interstate 84 at a speed greater
9 than:

10 (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of
11 this section; or

12 (b) Seventy miles per hour for all other vehicles.

13 (13) The speed limits described in subsections (3) to (5) of this section do
14 not apply to portions of highways inside of a city in this state.

15 (14) The offense described in this section, violating a speed limit, is
16 punishable as provided in ORS 811.109.

17 **NOTE:** Correct name of highways in (3), (4), (5), (8), (9) and (11).

18
