

Enrolled Senate Bill 316

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 174.535 is amended to read:

174.535. It is the policy of the Legislative Assembly to revise sections from Oregon Revised Statutes and Oregon law periodically in order to maintain accuracy. However, nothing in chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws 2017, chapter 13, Oregon Laws 2019, [*or*] chapter 97, Oregon Laws 2021, **or this 2023 Act** is intended to alter the legislative intent or purpose of statutory sections affected by chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws 2017, chapter 13, Oregon Laws 2019, [*and*] chapter 97, Oregon Laws 2021, **and this 2023 Act**, except insofar as the amendments thereto, or repeals thereof, specifically require.

NOTE: Sets forth Reviser’s Bill policy statement.

SECTION 2. ORS 63.644 is amended to read:

63.644. (1) A dissolved limited liability company that has filed articles of dissolution in accordance with ORS 63.631 may publish notice of the limited liability company’s dissolution and request

that persons with claims against the limited liability company present the claims in accordance with the notice.

(2) The notice must:

(a) Be published one time in a newspaper of general circulation in the county where the dissolved limited liability company's principal office is located or, if the principal office is not in this state, where the dissolved limited liability company's registered office is or was last located;

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

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

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

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

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

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

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

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

(c) If a claimant states in an affidavit to a circuit court of this state that the claimant cannot after due diligence locate any of the persons described in paragraph (b) of this subsection, the court may provide in an order that the claimant may serve process upon the dissolved limited liability company by personally delivering the service, together with a copy of the court's order, to the office of the Secretary of State. Service delivered as provided in this paragraph is complete on the 10th day after the delivery.

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

SECTION 3. ORS 92.170 is amended to read:

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

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

(b) To correct an error in any courses or distances shown on the subdivision or partition plat;

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

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

(2) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations.

(3) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability or retirement from practice of the surveyor who filed the subdivision or partition plat, the county surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

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

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

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

NOTE: Standardizes orphan series citation in (1).

SECTION 4. ORS 100.205 is amended to read:

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

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

(a) In a single stage condominium, within 60 days of conveyance to persons other than the declarant of 50 percent of the units.

(b) In a staged or flexible condominium, within 60 days of conveyance to persons other than the declarant of 50 percent of the total number of units which the declarant may submit to the provisions of this chapter under ORS 100.125 or 100.150.

[(2)] (3) The transitional committee shall be advisory only and shall consist of two or more members selected by unit owners other than the declarant and may include not more than one representative of the declarant. The members shall serve until the turnover meeting. The function of the committee shall be that of enabling ease of transition from control of the administration of the association of unit owners by the declarant to control by the unit owners. The committee shall have access to the information, documents and records [*which*] **that** the declarant must turn over to the unit owners under ORS 100.210 (5).

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

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

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

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

SECTION 5. ORS 105.464 is amended to read:
105.464. A seller's property disclosure statement must be in substantially the following form:

If required under ORS 105.465, a seller shall deliver in substantially the following form the seller's property disclosure statement to each buyer who makes a written offer to purchase real property in this state:

INSTRUCTIONS TO THE SELLER

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

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

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

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

Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not claiming an exclusion, you must fill out Section 2 of this form completely.

Initial only the exclusion you wish to claim.

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

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

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

_____ This sale or transfer is by a governmental agency.

Signature(s) of Seller claiming exclusion

Date _____

Buyer(s) to acknowledge Seller's claim
Date _____

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

Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

(NOT A WARRANTY)
(ORS 105.464)

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

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

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

Seller _____ is/ _____ is not occupying the property.

I. SELLER'S REPRESENTATIONS:

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

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

1. TITLE

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

*B. Is title to the property subject to any of the following: []Yes []No []Unknown

- (1) First right of refusal
- (2) Option

- (3) Lease or rental agreement
- (4) Other listing
- (5) Life estate?
- *C. Is the property being transferred an unlawfully established unit of land?]Yes]No]Unknown
- *D. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes?]Yes]No]Unknown
- *E. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property?]Yes]No]Unknown
- *F. Are there any agreements for joint maintenance of an easement or right of way?]Yes]No]Unknown
- *G. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property?]Yes]No]Unknown
- *H. Are there any pending or existing governmental assessments against the property?]Yes]No]Unknown
- *I. Are there any zoning violations or nonconforming uses?]Yes]No]Unknown
- *J. Is there a boundary survey for the property?]Yes]No]Unknown
- *K. Are there any covenants, conditions, restrictions or private assessments that affect the property?]Yes]No]Unknown
- *L. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold?]Yes]No]Unknown

2. WATER

A. Household water

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

-]Public]Community]Private
-]Other _____

(2) Water source information:

- *a. Does the water source require a water permit?]Yes]No]Unknown
If yes, do you have a permit?]Yes]No
- b. Is the water source located on the property?]Yes]No]Unknown
*If not, are there any written agreements for a shared water source?]Yes]No]Unknown]NA
- *c. Is there an easement (recorded or unrecorded) for your access to or maintenance of the water source?]Yes]No]Unknown
- d. If the source of water is from a well or spring, have you had any of the following in the past 12 months?]Flow test]Bacteria test]Chemical contents test]Yes]No]Unknown]NA
- *e. Are there any water source plumbing problems or needed repairs?]Yes]No]Unknown
- (3) Are there any water treatment systems for the property?]Yes]No]Unknown

- Leased Owned
- B. Irrigation
- (1) Are there any water rights or other irrigation rights for the property? Yes No Unknown
- *(2) If any exist, has the irrigation water been used during the last five-year period? Yes No Unknown N/A
- *(3) Is there a water rights certificate or other written evidence available? Yes No Unknown N/A
- C. Outdoor sprinkler system
- (1) Is there an outdoor sprinkler system for the property? Yes No Unknown
- (2) Has a back flow valve been installed? Yes No Unknown N/A
- (3) Is the outdoor sprinkler system operable? Yes No Unknown N/A
3. SEWAGE SYSTEM
- A. Is the property connected to a public or community sewage system? Yes No Unknown
- B. Are there any new public or community sewage systems proposed for the property? Yes No Unknown
- C. Is the property connected to an on-site septic system?
- (1) If yes, when was the system installed? _____ Unknown N/A
- (2) *If yes, was the system installed by permit? Yes No Unknown N/A
- (3) *Has the system been repaired or altered? Yes No Unknown
- (4) *Has the condition of the system been evaluated and a report issued? Yes No Unknown
- (5) Has the septic tank ever been pumped? Yes No Unknown
If yes, when? _____ N/A
- (6) Does the system have a pump? Yes No Unknown
- (7) Does the system have a treatment unit such as a sand filter or an aerobic unit? Yes No Unknown
- (8) *Is a service contract for routine maintenance required for the system? Yes No Unknown
- (9) Are all components of the system located on the property? Yes No Unknown
- D. *Are there any sewage system problems or needed repairs? Yes No Unknown
- E. Does your sewage system require on-site pumping to another level? Yes No Unknown
4. DWELLING INSULATION
- A. Is there insulation in the:
- (1) Ceiling? Yes No Unknown
- (2) Exterior walls? Yes No Unknown
- (3) Floors? Yes No Unknown
- B. Are there any defective insulated doors or windows? Yes No Unknown
5. DWELLING STRUCTURE
- *A. Has the roof leaked? Yes No Unknown
If yes, has it been repaired? Yes No Unknown N/A
- B. Are there any additions, conversions or

- remodeling?]Yes]No]Unknown
- If yes, was a building permit required?]Yes]No]Unknown]NA
- If yes, was a building permit obtained?]Yes]No]Unknown]NA
- If yes, was final inspection obtained?]Yes]No]Unknown]NA
- C. Are there smoke alarms or detectors?]Yes]No]Unknown
- D. Are there carbon monoxide alarms?]Yes]No]Unknown
- E. Is there a woodstove or fireplace insert included in the sale?]Yes]No]Unknown
- *If yes, what is the make? _____
- *If yes, was it installed with a permit?]Yes]No]Unknown
- *If yes, is a certification label issued by the United States Environmental Protection Agency (EPA) or the Department of Environmental Quality (DEQ) affixed to it?]Yes]No]Unknown
- *F. Has pest and dry rot, structural or "whole house" inspection been done within the last three years?]Yes]No]Unknown
- *G. Are there any moisture problems, areas of water penetration, mildew odors or other moisture conditions (especially in the basement)?]Yes]No]Unknown
- *If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done.
- H. Is there a sump pump on the property?]Yes]No]Unknown
- I. Are there any materials used in the construction of the structure that are or have been the subject of a recall, class action suit, settlement or litigation?]Yes]No]Unknown
- If yes, what are the materials? _____
- (1) Are there problems with the materials?]Yes]No]Unknown]NA
- (2) Are the materials covered by a warranty?]Yes]No]Unknown]NA
- (3) Have the materials been inspected?]Yes]No]Unknown]NA
- (4) Have there ever been claims filed for these materials by you or by previous owners?]Yes]No]Unknown]NA
- If yes, when? _____
- (5) Was money received?]Yes]No]Unknown]NA
- (6) Were any of the materials repaired or replaced?]Yes]No]Unknown]NA
6. DWELLING SYSTEMS AND FIXTURES
- If the following systems or fixtures are included in the purchase price, are they in good working order on the date this form is signed?
- A. Electrical system, including wiring, switches, outlets and service]Yes]No]Unknown
- B. Plumbing system, including pipes, faucets, fixtures and toilets]Yes]No]Unknown
- C. Water heater tank]Yes]No]Unknown
- D. Garbage disposal]Yes]No]Unknown]NA
- E. Built-in range and oven]Yes]No]Unknown]NA
- F. Built-in dishwasher]Yes]No]Unknown]NA
- G. Sump pump]Yes]No]Unknown]NA

- H. Heating and cooling systems []Yes []No []Unknown []NA
- I. Security system []Owned []Leased []Yes []No []Unknown []NA
- J. Are there any materials or products used in the systems and fixtures that are or have been the subject of a recall, class action suit settlement or litigation? []Yes []No []Unknown
 If yes, what product? _____
- (1) Are there problems with the product? []Yes []No []Unknown
- (2) Is the product covered by a warranty? []Yes []No []Unknown
- (3) Has the product been inspected? []Yes []No []Unknown
- (4) Have claims been filed for this product by you or by previous owners? []Yes []No []Unknown
 If yes, when? _____
- (5) Was money received? []Yes []No []Unknown
- (6) Were any of the materials or products repaired or replaced? []Yes []No []Unknown
7. COMMON INTEREST
- A. Is there a Home Owners' Association or other governing entity? []Yes []No []Unknown
 Name of Association or Other Governing Entity _____
 Contact Person _____
 Address _____
 Phone Number _____
- B. Regular periodic assessments: \$_____ per []Month []Year []Other _____
- *C. Are there any pending or proposed special assessments? []Yes []No []Unknown
- D. Are there shared "common areas" or joint maintenance agreements for facilities like walls, fences, pools, tennis courts, walkways or other areas co-owned in undivided interest with others? []Yes []No []Unknown
- E. Is the Home Owners' Association or other governing entity a party to pending litigation or subject to an unsatisfied judgment? []Yes []No []Unknown []NA
- F. Is the property in violation of recorded covenants, conditions and restrictions or in violation of other bylaws or governing rules, whether recorded or not? []Yes []No []Unknown []NA
8. SEISMIC
- Was the house constructed before 1974? []Yes []No []Unknown
 If yes, has the house been bolted to its foundation? []Yes []No []Unknown
9. GENERAL
- A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area? []Yes []No []Unknown
- B. Does the property contain fill? []Yes []No []Unknown

- C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides? []Yes []No []Unknown
- D. Is the property in a designated floodplain? []Yes []No []Unknown
Note: Flood insurance may be required for homes in a floodplain.
- E. Is the property in a designated slide or other geologic hazard zone? []Yes []No []Unknown
- *F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water? []Yes []No []Unknown
- G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property? []Yes []No []Unknown
- H. Has the property ever been used as an illegal drug manufacturing or distribution site? []Yes []No []Unknown
 *If yes, was a Certificate of Fitness issued? []Yes []No []Unknown
- *I. Has the property been classified as [*forestland-urban*] **wildland-urban** interface? []Yes []No []Unknown

10. FULL DISCLOSURE BY SELLERS

- *A. Are there any other material defects affecting this property or its value that a prospective buyer should know about? []Yes []No
 *If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation.

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

Seller(s) signature:

SELLER _____ DATE _____

SELLER _____ DATE _____

II. BUYER'S ACKNOWLEDGMENT

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

B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or of any real estate licensee engaged by the

seller or buyer. A financial institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another party's disclosure statement required by this section or any amendment to the disclosure statement.

C. Buyer (which term includes all persons signing the "buyer's acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

BUYER _____ DATE _____

BUYER _____ DATE _____

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

_____ Real Estate Licensee

_____ Real Estate Firm

Date received by agent _____

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

SECTION 6. ORS 109.096 is amended to read:

109.096. (1) When the parentage of a child has not been established under ORS 109.065 or has not been established or acknowledged under ORS 419B.609, the putative father is entitled to reasonable notice in adoption or other court proceedings concerning the custody of the child, except for juvenile court proceedings, if the petitioner knows, or by the exercise of ordinary diligence should have known:

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

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

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

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

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

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

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

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

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

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

SECTION 7. ORS 109.680 is amended to read:

109.680. (1) As used in this section, "mental health care provider" means a physician or physician assistant licensed by the Oregon Medical Board, psychologist licensed by the Oregon Board of Psychology, nurse practitioner registered by the Oregon State Board of Nursing, clinical social worker licensed under ORS 675.530, professional counselor or marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists, naturopathic physician licensed under ORS chapter 685 or community mental health program established and operated pursuant to ORS 430.620 when approved to do so by the Oregon Health Authority pursuant to rule.

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

(b) If the minor's condition has deteriorated or the risk of a suicide attempt has become such that inpatient treatment is necessary, or if the minor's condition requires detoxification in a residential or acute care facility, the minor's mental health care provider may disclose the relevant information regarding the minor's diagnosis and treatment to the minor's parent or legal guardian to the extent the mental health care provider determines the disclosure is clinically appropriate and will serve the best interests of the minor's treatment.

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

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

(B) The mental health care [professional] provider may disclose relevant information regarding the minor's treatment and diagnosis that the mental health care [professional] provider determines is necessary to further the minor's treatment to those organizations, including appropriate schools and social service entities, that the mental health care provider reasonably believes will provide treatment support to the minor to the extent the mental health care provider determines necessary.

(d) Except as provided in ORS 109.675 (2) and paragraphs (a) and (b) of this subsection, if a mental health care provider has provided the minor with the opportunity to object to the disclosure and the minor has not expressed an objection, the mental health care provider may disclose infor-

mation related to the minor's treatment and diagnosis to individuals, including the minor's parent or legal guardian, and organizations when the information directly relates to the individual's or organization's involvement in the minor's treatment.

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

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

(b) Reasonably believes disclosure of the minor's information to the individual could endanger the minor; or

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

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

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

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

SECTION 8. ORS 127.002 is amended to read:

127.002. For the purposes of ORS 127.005 to 127.045:

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

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

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

NOTE: Eliminates superfluous conjunction in (1).

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

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

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

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

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

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

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

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

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

(h) Obey all laws, municipal, county, state and federal, and in circumstances in which state and federal law conflict, obey state law.

(i) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.

- (j) Not possess weapons, firearms or dangerous animals.
- (k) Report as required and abide by the direction of the supervising officer.
- (L) If recommended by the supervising officer, successfully complete a sex offender treatment program approved by the supervising officer and submit to polygraph examinations at the direction of the supervising officer if the probationer:
 - (A) Is under supervision for a sex offense under ORS 163.305 to 163.467;
 - (B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or
 - (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense under ORS 163.305 to 163.467 if committed in this state.
- (m) Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.
- (n) If required to report as a sex offender under ORS 163A.015, report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency:
 - (A) When supervision begins;
 - (B) Within 10 days of a change in residence;
 - (C) Once each year within 10 days of the probationer's date of birth;
 - (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
 - (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
- (o) Submit to a risk and needs assessment as directed by the supervising officer and follow reasonable recommendations resulting from the assessment.
- (2) In addition to the general conditions, the court may impose any special conditions of probation that are reasonably related to the crime of conviction or the needs of the probationer for the protection of the public or reformation of the probationer, or both, including, but not limited to, that the probationer shall:
 - (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence or to the premises thereof, or be subject to any combination of such confinement and restriction, such confinement or restriction or combination thereof to be for a period not to exceed one year or one-half of the maximum period of confinement that could be imposed for the offense for which the defendant is convicted, whichever is the lesser.
 - (b) For felonies committed on or after November 1, 1989:
 - (A) Be confined in the county jail, or be subject to other custodial sanctions under community supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and
 - (B) Comply with any special conditions of probation that are imposed by the supervising officer in accordance with subsection (9) of this section.
 - (c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as specifically ordered by the court in order to pay restitution.
 - (d) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence, as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text message services.
 - (e) Not use or possess controlled substances except pursuant to a medical prescription.
- (3)(a) If a person is released on probation following conviction of stalking under ORS 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the court may include as a special condition of the person's probation reasonable residency restrictions.
 - (b) If the court imposes the special condition of probation described in this subsection and if at any time during the period of probation the victim moves to a location that causes the probationer to be in violation of the special condition of probation, the court may not require the probationer to change the probationer's residence in order to comply with the special condition of probation.

(4) When a person who is a sex offender is released on probation, the court shall impose as a special condition of probation that the person not reside in any dwelling in which another sex offender who is on probation, parole or post-prison supervision resides, without the approval of the person's supervising parole and probation officer, or in which more than one other sex offender who is on probation, parole or post-prison supervision resides, without the approval of the director of the probation agency that is supervising the person or of the county manager of the Department of Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole and probation officer of a person subject to the requirements of this subsection shall review the person's living arrangement with the person's sex offender treatment provider to ensure that the arrangement supports the goals of offender rehabilitation and community safety. As used in this subsection:

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

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

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

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

(5)(a) If the person is released on probation following conviction of a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the court, if requested by the victim, shall include as a special condition of the person's probation that the person not reside within three miles of the victim unless:

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

(B) The person demonstrates to the court by a preponderance of the evidence that no mental intimidation or pressure was brought to bear during the commission of the crime;

(C) The person demonstrates to the court by a preponderance of the evidence that imposition of the condition will deprive the person of a residence that would be materially significant in aiding in the rehabilitation of the person or in the success of the probation; or

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

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

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

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

(7) Failure to abide by all general and special conditions of probation may result in arrest, modification of conditions, revocation of probation or imposition of structured, intermediate sanctions in accordance with rules adopted under ORS 137.595.

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

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

(b) When the court orders a defendant placed under the supervision of the Department of Corrections or a community corrections agency, the supervising officer may file with the court a proposed modification to the special conditions of probation. The supervising officer shall provide a copy of the proposed modification to the district attorney and the probationer, and shall notify the probationer of the right to file an objection and have a hearing as described in subparagraph (A) of this paragraph. The notice requirement may be satisfied by providing the probationer with a copy

of a form developed in accordance with rules adopted under ORS 137.595 (2)(b) that describes the right to a hearing. If the district attorney or probationer:

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

(B) Does not file an objection to the proposed modification less than five judicial days after the proposed modification was filed, the proposed modification becomes effective five judicial days after the proposed modification was filed.

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

(11) If the court ordered as a special condition of probation that the probationer find and maintain employment, it is not a cause for revocation of probation that the probationer failed to apply for or accept employment at any workplace where there is a labor dispute in progress. As used in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010.

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

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

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

NOTE: Confirms removal of series from inappropriate chapter.

SECTION 11. ORS 197.493 is amended to read:

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

- (a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (B) Occupied as a residential dwelling; and
- (C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

or

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

- (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;
- (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- (C) Twenty-four months after the date the dwelling first became uninhabitable.

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

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

SECTION 12. ORS 271.715 is amended to read:

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

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

(2) "Highway scenic preservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of property.

(3) "Holder" means:

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

(b) A charitable corporation, charitable association[,] or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic[,] or open space values of real property, assuring the availability of real property for agricultural, forest, recreational[,] or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological[,] or cultural aspects of real property; or

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

(4) "Third-party right of enforcement" means a right provided in a conservation easement or highway scenic preservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association or charitable trust, [*which*] **that**, although eligible to be a holder, is not a holder.

NOTE: Conforms punctuation to legislative style in (1) and (3)(b); corrects word choice in (3)(a); improves construction in (3)(b); improves word choice in (4).

SECTION 13. ORS 271.725 is amended to read:

271.725. (1) The state, any county, metropolitan service district, soil and water conservation district, city or park and recreation district or a county service district established under ORS 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas [*Counties*] **County** for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5) may acquire by purchase, agreement or donation, but not by exercise of the power of eminent domain, unless specifically authorized by law, conservation easements in any area within their respective jurisdictions wherever and to the extent that a state agency or the governing body of the county, metropolitan service district, soil and water conservation district, city, park and recreation district or county service district established under ORS 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas [*Counties*] **County** for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5) determines that the acquisition will be in the public interest.

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

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

(4) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement or highway scenic preservation easement before its acceptance by the holder and recordation of the acceptance.

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

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

NOTE: Corrects word choice in (1) and (3); conforms punctuation to legislative style in (2) and (5).

SECTION 14. ORS 271.735 is amended to read:

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

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

(3) At least 30 days prior to the hearing, the state agency shall mail notice of the hearing to the governing body of each county, city and other governmental agency having jurisdiction in the area of the proposed easements.

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

NOTE: Corrects word choice in (1).

SECTION 15. ORS 271.775 is amended to read:

271.775. The board or officer administering a state agency or the governing body of any county, metropolitan service district, soil and water conservation district, city or park and recreation district or of a county service district established under ORS 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas [*Counties*] **County** for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5) may make and enforce reasonable rules, regulations, orders or ordinances governing the care, use and management of its conservation easements and highway scenic preservation easements.

NOTE: Corrects word choice.

SECTION 16. ORS 276.598 is amended to read:

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

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

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

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

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

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

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

SECTION 17. ORS 293.490 is amended to read:

293.490. (1) Except for property described under ORS [~~98.304~~] **98.302** to 98.436, and as otherwise directed by law, upon the death of any person entitled to payment of money in the State Treasury or on deposit with a state agency or officer, if the estate is not to be administered in a court having probate jurisdiction, the State Treasurer or the state agency or officer authorized to disburse the funds may pay or cause to be paid the money due, as provided in subsection (3) of this section. Except as to payment of salary or wages due a deceased state officer or employee from the State of Oregon, no payment under this section shall be made in excess of \$10,000.

(2) Notwithstanding the provisions of subsection (1) of this section, moneys on deposit with a state agency or officer representing unpaid wages collected on behalf of a person by the Bureau of Labor and Industries shall be payable pursuant to subsection (3) of this section.

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

(a) Surviving spouse.

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

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

(d) Parents.

(e) Brothers and sisters.

(f) Nephews and nieces.

NOTE: Updates orphan series citation in (1).

SECTION 18. ORS 305.410 is amended to read:

305.410. (1) Subject only to the provisions of ORS 305.445 relating to judicial review by the Supreme Court and to subsection (2) of this section, the tax court shall be the sole, exclusive and final judicial authority for the hearing and determination of all questions of law and fact arising under the tax laws of this state. For the purposes of this section, and except to the extent that they preclude the imposition of other taxes, the following are not tax laws of this state:

(a) ORS chapter 577 relating to Oregon Beef Council contributions.

(b) ORS 576.051 to 576.455 relating to commodity commission assessments.

(c) ORS chapter 477 relating to fire protection assessments.

(d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 relating to insurance company fees and taxes.

(e) ORS chapter 473 relating to liquor taxes.

(f) ORS chapter 825 relating to motor carrier taxes.

(g) ORS chapter 319 relating to motor vehicle and aircraft fuel taxes and the road usage charges imposed under ORS 319.885.

(h) [~~ORS title 59~~] **The Oregon Vehicle Code** relating to motor vehicle and motor vehicle operators' license fees and ORS [~~title 39~~] **chapter 830** relating to boat licenses.

(i) ORS chapter 578 relating to Oregon Wheat Commission assessments.

(j) ORS chapter 462 relating to racing taxes.

(k) ORS chapter 657 relating to unemployment insurance taxes.

(L) ORS chapter 656 relating to workers' compensation contributions, assessments or fees.

(m) ORS 311.420, 311.425, 311.455, 311.650, 311.655 and ORS chapter 312 relating to foreclosure of real and personal property tax liens.

(n) ORS 409.800 to 409.816 and 409.900 relating to long term care facility assessments.

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

(a) The priority of property tax liens in relation to other liens.

(b) The validity of any deed, conveyance, transfer or assignment of real or personal property under ORS 95.060 and 95.070 (1983 Replacement Part) or 95.200 to 95.310 where the Department of Revenue has or claims a lien or other interest in the property.

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

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

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

SECTION 19. ORS 366.916 is amended to read:

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

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

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

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

NOTE: Improves syntax in (1).

SECTION 20. ORS 366.917 is amended to read:

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

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

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

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

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

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

SECTION 21. ORS 366.918 is amended to read:

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

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

NOTE: Improves syntax in (1).

SECTION 22. ORS 366.919 is amended to read:

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

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

NOTE: Improves syntax in (1).

SECTION 23. ORS 366.923 is amended to read:

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

(2) The Department of Transportation shall place and maintain suitable markers along the highway described in this section indicating the designation of the highway as the William Tebeau Memorial Highway.

NOTE: Improves syntax in (1).

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

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

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

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

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

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

(6) The portion of Oregon Route 35[,] beginning where the highway intersects with U.S. Highway 26 and ending where the highway intersects with U.S. Highway 30[,] shall also be known as the Oregon Nisei Veterans World War II Memorial Highway.

(7) The Department of Transportation shall place and maintain suitable markers along each highway described in this section to indicate the designation of each highway.

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

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

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

SECTION 25. ORS 366.925 is amended to read:

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

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

NOTE: Improves syntax in (1).

SECTION 26. ORS 403.135 is amended to read:

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

(2) Automatic number identifications received by public safety answering points [and] **or a** 9-8-8 coordinated crisis services system are confidential and are not subject to public disclosure unless and until an official report is written by the public or private safety agency and that agency does not withhold the telephone number under ORS 192.311 to 192.478 or other state and federal laws. The official report of a public safety answering point or a 9-8-8 coordinated crisis services system may not include nonpublished or nonlisted telephone numbers. The official report of a public or private safety agency may not include nonpublished or nonlisted telephone numbers. Nonpublished or nonlisted telephone numbers are not otherwise subject to public disclosure without the permission of the subscriber.

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

- (a) Responding to an emergency call;
- (b) Responding to emergency situations that involve the risk of death or serious physical harm to an individual, as provided in ORS 403.132; or
- (c) Notifying the public of an emergency.

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

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

- (a) To respond to an emergency call;
- (b) To respond to an emergency situation that involves the risk of death or serious physical harm to an individual, as provided in ORS 403.132; or
- (c) To notify the public of an emergency by utilizing an automated notification system if a provider has provided subscriber information to the 9-1-1 jurisdiction or emergency services provider.

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

SECTION 27. ORS 418.353 is amended to read:

418.353. (1) A referral agent shall provide a client with a disclosure at the same time the client is offered information, referral or recommendation regarding a residential care program. The written disclosure must be conspicuous, provided in clear language and include:

- (a) A description of the residential care referral to be provided by the referral agent, including:
 - (A) The names of all agencies that license the program and the type of licenses the program currently holds.
 - (B) All licensing actions taken against the program or its parent company in the prior 24 months, based on direct inquiry with each agency that licenses the program.
 - (C) The number of substantiated allegations of abuse, deaths and [or] serious injuries at the program in the prior 24 months, based on direct inquiry with each agency that licenses the program or investigates abuse at the program.
 - (D) The program's restraint, seclusion and behavioral management policy.
 - (E) Names, titles and educational background of the leadership team of the program.
 - (F) Day and nighttime staff to student ratio of the program.

- (G) Whether the program serves youth offenders.
- (H) Names, titles and educational background of all health care providers who are employees of the program.
- (I) If the program advertises treatment services, whether the program is regulated as a behavioral health center by its state's health authority.
- (b) A description of the relationship between the referral agent and the program the agent is making referral to, including:
 - (A) A statement of whether the referral agent provides residential care referrals only to programs with which the agent has an existing contract.
 - (B) A disclosure of all sources of fees, compensation or consideration the referral agent may receive in exchange for making the residential care referral.
 - (c) A description of the referral agent's qualifications and business practices, including:
 - (A) The referral agent's contact information, including address and telephone number.
 - (B) The referral agent's educational background and qualifications.
 - (C) The referral agent's privacy policy.
 - (d) The date of the referral agent's last visit to the facility and whether the visit was in person or a virtual tour as permitted under subsection (2)(b) of this section.
- (2) A referral agent may not:
 - (a) Refer a client to a residential care program that is not licensed by the agency responsible for licensing child-caring agencies in the state where the program is located.
 - (b) Refer a client to a residential care program unless within the prior 24 months, the agent has personally toured the program or, if the tour occurred during a time when personal tours were prohibited by a federal, state or local emergency declaration, virtually toured the program.
 - (c) Refer a client to a residential care program that has had a restriction, revocation or suspension of its license by any licensing entity within the prior 12 months.
 - (d) Refer a client to an organization or company that offers secure transportation services that is not approved by the state Department of Human Services to accept referrals, under rules adopted by the department.
 - (e) Share a client's placement information with or sell a client's placement information to a program or marketing affiliate without obtaining affirmative consent from the client for each instance of sharing or selling the information.
 - (f) Refer a client to a residential care program in which the referral agent or an immediate family member of the referral agent has an ownership interest.
 - (g) Refer a client to a residential care program that provides any compensation, payment or consideration to the referral agent in exchange for the referral.
 - (h) Contact a client who has requested in writing that the referral agent stop contacting the client.
- (3) For each residential care program to which the referral agent makes residential care referrals, a referral agent shall provide to a client via a website or written notice:
 - (a) A link to the state agency website listing licensing or abuse complaints concerning the program.
 - (b) Contact information to facilitate reporting of abuse or neglect or licensing violations in the state in which the program is located.
 - (c) Contact information for the law enforcement agency responsible for coverage of the community in which the program is located.
- (4)(a) A referral agent must include in any contract with a residential care program provisions prohibiting the referral agent from collecting compensation for a referral to a program when the program is a subsequent program as described in this subsection. A program is a subsequent program if:
 - (A) The subject of placement enters a residential care program to which the subject of placement is referred by a first referral agent, but subsequently leaves that program; and
 - (B) A new referral agent refers the subject of placement to the subsequent program.

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

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

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

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

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is under 18 years of age; or

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

(3) "Higher education institution" means:

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

- (b) A public university listed in ORS 352.002;
 - (c) The Oregon Health and Science University; and
 - (d) A private institution of higher education located in Oregon.
- (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.
- (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- (5) "Law enforcement agency" means:
- (a) A city or municipal police department.
 - (b) A county sheriff's office.
 - (c) The Oregon State Police.
 - (d) A police department established by a university under ORS 352.121 or 353.125.
 - (e) A county juvenile department.
- (6) "Public or private official" means:
- (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.
 - (b) Dentist.
 - (c) School employee, including an employee of a higher education institution.
 - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
 - (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.
 - (f) Peace officer.
 - (g) Psychologist.
 - (h) Member of the clergy.
 - (i) Regulated social worker.
 - (j) Optometrist.
 - (k) Chiropractor.
 - (L) Certified provider of foster care, or an employee thereof.
 - (m) Attorney.
 - (n) Licensed professional counselor.
 - (o) Licensed marriage and family therapist.
 - (p) Firefighter or emergency medical services provider.
 - (q) [A] Court appointed special advocate, as defined in ORS 419A.004.
 - (r) [A] Child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
 - (s) [An] Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
 - (t) Physical, speech or occupational therapist.
 - (u) Audiologist.
 - (v) Speech-language pathologist.
 - (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
 - (x) Pharmacist.
 - (y) [An] Operator of a preschool recorded program under ORS 329A.255.
 - (z) [An] Operator of a school-age recorded program under ORS 329A.255.
 - (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

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

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

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

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

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

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

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

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

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

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

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

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

SECTION 29. ORS 419B.005, as amended by section 58, chapter 631, Oregon Laws 2021, section 16, chapter 27, Oregon Laws 2022, and section 7, chapter 90, Oregon Laws 2022, is amended to read: 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is under 18 years of age; or

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

(3) "Higher education institution" means:

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

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

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

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

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

(5) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

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

(e) A county juvenile department.

(6) "Public or private official" means:

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

(b) Dentist.

(c) School employee, including an employee of a higher education institution.

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

(e) Employee of the Department of Human Services, Oregon Health Authority, Department of Early Learning and Care, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

(k) Chiropractor.

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

(m) Attorney.

(n) Licensed professional counselor.

- (o) Licensed marriage and family therapist.
- (p) Firefighter or emergency medical services provider.
- (q) [A] Court appointed special advocate, as defined in ORS 419A.004.
- (r) [A] Child care provider registered or certified under ORS 329A.250 to 329A.450.
- (s) [An] Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
- (t) Physical, speech or occupational therapist.
- (u) Audiologist.
- (v) Speech-language pathologist.
- (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- (x) Pharmacist.
- (y) [An] Operator of a preschool recorded program under ORS 329A.255.
- (z) [An] Operator of a school-age recorded program under ORS 329A.255.
- (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.
- (bb) [An] Employee of a public or private organization providing child-related services or activities:
 - (A) Including but not limited to an employee of a:
 - (i) Youth group or center;
 - (ii) Scout group or camp;
 - (iii) Summer or day camp;
 - (iv) Survival camp; or
 - (v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and
 - (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.
- (cc) [A] Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.
- (dd) Personal support worker, as defined in ORS 410.600.
- (ee) Home care worker, as defined in ORS 410.600.
- (ff) Animal control officer, as defined in ORS 609.500.
- (gg) Member of a school district board, an education service district board or a public charter school governing body.
- (hh) [An] Individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized [*written*] service plan of a child with a developmental disability.
- (ii) Referral agent, as defined in ORS 418.351.

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

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

419C.306. (1) [*The summons*] **A summons issued under ORS 419C.300** shall require the person or persons who have physical custody of the youth to appear and bring the youth before the court at the time and place stated in the summons. The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours, after the issuance of the summons. If it appears to the court that the welfare of the youth or of the public requires that the youth immediately be taken into custody, the court may indorse an order on the summons as provided in ORS 419C.080 (2) directing the officer serving it to take the youth into custody.

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

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

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

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

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

(4) Summons may be issued requiring the appearance of any person whose presence the court deems necessary. When a summons is issued to a youth pursuant to a petition alleging jurisdiction under ORS 419C.005, a copy of the summons shall be mailed to all victims whose names appear on the petition pursuant to ORS 419C.255 (2). The copy of the summons shall be accompanied by a notice that the victim may be present for the youth's appearance before the court and is entitled to request and receive notification of future hearings before the court in regard to the particular case. The copy of the summons shall also be accompanied by a notice informing the victim of the provisions of ORS 30.765.

NOTE: Clarifies subject in (1).

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

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

NOTE: Clarifies subject.

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

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

(a) Was under 18 years of age at the time of the act or is subject to juvenile court probation; and

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

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

NOTE: Corrects terminology in (2).

SECTION 33. ORS 420.011 is amended to read:

420.011. (1) Except as provided in subsections (2), (3) and (4) of this section, admissions to the youth correction facilities are limited to adjudicated youths who are at least 12 but less than 20 years of age, found by the juvenile court to have committed an act that if committed by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. An adjudicated youth admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director's designee, persons who are committed to the Department of Corrections under ORS

137.124 and meet the requirements of ORS 137.124 (5) may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5). A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

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

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

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

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349 (1)(b), 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 18 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

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

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

(5)(a) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole.

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

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

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

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

(6) For the purposes of determining the person's age at the time of committing an offense under this section:

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

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

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

SECTION 34. ORS 420.017 is amended to read:

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

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

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

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

NOTE: Updates terminology in (1).

SECTION 35. ORS 420.019 is amended to read:

420.019. (1)(a) The Oregon Youth Authority may contract with the governing body of a county or two or more counties, if the counties have joined together as a consortium or region, for implementing the diversion plan described in ORS 420.017.

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

(c) The state and county may agree that the governing body of the county or counties may subcontract for services or that the state will provide services or that the county or counties may subcontract for some services and the state provide other services as stipulated in the contract with the youth authority.

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

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

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

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

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

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

NOTE: Improves syntax and updates terminology in (1)(e); updates terminology in (2)(b).

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

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

(1) Restorative justice programs, including facilitated dialogues and responsibility letter banks, can promote justice and healing for crime victims and survivors and can aid persons temporarily assigned to a youth correction facility under ORS 137.124 or 420.011 and [*youth offenders*] **adjudicated youths** in the process of rehabilitation;

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

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

NOTE: Updates terminology in (1).

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

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

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

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

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

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

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

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

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

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

(4) Facilitated dialogue and responsibility letter bank program communications are not admissible as evidence in any subsequent administrative, judicial or arbitration proceeding, except as permitted under rules established pursuant to ORS 420A.315.

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

SECTION 39. ORS 442.361 is amended to read:

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

(1)(a) "Capital project" means:

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

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

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

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

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

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

(b) "Capital project" does not include a project financed entirely through charitable fundraising.

(2) "DRG hospital" means a hospital that is not a type A or type B hospital and that receives Medicare reimbursement based upon diagnostic related groups.

(3) "Gross revenue" has the meaning given that term in ORS 442.015.

(4) "Reporting entity" includes the following if licensed pursuant to ORS 441.015:

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

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

(c) A DRG hospital.

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

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

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

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

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

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

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

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

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

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

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

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

(2)(a) For printing and writing paper that is a magazine, newspaper, catalog, telephone directory or similar publication, the producer is the publisher.

(b) For printing and writing paper not described in paragraph (a) of this subsection, the producer is:

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

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

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

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

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

SECTION 41. ORS 475.900 is amended to read:

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

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

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

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

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

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

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

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

(G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of:

(i) 3,4-methylenedioxyamphetamine;

(ii) 3,4-methylenedioxymethamphetamine; or

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

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

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

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

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

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

(E) The offender was in possession of drug transaction records or customer lists;

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

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

(H) The offender was in possession of manufacturing paraphernalia, including recipes, precursor chemicals, laboratory equipment, lighting, ventilating or power generating equipment;

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

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

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

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

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

(iii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;

(iv) Eight grams or more of a mixture or substance containing a detectable amount of methamphetamine;

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

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

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

(I) 3,4-methylenedioxyamphetamine;

(II) 3,4-methylenedioxymethamphetamine; or

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

(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868, 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

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

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

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

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

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

(a) The violation constitutes delivery of heroin, cocaine, methamphetamine or 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

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

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

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

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

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

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

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

(G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of:

(i) 3,4-methylenedioxyamphetamine;

(ii) 3,4-methylenedioxymethamphetamine; or

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

(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1) or (2) of this section shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation involves delivery or manufacture of a controlled substance.

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

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

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

SECTION 42. ORS 475.925 is amended to read:

475.925. When a person is convicted of the unlawful delivery or manufacture of a controlled substance, the court shall sentence the person to a term of incarceration ranging from:

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

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

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

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

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

(e) 100 grams or more or 500 or more pills, tablets or capsules of a mixture or substance containing a detectable amount of ecstasy.

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

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

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

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

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

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

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

SECTION 43. ORS 476.132 is amended to read:

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

(a) Increasing fire prevention and response personnel and fire administrative support personnel to address planning, communications, training, deployment and safety.

(b) Implementing innovative technologies and modernizing systems to expedite fire resource deployment in an efficient and safe manner.

(2) The State Fire Marshal may:

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

(b) Enter into contracts with federal or state agencies, other states, political subdivisions, corporations and authorities having fire suppression jurisdiction for fire prevention, suppression, coordination and response.

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

SECTION 44. ORS 646.737 is amended to read:

646.737. (1) As used in this section:

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

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

(c) "Dealer" means:

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

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

(d) "Parties" or "party" means producers, cooperative bargaining associations, cooperatives or dealers that are participants in the blackberry regulatory program.

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

(3) An Oregon blackberry cooperative or cooperative bargaining association may negotiate with one or more dealers to establish the price at which members of the cooperative or bargaining association will sell Oregon blackberries to be produced by or under the control of members of the cooperative or bargaining association. The dealers may negotiate the price of Oregon blackberries through a committee that sets forth the views of the dealers and votes on any issues being negotiated as authorized by this section, including the price of Oregon blackberries. However, a person that is both a member of an Oregon blackberry cooperative or cooperative bargaining association

and a member of a dealer described in subsection (1)(c)(B) of this section may not participate in negotiations under this section.

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

(5) The director may compel the parties to take whatever action the director considers necessary to:

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

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

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

(6) The director may designate employees of the State Department of Agriculture to carry out the responsibility of actively supervising the conduct of the parties, including serving as intermediaries between prospective parties.

(7) The director may adopt rules to carry out the director's authority under this section. The director by rule shall set and collect fees from the parties who are participants in the blackberry regulatory program. The fees shall be deposited in the Department of Agriculture Account established under ORS 561.150.

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

SECTION 45. ORS 646.738 is amended to read:

646.738. (1) As used in this section:

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

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

(2)(a) It is the intent of this section and ORS 646.535 (2) and 646.740 [(10)] (11) to displace competition with regulatory programs in the perennial ryegrass seed, annual ryegrass seed and tall fescue seed industries to a limited degree. The regulatory programs are intended to grant immunity from federal and state antitrust laws to perennial ryegrass seed, annual ryegrass seed and tall fescue seed producers and perennial ryegrass seed, annual ryegrass seed and tall fescue seed dealers for the limited purpose of allowing the producers and the dealers to bargain collectively and to arrive at a negotiated price for the sale of seed by the producers to the dealers. The activities of any party that comply with the provisions of this section may not be considered to be in restraint of trade, a conspiracy or combination or any other unlawful activity in violation of any provision of ORS 646.705 to 646.826 or federal antitrust laws.

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

(c) The Director of Agriculture is authorized to actively supervise the conduct of perennial ryegrass seed, annual ryegrass seed and tall fescue seed agricultural cooperatives organized under ORS chapter 62, representative committees of perennial ryegrass seed, annual ryegrass seed or tall fescue seed dealers and any perennial ryegrass seed, annual ryegrass seed or tall fescue seed associations in establishing the price of perennial ryegrass seed, annual ryegrass seed or tall fescue seed to be produced and sold to seed dealers at a future date. The director is authorized to supervise the negotiations between the parties, review the prices established by the negotiations and approve the prices proposed by the parties before the prices take effect. The director must approve the proposed prices and any adjustments to previously approved prices before the prices may be implemented.

(d) The director may compel the parties to take whatever action the director considers necessary to:

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

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

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

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

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

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

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

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

SECTION 46. ORS 646.739 is amended to read:

646.739. (1) As used in this section:

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

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

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

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

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

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

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

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

(e) The Director of Agriculture is authorized to actively supervise the conduct of an Oregon seafood harvester cooperative organized under ORS chapter 62, a representative committee of dealers and any Oregon seafood harvester association in establishing the season starting price of Oregon seafood to be harvested and sold to dealers at a future date. The director is authorized to supervise the negotiations between the parties, review the season starting prices established by the negotiations and approve the season starting prices proposed by the parties before the season starting prices take effect. The director must approve the proposed season starting prices and any adjustments to previously approved season starting prices before the season starting prices may be implemented.

(f) The director may compel the parties to take whatever action the director considers necessary to:

- (A) Ensure that the parties are engaging in conduct that is authorized under this section;
- (B) Ensure that the policies of this state are being fulfilled under the regulatory program; and
- (C) Enjoin conduct by any of the parties that is not authorized by the director or conduct that the director finds does not advance the interests of this state in carrying out the regulatory program.

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

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

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

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

SECTION 47. ORS 646.740 is amended to read:

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

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

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

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

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

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

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

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

[(7)] (8) The activities of any metropolitan service district formed under ORS chapter 268 and the activities of any person subject to regulation by a metropolitan service district formed under ORS chapter 268 to the extent that those activities are so regulated and are lawful thereunder.

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

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

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

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

NOTE: Deconstructs inaccurate series reference in (4); clarifies regulatory agency for ORS chapter 741 in (5); rennumbers subsequent subsections.

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

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

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

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

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

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

(a) An employee who worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or

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

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

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

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

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

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

(ii) Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.
(b) Any family leave taken by the employee within any one-year period continues to count against the length of time of family leave the employee is entitled under ORS 659A.162.

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

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

SECTION 49. ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463, Oregon Laws 2019, section 58, chapter 700, Oregon Laws 2019, section 13, chapter 701, Oregon Laws 2019, section 46, chapter 367, Oregon Laws 2021, and section 9, chapter 99, Oregon Laws 2022, is amended to read:

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

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

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

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

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475C.285, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 657B.060, [and] 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 or section 5, chapter 99, Oregon Laws 2022; or

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

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

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

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

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

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

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

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

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

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

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

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

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

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

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

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

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

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

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1).

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

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

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

(10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

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

- (A) Has been injured by an unlawful practice or discriminatory housing practice; or
- (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

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

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

SECTION 50. ORS 662.010 is amended to read:

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

[*(1)*] “labor dispute” includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

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

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

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

[*(b)*] (B) Between one or more employers or associations of employers and one or more employers or associations of employees; or

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

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

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

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

(b) Has a direct or indirect interest therein.

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

NOTE: Restructures section in conformance with legislative style; conforms tabulation to legislative style in (2).

SECTION 51. ORS 662.020 is amended to read:

662.020. In the interpretation of ORS 662.010 to 662.130, and in determining the jurisdiction and authority of the courts of this state, as such jurisdiction and authority are defined and limited in those statutes, the public policy of Oregon is declared as follows:

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

(2) [*wherefore,*] Though the worker should be free to decline to associate with the worker’s fellows, it is necessary that the worker have full freedom of association, self-organization and designation of representatives of the worker’s own choosing to negotiate the terms and conditions of employment and that the worker shall be free from the interference, restraint or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization

or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection[;].

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

NOTE: Restructures section in conformance with legislative style; modernizes syntax in (1), (2) and (3).

SECTION 52. ORS 741.300 is amended to read:

741.300. As used in ORS 741.001 to 741.540:

(1) "Coordinated care organization" has the meaning given that term in ORS 414.025.

(2) "Essential health benefits" has the meaning given that term in ORS 731.097.

(3) "Health benefit plan" has the meaning given that term in ORS 743B.005.

(4) "Health care service contractor" has the meaning given that term in ORS 750.005.

(5) "Health insurance" has the meaning given that term in ORS 731.162, excluding disability income insurance.

(6) "Health insurance exchange" or "exchange" means the division of the Oregon Health Authority that operates an American Health Benefit Exchange as described in 42 U.S.C. 18031, 18032, 18033 and 18041.

(7) "Health plan" means a health benefit plan or dental only benefit plan offered by an insurer.

(8) *"Insurer" means an insurer as defined in ORS 731.106 that offers health insurance, a health care service contractor, a prepaid managed care health services organization or a coordinated care organization.*

(9) (8) "Insurance producer" has the meaning given that term in ORS 731.104.

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

(10) "Prepaid managed care health services organization" has the meaning given that term in ORS 414.025.

(11) "Qualified health plan" means a health benefit plan certified by the authority in accordance with the requirements, standards and criteria adopted by the authority under ORS 741.310.

(12) "Small Business Health Options Program" or "SHOP" means a health insurance exchange for small employers as described in 42 U.S.C. 18031.

(11) (13) "State program" means a program providing medical assistance, as defined in ORS 414.025, and any self-insured health benefit plan or health plan offered to employees by the Public Employees' Benefit Board or the Oregon Educators Benefit Board.

(12) *"Qualified health plan" means a health benefit plan certified by the authority in accordance with the requirements, standards and criteria adopted by the authority under ORS 741.310.]*

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

NOTE: Alphabetizes definitions.

SECTION 53. ORS 811.111 is amended to read:

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

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

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

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

(B) A school bus.

- (C) A school activity vehicle.
- (D) A worker transport bus.
- (E) A bus operated for transporting children to and from church or an activity or function authorized by a church.
- (F) Any vehicle used in the transportation of persons for hire by a nonprofit entity.
- (c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:
 - (A) Any designated speed for ocean shores that is established and posted under ORS 810.180.
 - (B) If no designated speed is posted under ORS 810.180, 25 miles per hour.
 - (d) Except as otherwise provided in this section, drives a vehicle upon a highway at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no designated speed is posted, the following:
 - (A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.
 - (B) Twenty miles per hour in a business district.
 - (C) Twenty-five miles per hour in a public park.
 - (D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.
 - (E) Sixty-five miles per hour on an interstate highway.
 - (F) Fifty-five miles per hour in locations not otherwise described in this paragraph.
 - (e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:
 - (A) A segment of highway described in ORS 801.462 (1)(a) and:
 - (i) The school zone has a flashing light used as a traffic control device and operated as provided under ORS 810.243; or
 - (ii) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.
 - (B) A crosswalk described in ORS 801.462 (1)(b) and:
 - (i) A flashing light is used as a traffic control device and operated as provided under ORS 810.243; or
 - (ii) Children are present, as described in ORS 811.124.
 - (2) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Interstate 84 beginning at the eastern city limit of The Dalles and ending at the Idaho state line at a speed greater than:
 - (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or
 - (b) Seventy miles per hour for all other vehicles.
 - (3) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 95 beginning at the Idaho state line and ending at the Nevada state line at a speed greater than:
 - (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or
 - (b) Seventy miles per hour for all other vehicles.
 - (4) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 20 beginning in Bend and ending in Ontario at a speed greater than:
 - (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
 - (b) Sixty-five miles per hour for all other vehicles.
 - (5) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 197 beginning in The Dalles and ending at its intersection with [State] U.S. Highway 97 and the portion of [State] U.S. Highway 97 beginning at its intersection with [State] U.S. Highway 197 and ending at the California state line at a speed greater than:
 - (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
 - (b) Sixty-five miles per hour for all other vehicles.

(6) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of State Highway 31 beginning in Valley Falls and ending in La Pine at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(7) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of State Highway 78 beginning in Burns Junction and ending in Burns at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(8) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 395 beginning in Burns and ending in John Day at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(9) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 395 beginning in Riley and ending at the California state line at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(10) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Oregon Route 205 beginning in Burns and ending in Frenchglen at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(11) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of [State] U.S. Highway 26 beginning in John Day and ending in Vale at a speed greater than:

- (a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Sixty-five miles per hour for all other vehicles.

(12) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Interstate 82 beginning at the Washington state line and ending at its intersection with Interstate 84 at a speed greater than:

- (a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or
- (b) Seventy miles per hour for all other vehicles.

(13) The speed limits described in subsections (3) to (5) of this section do not apply to portions of highways inside of a city in this state.

(14) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109.

NOTE: Correct name of highways in (3), (4), (5), (8), (9) and (11).

Passed by Senate February 16, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House March 13, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

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Approved:

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.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

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.....
Shemia Fagan, Secretary of State