

DRAFT

SUMMARY

Digest: The Act would make technical changes to certain laws. (Flesch Readability Score: 75.5).

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

1
2 Relating to correction of erroneous material in Oregon law; creating new
3 provisions; and amending ORS 30.835, 94.779, 105.124, 147.005, 173.615,
4 174.535, 192.610, 196.515, 197A.110, 197A.370, 253.005, 327.829, 366.744,
5 366.924, 413.213, 414.245, 415.501, 421.173, 421.175, 427.265, 430.717, 443.485,
6 456.603, 468.463, 468.469, 468.498, 468A.193, 468B.522, 475C.582, 475C.644,
7 475C.648 and 656.260 and section 7, chapter 89, Oregon Laws 2022, section
8 1, chapter 37, Oregon Laws 2024, and sections 5, 7 and 14, chapter 97,
9 Oregon Laws 2024.

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

11 **SECTION 1.** ORS 174.535 is amended to read:

12 174.535. It is the policy of the Legislative Assembly to revise sections from
13 Oregon Revised Statutes and Oregon law periodically in order to maintain
14 accuracy. However, nothing in chapter 740, Oregon Laws 1983, chapter 565,
15 Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws
16 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon
17 Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997,
18 chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14,
19 Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws

1 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter
2 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws
3 2017, chapter 13, Oregon Laws 2019, chapter 97, Oregon Laws 2021, [or]
4 chapter 9, Oregon Laws 2023, **or this 2025 Act**, is intended to alter the leg-
5 islative intent or purpose of statutory sections affected by chapter 740,
6 Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws
7 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991,
8 chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995,
9 chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104,
10 Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws
11 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter
12 9, Oregon Laws 2011, chapter 1, Oregon Laws 2013, chapter 27, Oregon Laws
13 2015, chapter 17, Oregon Laws 2017, chapter 13, Oregon Laws 2019, chapter
14 97, Oregon Laws 2021, [and] chapter 9, Oregon Laws 2023, **and this 2025 Act**,
15 except insofar as the amendments thereto, or repeals thereof, specifically
16 require.

17 **NOTE:** Sets forth Reviser’s Bill policy statement.

18 **SECTION 2.** ORS 30.835 is amended to read:

19 30.835. (1) As used in this section:

20 (a) “Disclose” includes, but is not limited to, transfer, publish, distribute,
21 exhibit, advertise and offer.

22 (b) “Injure” means to subject another to bodily injury or death.

23 (c) “Harass” means to subject another to severe emotional distress such
24 that the individual experiences anxiety, fear, torment or apprehension that
25 may or may not result in a physical manifestation of severe emotional dis-
26 tress or a mental health diagnosis and is protracted rather than merely
27 trivial or transitory.

28 (d) “Personal information” means:

29 (A) The plaintiff’s home address, personal electronic mail address, per-
30 sonal phone number or Social Security number;

31 (B) Contact information for the plaintiff’s employer;

1 (C) Contact information for a family member of the plaintiff;

2 (D) Photographs of the plaintiff's children; or

3 (E) Identification of the school that the plaintiff's children attend.

4 (e) "Stalk" means conduct constituting the crime of stalking under ORS
5 163.732 or conduct that would give rise to an action for issuance or violation
6 of a stalking protective order under ORS 30.866.

7 (2) A plaintiff has a cause of action for improper disclosure of private
8 information if the plaintiff establishes by a preponderance of the evidence
9 that:

10 (a) The defendant, with the intent to stalk, harass or injure the plaintiff,
11 knowingly caused personal information to be disclosed;

12 (b) The defendant knew or reasonably should have known that the
13 plaintiff did not consent to the disclosure;

14 (c) The plaintiff is stalked, harassed or injured by the disclosure; and

15 (d) A reasonable person would be stalked, harassed or injured by the
16 disclosure.

17 (3) A plaintiff who prevails in a claim under this section may recover:

18 (a) Economic and noneconomic damages, as those terms are defined in
19 ORS [31.710] **31.705**;

20 (b) Punitive damages;

21 (c) Injunctive relief;

22 (d) Reasonable attorney fees; and

23 (e) Any other appropriate equitable relief.

24 (4) An action under this section must be commenced not later than two
25 years after the conduct that gives rise to a claim for relief occurred.

26 **NOTE:** Corrects citation in (3)(a).

27 **SECTION 3.** ORS 94.779 is amended to read:

28 94.779. (1) A provision of a planned community's governing document or
29 landscaping or architectural guidelines that imposes irrigation requirements
30 on an owner or the association is void and unenforceable while any of the
31 following is in effect:

1 (a) A declaration by the Governor that a severe, continuing drought exists
2 or is likely to occur in a political subdivision within which the planned
3 community is located;

4 (b) A finding by the Water Resources Commission that a severe, contin-
5 uing drought exists or is likely to occur in a political subdivision within
6 which the planned community is located;

7 (c) An ordinance adopted by the governing body of a political subdivision
8 within which the planned community is located that requires conservation
9 or curtailment of water use; or

10 (d) A rule adopted by the association under subsection (2) of this section
11 to reduce or eliminate irrigation water use.

12 (2) Notwithstanding any provision of a planned community's governing
13 documents or landscaping or architectural guidelines imposing irrigation
14 requirements on an owner or the association, an association may adopt rules
15 that:

16 (a) Require the reduction or elimination of irrigation on any portion of
17 the planned community.

18 (b) Permit or require the replacement of turf or other landscape vege-
19 tation with xeriscape on any portion of the planned community.

20 (c) Require prior review and approval by the association or its designee
21 of any plans by an owner or the association to replace turf or other land-
22 scape vegetation with xeriscape.

23 (d) Require the use of best practices and industry standards to reduce the
24 landscaped areas and minimize irrigation of existing landscaped areas of
25 common property where turf is necessary for the function of the landscaped
26 area.

27 (3) Except as provided in subsections (4) and (5) of this section, if adopted
28 on or after January 1, 2018, the following provisions of a planned
29 community's governing document are void and unenforceable:

30 (a) A provision that prohibits or restricts the use of the owner's unit or
31 lot as the premises of an exempt family child care provider participating in

1 the subsidy program under ORS 329A.500; or

2 (b) If the unit does not share a wall, floor or ceiling surface in common
3 with another unit, a provision that prohibits or restricts the use of the
4 owner's unit or lot as a certified or registered family child care home pur-
5 suant to ORS 329A.250 to 329A.450.

6 (4) Subsection (3) of this section does not prohibit a homeowners associ-
7 ation from adopting or enforcing a provision of the planned community's
8 governing document that regulates parking, noise, odors, nuisance, use of
9 common property or activities that impact the cost of insurance policies held
10 by the planned community, provided the provision:

11 (a) Is reasonable; and

12 (b) Does not have the effect of prohibiting or restricting the use of a unit
13 or lot as the premises of an exempt family child care provider participating
14 in the subsidy program under ORS 329A.500 or as a certified or registered
15 family child care home pursuant to ORS 329A.250 to 329A.450.

16 (5)(a) Subsection (3) of this section does not apply to planned communities
17 that provide housing for older persons.

18 (b) As used in this subsection, "housing for older persons" has the mean-
19 ing given that term in ORS 659A.421.

20 (6) A provision in a planned community's governing document that re-
21 stricts or prohibits the installation or use of a portable cooling device, as
22 defined in ORS [90.335 (1)] **90.355**, is void and unenforceable, unless:

23 (a) The installation or use of the device would:

24 (A) Violate building codes or state or federal law; or

25 (B) Violate the device manufacture's written safety guidelines for the de-
26 vice; or

27 (b) The restrictions are only to require that the device be removed from
28 October 1 through April 30.

29 **NOTE:** Corrects citation in (6).

30 **SECTION 4.** ORS 105.124 is amended to read:

31 105.124. For a complaint described in ORS 105.123, if ORS chapter 90 ap-

1 plies to the dwelling unit:

2 (1) The complaint must be in substantially the following form and be
3 available from the clerk of the court:

4 _____

5 IN THE CIRCUIT COURT

6 FOR THE COUNTY OF

7 _____

8 No. _____

9
10 RESIDENTIAL EVICTION COMPLAINT

11
12 PLAINTIFF (Landlord or agent):

13 _____

14 _____

15 Address: _____

16 City: _____

17 State: _____ Zip: _____

18 Telephone: _____

19
20 vs.

21
22 DEFENDANT (Tenants/Occupants):

23 _____

24 _____

25 MAILING ADDRESS: _____

26 City: _____

27 State: _____ Zip: _____

28 Telephone: _____

29
30 1.

31 Tenants are in possession of the dwelling unit, premises or rental prop-

1 erty described above or located at:

2

3 _____

4

5

2.

6

Landlord is entitled to possession of the property because of:

7

8

_____ 24-hour notice for personal

9

injury, substantial damage, extremely

10

outrageous act or unlawful occupant.

11

ORS 90.396 or 90.403.

12

_____ 24-hour or 48-hour notice for

13

violation of a drug or alcohol

14

program. ORS 90.398.

15

_____ 24-hour notice for perpetrating

16

domestic violence, sexual assault or

17

stalking. ORS 90.445.

18

_____ 72-hour notice for

19

nonpayment of rent in a week-to-week

20

tenancy. ORS 90.394 (1).

21

_____ 7-day notice with stated cause in

22

a week-to-week tenancy. ORS 90.392 (6).

23

_____ 10-day notice for a pet violation,

24

a repeat violation in a month-to-month

25

tenancy or without stated cause in a

26

week-to-week tenancy. ORS 90.392 (5),

27

90.405 or 90.427 (2).

28

_____ 10-day or 13-day notice for nonpayment

29

of rent. ORS 90.394 (2).

30

_____ 20-day notice for a repeat violation.

31

ORS 90.630 [(5)] (6).

1 _____ 30-day, 60-day or 180-day notice without
2 stated cause in a month-to-month
3 tenancy. ORS 90.427 (3)(b) or (8)(a)(B)
4 or (C) or 90.429.

5 _____ 30-day notice with stated cause.
6 ORS 90.392, 90.630 or 90.632:

7 _____ The stated cause is for
8 nonpayment as defined in ORS 90.395.

9 _____ 60-day notice with stated cause.
10 ORS 90.632.

11 _____ 90-day notice with stated cause.
12 ORS 90.427 (5) or (7).

13 _____ Notice to bona fide tenants after
14 foreclosure sale or termination of
15 fixed term tenancy after foreclosure
16 sale. ORS 86.782 (6)(c).

17 _____ Other notice _____

18 _____ No notice (explain) _____

19

20 A COPY OF THE NOTICE RELIED UPON, IF ANY, IS ATTACHED

21

22 3.

23 If the landlord uses an attorney, the case goes to trial and the landlord
24 wins in court, the landlord can collect attorney fees from the defendant
25 pursuant to ORS 90.255 and 105.137 (3).

26 Landlord requests judgment for possession of the premises, court costs,
27 disbursements and attorney fees.

28 I certify that the allegations and factual assertions in this complaint are
29 true to the best of my knowledge.

30

31 _____

1 Signature of landlord or agent.

2

3 (2) The complaint must be signed by the plaintiff, or an attorney repre-
4 senting the plaintiff as provided by ORCP 17, or verified by an agent or
5 employee of the plaintiff or an agent or employee of an agent of the plaintiff.

6 (3) A copy of the notice relied upon, if any, must be attached to the
7 complaint.

8 **NOTE:** Updates citation in (1) part 2.

9 **SECTION 5.** ORS 147.005 is amended to read:

10 147.005. As used in ORS 147.005 to 147.367 unless the context requires
11 otherwise:

12 (1) "Applicant" means:

13 (a) Any victim of a compensable crime who applies to the Department of
14 Justice for compensation under ORS 147.005 to 147.367;

15 (b) Any person who was a dependent of a deceased victim at the time of
16 the death of that victim;

17 (c) Any person who is a survivor of a deceased victim; or

18 (d) Any person eligible for compensation under ORS 147.025.

19 (2) "Board" means the Workers' Compensation Board.

20 (3) "Child" means an unmarried person who is under 18 years of age and
21 includes a posthumous child, stepchild or an adopted child.

22 (4) "Cleaning expenses" means expenses reasonably related to the clean-
23 ing of, and the removal of any organic or inorganic matter from, a private
24 residence or place of business due to physical injury to or the death of a
25 person, or conduct that caused physical injury to or the death of a person.

26 (5) "Compensable crime" means abuse of corpse in any degree or an in-
27 tentional, knowing, reckless or criminally negligent act that results in injury
28 or death of another person and that, if committed by a person of full legal
29 capacity, would be punishable as a crime in this state.

30 (6) "Counseling" has the meaning given that term by the department by
31 rule.

1 **(7) “Department” means the Department of Justice.**

2 [(7)] **(8) “Dependent”** means such relatives of a deceased victim who
3 wholly or partially were dependent upon the victim’s income at the time of
4 death or would have been so dependent but for the victim’s incapacity due
5 to the injury from which the death resulted.

6 [(8) *“Department” means the Department of Justice.*]

7 **(9) “Funeral expenses”** means expenses of the funeral, burial, cremation,
8 reduction or other chosen method of interment, including plot or tomb and
9 other necessary incidents to the disposition of the remains and also includ-
10 ing, in the case of abuse of corpse in any degree, reinterment.

11 **(10) “Injury”** means abuse of a corpse, actual bodily harm, mental or
12 emotional harm and, with respect to a victim, includes pregnancy and mental
13 or nervous shock.

14 **(11) “International terrorism”** means activities that:

15 (a) Involve violent acts or acts dangerous to human life that are a vio-
16 lation of the criminal laws of the United States or any state or that would
17 be a criminal violation if committed within the jurisdiction of the United
18 States or of any state;

19 (b) Appear to be intended to:

20 (A) Intimidate or coerce a civilian population;

21 (B) Influence the policy of a government by intimidation or coercion; or

22 (C) Affect the conduct of a government by assassination or kidnapping;

23 and

24 (c) Occur primarily outside the territorial jurisdiction of the United
25 States or transcend national boundaries in terms of the means by which they
26 are accomplished, the persons they appear intended to intimidate or coerce,
27 or the locale in which their perpetrators operate or seek asylum.

28 **(12) “Involved in the hearing”** and **“involved in the oral argument”** have
29 the meaning given those terms by the department by rule.

30 **(13) “Law enforcement official”** means a sheriff, constable, marshal, mu-
31 nicipal police officer, police officer commissioned by a university under ORS

1 352.121 or 353.125 or member of the Oregon State Police and such other
2 persons as may be designated by law as a peace officer.

3 (14) "Reduction" has the meaning given that term in ORS 97.010.

4 (15) "Relative" means a person related to the victim within the third de-
5 gree as determined by the common law, a spouse, or an individual related to
6 the spouse within the third degree as so determined and includes an indi-
7 vidual in an adoptive relationship.

8 (16) "Survivor" means any spouse, parent, grandparent, guardian, sibling,
9 child or other immediate family member or household member of a deceased
10 victim, or a person to whom a deceased victim was engaged to be married
11 when the compensable crime occurred.

12 (17) "Victim" means:

13 (a) A person:

14 (A) Killed or injured in this state as a result of a compensable crime
15 perpetrated or attempted against that person;

16 (B) Killed or injured in this state while attempting to assist a person
17 against whom a compensable crime is being perpetrated or attempted, if that
18 attempt of assistance would be expected of a reasonable person under the
19 circumstances;

20 (C) Killed or injured in this state while assisting a law enforcement offi-
21 cial to apprehend a person who has perpetrated a crime or to prevent the
22 perpetration of any such crime, if that assistance was in response to the
23 express request of the law enforcement official;

24 (D) Killed or injured in another state as a result of a criminal episode
25 that began in this state;

26 (E) Who is an Oregon resident killed or injured as a result of a
27 compensable crime perpetrated or attempted against the person in a state,
28 within the United States, without a reciprocal crime victims' compensation
29 program; or

30 (F) Who is an Oregon resident killed or injured by an act of international
31 terrorism committed outside the United States; or

1 (b) In the case of abuse of corpse in any degree, the corpse or a relative
2 of the corpse.

3 **NOTE:** Alphabetizes definitions in (7) and (8).

4 **SECTION 6.** ORS 173.615 is amended to read:

5 173.615. (1)(a) The Legislative Policy and Research Committee shall con-
6 sist of the Speaker of the House of Representatives, the President of the
7 Senate, members of the House appointed by the Speaker so that there is an
8 equal number of majority party and minority party members of the House
9 including the Speaker, and members of the Senate appointed by the President
10 so that there is an equal number of majority party and minority party
11 members of the Senate including the President. The Speaker of the House
12 of Representatives and the President of the Senate may each designate, from
13 among the members of the appropriate house, majority party and minority
14 party alternates to exercise powers as members of the committee.

15 (b) The appointing authorities shall appoint members of a new committee
16 within 30 days after the earlier of:

17 (A) The date of the convening of an odd-numbered year regular session
18 of the Legislative Assembly; or

19 (B) The date of the convening of an organizational session of the odd-
20 numbered year regular session of the Legislative Assembly.

21 (2)(a) The term of a member of the committee shall expire upon the earlier
22 of:

23 (A) The date of the convening of the odd-numbered year regular session
24 of the Legislative Assembly next following the member's appointment; or

25 (B) The date of the convening of an organizational session of the odd-
26 numbered year regular session of the Legislative Assembly next following the
27 member's appointment.

28 (b) Vacancies occurring in the membership of the committee shall be
29 filled by the appointing authority so as to ensure an equal number of ma-
30 jority party and minority party members from the appropriate house.

31 (3) The committee has a continuing existence and may meet, act and

1 conduct its business during the sessions of the Legislative Assembly or any
2 recess thereof, and in the interim period between sessions, but the committee
3 has no authority to affect the rules of either house.

4 (4) The committee may appoint advisory committees or subcommittees.
5 [*Except as otherwise provided in this subsection,*] Individuals other than
6 members of the Legislative Assembly may serve on such advisory committees
7 or subcommittees. A member of an advisory committee or subcommittee who
8 is not a member of the Legislative Assembly shall be compensated and re-
9 imburged in the manner provided in ORS 292.495.

10 (5) The committee may not transact business unless a quorum is present.
11 A quorum consists of a majority of committee members from the House of
12 Representatives and a majority of committee members from the Senate.

13 (6) Action by the committee requires the affirmative vote of a majority
14 of committee members from the House of Representatives and a majority of
15 committee members from the Senate.

16 **NOTE:** Deletes nonsensical phrase in (4).

17 **SECTION 7.** ORS 192.610 is amended to read:

18 192.610. As used in ORS 192.610 to 192.705:

19 (1) "Convening" means:

20 (a) Gathering in a physical location;

21 (b) Using electronic, video or telephonic technology to be able to com-
22 municate contemporaneously among participants;

23 (c) Using serial electronic written communication among participants; or

24 (d) Using an intermediary to communicate among participants.

25 (2) "Decision" means any determination, action, vote or final disposition
26 upon a motion, proposal, resolution, order, ordinance or measure on which
27 a vote of a governing body is required, at any meeting at which a quorum
28 is present.

29 (3) "Deliberation" means discussion or communication that is part of a
30 decision-making process.

31 (4) "Executive session" means any meeting or part of a meeting of a

1 governing body [*which*] **that** is closed to certain persons for deliberation on
2 certain matters.

3 (5) “Governing body” means the members of any public body [*which*] **that**
4 consists of two or more members, with the authority to make decisions for
5 or recommendations to a public body on policy or administration.

6 [(6) “Public body” means the state, any regional council, county, city or
7 district, or any municipal or public corporation, or any board, department,
8 commission, council, bureau, committee or subcommittee or advisory group or
9 any other agency thereof.]

10 [(7)(a)] **(6)(a)** “Meeting” means the convening of a governing body of a
11 public body for which a quorum is required in order to make a decision or
12 to deliberate toward a decision on any matter.

13 (b) “Meeting” does not include any on-site inspection of any project or
14 program or the attendance of members of a governing body at any national,
15 regional or state association to which the public body or the members be-
16 long.

17 **(7) “Public body” means the state, any regional council, county, city**
18 **or district, or any municipal or public corporation, or any board, de-**
19 **partment, commission, council, bureau, committee or subcommittee**
20 **or advisory group or any other agency thereof.**

21 **NOTE:** Improves syntax in (4) and (5); alphabetizes definitions in (6) and
22 (7).

23 **SECTION 8.** ORS 196.515 is amended to read:

24 196.515. ORS 196.405 to [196.485] **196.515** shall be known as the Oregon
25 Ocean Resources Management Act.

26 **NOTE:** Standardizes series reference.

27 **SECTION 9.** ORS 197A.110 is amended to read:

28 197A.110. (1) No later than February 1 of each year, each city with a
29 population of 10,000 or greater shall submit to the Department of Land
30 Conservation and Development a report for the immediately preceding cal-
31 endar year setting forth:

1 (a) The number of residential units permitted and the number produced,
2 segmented by:

3 (A) Single-family homes.

4 (B) Accessory dwelling units.

5 (C) Units of middle housing.

6 (D) Multifamily residential units, not including middle housing.

7 (E) Units with accessibility features or of an accessibility category as
8 recognized by a building code established under ORS chapter 455.

9 (b) For each segment under paragraph (a) of this subsection, the number
10 of units that were subject to a recorded agreement that runs with the land
11 and that requires affordability for an established income level for a defined
12 period, but that would not be included in the inventory of publicly supported
13 housing described in ORS 456.601 [(3)(a)] (4)(a).

14 (2) The Department of Land Conservation and Development, in consulta-
15 tion with the Housing and Community Services Department, shall develop a
16 format by which data required under this section must be submitted. The
17 Department of Land Conservation and Development shall provide a copy of
18 any form or notice of the format to each city required to provide a report.

19 (3) The Department of Land Conservation and Development shall provide
20 a copy of the data received under this section to the Oregon Department of
21 Administrative Services and the Housing and Community Services Depart-
22 ment by July 1 of each year.

23 **NOTE:** Corrects citation in (1)(b).

24 **SECTION 10.** ORS 197A.370 is amended to read:

25 197A.370. (1) [A metropolitan service district organized under ORS chapter
26 268] **Metro** shall compile and report to the Department of Land Conservation
27 and Development on performance measures as described in this section at
28 least once every two years. The information shall be reported in a manner
29 prescribed by the department.

30 (2) Performance measures subject to subsection (1) of this section shall
31 be adopted by [a metropolitan service district] **Metro** and shall include but

1 are not limited to measures that analyze the following:

2 (a) The rate of conversion of vacant land to improved land;

3 (b) The density and price ranges of residential development, including
4 both single family and multifamily residential units;

5 (c) The level of job creation within individual cities and the urban areas
6 of a county inside [*the metropolitan service district*] **Metro**;

7 (d) The number of residential units added to small sites assumed to be
8 developed in [*the metropolitan service district's*] **Metro's** inventory of avail-
9 able lands but which can be further developed, and the conversion of existing
10 spaces into more compact units with or without the demolition of existing
11 buildings;

12 (e) The amount of environmentally sensitive land that is protected and
13 the amount of environmentally sensitive land that is developed;

14 (f) The sales price of vacant land;

15 (g) Residential vacancy rates;

16 (h) Public access to open spaces; and

17 (i) Transportation measures including mobility, accessibility and air
18 quality indicators.

19 **NOTE:** Updates terminology in (1), (2), (2)(c) and (d).

20 **SECTION 11. Notwithstanding any other provision of law, ORS**
21 **243.650 to 243.809 is considered to be identical to ORS 243.650 to 243.762**
22 **for the purpose of statutory compilation or for the application of de-**
23 **finitions, penalties or administrative provisions applicable to statute**
24 **sections in that series.**

25 **NOTE:** Ratifies appropriate series reference in ORS 240.321 (2) to conform
26 to reference that was editorially adjusted in 2019.

27 **SECTION 12. ORS 253.005 is amended to read:**

28 253.005. As used in this chapter:

29 (1) **“Absent elector” means a person to whom the county clerk has**
30 **issued a ballot prior to the date that ballots are mailed to electors as**
31 **provided in ORS 254.470 (2)(a) or (b).**

1 [(1)] (2) “Clerk” means the county clerk.

2 [(2)] (3) “County clerk” means the county clerk or the county official in
3 charge of elections.

4 [(3)] (4) “Elector” means an individual qualified to vote under [section
5 2,] Article II, **section 2**, Oregon Constitution.

6 [(4) “Absent elector” means a person to whom the county clerk has issued
7 a ballot prior to the date that ballots are mailed to electors as provided in ORS
8 254.470 (2)(a) or (b).]

9 **NOTE:** Alphabetizes definitions; updates citation format in (4).

10 **SECTION 13.** ORS 327.829 is amended to read:

11 327.829. (1) As part of the Early Literacy Success Initiative, the Depart-
12 ment of Education shall establish and administer the Early Literacy Success
13 School Grant program.

14 (2) Under the program, the department shall award annual grants to
15 school districts and to public charter schools that are elementary schools.
16 The grants must be used to implement the purposes of the Early Literacy
17 Success Initiative, as identified in ORS 327.827, by funding the following:

18 (a) The provision of professional development and coaching in research-
19 aligned literacy strategies to teachers and administrators in early elementary
20 grades to improve early literacy instruction.

21 (b) The provision of extended learning programs that use research-aligned
22 literacy strategies and that are made available to students in early elemen-
23 tary grades by licensed teachers or by qualified tutors. The extended learning
24 programs may include:

25 (A) Home-based summer reading activities for students who need addi-
26 tional support and enrichment; and

27 (B) An intensive summer school program for students who need the most
28 additional support and who receive at least 60 hours of direct literacy in-
29 struction by an instructional assistant or a licensed teacher trained in
30 research-aligned literacy strategies.

31 (c) The provision of high-dosage tutoring to students in early elementary

1 grades that integrates reading and writing and that is delivered by a quali-
2 fied tutor using developmentally appropriate practices.

3 (d) The adoption of curricula that uses research-aligned literacy strategies
4 and the implementation of that curricula. Funding under this paragraph
5 may be used to:

6 (A) Purchase curricula and materials that are culturally relevant; or

7 (B) Provide professional development and time for teachers and adminis-
8 trators to attend training related to the curricula.

9 (e) The employment of literacy specialists, coaches or interventionists.

10 (3) A grant received under ORS 327.833 may be used only for purposes
11 identified in subsection (2) of this section for the benefit of children and
12 students in prekindergarten through grade three.

13 (4) The State Board of Education may adopt any rules necessary for the
14 administration of grants under ORS 327.829 to 327.837. Rules shall, to the
15 greatest extent practicable, prioritize schools with the lowest rates of profi-
16 ciency in literacy and assist in the operational alignment of grant programs
17 and improvement strategies administered by the Department of Education,
18 including:

19 (a) Grants distributed from the Student Investment Account, as provided
20 by ORS 327.175 to 327.235;

21 (b) Apportionments made under the High School Graduation and College
22 and Career Readiness Act, as provided by ORS 327.853 to 327.895; **and**

23 (c) District continuous improvement plans, as described in ORS 329.095.

24 **NOTE:** Supplies missing conjunction in (4)(b).

25 **SECTION 14.** ORS 366.744 is amended to read:

26 366.744. (1) The following moneys shall be allocated as provided in sub-
27 section (2) of this section:

28 (a) The amount attributable to the increase in title fees by the amend-
29 ments to ORS 803.090 by section 1, chapter 618, Oregon Laws 2003[.];

30 (b) The amount attributable to the increase in registration fees by the
31 amendments to ORS 803.420 by section 2, chapter 618, Oregon Laws 2003,

1 except for the amount paid to the State Parks and Recreation Department
2 Fund under ORS 366.512; and

3 (c) The amount attributable to the increase in fees and tax rates by the
4 amendments to ORS 818.225, 825.476 and 825.480 by sections 3, 4 and 5,
5 chapter 618, Oregon Laws 2003.

6 (2) The moneys described in subsection (1) of this section shall be allo-
7 cated as follows:

8 (a) 57.53 percent to the Department of Transportation.

9 (b) 25.48 percent to the department to pay the principal and interest due
10 on bonds authorized under ORS 367.620 (3) that are issued for replacement
11 and repair of bridges on county highways. However, any portion of the 25.48
12 percent that is not needed for payment of principal and interest on the bonds
13 described in this paragraph shall be allocated to counties. Moneys allocated
14 to counties under this paragraph shall be distributed in the same manner as
15 moneys allocated to counties under ORS 366.739 are distributed.

16 (c) 16.99 percent to the department to pay the principal and interest due
17 on bonds authorized under ORS 367.620 (3) that are issued for replacement
18 and repair of bridges on city highways. However, any portion of the 16.99
19 percent that is not needed for payment of principal and interest on the bonds
20 described in this paragraph shall be allocated to cities. Moneys allocated to
21 cities under this paragraph shall be distributed in the same manner as mon-
22 eys allocated to cities under ORS 366.739 are distributed.

23 (3)(a) Multnomah County shall spend a majority of moneys distributed to
24 it under subsection (2)(b) of this section on bridges in the county.

25 (b) Moneys distributed to Multnomah County under subsection (2)(b) of
26 this section that are not spent on bridges shall be distributed equitably
27 within the county, based on the agreement described in paragraph (c) of this
28 subsection.

29 (c) Multnomah County and the cities within the county shall agree upon
30 the distribution of moneys described in paragraph (b) of this subsection.
31 When the county and the cities have reached an agreement, they shall notify

1 the Oregon Transportation Commission of the agreement. If the commission
2 does not receive notice of an agreement by June 30, 2004, the Department
3 of Transportation may not distribute moneys that would otherwise go to the
4 county under paragraph (b) of this subsection. Such moneys shall revert to
5 the State Highway Fund for use by the Department of Transportation.

6 **NOTE:** Corrects punctuation in (1)(a).

7 **SECTION 15.** ORS 366.924 is amended to read:

8 366.924. (1) The portion of U.S. Highway 395 that crosses the State of
9 Oregon, beginning at the California state line and ending at the Washington
10 state line, shall also be known as the World War I Veterans Memorial
11 Highway.

12 (2) The portion of Interstate 5 that crosses the State of Oregon, beginning
13 at the California state line and ending at the Washington state line, shall
14 also be known as the Korean War Veterans Memorial Highway and as the
15 Purple Heart Trail.

16 (3) The portion of Interstate 5 beginning in Albany and ending in Salem
17 shall also be known as the Atomic Veterans and Atomic Cleanup Veterans
18 Memorial Highway.

19 (4) The portion of U.S. Highway 101 that crosses the State of Oregon,
20 beginning at the California state line and ending at the Washington state
21 line, shall also be known as the Persian Gulf, Afghanistan and Iraq Veterans
22 Memorial Highway.

23 (5) The portion of U.S. Highway 26 beginning where the highway inter-
24 sects with U.S. Highway 101 and ending at the Idaho state line shall also
25 be known as the POW/MIA Memorial Highway.

26 (6) The portion of Oregon Route 35 beginning where the highway inter-
27 sects with U.S. Highway 26 and ending where the highway intersects with
28 U.S. Highway 30 shall also be known as the Oregon Nisei Veterans World
29 War II Memorial Highway.

30 (7) The portion of U.S. Highway 30[,] beginning where the highway
31 intersects with U.S. Highway 101 and ending at the Idaho state line[,] shall

1 also be known as the Oregon Gold Star Families Memorial Highway.

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

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

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

9 **NOTE:** Standardizes punctuation in (7).

10 **SECTION 16.** ORS 413.213 is amended to read:

11 413.213. (1) The Community Acute Psychiatric Facility Capacity Program
12 Fund is established in the State Treasury, separate and distinct from the
13 General Fund. Interest earned by the Community Acute Psychiatric Facility
14 Capacity Program Fund must be credited to the fund. The Community Acute
15 Psychiatric Facility Capacity Program Fund consists of moneys deposited in
16 the fund under section 13, chapter 599, Oregon Laws 2023, moneys appropri-
17 ated, allocated, deposited[,] or transferred to the fund by the Legislative
18 Assembly or otherwise and interest earned on moneys in the fund.

19 (2) Moneys in the fund are continuously appropriated to the Oregon
20 Health Authority for the purpose of providing grants to increase community
21 acute psychiatric facility capacity.

22 **NOTE:** Improves punctuation in (1).

23 **SECTION 17.** ORS 414.245 is amended to read:

24 414.245. The Bridge [*Plan*] **Program** Fund is established in the State
25 Treasury, separate and distinct from the General Fund, consisting of federal
26 funds received by the Oregon Health Authority to administer the bridge
27 program described in ORS 414.241. Moneys in the Bridge [*Plan*] **Program**
28 Fund are continuously appropriated to the Oregon Health Authority to carry
29 out ORS 414.241.

30 **NOTE:** Updates title of fund to reflect program name.

31 **SECTION 18.** ORS 415.501 is amended to read:

1 415.501. (1) The purpose of this section is to promote the public interest
2 and to advance the goals set forth in ORS 414.018 and the goals of the
3 Oregon Integrated and Coordinated Health Care Delivery System described
4 in ORS 414.570.

5 (2) In accordance with subsection (1) of this section, the Oregon Health
6 Authority shall adopt by rule criteria approved by the Oregon Health Policy
7 Board for the consideration of requests by health care entities to engage in
8 a material change transaction and procedures for the review of material
9 change transactions under this section.

10 (3)(a) A notice of a material change transaction involving the sale, merger
11 or acquisition of a domestic health insurer shall be submitted to the De-
12 partment of Consumer and Business Services as an addendum to filings re-
13 quired by ORS 732.517 to 732.546 or 732.576. The department shall provide to
14 the authority the notice submitted under this subsection to enable the au-
15 thority to conduct a review in accordance with subsections (5) and (7) of this
16 section. The authority shall notify the department of the outcome of the
17 authority's review.

18 (b) The department shall make the final determination in material change
19 transactions involving the sale, merger or acquisition of a domestic health
20 insurer and shall coordinate with the authority to incorporate the
21 authority's review into the department's final determination.

22 (4) An entity shall submit to the authority a notice of a material change
23 transaction, other than a transaction described in subsection (3) of this sec-
24 tion, in the form and manner prescribed by the authority, no less than 180
25 days before the date of the transaction and shall pay a fee prescribed in ORS
26 415.512.

27 (5) No later than 30 days after receiving a notice described in subsections
28 (3) and (4) of this section, the authority shall conduct a preliminary review
29 to determine if the transaction has the potential to have a negative impact
30 on access to affordable health care in this state and meets the criteria in
31 subsection (9) of this section.

1 (6) Following a preliminary review, the authority or the department shall
2 approve a transaction or approve a transaction with conditions designed to
3 further the goals described in subsection (1) of this section based on criteria
4 prescribed by the authority by rule, including but not limited to:

5 (a) If the transaction is in the interest of consumers and is urgently
6 necessary to maintain the solvency of an entity involved in the transaction;
7 or

8 (b) If the authority determines that the transaction does not have the
9 potential to have a negative impact on access to affordable health care in
10 this state or the transaction is likely to meet the criteria in subsection (9)
11 of this section.

12 (7)(a) Except as provided in paragraph (b) of this subsection, if a trans-
13 action does not meet the criteria in subsection (6) of this section, the au-
14 thority shall conduct a comprehensive review and may appoint a review
15 board of stakeholders to conduct a comprehensive review and make recom-
16 mendations as provided in subsections (11) to (18) of this section. The au-
17 thority shall complete the comprehensive review no later than 180 days after
18 receipt of the notice unless the parties to the transaction agree to an ex-
19 tension of time.

20 (b) The authority or the department may intervene in a transaction de-
21 scribed in ORS 415.500 [(6)(a)(C)] **(6)(a)(B)** in which the final authority rests
22 with another state and, if the transaction is approved by the other state, may
23 place conditions on health care entities operating in this state with respect
24 to the insurance or health care industry market in this state, prices charged
25 to patients residing in this state and the services available in health care
26 facilities in this state, to serve the public good.

27 (8) The authority shall prescribe by rule:

28 (a) Criteria to exempt an entity from the requirements of subsection (4)
29 of this section if there is an emergency situation that threatens immediate
30 care services and the transaction is urgently needed to protect the interest
31 of consumers;

1 (b) Provision for the authority's failure to complete a review under sub-
2 section (5) of this section within 30 days; and

3 (c) Criteria for when to conduct a comprehensive review and appoint a
4 review board under subsection (7) of this section that must include, but is
5 not limited to:

6 (A) The potential loss or change in access to essential services;

7 (B) The potential to impact a large number of residents in this state; or

8 (C) A significant change in the market share of an entity involved in the
9 transaction.

10 (9) A health care entity may engage in a material change transaction if,
11 following a comprehensive review conducted by the authority and recom-
12 mendations by a review board appointed under subsection (7) of this section,
13 the authority determines that the transaction meets the criteria adopted by
14 the department by rule under subsection (2) of this section and:

15 (a)(A) The parties to the transaction demonstrate that the transaction
16 will benefit the public good and communities by:

17 (i) Reducing the growth in patient costs in accordance with the health
18 care cost growth targets established under ORS 442.386 or maintain a rate
19 of cost growth that exceeds the target that the entity demonstrates is the
20 best interest of the public;

21 (ii) Increasing access to services in medically underserved areas; or

22 (iii) Rectifying historical and contemporary factors contributing to a lack
23 of health equities or access to services; or

24 (B) The transaction will improve health outcomes for residents of this
25 state; and

26 (b) There is no substantial likelihood of anticompetitive effects from the
27 transaction that outweigh the benefits of the transaction in increasing or
28 maintaining services to underserved populations.

29 (10) The authority may suspend a proposed material change transaction
30 if necessary to conduct an examination and complete an analysis of whether
31 the transaction is consistent with subsection (9) of this section and the cri-

1 teria adopted by rule under subsection (2) of this section.

2 (11)(a) A review board convened by the authority under subsection (7) of
3 this section must consist of members of the affected community, consumer
4 advocates and health care experts. No more than one-third of the members
5 of the review board may be representatives of institutional health care pro-
6 viders. The authority may not appoint to a review board an individual who
7 is employed by an entity that is a party to the transaction that is under re-
8 view or is employed by a competitor that is of a similar size to an entity that
9 is a party to the transaction.

10 (b) A member of a review board shall file a notice of conflict of interest
11 and the notice shall be made public.

12 (12) The authority may request additional information from an entity that
13 is a party to the material change transaction, and the entity shall promptly
14 reply using the form of communication requested by the authority and veri-
15 fied by an officer of the entity if required by the authority.

16 (13)(a) An entity may not refuse to provide documents or other informa-
17 tion requested under subsection (4) or (12) of this section on the grounds that
18 the information is confidential.

19 (b) Material that is privileged or confidential may not be publicly dis-
20 closed if:

21 (A) The authority determines that disclosure of the material would cause
22 harm to the public;

23 (B) The material may not be disclosed under ORS 192.311 to 192.478; or

24 (C) The material is not subject to disclosure under ORS 705.137.

25 (c) The authority shall maintain the confidentiality of all confidential
26 information and documents that are not publicly available that are obtained
27 in relation to a material change transaction and may not disclose the infor-
28 mation or documents to any person, including a member of the review board,
29 without the consent of the person who provided the information or document.
30 Information and documents described in this paragraph are exempt from
31 disclosure under ORS 192.311 to 192.478.

1 (14) The authority or the Department of Justice may retain actuaries,
2 accountants or other professionals independent of the authority who are
3 qualified and have expertise in the type of material change transaction under
4 review as necessary to assist the authority in conducting the analysis of a
5 proposed material change transaction. The authority or the Department of
6 Justice shall designate the party or parties to the material change trans-
7 action that shall bear the reasonable and actual cost of retaining the pro-
8 fessionals.

9 (15) A review board may hold up to two public hearings to seek public
10 input and otherwise engage the public before making a determination on the
11 proposed transaction. A public hearing must be held in the service area or
12 areas of the health care entities that are parties to the material change
13 transaction. At least 10 days prior to the public hearing, the authority shall
14 post to the authority's website information about the public hearing and
15 materials related to the material change transaction, including:

16 (a) A summary of the proposed transaction;

17 (b) An explanation of the groups or individuals likely to be impacted by
18 the transaction;

19 (c) Information about services currently provided by the health care en-
20 tity, commitments by the health care entity to continue such services and
21 any services that will be reduced or eliminated;

22 (d) Details about the hearings and how to submit comments, in a format
23 that is easy to find and easy to read; and

24 (e) Information about potential or perceived conflicts of interest among
25 executives and members of the board of directors of health care entities that
26 are parties to the transaction.

27 (16) The authority shall post the information described in subsection
28 (15)(a) to (d) of this section to the authority's website in the languages spo-
29 ken in the area affected by the material change transaction and in a cul-
30 turally sensitive manner.

31 (17) The authority shall provide the information described in subsection

1 (15)(a) to (d) of this section to:

2 (a) At least one newspaper of general circulation in the area affected by
3 the material change transaction;

4 (b) Health facilities in the area affected by the material change trans-
5 action for posting by the health facilities; and

6 (c) Local officials in the area affected by the material change transaction.

7 (18) A review board shall make recommendations to the authority to ap-
8 prove the material change transaction, disapprove the material change
9 transaction or approve the material change transaction subject to conditions,
10 based on subsection (9) of this section and the criteria adopted by rule under
11 subsection (2) of this section. The authority shall issue a proposed order and
12 allow the parties and the public a reasonable opportunity to make written
13 exceptions to the proposed order. The authority shall consider the parties'
14 and the public's written exceptions and issue a final order setting forth the
15 authority's findings and rationale for adopting or modifying the recommen-
16 dations of the review board. If the authority modifies the recommendations
17 of the review board, the authority shall explain the modifications in the final
18 order and the reasons for the modifications. A party to the material change
19 transaction may contest the final order as provided in ORS chapter 183.

20 (19) A health care entity that is a party to an approved material change
21 transaction shall notify the authority upon the completion of the transaction
22 in the form and manner prescribed by the authority. One year, two years and
23 five years after the material change transaction is completed, the authority
24 shall analyze:

25 (a) The health care entities' compliance with conditions placed on the
26 transaction, if any;

27 (b) The cost trends and cost growth trends of the parties to the trans-
28 action; and

29 (c) The impact of the transaction on the health care cost growth target
30 established under ORS 442.386.

31 (20) The authority shall publish the authority's analyses and conclusions

1 under subsection (19) of this section and shall incorporate the authority's
2 analyses and conclusions under subsection (19) of this section in the report
3 described in ORS 442.386 (6).

4 (21) This section does not impair, modify, limit or supersede the applica-
5 bility of ORS 65.800 to 65.815, 646.605 to 646.652 or 646.705 to 646.805.

6 (22) Whenever it appears to the Director of the Oregon Health Authority
7 that any person has committed or is about to commit a violation of this
8 section or any rule or order issued by the authority under this section, the
9 director may apply to the Circuit Court for Marion County for an order en-
10 joining the person, and any director, officer, employee or agent of the person,
11 from the violation, and for such other equitable relief as the nature of the
12 case and the interest of the public may require.

13 (23) The remedies provided under this section are in addition to any other
14 remedy, civil or criminal, that may be available under any other provision
15 of law.

16 (24) The authority may adopt rules necessary to carry out the provisions
17 of this section.

18 **NOTE:** Corrects citation in (7)(b).

19 **SECTION 19.** ORS 421.173 is amended to read:

20 421.173. (1) The Department of Corrections shall establish a doula pro-
21 gram for pregnant and postpartum adults in custody at the Coffee Creek
22 Correctional Facility.

23 (2) The doula program must provide doula services to adults in custody
24 who are pregnant or who have given birth in the last year. Persons providing
25 doula services must be granted appropriate facility access, must be allowed
26 to attend and provide assistance during labor and childbirth when feasible
27 and must have access to the [*adult in custody's*] relevant health information
28 **of the adult in custody** if the adult in custody authorizes disclosure.

29 (3) The department shall have one employee serve as the contact and co-
30 ordinator for all persons providing doula services at the Coffee Creek
31 Correctional Facility.

1 (4) Doula services are services provided by a trained doula that are de-
2 signed to provide physical, emotional or informational support to a pregnant
3 adult before, during and after delivery of a child. Doula services provided to
4 adults in custody at the Coffee Creek Correctional Facility must include, but
5 are not limited to:

6 (a) Prenatal, postpartum and parent education;

7 (b) Development of a trauma-informed and culturally specific birth plan
8 for each pregnant adult in custody;

9 (c) In-person attendance by a doula at routine prenatal visits, ultrasound
10 imaging appointments and lab testing appointments;

11 (d) Consultation and participation in the determination of the stages and
12 progression of labor when determining the transport to a hospital or other
13 delivery facility;

14 (e) Culturally specific and trauma-informed support and assistance during
15 labor and childbirth and the postpartum period;

16 (f) Assistance with breastfeeding or milk expression after childbirth if
17 requested by the adult in custody;

18 (g) Enrollment of the adult in custody in the breastfeeding program and
19 in a breastmilk transportation program for delivery of the mother's milk to
20 the infant, including facilitating access to a breast pump and pumping sup-
21 plies; and

22 (h) Support in the event an adult in custody has been or will become
23 separated from her child.

24 (5) Services provided under this section may not supplant health care
25 services routinely provided to adults in custody.

26 (6) For each adult in custody who is being provided transport to a hos-
27 pital for labor and delivery, the department transport officer shall have a
28 checklist of the policies to be adhered to during the transport and a copy
29 of the birth plan.

30 (7) If it is not feasible for a doula to attend and provide assistance during
31 the labor and delivery of an adult in custody, the reason for the lack of

1 feasibility for a doula’s attendance must be documented in the [*adult in*
2 *custody’s*] medical file **of the adult in custody** and an alternative birth plan
3 must be developed, implemented and documented in the medical file.

4 (8) The department may partner with community professionals who have
5 been credentialed in their line of service, trained or otherwise have specific
6 expertise to provide the doula services described in this section.

7 (9) As used in this section, “postpartum period” means a period of one
8 year following childbirth.

9 **NOTE:** Improves syntax in (2) and (7).

10 **SECTION 20.** ORS 421.175 is amended to read:

11 421.175. (1) An adult in custody may not be restrained mechanically dur-
12 ing labor, childbirth or postpartum recovery in a hospital unless:

13 (a) The mechanical restraints are reasonably necessary, as determined by
14 a supervising officer, for the safety and security of the adult in custody,
15 correctional staff, other persons or the public; and

16 (b) The attending physician determines that use of the mechanical re-
17 straints does not present a medical risk to the adult in custody.

18 (2) Notwithstanding subsection (1) of this section, the use of a mechanical
19 restraint:

20 (a) May not interfere with the [*adult in custody’s*] ability **of the adult**
21 **in custody** to hold the infant, nurse the infant, establish a milk supply, ob-
22 tain lactation support or receive other postpartum recovery care from hos-
23 pital staff.

24 (b) Must be in the least restrictive manner possible.

25 **NOTE:** Improves syntax in (2)(a).

26 **SECTION 21.** ORS 427.265 is amended to read:

27 427.265. (1) At the time that a person who is alleged to have an intellec-
28 tual disability and to be in need of commitment for residential care, treat-
29 ment and training is brought before the court, the court shall advise the
30 person of the reason for being brought before the court, the nature of the
31 proceedings and the possible results of the proceedings. The court shall also

1 advise the person of the right to subpoena witnesses and to suitable legal
2 counsel possessing skills and experience commensurate with the nature of
3 the allegations and complexity of the case during the proceedings, and that
4 if the person does not have funds with which to retain suitable legal counsel,
5 the court shall appoint such legal counsel to represent the person. If the
6 person does not request legal counsel, the legal guardian, relative or friend
7 may request the assistance of legal counsel on behalf of the person.

8 (2) If no request for legal counsel is made, the court shall appoint suitable
9 legal counsel.

10 (3) If the person is unable to afford legal counsel, the court, if the matter
11 is before a county or justice court, or the executive director of the Oregon
12 Public Defense Commission, if the matter is before the circuit court, shall
13 determine and allow, as provided in ORS 135.055, the reasonable expenses
14 of the person and compensation for legal counsel. The expenses and com-
15 pensation so allowed by a county court shall be paid by the county of resi-
16 dence of the person. The expenses and compensation determined by the
17 executive director shall be paid by the executive director from funds avail-
18 able for the purpose. In all cases legal counsel shall be present at the hear-
19 ing and may examine all witnesses offering testimony, and otherwise
20 represent the person.

21 (4) The court may, for good cause, postpone the hearing for not more than
22 72 hours to allow preparation for the hearing and order the continuation of
23 detention authorized under ORS 427.255 during a postponement, if requested
24 by the person, the legal counsel, **the** guardian of the person[,] **or** an exam-
25 iner or on the court's own motion.

26 **NOTE:** Improves syntax in (4).

27 **SECTION 22.** ORS 430.717 is amended to read:

28 430.717. (1) As used in this section:

29 (a) "Children and adolescents" means individuals 20 years old and
30 younger.

31 (b) "Coordinated care organization" has the meaning given that term in

1 ORS 414.025.

2 (c) “Insurer” means an insurer, as defined in ORS 731.106, that has a
3 certificate of insurance to transact health insurance in this state, other than
4 disability insurance.

5 (d) “Intensive behavioral health treatment provider” means any provider
6 licensed in this state to provide intensive psychiatric treatment, acute inpa-
7 tient treatment or residential substance use disorder treatment of children
8 and adolescents.

9 (2) Intensive behavioral health treatment providers, coordinated care or-
10 ganizations and insurers shall collect and provide data to the Oregon Health
11 Authority, or to a third party vendor that contracts with the authority, in
12 the manner prescribed by the authority on the demand for and capacity to
13 provide treatment of children and adolescents presenting with high acuity
14 behavioral health needs. Intensive behavioral health treatment providers
15 shall submit:

16 (a) Data on bed capacity;

17 (b) Referrals received, by provider; and

18 (c) Other information prescribed by the authority.

19 (3) The authority may provide funding to intensive behavioral health
20 treatment providers to collect and provide the data described in subsection
21 (2) of this section.

22 (4) The authority shall use the data described in subsection (2) of this
23 section to:

24 (a) Monitor and track the capacity of intensive behavioral health treat-
25 ment providers to provide treatment of children and adolescents presenting
26 with high acuity behavioral health needs;

27 (b) Identify gaps in data that prevent the tracking of intensive behavioral
28 health service capacity and develop a plan for addressing the gaps that in-
29 cludes providing assistance to providers and modifying required data ele-
30 ments that must be reported;

31 (c) Develop benchmarks and performance measures for intensive behav-

1 ioral health treatment capacity; and

2 (d) Conduct research and evaluation of the children’s and adolescents’
3 continuum of care.

4 (5) The authority shall share data and coordinate processes with the De-
5 partment of Human Services to populate the Children’s System Data
6 Dashboard described in ORS 418.981.

7 (6) The authority shall adopt rules to carry out the provisions of this
8 section, including rules establishing:

9 (a) Parameters and specifications for data collection;

10 (b) Processes for intensive behavioral health treatment providers to sub-
11 mit data for the establishment of a centralized, real-time provider directory,
12 bed registry and access portal;

13 (c) Requirements for the frequency of data submissions;

14 (d) Requirements for coordinated care organizations and insurers to col-
15 lect and report, for members and insureds treated by intensive behavioral
16 health treatment providers, data not submitted by providers under this sec-
17 tion;

18 (e) A process for monitoring and documenting the need for high acuity
19 behavioral health services for children and adolescents; **and**

20 (f) The authority’s responsibilities for reporting data back to providers[;
21 *and*].

22 *[(g) Measures to ensure compliance with data collection standards estab-*
23 *lished under section 40, chapter 12, Oregon Laws 2020 (first special session).]*

24 (7) The authority shall contract with an Oregon-based nonprofit organ-
25 ization with the expertise to operate a call center dedicated to tracking and
26 providing information about available placement settings for children and
27 adolescents needing high acuity behavioral health services.

28 (8) The call center shall also be responsible for:

29 (a) Implementing processes for service providers to submit data that can
30 be used to assess and monitor, on a daily basis, statewide capacity to provide
31 high acuity behavioral health services to children and adolescents;

1 (b) Recording the time from the first contact with the call center to the
2 location of an appropriate placement; and

3 (c) Documenting the need for high acuity behavioral health services for
4 children and adolescents.

5 **NOTE:** Deletes reference to repealed law in (6)(g).

6 **SECTION 23. Notwithstanding any other provision of law, ORS**
7 **441.416, 441.417 and 441.418 shall not be considered to have been added**
8 **to or made a part of ORS chapter 441 for the purpose of statutory**
9 **compilation or for the application of definitions, penalties or adminis-**
10 **trative provisions applicable to statute sections in that chapter.**

11 **NOTE:** Removes statutes from inappropriate chapter.

12 **SECTION 24.** ORS 443.485 is amended to read:

13 443.485. (1) Subject to ORS 443.490, a person that owns or operates a
14 community-based structured housing facility offered to the general public
15 that is not licensed or registered under any other law of this state or under
16 a city or county ordinance or regulation shall register the name and address
17 of the owner or operator [*if*] **of** the facility with:

18 (a) The Oregon Health Authority if the facility provides services and
19 support to two or more adult residents, not related to the person by blood
20 or marriage, who have mental, emotional, behavioral or substance use dis-
21 orders; or

22 (b) The Department of Human Services if the facility provides services
23 and support to two or more adult residents, not related to the resident by
24 blood or marriage, who are elderly or who have disabilities.

25 (2) The registration fee is \$20 annually.

26 (3) The authority or the department shall establish by rule reasonable and
27 appropriate standards for the operation of facilities subject to ORS 443.480
28 to 443.500 that fall within their respective jurisdictions. The standards must
29 be consistent with the residential nature of the facilities and must address,
30 at a minimum, the:

31 (a) Physical properties of a facility;

1 (b) Storage, preparation and serving of food at a facility that provides
2 prepared meals;

3 (c) Storage, preparation and dispensing of medications and the assistance
4 provided by staff to adult residents in taking medications; and

5 (d) Number, experience and training of the staff of a facility.

6 (4) The authority or the department shall provide evidence of the regis-
7 tration to the person. The evidence shall be posted in a facility.

8 (5) The authority or the department may impose a civil penalty not to
9 exceed \$5,000 for:

10 (a) Operating without registration as required under this section; or

11 (b) A violation of ORS 443.880 or 443.881.

12 (6) The authority or the department may suspend or revoke registration
13 or deny the issuance of registration for violation of any statute, rule, ordi-
14 nance or regulation relating to the facility.

15 (7) Rules adopted under subsection (3) of this section must avoid imposing
16 on facilities regulated by federal agencies any reporting requirements or re-
17 view processes that duplicate the reporting requirements or review processes
18 imposed by the federal agency.

19 (8) A facility is not required to register with both the authority and the
20 department under this section. If a facility is subject to registration by both
21 the authority and the department, the Director of the Oregon Health Au-
22 thority and the Director of Human Services shall jointly determine with
23 which agency the facility must register.

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

25 **SECTION 25.** ORS 456.603 is amended to read:

26 456.603. In any year in which a housing indicator demonstrates that **at**
27 least 25 percent of the renter households in a city are severely rent burdened
28 under ORS 456.602 (2)(g), the governing body of the city shall hold at least
29 one public meeting to discuss the causes and consequences of severe rent
30 burdens within the city, the barriers to reducing rent burdens and possible
31 solutions. The Housing and Community Services Department may adopt rules

1 governing the conduct of the public meeting.

2 **NOTE:** Supplies missing word.

3 **SECTION 26.** ORS 468.463 is amended to read:

4 468.463. (1) As used in this section, “qualifying vehicle” means a motor
5 vehicle, as defined in ORS 801.360, or a combination of vehicles operated as
6 a unit, that:

7 (a) Has a gross vehicle weight rating of 8,501 pounds or greater;

8 (b) Has a drivetrain that produces zero exhaust emissions of any criteria
9 pollutant or greenhouse gas; and

10 (c) Meets other criteria established by the Environmental Quality Com-
11 mission by rule.

12 (2) The Department of Environmental Quality shall establish a program
13 for providing rebates to persons that purchase or lease qualifying vehicles
14 for use in this state. The Director of the Department of Environmental
15 Quality may hire or contract with a third-party nonprofit organization to
16 implement and serve as the administrator of the program required by this
17 section.

18 (3) The department may:

19 (a) Specify design features for the program; and

20 (b) Establish procedures to:

21 (A) Prioritize available moneys for specific qualifying vehicles;

22 (B) Limit the number of rebates available for each type of qualifying ve-
23 hicle; and

24 (C) Limit the number of rebates available per applicant.

25 (4) The purchaser or lessee of a qualifying vehicle may apply for a rebate
26 or may choose to assign the rebate to a vehicle dealer.

27 (5) Rebates under the program shall be made from moneys credited to or
28 deposited in the Zero-Emission [*Medium and Heavy Duty*] **Medium- and**
29 **Heavy-Duty** Vehicle Incentive Fund established under ORS 468.469.

30 (6)(a) The department shall prescribe the rebate application procedure for
31 purchasers and lessees.

1 (b) The department may establish a dealer application or individual ap-
2 plication procedure.

3 (c) All rebate applications must include a declaration under penalty of
4 perjury in the form required by ORCP 1 E.

5 (7)(a) Rebates for qualifying vehicles shall be set annually at amounts
6 determined by the Environmental Quality Commission by rule.

7 (b) The commission may establish separate rebate amounts for different
8 classes of vehicles.

9 (c) The commission may establish an additional rebate for the purchase
10 or lease of qualifying vehicles that will be registered to an address, or fre-
11 quently operated, in an area of this state that is disproportionately burdened
12 by air pollution as determined by the commission.

13 (8) To be eligible for a rebate, a person requesting a rebate under the
14 program shall:

15 (a) Purchase or lease a qualifying vehicle. A lease must have a minimum
16 term of 36 months.

17 (b) Provide proof of an intent to operate the qualifying vehicle primarily
18 in this state, which must be satisfied by providing proof of registration of
19 the qualifying vehicle in Oregon, which may include proof of proportional
20 registration under ORS 826.009 or 826.011 issued by the Department of
21 Transportation.

22 (c) Submit an application for a rebate to the administrator of the program
23 within three months after the date of purchase of the qualifying vehicle or
24 three months after the date the lease of the qualifying vehicle begins.

25 (d) Retain registration of the qualifying vehicle for a minimum of 36
26 consecutive months after the date of purchase or the date the lease begins.

27 (9)(a) More than 50 percent of the operation of the qualifying vehicle
28 must occur in Oregon.

29 (b) In each of the three years following receipt of a rebate, a rebate re-
30 cipient shall:

31 (A) Maintain records of the miles driven or hours of use for the qualifying

1 vehicle and whether the miles driven or hours used occurred in Oregon; and

2 (B) Provide an annual report to the department to demonstrate that more
3 than 50 percent of the miles driven or hours of use of the qualifying vehicle
4 occurred in Oregon.

5 (10) A rebate recipient may not make or allow any modifications to the
6 qualifying vehicle's emissions control systems, hardware or software cali-
7 brations.

8 (11)(a) If a rebate recipient sells the qualifying vehicle or terminates the
9 qualifying vehicle lease before the end of 36 months, the rebate recipient
10 shall:

11 (A) Notify the administrator of the program of the sale; and

12 (B) Reimburse the administrator for the rebate in a prorated amount
13 based on the number of months that the rebate recipient owned or leased the
14 qualifying vehicle.

15 (b) The administrator may waive the reimbursement requirement under
16 paragraph (a) of this subsection if the administrator determines that a
17 waiver is appropriate given unforeseeable or unavoidable circumstances that
18 gave rise to a need for the rebate recipient to sell the qualifying vehicle or
19 terminate the qualifying vehicle lease before the end of 36 months.

20 (12) Rebate recipients are required to participate in ongoing research ef-
21 forts, if requested to do so by the administrator.

22 (13) The administrator of the program shall work to ensure timely pay-
23 ment of rebates with a goal of paying rebates within 90 days after receiving
24 an application for a rebate.

25 (14) A vehicle dealer may advertise the program on the premises owned
26 or operated by the vehicle dealer. If no moneys are available from the pro-
27 gram or the program otherwise changes, a vehicle dealer who advertises the
28 program may not be held liable for advertising false or misleading informa-
29 tion.

30 (15) The department may perform activities necessary to ensure that re-
31 cipients of rebates under this section comply with applicable requirements.

1 If the department determines that a recipient has not complied with appli-
2 cable requirements, the department may order the recipient to refund all re-
3 bate moneys and may impose penalties pursuant to ORS 468.140.

4 (16) The commission may adopt any rules necessary to carry out the pro-
5 visions of this section.

6 **NOTE:** Improves punctuation in (5).

7 **SECTION 27.** ORS 468.469 is amended to read:

8 468.469. (1) The Zero-Emission [*Medium and Heavy Duty*] **Medium- and**
9 **Heavy-Duty** Vehicle Incentive Fund is established in the State Treasury,
10 separate and distinct from the General Fund. Interest earned by the Zero-
11 Emission [*Medium and Heavy Duty*] **Medium- and Heavy-Duty** Vehicle In-
12 centive Fund shall be credited to the fund.

13 (2) Moneys in the Zero-Emission [*Medium and Heavy Duty*] **Medium- and**
14 **Heavy-Duty** Vehicle Incentive Fund shall consist of:

15 (a) Amounts donated to the fund;

16 (b) Amounts appropriated or otherwise transferred to the fund by the
17 Legislative Assembly;

18 (c) Other amounts deposited in the fund from any public or private source;
19 and

20 (d) Interest earned by the fund.

21 (3) Moneys in the Zero-Emission [*Medium and Heavy Duty*] **Medium- and**
22 **Heavy-Duty** Vehicle Incentive Fund are continuously appropriated to the
23 Department of Environmental Quality to be used to carry out the provisions
24 of ORS 468.463.

25 (4) No more than 15 percent of the moneys deposited in the Zero-Emission
26 [*Medium and Heavy Duty*] **Medium- and Heavy-Duty** Vehicle Incentive
27 Fund per biennium may be expended to pay administrative expenses incurred
28 in the administration of ORS 468.463 by:

29 (a) The department; or

30 (b) Any third-party organization that the department hires or contracts
31 with under ORS 468.463.

1 (5)(a) The Environmental Quality Commission shall require by rule that
2 at least 40 percent of the moneys deposited in the fund per biennium are
3 allocated to fund the provision of rebates for vehicles located in communities
4 disproportionately burdened by diesel pollution, as described in ORS 468.463
5 (7)(c).

6 (b) Notwithstanding paragraph (a) of this subsection, if the department
7 determines that the total amount of rebates provided to applicants eligible
8 for the rebate described in ORS 468.463 (7)(c) is unlikely to exceed 40 percent
9 of the total amount of moneys deposited in the fund during a biennium, the
10 department may release moneys allocated under paragraph (a) of this sub-
11 section to be used for the provision of any rebate under ORS 468.463.

12 **NOTE:** Improves punctuation in (1), (2), (3) and (4).

13 **SECTION 28.** ORS 468.498 is amended to read:

14 468.498. (1) The [*Medium*] **Medium-** and Heavy-Duty Electrification
15 Charging Fund is established in the State Treasury, separate and distinct
16 from the General Fund. Interest earned by the [*Medium*] **Medium-** and
17 Heavy-Duty Electrification Charging Fund must be credited to the
18 [*Medium*] **Medium-** and Heavy-Duty Electrification Charging Fund.

19 (2) Moneys in the [*Medium*] **Medium-** and Heavy-Duty Electrification
20 Charging Fund consist of amounts donated to the fund, amounts appropriated
21 or otherwise transferred to the fund by the Legislative Assembly, other
22 amounts deposited to the fund from any public or private source and interest
23 earned by the fund.

24 (3) Moneys in the [*Medium*] **Medium-** and Heavy-Duty Electrification
25 Charging Fund are continuously appropriated to the Department of Envi-
26 ronmental Quality for a grant program to support [*medium*] **medium-** and
27 heavy-duty zero emission vehicle charging and fueling infrastructure projects
28 authorized under ORS 468.035.

29 (4) Not more than 10 percent of the moneys in the [*Medium*] **Medium-**
30 and Heavy-Duty Electrification Charging Fund in each biennium may be
31 expended to pay the department's expenses, or the expenses of any other

1 person the department hires or with which the department contracts, to ad-
2 minister the grant program.

3 **NOTE:** Improves punctuation in (1), (2), (3) and (4).

4 **SECTION 29.** ORS 468A.193, as amended by section 4, chapter 51, Oregon
5 Laws 2024, is amended to read:

6 468A.193. (1) The State Department of Energy and the Oregon Climate
7 Action Commission shall, in coordination with the State Forestry Depart-
8 ment, the State Department of Agriculture, the State Department of Fish and
9 Wildlife, the Oregon Watershed Enhancement Board, the Department of
10 State Lands, the State Parks and Recreation Department and the Department
11 of Land Conservation and Development, and in consultation with relevant
12 federal agencies, establish and maintain:

13 (a) A net biological carbon sequestration and storage baseline for natural
14 and working lands;

15 (b) Activity-based metrics in accordance with subsection (3) of this sec-
16 tion; and

17 (c) Community impact metrics in accordance with subsection (4) of this
18 section.

19 (2) The net biological carbon sequestration and storage baseline may use
20 1990 as a baseline year if the **State Department of Energy** determines that
21 there is adequate information to support setting the baseline at that year.

22 (3) Activity-based metrics shall be used to evaluate progress toward in-
23 creasing net biological carbon sequestration and storage in natural and
24 working lands, as measured against the net carbon sequestration and storage
25 baseline. Activity-based metrics may include, but need not be limited to,
26 acres of lands for which certain management practices have been adopted.

27 (4) Community impact metrics shall be used to evaluate the positive and
28 negative effects, over time, of strategies for net biological carbon
29 sequestration and storage in natural and working lands on landowners, land
30 managers and communities. Community impact metrics may include, but need
31 not be limited to:

1 (a) Metrics to measure the effects of net biological carbon sequestration
2 and storage strategies on jobs, local economies, environmental integrity and
3 public health; and

4 (b) Metrics to evaluate the accessibility of a diverse range of landowners
5 to net biological carbon sequestration and storage programs.

6 (5) Before finalizing the net biological carbon sequestration and storage
7 baseline, activity-based metrics and community impact metrics, the State
8 Department of Energy and the commission shall make draft versions publicly
9 available and receive comments from the public, state agencies and the ad-
10 visory committee established under ORS 468A.197.

11 (6) The State Department of Energy and the Oregon Climate Action
12 Commission, in consultation with the State Forestry Department, the State
13 Department of Agriculture, the Oregon Watershed Enhancement Board[,]
14 **and** the State Department of Fish and Wildlife, shall establish nonbinding
15 biological carbon sequestration and storage goals for Oregon's natural and
16 working lands and update those goals as new information becomes available.

17 (7) The State Department of Energy may contract with a third party to
18 assist the department in performing its duties under this section.

19 **NOTE:** Supplies missing comma in (1); clarifies entity in (2); inserts
20 missing conjunction in (6) and deletes comma in conformance with legislative
21 style.

22 **SECTION 30.** ORS 468B.522 is amended to read:

23 468B.522. The requirements of ORS 468B.510 to 468B.525 do not apply to
24 a bulk oils or liquid fuels terminal to the extent those requirements are
25 preempted by [*the federal Pipeline Safety Improvement Act of 2002,*] 49 U.S.C.
26 60101 et seq.

27 **NOTE:** Deletes inaccurate short title of federal Act.

28 **SECTION 31.** **ORS 475C.379 is added to and made a part of ORS**
29 **475C.005 to 475C.525.**

30 **NOTE:** Adds statute to appropriate series.

31 **SECTION 32.** ORS 475C.582 is amended to read:

1 475C.582. (1) If a person violates a provision of ORS 475C.540 to 475C.586
2 or a rule adopted under ORS 475C.540 to 475C.586 with regard to an indus-
3 trial hemp-derived vapor item:

4 (a) The State Department of Agriculture may impose disciplinary action
5 described in ORS 571.285 and impose a civil penalty under ORS 571.348 if the
6 person is a grower or handler [*registered*] **licensed** under ORS 571.281.

7 (b) The Oregon Liquor and Cannabis Commission may impose a civil
8 penalty under ORS 475C.644 if the person is not a grower or handler [*regis-*
9 *tered*] **licensed** under ORS 571.281.

10 (2) The commission and the department may adopt rules to carry out this
11 section.

12 **NOTE:** Updates terminology in (1)(a) and (b).

13 **SECTION 33.** ORS 475C.644 is amended to read:

14 475C.644. (1) In addition to any other liability or penalty provided by law,
15 the Oregon Liquor and Cannabis Commission may impose for each violation
16 of a provision of ORS 475C.600 to 475C.648, or a rule adopted under a pro-
17 vision of ORS 475C.600 to 475C.648, a civil penalty that does not exceed \$500
18 for each day that the violation occurs.

19 (2) The commission shall impose civil penalties under this section in the
20 manner provided by ORS 183.745.

21 (3) Moneys collected under this section shall be deposited in the
22 Marijuana Control and Regulation Fund established under ORS 475C.297 and
23 are continuously appropriated to the commission for the purpose of carrying
24 out the duties, functions and powers of the [*authority*] **commission** under
25 ORS 475C.600 to 475C.648.

26 **NOTE:** Replaces reference in (3) with reference to appropriate entity.

27 **SECTION 34.** ORS 475C.648 is amended to read:

28 475C.648. (1) If a person violates a provision of ORS 475C.600 to 475C.648
29 or a rule adopted under ORS 475C.600 to 475C.648 with regard to an indus-
30 trial hemp-derived vapor item:

31 (a) The State Department of Agriculture may impose disciplinary action

1 described in ORS 571.285 and impose a civil penalty under ORS 571.348 if the
2 person is a grower or handler [*registered*] **licensed** under ORS 571.281.

3 (b) The Oregon Liquor and Cannabis Commission may impose a civil
4 penalty under ORS 475C.644 if the person is not a grower or handler [*regis-*
5 *tered*] **licensed** under ORS 571.281.

6 (2) The commission and the department may adopt rules to carry out this
7 section.

8 **NOTE:** Updates terminology in (1)(a) and (b).

9 **SECTION 35. ORS 475C.728 is added to and made a part of ORS**
10 **475C.670 to 475C.734.**

11 **NOTE:** Adds statute to appropriate series.

12 **SECTION 36.** ORS 656.260, as amended by section 112, chapter 73, Oregon
13 Laws 2024, is amended to read:

14 656.260. (1) Any health care provider or group of medical service providers
15 may make written application to the Director of the Department of Consumer
16 and Business Services to become certified to provide managed care to injured
17 workers for injuries and diseases compensable under this chapter. However,
18 nothing in this section authorizes an organization that is formed, owned or
19 operated by an insurer or employer other than a health care provider to be-
20 come certified to provide managed care.

21 (2) Each application for certification shall be accompanied by a reason-
22 able fee prescribed by the director. A certificate is valid for such period as
23 the director may prescribe unless sooner revoked or suspended.

24 (3) Application for certification shall be made in such form and manner
25 and shall set forth such information regarding the proposed plan for provid-
26 ing services as the director may prescribe. The information shall include, but
27 not be limited to:

28 (a) A list of the names of all individuals who will provide services under
29 the managed care plan, together with appropriate evidence of compliance
30 with any licensing or certification requirements for that individual to prac-
31 tice in this state.

1 (b) A description of the times, places and manner of providing services
2 under the plan.

3 (c) A description of the times, places and manner of providing other re-
4 lated optional services the applicants wish to provide.

5 (d) Satisfactory evidence of ability to comply with any financial require-
6 ments to [*insure*] **ensure** delivery of service in accordance with the plan
7 which the director may prescribe.

8 (4) The director shall certify a health care provider or group of medical
9 service providers to provide managed care under a plan if the director finds
10 that the plan:

11 (a) Proposes to provide medical and health care services required by this
12 chapter in a manner that:

13 (A) Meets quality, continuity and other treatment standards adopted by
14 the health care provider or group of medical service providers in accordance
15 with processes approved by the director; and

16 (B) Is timely, effective and convenient for the worker.

17 (b) Subject to any other provision of law, does not discriminate against
18 or exclude from participation in the plan any category of medical service
19 providers and includes an adequate number of each category of medical ser-
20 vice providers to give workers adequate flexibility to choose medical service
21 providers from among those individuals who provide services under the plan.
22 However, nothing in the requirements of this paragraph shall affect the
23 provisions of ORS 441.055 relating to the granting of medical staff privileges.

24 (c) Provides appropriate financial incentives to reduce service costs and
25 utilization without sacrificing the quality of service.

26 (d) Provides adequate methods of peer review, service utilization review,
27 quality assurance, contract review and dispute resolution to ensure appro-
28 priate treatment or to prevent inappropriate or excessive treatment, to ex-
29 clude from participation in the plan those individuals who violate these
30 treatment standards and to provide for the resolution of such medical dis-
31 putes as the director considers appropriate. A majority of the members of

1 each peer review, quality assurance, service utilization and contract review
2 committee shall be physicians licensed to practice medicine by the Oregon
3 Medical Board. As used in this paragraph:

4 [(A) “Peer review” means evaluation or review of the performance of col-
5 leagues by a panel with similar types and degrees of expertise. Peer review
6 requires participation of at least three physicians prior to final
7 determination.]

8 [(B) “Service utilization review” means evaluation and determination of the
9 reasonableness, necessity and appropriateness of a worker’s use of medical care
10 resources and the provision of any needed assistance to clinician or member,
11 or both, to ensure appropriate use of resources. “Service utilization review”
12 includes prior authorization, concurrent review, retrospective review, discharge
13 planning and case management activities.]

14 [(C) “Quality assurance” means activities to safeguard or improve the
15 quality of medical care by assessing the quality of care or service and taking
16 action to improve it.]

17 [(D) “Dispute resolution” includes the resolution of disputes arising under
18 peer review, service utilization review and quality assurance activities between
19 insurers, self-insured employers, workers and medical and health care service
20 providers, as required under the certified plan.]

21 [(E)] (A) “Contract review” means the methods and processes whereby the
22 managed care organization monitors and enforces its contracts with partic-
23 ipating providers for matters other than matters enumerated in subpara-
24 graphs [(A), (B) and] (C), (D) and (E) of this paragraph.

25 (B) “Dispute resolution” includes the resolution of disputes arising
26 under peer review, service utilization review and quality assurance
27 activities between insurers, self-insured employers, workers and med-
28 ical and health care service providers, as required under the certified
29 plan.

30 (C) “Peer review” means evaluation or review of the performance
31 of colleagues by a panel with similar types and degrees of expertise.

1 **Peer review requires participation of at least three physicians prior to**
2 **final determination.**

3 **(D) “Quality assurance” means activities to safeguard or improve**
4 **the quality of medical care by assessing the quality of care or service**
5 **and taking action to improve it.**

6 **(E) “Service utilization review” means evaluation and determi-**
7 **nation of the reasonableness, necessity and appropriateness of a**
8 **worker’s use of medical care resources and the provision of any needed**
9 **assistance to clinician or member, or both, to ensure appropriate use**
10 **of resources. “Service utilization review” includes prior authorization,**
11 **concurrent review, retrospective review, discharge planning and case**
12 **management activities.**

13 (e) Provides a program involving cooperative efforts by the workers, the
14 employer and the managed care organizations to promote workplace health
15 and safety consultative and other services and early return to work for in-
16 jured workers.

17 (f) Provides a timely and accurate method of reporting to the director
18 necessary information regarding medical and health care service cost and
19 utilization to enable the director to determine the effectiveness of the plan.

20 (g)(A) Authorizes workers to receive compensable medical treatment from
21 a primary care physician or chiropractic physician who is not a member of
22 the managed care organization, but who maintains the worker’s medical re-
23 cords and is a physician with whom the worker has a documented history
24 of treatment, if:

25 (i) The primary care physician or chiropractic physician agrees to refer
26 the worker to the managed care organization for any specialized treatment,
27 including physical therapy, to be furnished by another provider that the
28 worker may require;

29 (ii) The primary care physician or chiropractic physician agrees to comply
30 with all the rules, terms and conditions regarding services performed by the
31 managed care organization; and

1 (iii) The treatment is determined to be medically appropriate according
2 to the service utilization review process of the managed care organization.

3 (B) Nothing in this paragraph is intended to limit the worker's right to
4 change primary care physicians or chiropractic physicians prior to the filing
5 of a workers' compensation claim.

6 (C) A chiropractic physician authorized to provide compensable medical
7 treatment under this paragraph may provide services and authorize tempo-
8 rary disability compensation as provided in ORS 656.005 (12)(b)(B) and
9 656.245 (2)(b). However, the managed care organization may authorize
10 chiropractic physicians to provide medical services and authorize temporary
11 disability payments beyond the periods established in ORS 656.005 (12)(b)(B)
12 and 656.245 (2)(b).

13 (D) As used in this paragraph, "primary care physician" means a physi-
14 cian who is qualified to be an attending physician referred to in ORS 656.005
15 (12)(b)(A) and who is a family practitioner, a general practitioner or an
16 internal medicine practitioner.

17 (h) Provides a written explanation for denial of participation in the
18 managed care organization plan to any licensed health care provider that
19 has been denied participation in the managed care organization plan.

20 (i) Does not prohibit the injured worker's attending physician from ad-
21 vocating for medical services and temporary disability benefits for the in-
22 jured worker that are supported by the medical record.

23 (j) Complies with any other requirement the director determines is nec-
24 essary to provide quality medical services and health care to injured work-
25 ers.

26 (5)(a) Notwithstanding ORS 656.245 (5) and subsection (4)(g) of this sec-
27 tion, a managed care organization may deny or terminate the authorization
28 of a primary care physician or chiropractic physician to serve as an attend-
29 ing physician under subsection (4)(g) of this section or of a nurse practi-
30 tioner or physician associate to provide medical services as provided in ORS
31 656.245 (5) if the physician, nurse practitioner or physician associate, within

1 two years prior to the worker's enrollment in the plan:

2 (A) Has been terminated from serving as an attending physician, nurse
3 practitioner or physician associate for a worker enrolled in the plan for
4 failure to meet the requirements of subsection (4)(g) of this section or of ORS
5 656.245 (5); or

6 (B) Has failed to satisfy the credentialing standards for participating in
7 the managed care organization.

8 (b) The director shall adopt by rule reporting standards for managed care
9 organizations to report denials and terminations of the authorization of pri-
10 mary care physicians, chiropractic physicians, nurse practitioners and phy-
11 sician associates who are not members of the managed care organization to
12 provide compensable medical treatment under ORS 656.245 (5) and subsection
13 (4)(g) of this section. The director shall annually report to the Workers'
14 Compensation Management-Labor Advisory Committee the information re-
15 ported to the director by managed care organizations under this paragraph.

16 (6) The director shall refuse to certify or may revoke or suspend the cer-
17 tification of any health care provider or group of medical service providers
18 to provide managed care if the director finds that:

19 (a) The plan for providing medical or health care services fails to meet
20 the requirements of this section.

21 (b) Service under the plan is not being provided in accordance with the
22 terms of a certified plan.

23 (7) Any issue concerning the provision of medical services to injured
24 workers subject to a managed care contract and service utilization review,
25 quality assurance, dispute resolution, contract review and peer review ac-
26 tivities as well as authorization of medical services to be provided by other
27 than an attending physician pursuant to ORS 656.245 (2)(b) shall be subject
28 to review by the director or the director's designated representatives. The
29 decision of the director is subject to review under ORS 656.704. Data gener-
30 ated by or received in connection with these activities, including written
31 reports, notes or records of any such activities, or of any review thereof,

1 shall be confidential, and shall not be disclosed except as considered neces-
2 sary by the director in the administration of this chapter. The director may
3 report professional misconduct to an appropriate licensing board.

4 (8) No data generated by service utilization review, quality assurance,
5 dispute resolution or peer review activities and no physician profiles or data
6 used to create physician profiles pursuant to this section or a review thereof
7 shall be used in any action, suit or proceeding except to the extent consid-
8 ered necessary by the director in the administration of this chapter. The
9 confidentiality provisions of this section shall not apply in any action, suit
10 or proceeding arising out of or related to a contract between a managed care
11 organization and a health care provider whose confidentiality is protected
12 by this section.

13 (9) A person participating in service utilization review, quality assurance,
14 dispute resolution or peer review activities pursuant to this section shall not
15 be examined as to any communication made in the course of such activities
16 or the findings thereof, nor shall any person be subject to an action for civil
17 damages for affirmative actions taken or statements made in good faith.

18 (10) No person who participates in forming consortiums, collectively ne-
19 gotiating fees or otherwise solicits or enters into contracts in a good faith
20 effort to provide medical or health care services according to the provisions
21 of this section shall be examined or subject to administrative or civil liabil-
22 ity regarding any such participation except pursuant to the director's active
23 supervision of such activities and the managed care organization. Before
24 engaging in such activities, the person shall provide notice of intent to the
25 director in a form prescribed by the director.

26 (11) The provisions of this section shall not affect the confidentiality or
27 admission in evidence of a claimant's medical treatment records.

28 (12) In consultation with the committees referred to in ORS 656.790 and
29 656.794, the director shall adopt such rules as may be necessary to carry out
30 the provisions of this section.

31 (13) As used in this section[,] **and** ORS 656.245, 656.248 and 656.327,

1 “medical service provider” means a person duly licensed to practice one or
2 more of the healing arts in any country or in any state or territory or pos-
3 session of the United States.

4 (14) Notwithstanding ORS 656.005 (12) or subsection (4)(b) of this section,
5 a managed care organization contract may designate any medical service
6 provider or category of providers as attending physicians.

7 (15) If a worker, insurer, self-insured employer, the attending physician
8 or an authorized health care provider is dissatisfied with an action of the
9 managed care organization regarding the provision of medical services pur-
10 suant to this chapter, peer review, service utilization review or quality as-
11 surance activities, that person or entity must first apply to the director for
12 administrative review of the matter before requesting a hearing. Such appli-
13 cation must be made not later than the 60th day after the date the managed
14 care organization has completed and issued its final decision.

15 (16) Upon a request for administrative review, the director shall create
16 a documentary record sufficient for judicial review. The director shall
17 complete administrative review and issue a proposed order within a reason-
18 able time. The proposed order of the director issued pursuant to this section
19 shall become final and not subject to further review unless a written request
20 for a hearing is filed with the director within 30 days of the mailing of the
21 order to all parties.

22 (17) At the contested case hearing, the order may be modified only if it
23 is not supported by substantial evidence in the record or reflects an error
24 of law. No new medical evidence or issues shall be admitted. The dispute
25 may also be remanded to the managed care organization for further evidence
26 taking, correction or other necessary action if the Administrative Law Judge
27 or director determines the record has been improperly, incompletely or oth-
28 erwise insufficiently developed. Decisions by the director regarding medical
29 disputes are subject to review under ORS 656.704.

30 (18) Any person who is dissatisfied with an action of a managed care or-
31 ganization other than regarding the provision of medical services pursuant

1 to this chapter, peer review, service utilization review or quality assurance
2 activities may request review under ORS 656.704.

3 (19) Notwithstanding any other provision of law, original jurisdiction
4 over contract review disputes is with the director. The director may resolve
5 the matter by issuing an order subject to review under ORS 656.704, or the
6 director may determine that the matter in dispute would be best addressed
7 in another forum and so inform the parties.

8 (20) The director shall conduct such investigations, audits and other ad-
9 ministrative oversight in regard to managed care as the director deems nec-
10 essary to carry out the purposes of this chapter.

11 (21)(a) Except as otherwise provided in this chapter, only a managed care
12 organization certified by the director may:

13 (A) Restrict the choice of a health care provider or medical service pro-
14 vider by a worker;

15 (B) Restrict the access of a worker to any category of medical service
16 providers;

17 (C) Restrict the ability of a medical service provider to refer a worker to
18 another provider;

19 (D) Require preauthorization or precertification to determine the neces-
20 sity of medical services or treatment; or

21 (E) Restrict treatment provided to a worker by a medical service provider
22 to specific treatment guidelines, protocols or standards.

23 (b) The provisions of paragraph (a) of this subsection do not apply to:

24 (A) A medical service provider who refers a worker to another medical
25 service provider;

26 (B) Use of an on-site medical service facility by the employer to assess
27 the nature or extent of a worker's injury; or

28 (C) Treatment provided by a medical service provider or transportation
29 of a worker in an emergency or trauma situation.

30 (c) Except as provided in paragraph (b) of this subsection, if the director
31 finds that a person has violated a provision of paragraph (a) of this sub-

1 section, the director may impose a sanction that may include a civil penalty
2 not to exceed \$2,000 for each violation.

3 (d) If violation of paragraph (a) of this subsection is repeated or willful,
4 the director may order the person committing the violation to cease and
5 desist from making any future communications with injured workers or
6 medical service providers or from taking any other actions that directly or
7 indirectly affect the delivery of medical services provided under this chapter.

8 (e)(A) Penalties imposed under this subsection are subject to ORS 656.735
9 (4) to (6) and 656.740.

10 (B) Cease and desist orders issued under this subsection are subject to
11 ORS 656.740.

12 **NOTE:** Improves word choice in (3)(d); alphabetizes definitions in (4)(d)
13 and adjusts internal reference in (4)(d)(A) to reflect relettering of subpara-
14 graphs; conforms punctuation to legislative style in (13).

15 **SECTION 37.** Section 7, chapter 89, Oregon Laws 2022, is amended to
16 read:

17 **Sec. 7.** (1) The board of directors of the Elliott State Research Forest
18 Authority shall:

19 (a) Contract with Oregon State University for implementation of forest
20 management operations consistent with the mission and management policies
21 described in section 2, **chapter 89, Oregon Laws 2022**, [*of this 2022 Act*] and
22 a biennial operations plan, unless implementation of forest management op-
23 erations is provided for as otherwise agreed to by the State Land Board, the
24 board of directors and the university.

25 (b) Ensure that the mission and management policies for the Elliott State
26 Research Forest described in section 2, **chapter 89, Oregon Laws 2022**, [*of*
27 *this 2022 Act*] are effectively implemented.

28 (c) Oversee the operational and fiscal integrity of the authority.

29 (d) Select an executive director of the authority, for which position the
30 board of directors and the university shall work collaboratively to recruit
31 and nominate candidates in a selection process led by the university.

1 (e) Oversee the activities of, and determine the delegation of responsibil-
2 ities to, the executive director.

3 (f) Determine the scope of biennial operations plans.

4 (g) Provide input, guidance and direction to the executive director con-
5 cerning implementation of operations and research programs, consistent with
6 the mission and management policies for the forest described in section 2,
7 **chapter 89, Oregon Laws 2022** [*of this 2022 Act*].

8 (h) Promote transparency and public participation in decision-making by:

9 (A) Notwithstanding the timeframe for public notice required by ORS
10 192.640 (1), and subject to the provisions of ORS 192.660, providing public
11 notice as described in ORS 192.640 (1) of the time, location and agendas for
12 a regular meeting of the board of directors at least seven days before the
13 meeting.

14 (B) Providing at least 24 hours' notice before a special meeting as de-
15 scribed in ORS 192.640 (3).

16 (C) Ensuring that any written materials being considered by the board
17 of directors at a regular meeting are available to the public at least seven
18 days before the meeting.

19 (D) Providing opportunities for public comment on agenda items requiring
20 action by the board of directors before the board of directors acts on the
21 agenda items.

22 (E) Ensuring that copies of written public comments are distributed to
23 members of the board of directors before the board of directors acts.

24 (F) Providing to the State Land Board and the public, 45 days before the
25 board of directors approves or denies a biennial operations plan, written
26 materials related to the biennial operations plan that contain operational
27 details and guidance sufficient to ensure compliance with relevant manage-
28 ment direction described in the applicable forest management plan and
29 habitat conservation plan.

30 (i) After considering public comments described in paragraph (h) of this
31 subsection, approve or deny:

1 (A) Annual budgets.

2 (B) Biennial operations reports.

3 (C) Biennial operations plans. A biennial operations plan must be con-
4 sistent with an applicable forest management plan.

5 (D) Recreation plans. A recreation plan must be consistent with an ap-
6 plicable forest management plan and the mission and management policies
7 described in section 2, **chapter 89, Oregon Laws 2022** [*of this 2022 Act*].

8 (E) Education plans. An education plan must be consistent with an ap-
9 plicable forest management plan and the mission and management policies
10 described in section 2, **chapter 89, Oregon Laws 2022** [*of this 2022 Act*].

11 (F) A forest management plan applicable to lands in the forest, and any
12 subsequent amendments to the forest management plan, after receiving input
13 and approval from the State Land Board. The forest management plan or
14 amendments must be consistent with the mission and management policies
15 described in section 2, **chapter 89, Oregon Laws 2022**, [*of this 2022 Act*] and
16 the applicable version of the university's Elliott State Research Forest Pro-
17 posal described in section 4, **chapter 89, Oregon Laws 2022** [*of this 2022*
18 *Act*].

19 (G) Any sale of carbon credits or entry into easements or other
20 encumbrances of lands in the forest.

21 (H) Any expansion or exchange of lands in the forest, after receiving in-
22 put and approval from the State Land Board.

23 (I) Any amendments to a habitat conservation plan related to the forest,
24 after receiving input and approval from the State Land Board. The amend-
25 ments must be consistent with the mission and management policies de-
26 scribed in section 2, **chapter 89, Oregon Laws 2022** [*of this 2022 Act*].

27 (J) Any proposed amendments to the university's Elliott State Research
28 Forest Proposal described in section 4, **chapter 89, Oregon Laws 2022** [*of*
29 *this 2022 Act*]. The amendments must be consistent with the mission and
30 management policies described in section 2, **chapter 89, Oregon Laws 2022**
31 [*of this 2022 Act*].

1 (K) Any other submission to federal or state agencies that relates to the
2 forest.

3 (L) Any funding requests made to federal or state agencies or the Legis-
4 lative Assembly, including any request for issuance of revenue bonds de-
5 scribed in section 17, **chapter 89, Oregon Laws 2022**, [*of this 2022 Act*] or
6 certificates of participation financing described in [*section 23 of this 2022*
7 *Act*] **ORS 283.085**, or any request related to state-funded debt service.

8 (j) Submit to the State Land Board biennial programmatic reviews of au-
9 thority operations that address:

10 (A) Functions of the authority relating to the mission and management
11 policies for the forest, including the fiscal integrity of the authority and the
12 status of forest operations, research initiatives, tribal partnerships, ties with
13 local and regional economies and ongoing implementation of conservation,
14 recreation and education programs.

15 (B) Compliance with federal and state regulatory requirements and any
16 policy directives from the executive branch.

17 (k) Conduct at least six business meetings per year for which public par-
18 ticipation is facilitated consistent with paragraph (h) of this subsection.

19 (L) Promote transparency around decisions concerning the forest, includ-
20 ing forums to provide input.

21 (m) Form advisory bodies or subcommittees as the board of directors
22 deems necessary and appropriate.

23 (2) As part of a funding request described in subsection (1)(i)(L) of this
24 section, the board of directors may request funding for state-funded debt
25 service. Any moneys requested pursuant to this subsection and appropriated
26 by the Legislative Assembly to pay debt service for state bonds must be held
27 by the State Treasurer pursuant to an agreement entered into by the State
28 Treasurer and the board of directors.

29 (3) The board of directors constitutes the governing body of the authority
30 for purposes of the public meetings laws set forth in ORS [*192.610 to*
31 *192.690*] **192.610 to 192.705**.

1 **NOTE:** Substitutes ORS number for session law citation in (1)(i)(L) (see
2 section 23, chapter 89, Oregon Laws 2022, amending ORS 283.085); updates
3 series reference in (3).

4 **SECTION 38.** Section 1, chapter 37, Oregon Laws 2024, is amended to
5 read:

6 **Sec. 1.** (1) As used in this section:

7 (a) “Agency” means an organization that provides agency with choice
8 services.

9 (b) “Agency with choice services” means services described in subsection
10 (3) of this section that are provided to an individual by an agency using a
11 self-directed service delivery model.

12 (c) “Authorized representative” means a person designated by an individ-
13 ual or the individual’s legal representative to act on behalf of the individual
14 in making decisions on matters pertaining to the planning and implementa-
15 tion of an in-home service plan or an individual support plan.

16 (d)(A) “Direct support worker” means a person providing attendant or
17 personal care services identified in an individual’s individualized service
18 plan as an employee of the agency.

19 (B) “Direct support worker” does not mean a home care worker or a
20 personal support worker as those terms are defined in ORS 410.600.

21 (e) “Individual” means an individual, or the authorized representative of
22 an individual, who receives in-home services and supports through the De-
23 partment of Human Services or the Oregon Health Authority and who is:

24 (A) An older adult;

25 (B) An individual with a physical disability; or

26 (C) An individual with behavioral health needs.

27 (f) “Nurse delegation” means arranging for tasks that are normally per-
28 formed only by licensed nurses to be performed by nursing assistants or other
29 care providers subject to the instruction and supervision of a licensed nurse.

30 (g) “Self-directed service delivery model” means a model in which an in-
31 dividual is supported by an agency that functions as the common law em-

1 ployer of direct support workers recruited by the individual and provides
2 financial management services and tasks in place of the individual. The in-
3 dividual directs the direct support workers and is considered a co-employer
4 with the agency.

5 (2)(a) The Department of Human Services shall adopt rules for the li-
6 censing of agencies providing services to older adults or individuals with
7 physical disabilities.

8 (b) The Oregon Health Authority shall adopt rules for the licensing of
9 agencies to provide personal care services to individuals with behavioral
10 health needs through a state plan amendment authorized by 42 U.S.C.
11 1396n(i) and under the state's 42 U.S.C. 1396n(k) plan.

12 (3) An agency licensed under subsection (2) of this section shall:

13 (a) Assist individuals with the following tasks:

14 (A) Recruiting and selecting direct support workers to be employed by the
15 agency to provide the individual's attendant and personal care services or
16 removing direct support workers from the individual's care team;

17 (B) Coordinating the schedules of direct support workers, establishing the
18 responsibilities of direct support workers and ensuring that direct support
19 workers do not work more than the hours authorized by the department or
20 the authority;

21 (C) Training direct support workers with respect to the individual's
22 unique needs and preferences in how the services and supports are delivered;

23 (D) Supporting the individual in maintaining a safe workplace, in self-
24 direction and in the roles and responsibilities of co-employer; and

25 (E) Performing other tasks prescribed by the department or the authority
26 by rule.

27 (b) Be responsible for hiring and terminating direct support workers who
28 are employed by the agency.

29 (c) Perform the following functions:

30 (A) Submit claims for reimbursement to the department or the authority
31 and pay direct support workers for authorized hours worked and billed in

1 accordance with the electronic visit verification requirements for providers
2 of services;

3 (B) Withhold, file and pay income taxes and all employment-related taxes,
4 including but not limited to workers' compensation premiums and unem-
5 ployment taxes;

6 (C) Verify the qualifications of each direct support worker as required
7 by federal and state laws, including by ensuring that each direct support
8 worker passes a background check;

9 (D) Ensure that direct support workers employed by the agency have ac-
10 cess to support coordination;

11 (E) Establish a process for:

12 (i) Identifying, analyzing and correcting adverse events;

13 (ii) Ensuring the timely reporting of any allegation of abuse, neglect or
14 fiscal improprieties involving an individual or a direct support worker, im-
15 mediately responding to the allegation and reporting the allegation to the
16 appropriate authorities;

17 (iii) Selecting and tracking indicators of quality by high-risk, high-volume
18 and problem-prone areas and indicators of individual safety and the quality
19 of care; and

20 (iv) Conducting and documenting quality improvement activities;

21 (F) Meet with individuals at least every six months, with at least one
22 in-home visit with the individual each 12 months, as determined jointly with
23 the individual based on the preferences and needs of the individual;

24 (G) Provide basic, standardized training to direct support workers and
25 ensure that direct support workers complete and are current with all train-
26 ing prescribed by the department and the authority by rule;

27 (H) Retain a personnel record for each direct support worker that in-
28 cludes, at a minimum:

29 (i) Documentation of completed required training and ongoing education;

30 (ii) Required criminal background checks; and

31 (iii) Evidence that any health care related license or certificate held by

1 a direct support worker is current and that the direct support worker has
2 not committed any action that would prevent the direct support worker from
3 providing services; and

4 (I) Provide other administrative and employment-related supports.

5 (d) Have in place a process to access and respond to a complaint or
6 grievance submitted by an individual about the services provided to the in-
7 dividual by a direct support worker.

8 (e) Pay any fines or penalties that may be assessed against an individual
9 if the agency fails to withhold the correct amounts of taxes or pay the ap-
10 propriate employment-related taxes to mitigate the risk to the individual.

11 (f) Indemnify an individual for any employment or wage-related claims,
12 damages, fines or penalties arising from the individual's relationship with
13 the agency.

14 (g) Maintain a drug-free workplace that prohibits direct support workers
15 from being under the influence of drugs or alcohol when providing services
16 to an individual.

17 (h) Commit to involving direct support workers employed by the agency
18 and individuals served by the agency in the development of and decision-
19 making about work processes, performance standards, quality improvement
20 strategies, training, technology use and workplace safety.

21 (i) Commit to minimizing the impact of the loss of pay and work hours
22 for direct support workers resulting from the hospitalization or death of an
23 individual or the dismissal of the direct support worker by the individual.

24 (j) Commit to engage and work closely with individuals in designing and
25 implementing agency with choice services by appointing individuals to an
26 advisory board, using focus groups of individuals or employing other meth-
27 ods, approved by the department or the authority, for working with individ-
28 uals.

29 (k) Promote each individual's self-direction and choice and maximize an
30 individual's autonomy and control over the decisions regarding the
31 individual's daily service needs, including by:

1 (A) Using a person-centered approach so that the individual is at the
2 center of the decision-making process regarding:

3 (i) Which attendant and personal care services are needed to assist the
4 individual in activities of daily living, instrumental activities of daily living
5 and health-related tasks, as defined by the department or the authority by
6 rule;

7 (ii) Which services are consistent with the individual's personal and cul-
8 tural values and preferences;

9 (iii) Where and how the services are delivered;

10 (iv) When the services are delivered; and

11 (v) Who provides the services;

12 (B) Enhancing the role of direct support workers as members of the
13 individual's care team, as desired and authorized by the individual and re-
14 flected in the individual's individualized service plan developed in accord-
15 ance with rules adopted by the department or the authority; and

16 (C) Complying with other requirements as prescribed by the department
17 or the authority, as applicable, by rule.

18 (L) Have in place a plan for recruiting and retaining qualified direct
19 support workers to meet the growing need for direct support workers in this
20 state.

21 (m) Assist an individual in planning for direct support worker absences
22 or similar situations [*which*] **that** call for replacement workers, consistent
23 with the individual's choice of direct support workers to provide the services.

24 (n) Have in place a quality assurance system and a performance im-
25 provement plan to evaluate and monitor the quality, safety and appropriate-
26 ness of the services provided by direct support workers.

27 (4) Each agency must enter into a provider agreement with the depart-
28 ment or the authority to submit billings to and receive payments from the
29 department or the authority for the services furnished by the direct support
30 workers.

31 (5) An individual has the right to:

1 (a) Select or otherwise approve the direct support workers who provide
2 services to the individual before the direct support workers begin providing
3 the services;

4 (b) Train direct support workers in the individual's specific service needs
5 and in the provision of services to the individual;

6 (c) Direct the individual's own services that are provided by direct sup-
7 port workers;

8 (d) Require an agency to remove a direct support worker from the
9 individual's care team;

10 (e) Report concerns and submit grievances about a direct support worker
11 to the agency, the relevant licensing agency or any other appropriate third
12 party, such as law enforcement in cases of abuse, neglect or financial mis-
13 appropriation or improprieties;

14 (f) Schedule a direct support worker's time in accordance with the
15 individual's desires, needs and authorized hours; and

16 (g) Receive employer-related training, as required by federal rules, from
17 a third party.

18 (6) An individual's exercise of any of the functions described in subsection
19 (5) of this section does not create an employer-employee relationship between
20 the direct support workers and the individual except as a co-employer with
21 the agency.

22 (7) The department and the authority shall establish reimbursement rates
23 for agencies in accordance with rate methodologies approved by the Centers
24 for Medicare and Medicaid Services. The baseline rates established by the
25 department and the authority must be sufficient to:

26 (a) Support substitute staffing needs due to canceled shifts, planned and
27 unplanned absences of direct support workers, respite care for individuals'
28 unpaid caregivers and other similar needs;

29 (b) Allow an agency to pay direct support workers wages and benefits at
30 least equal to the wages and benefits provided to home care workers in the
31 collective bargaining agreement under ORS 410.612; and

1 (c) Meet the requirements for training and supports for direct support
2 workers and for individuals as prescribed by the department or the authority
3 by rule.

4 (8) The department and the authority shall establish by rule financial
5 transparency requirements for agencies that include but are not limited to:

6 (a) Establishing a maximum allowable percentage of the hourly re-
7 imbursement rate paid to the agency that may be spent on overhead and
8 administrative costs;

9 (b) Requiring agencies to submit to the department or the authority de-
10 tailed cost reports that include, at a minimum, actual spending by the agency
11 on direct support worker wages, benefits and other personnel expenses; and

12 (c) Requiring agencies to pass through to direct support workers re-
13 imbursement rate increases that are targeted for wages and benefits of direct
14 support workers.

15 (9) Nurse delegation is the responsibility of the department or the au-
16 thority and not the responsibility of an agency and shall be operated in the
17 same manner as nurse delegation for home care workers, as defined in ORS
18 410.600.

19 (10) The department and the authority shall conduct a competitive pro-
20 curement process to select agency with choice services providers. The de-
21 partment and the authority may contract with no more than two agencies in
22 total to provide agency with choice services.

23 (11) Except as provided in subsection [(13)] (12) of this section, an agency
24 that seeks to contract with the department or the authority to provide
25 agency with choice services must first provide a labor peace agreement that:

26 (a) Is signed or certified by an authorized representative of a labor or-
27 ganization that represents employees in this state or a neighboring state who
28 provide services similar to the direct support worker services provided by the
29 direct support workers employed by the agency and that seeks to represent
30 the direct support workers employed by the agency; and

31 (b) Includes a process for the resolution of labor disputes with the direct

1 support workers employed by the agency.

2 (12) The department or the authority may contract with an agency that
3 has not provided a labor peace agreement described in subsection (11) of this
4 section if:

5 (a)(A) A labor organization is currently certified to represent the direct
6 support workers employed by the agency and the labor organization informs
7 the agency that the labor organization does not wish to enter into a labor
8 peace agreement with the agency; and

9 (B) The agency demonstrates to the satisfaction of the department or the
10 authority that the agency has processes in place to ensure the uninterrupted
11 delivery of direct support worker services in the event of a labor dispute; or

12 (b)(A) The agency notifies in writing all labor organizations certified to
13 represent employees in this state who provide services similar to the services
14 to be provided by the direct support workers employed by the consumer-
15 directed employer that the agency wishes to enter into a labor peace agree-
16 ment; and

17 (B) Three weeks following the date on which the notice was given:

18 (i) No labor organization responds to the notice; or

19 (ii) No labor organization expresses an interest in representing the direct
20 support workers employed by the agency.

21 (13) The department or the authority may deny, suspend or revoke the
22 license, certificate or endorsement, as applicable, of an agency or may impose
23 a civil penalty, in accordance with ORS 183.745, on an agency for the
24 agency's failure to comply with this section or rules adopted in accordance
25 with this section. A failure to comply includes but is not limited to a:

26 (a) Failure by the agency to provide required agency with choice services;

27 (b) Failure by the agency to correct deficiencies identified during a pro-
28 gram review or an investigation by the department or authority;

29 (c) Demonstrated pattern, over the previous two years, of significant and
30 substantiated violations of employment or wage laws in the state by:

31 (A) An agency as an employer of direct support workers; or

1 (B) A person applying to become an agency providing agency with choice
2 services in any business owned or operated by the person; or

3 (d) Failure of an agency to comply with ORS 443.004.

4 (14) This section does not supersede or limit any other authority of the
5 department or the authority with regard to oversight of contracting entities
6 or the imposition of civil penalties.

7 **NOTE:** Improves syntax in (3)(m); corrects subsection reference in (11).

8 **SECTION 39.** Section 5, chapter 97, Oregon Laws 2024, is amended to
9 read:

10 **Sec. 5.** (1) The Environmental Restoration Council is established in the
11 Oregon Watershed Enhancement Board. The council consists of [11] **13**
12 members as follows:

13 (a) The Governor or the Governor's designee.

14 (b) The Director of the Department of Environmental Quality or the
15 director's designee.

16 (c) The State Fish and Wildlife Director or the director's designee.

17 (d) The Director of the Oregon Health Authority or the director's
18 designee.

19 (e) The Attorney General or the Attorney General's designee.

20 (f)(A) Six members, appointed by the Governor, who have expertise and
21 a demonstrated interest in environmental remediation and the impacts from
22 contamination to water, air or land on people or the environment. The Gov-
23 ernor shall endeavor to appoint members with [*complimentary*] **complemen-**
24 **tary** expertise under this paragraph.

25 (B) Of the members appointed under this paragraph, at least two must
26 possess scientific expertise with the environmental or human health impacts
27 of PCB or other similar substances in the environment.

28 (C) Council members appointed under subparagraph (B) of this paragraph
29 need not reside in Oregon.

30 (g) A member of the Senate appointed by the President of the Senate to
31 be a nonvoting advisory member of the council.

1 (h) A member of the House of Representatives appointed by the Speaker
2 of the House of Representatives to be a nonvoting advisory member of the
3 council.

4 (2) The term of office of each member of the council appointed by the
5 Governor is four years, but a member serves at the pleasure of the Governor.
6 A member is eligible for reappointment but may not serve more than two
7 consecutive terms. If there is a vacancy for any cause, the Governor shall
8 make an appointment to become immediately effective for the unexpired
9 term.

10 (3) Each legislative member serves at the pleasure of the appointing au-
11 thority and may serve as long as the member remains in the chamber of the
12 Legislative Assembly from which the member was appointed.

13 (4) The Governor shall appoint a member of the council to serve as
14 chairperson.

15 (5) A majority of the voting members of the council constitutes a quorum
16 for the transaction of business.

17 (6) The council shall meet annually at the time and place specified by the
18 chairperson or of a majority of the members of the council. The council may
19 meet at other times and places as determined by the chairperson or a ma-
20 jority of the members of the council.

21 (7) The Oregon Watershed Enhancement Board shall provide staff support
22 to the council. The board may enter into agreements with other state agen-
23 cies to provide additional staff support to the council.

24 (8)(a) The council may create advisory committees as necessary to advise
25 the council on carrying out the functions of the council.

26 (b) The council may appoint to an advisory committee any person that the
27 council determines possesses expertise or information that may assist the
28 council in the performance of its duties.

29 (9)(a) Voting members of the council, and members of an advisory com-
30 mittee appointed under subsection (8) of this section who are not members
31 of the council, may be reimbursed for actual and necessary travel and other

1 expenses incurred by the member in the performance of official duties in the
2 same manner and amount as provided by ORS 292.495.

3 (b) Members of the council who are members of the Legislative Assembly
4 are entitled to payment of compensation and expenses as provided in ORS
5 171.072, payable from funds appropriated to the Legislative Assembly.

6 (10) The council shall submit a report each biennium to the Governor and
7 the Legislative Assembly in the manner provided by ORS 192.245. The report
8 must describe the purposes for which moneys expended from the State
9 Agency Program Fund established under section 10, **chapter 97, Oregon**
10 **Laws 2024** [*of this 2024 Act*], the Disproportionately Impacted Community
11 Fund established under section 11, **chapter 97, Oregon Laws 2024**, [*of this*
12 *2024 Act*] and the Tribal Nation Natural Resource Program Fund established
13 under section 12, **chapter 97, Oregon Laws 2024**, [*of this 2024 Act*] were
14 used and the outcomes achieved by funding recipients.

15 (11) In accordance with the provisions of ORS chapter 183, the council
16 may adopt rules necessary for the administration of the laws that the council
17 is charged with administering.

18 **NOTE:** Corrects number of council members in (1); corrects word choice
19 in (1)(f)(A).

20 **SECTION 40.** Section 7, chapter 97, Oregon Laws 2024, is amended to
21 read:

22 **Sec. 7.** (1) The Environmental Restoration Council shall establish by rule
23 a program to provide grants to public or private nonprofit entities to carry
24 out projects that benefit disproportionately impacted communities. Rules
25 adopted under this section shall include but need not be limited to:

26 (a) Procedures for soliciting and reviewing applications from public or
27 private nonprofit entities;

28 (b) Eligibility criteria for nonprofit entities;

29 (c) Eligible purposes for which grants may be awarded;

30 (d) Guidelines for collaborations or partnerships between multiple enti-
31 ties; and

1 (e)(A) Reporting requirements for grant recipients.

2 (B) Reporting requirements:

3 (i) Must be developed after consultation with nonprofit entities likely to
4 receive grants under this section; and

5 (ii) As far as practicable, **must** be consistent with reporting requirements
6 adopted under sections 6 and 8, **chapter 97, Oregon Laws 2024** [*of this 2024*
7 *Act*].

8 (2) Grants awarded under this section:

9 (a) Must be awarded for projects or purposes that are consistent with the
10 terms of the Monsanto Settlement Agreement and the strategic priorities
11 established under section 9, **chapter 97, Oregon Laws 2024** [*of this 2024*
12 *Act*].

13 (b) May be used to supplement existing programs or projects but may not
14 be used to supplant moneys available from any other source.

15 (c) May be used as matching funds for federal moneys or moneys available
16 from any other source.

17 (3) The council may contract with a third-party entity to implement and
18 serve as the administrator of the grant program established under this sec-
19 tion.

20 (4) Grants awarded under this section shall be paid out of the Dispro-
21 portionately Impacted Community Fund established under section 11, **chap-**
22 **ter 97, Oregon Laws 2024**, [*of this 2024 Act*] by the Oregon Watershed
23 Enhancement Board in accordance with rules adopted by the council under
24 this section.

25 **NOTE:** Supplies missing word in (1)(e)(B)(ii).

26 **SECTION 41.** Section 14, chapter 97, Oregon Laws 2024, is amended to
27 read:

28 **Sec. 14.** Notwithstanding the term of office specified in section 5 (2),
29 **chapter 97, Oregon Laws 2024** [*of this 2024 Act*], of the members of the
30 Environmental Restoration Council first appointed by the Governor under
31 section 5 [(1)(e)] (1)(f), **chapter 97, Oregon Laws 2024** [*of this 2024 Act*]:

1 (1) Two shall serve a term of two years; and

2 (2) Two shall serve a term of three years.

3 **NOTE:** Corrects internal reference in lead-in.

4 _____