

# Senate Bill 342

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

## A BILL FOR AN ACT

1  
2 Relating to correction of erroneous material in Oregon law; creating new provisions; amending ORS  
3 36.256, 46.560, 70.610, 94.572, 94.667, 94.671, 100.155, 107.615, 112.255, 151.225, 174.535, 179.325,  
4 179.490, 192.001, 197.296, 197A.315, 204.116, 205.320, 205.323, 215.284, 285C.659, 293.813, 326.425,  
5 327.800, 327.815, 329.838, 336.057, 342.950, 345.060, 390.885, 403.137, 414.153, 414.645, 414.647,  
6 414.736, 414.743, 433.375, 446.626, 455.110, 459A.820, 459A.840, 461.543, 507.050, 576.365, 632.715,  
7 646.905, 657.610, 705.138, 757.015, 825.224, 825.350 and 830.990 and section 14, chapter 826,  
8 Oregon Laws 2009, section 22c, chapter 36, Oregon Laws 2012, and section 14, chapter 577,  
9 Oregon Laws 2013; and repealing section 13, chapter 158, Oregon Laws 2013, and section 1,  
10 chapter 752, Oregon Laws 2013.

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

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

11  
12 174.535. It is the policy of the Legislative Assembly to revise sections from Oregon Revised  
13 Statutes and Oregon law periodically in order to maintain accuracy. However, nothing in chapter  
14 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter  
15 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws  
16 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999,  
17 chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005,  
18 chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, [*or*]  
19 chapter 1, Oregon Laws 2013, **or this 2015 Act** is intended to alter the legislative intent or purpose  
20 of statutory sections affected by chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985,  
21 chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws  
22 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon  
23 Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws  
24 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009,  
25 chapter 9, Oregon Laws 2011, [*and*] chapter 1, Oregon Laws 2013, **and this 2015 Act** except insofar  
26 as the amendments thereto, or repeals thereof, specifically require.  
27

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

#### **SECTION 2.** ORS 36.256 is amended to read:

29 36.256. (1) An agricultural producer who is in danger of foreclosure on agricultural property  
30

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 under ORS [86.010 to 86.990, 87.001 to 87.920 or] 88.710 to 88.740 **or ORS chapter 86 or 87** or a  
2 creditor, before or after beginning foreclosure proceedings, may request mediation of the agricul-  
3 tural producer's indebtedness by filing a request with the mediation service on a form provided by  
4 the service. However, an agricultural producer or creditor may not request mediation under this  
5 section unless, at the time the request is made, the agricultural producer owes more than \$100,000  
6 to one or more creditors, and the debt is either:

7 (a) Secured by one or more mortgages or trust deeds on the agricultural producer's agricultural  
8 property;

9 (b) Evidenced by a real estate contract covering the agricultural producer's agricultural prop-  
10 erty; or

11 (c) The subject of one or more statutory liens that have attached to the agricultural producer's  
12 agricultural property.

13 (2) In filing a mediation request, the agricultural producer shall provide:

14 (a) The name and address of each creditor;

15 (b) The amount claimed by each creditor;

16 (c) The amount of the periodic installment payments made to each creditor;

17 (d) Any financial statements and projected cash flow statements, including those related to any  
18 nonagricultural activities;

19 (e) The name of the person authorized to enter into a binding mediation agreement; and

20 (f) Any additional information the mediation service may require.

21 (3) In filing a mediation request, a creditor shall provide:

22 (a) Statements regarding the status of the agricultural producer's loan performance;

23 (b) The name and title of the representative of the creditor authorized to enter into a binding  
24 mediation agreement; and

25 (c) Any additional information the mediation service may require.

26 (4) Nothing in ORS 36.250 to 36.270 shall be construed to require an agricultural producer or  
27 creditor to engage or continue in the mediation of any dispute or controversy. Mediation under ORS  
28 36.250 to 36.270 shall be entirely voluntary for all persons who are parties to the dispute or con-  
29 troversy, and, if such persons agree to engage in mediation, any one of the persons may at any time  
30 withdraw from mediation.

31 (5) If an agricultural producer or a creditor files a mediation request with the mediation service,  
32 the service shall within 10 days after receipt of the request give written notice of the request to any  
33 other person who is identified in the request for mediation as parties to the dispute or controversy.  
34 The notice shall:

35 (a) Be accompanied by a copy of the request for mediation;

36 (b) Generally describe the mediation program created by ORS 36.250 to 36.270;

37 (c) Explain that participation in mediation is voluntary and that the recipient of the notice is  
38 not required to engage in mediation or to continue to mediate if mediation is initiated;

39 (d) Request that the recipient of the notice advise the mediation service in writing and by cer-  
40 tified mail within 10 days as to whether the recipient wishes to engage in mediation; and

41 (e) Explain that, if the written advice required under paragraph (d) of this subsection is not  
42 received by the mediation service within the 10-day period, the mediation request will be considered  
43 denied.

44 (6) If the person who receives the notice of request for mediation under subsection (5) of this  
45 section wishes to engage in mediation, the person shall advise the mediation service in writing

1 within the 10-day period specified in subsection (5) of this section. The response shall include the  
 2 appropriate information that the responding person would have been required to include in a request  
 3 for mediation under subsection (2) or (3) of this section.

4 (7) If the person who receives notice of request for mediation under subsection (5) of this section  
 5 does not wish to engage in mediation, the person may but [*shall not be*] **is not** required to so advise  
 6 the mediation service.

7 (8) If the person who receives the notice of request for mediation under subsection (5) of this  
 8 section does not advise the mediation service in writing within the 10-day period specified in the  
 9 notice described in subsection (5) of this section that the person desires to mediate, the request for  
 10 mediation shall be considered denied.

11 (9) The submission of a request for mediation by an agricultural producer or a creditor [*shall*]  
 12 **does** not operate to stay, impede or delay in any manner whatsoever the commencement, prose-  
 13 cution or defense of any action or proceeding by any person.

14 (10) If requested by the agricultural producer, the coordinator shall provide the services of a  
 15 financial analyst to assist the agricultural producer in preparation of financial data for the first  
 16 mediation session.

17 (11) ORS 36.250 to 36.270 are not applicable to obligations or foreclosure proceedings with re-  
 18 spect to which the creditor is a financial institution, as defined in ORS 706.008.

19 **NOTE:** Tidies series references in (1); supplies commas in (4) and (5)(e); updates word choice in  
 20 (7) and (9).

21 **SECTION 3.** ORS 46.560 is amended to read:

22 46.560. (1) Except as provided in subsections [(1) and] (2) **and** (3) of this section, all actions in  
 23 small claims department shall be commenced and tried in the county in which the defendants, or one  
 24 of them, reside or may be found at the commencement of the action.

25 [(1)] (2) When an action is founded on an alleged tort, it may be commenced either in the county  
 26 where the cause of action arose or in the county where the defendants, or one of them, reside or  
 27 may be found at the commencement of the action.

28 [(2)] (3) When the defendant has contracted to perform an obligation in a particular county,  
 29 action may be commenced [*in*] either **in** that county or **in the county** where the defendants, or one  
 30 of them, reside or may be found at the commencement of the action.

31 **NOTE:** Restructures section in conformance with legislative style; corrects syntax in (3).

32 **SECTION 4.** ORS 70.610 is amended to read:

33 70.610. (1) A domestic limited partnership and a foreign limited partnership registered to trans-  
 34 act business in this state shall submit for filing an annual report to the office of the Secretary of  
 35 State that includes:

36 (a) The name of the domestic or foreign limited partnership and the state or country under the  
 37 law of which the domestic or foreign limited partnership is formed;

38 (b) The street address of the domestic or foreign limited partnership's registered office in this  
 39 state and the name of the domestic or foreign limited partnership's registered agent at the registered  
 40 office;

41 (c) The name and respective address of each general partner of the domestic or foreign limited  
 42 partnership;

43 (d) A description of the primary business activity of the domestic or foreign limited partnership;

44 (e) The location of the office in which the records described in ORS 70.050 are kept;

45 (f) A mailing address to which the Secretary of State may mail notices required by this chapter;

1 and

2 (g) Additional identifying information that the Secretary of State may require by rule.

3 (2) The annual report must be on forms prescribed and furnished by the Secretary of State. The  
4 information contained in the annual report must be current as of 30 days before the anniversary of  
5 the domestic or foreign limited partnership.

6 (3) The annual report must be signed by at least one general partner, or by an agent of a gen-  
7 eral partner, if the general partner authorizes the agent to sign the document, or if the domestic  
8 or foreign limited partnership is in the hands of a receiver or trustee, the receiver or trustee must  
9 sign the annual report on behalf of the partnership.

10 (4) The Secretary of State shall mail the annual report form to the address shown for the do-  
11 mestic or foreign limited partnership in the current records of the office of the Secretary of State.  
12 The domestic or foreign limited partnership's failure to receive the annual report form from the  
13 Secretary of State does not relieve the limited **partnership** of the limited partnership's duty under  
14 this section to deliver an annual report to the office.

15 (5) If the Secretary of State finds that the report conforms to the requirements of this chapter  
16 and all fees have been paid, the Secretary of State shall file the report.

17 (6)(a) A domestic or foreign limited partnership may update information that is required or  
18 permitted in an annual report filing at any time by delivering to the office of the Secretary of State  
19 for filing:

20 (A) An amendment to the annual report if a change in the information set forth in the annual  
21 report occurs after the report is delivered to the office for filing and before the next anniversary;  
22 or

23 (B) A statement with the change if the update occurs before the domestic or foreign  
24 [*corporation*] limited partnership files the first annual report.

25 (b) This subsection applies only to a change that is not required to be made by an amendment  
26 to the certificate of limited partnership.

27 (c) The amendment to the annual report filed under paragraph (a) of this subsection must set  
28 forth:

29 (A) The name of the limited partnership as shown on the records of the office; and

30 (B) The information as changed.

31 **NOTE:** Restores deleted word (and sense) in (4) (see section 13, chapter 159, Oregon Laws 2013);  
32 corrects terminology in (6)(a)(B).

33 **SECTION 5. ORS 87.694 and 87.695 are added to and made a part of ORS 87.685 to 87.693.**

34 **NOTE:** Adds statutes to appropriate series.

35 **SECTION 6.** ORS 94.572 is amended to read:

36 94.572. (1)(a) A Class I or Class II planned community created before January 1, 2002, that was  
37 not created under ORS 94.550 to 94.783 is subject to this section and ORS 94.550, 94.590, 94.595 (5)  
38 to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647, 94.650, 94.652,  
39 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680, 94.690, 94.695,  
40 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733, 94.762, 94.770, 94.775, 94.777 and 94.780  
41 to the extent that those statutes are consistent with any governing documents. If the governing  
42 documents do not provide for the formation of an association, the requirements of this subsection  
43 are not effective until the formation of an association in accordance with paragraph (b) of this  
44 subsection. If a provision of the governing documents is inconsistent with this subsection, the own-  
45 ers may amend the governing documents using the procedures in this subsection:

1 (A) In accordance with the procedures for the adoption of amendments in the governing docu-  
2 ments and subject to any limitations in the governing documents, the owners may amend the in-  
3 consistent provisions of the governing documents to conform to the extent feasible with this section  
4 and ORS 94.550, 94.590, 94.595 (5) to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641,  
5 94.642, 94.645, 94.647, 94.650, 94.652, 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670,  
6 94.675, 94.676, 94.680, 94.690, 94.695, 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733,  
7 94.762, 94.770, 94.775, 94.777 and 94.780. Nothing in this paragraph requires the owners to amend a  
8 declaration or bylaws to include the information required by ORS 94.580 or 94.635.

9 (B) If there are no procedures for amendment in the governing documents:

10 (i) For an amendment to a recorded governing document other than bylaws, the owners may  
11 amend the inconsistent provisions of the document to conform to this section and ORS 94.550, 94.590,  
12 94.595 (5) to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647,  
13 94.650, 94.652, 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680,  
14 94.690, 94.695, 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733, 94.762, 94.770, 94.775, 94.777  
15 and 94.780 by a vote of at least 75 percent of the owners in the planned community.

16 (ii) For an amendment to the bylaws, the owners may amend the inconsistent provisions of the  
17 bylaws to conform to this section and ORS 94.550, 94.590, 94.595 (5) to (9), 94.625, 94.626, 94.630 (1),  
18 (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647, 94.650, 94.652, 94.655, 94.657, 94.658, 94.660,  
19 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680, 94.690, 94.695, 94.704, 94.709, 94.712, 94.716,  
20 94.719, 94.723, 94.728, 94.733, 94.762, 94.770, 94.775, 94.777 and 94.780 by a vote of at least a majority  
21 of the owners in the planned community.

22 (iii) An amendment may be adopted at a meeting held in accordance with the governing docu-  
23 ments or by another procedure permitted by the governing documents following the procedures  
24 prescribed in ORS 94.647, 94.650 or 94.660.

25 (iv) An amendment to a recorded declaration shall be executed, certified and recorded as pro-  
26 vided in ORS 94.590 (2) and (3) and shall be subject to ORS 94.590 (5). An amendment to the bylaws  
27 and any other governing document shall be executed and certified as provided in ORS 94.590 (3) and  
28 shall be recorded in the office of the recording officer of every county in which the planned com-  
29 munity is located if the bylaws or other governing document to which the amendment relates were  
30 recorded.

31 (C) An amendment adopted pursuant to this paragraph shall include:

32 (i) A reference to the recording index numbers and date of recording of the declaration or other  
33 governing document, if recorded, to which the amendment relates; and

34 (ii) A statement that the amendment is adopted pursuant to the applicable subparagraph of this  
35 paragraph.

36 (b)(A) If the governing documents do not provide for the formation of an association of owners,  
37 at least 10 percent of the owners in the planned community or any governing entity may initiate the  
38 formation of an association as provided in this paragraph. The owners or the governing entity ini-  
39 tiating the association formation shall call an organizational meeting for the purpose of voting  
40 whether to form an association described in ORS 94.625. The notice of the meeting shall:

41 (i) Name the initiating owners or governing entity;

42 (ii) State that the organizational meeting is for the purpose of voting whether to form an asso-  
43 ciation in accordance with the proposed articles of incorporation;

44 (iii) State that if the owners vote to form an association, the owners may elect the initial board  
45 of directors provided for in the articles of incorporation and may adopt the initial bylaws;

1 (iv) State that to form an association requires an affirmative vote of at least a majority of the  
2 owners in the planned community, or, if a larger percentage is specified in the applicable governing  
3 document, the larger percentage;

4 (v) State that to adopt articles of incorporation, to elect the initial board of directors pursuant  
5 to the articles of incorporation or to adopt the initial bylaws requires an affirmative vote of at least  
6 a majority of the owners present;

7 (vi) State that if the initial board of directors is not elected, an interim board of directors shall  
8 be elected pursuant to bylaws adopted as provided in subparagraph (C) of this paragraph;

9 (vii) State that a copy of the proposed articles of incorporation and bylaws will be available at  
10 least five business days before the meeting and state the method of requesting a copy; and

11 (viii) Be delivered in accordance with the declaration and bylaws. If there is no governing doc-  
12 ument or the document does not include applicable provisions, the owners or governing entity shall  
13 follow the procedures prescribed in ORS 94.650 (4).

14 (B) At least five business days before the organizational meeting, the initiating owners or gov-  
15 erning entity shall cause articles of incorporation and bylaws to be drafted. The bylaws shall in-  
16 clude, to the extent applicable, the information required by ORS 94.635.

17 (C) At the organizational meeting:

18 (i) Representatives of the initiating owners or governing entity shall, to the extent not incon-  
19 sistent with the governing documents, conduct the meeting according to Robert's Rules of Order as  
20 provided in ORS 94.657.

21 (ii) The initiating owners or governing entity shall make available copies of the proposed arti-  
22 cles of incorporation and the proposed bylaws.

23 (iii) The affirmative vote of at least a majority of the owners of a planned community, or, if a  
24 larger percentage is specified in the applicable governing document, the larger percentage, is re-  
25 quired to form an association under this paragraph.

26 (iv) If the owners vote to form an association, the owners shall adopt articles of incorporation  
27 and may elect the initial board of directors as provided in the articles of incorporation, adopt bylaws  
28 and conduct any other authorized business by an affirmative vote of at least a majority of the  
29 owners present. If the owners do not elect the initial board of directors, owners shall elect an in-  
30 terim board of directors by an affirmative vote of at least a majority of the owners present to serve  
31 until the initial board of directors is elected.

32 (v) An owner may vote by proxy, or by written ballot, if approved, in the discretion of a majority  
33 of the initiating owners or governing entity.

34 (D) Not later than 10 business days after the organizational meeting, the board of directors  
35 shall:

36 (i) Cause the articles of incorporation to be filed with the Secretary of State under ORS chapter  
37 65;

38 (ii) Cause the notice of planned community described in subsection (4) of this section to be  
39 prepared, executed and recorded in accordance with subsection (4) of this section;

40 (iii) Provide a copy of the notice of planned community to each owner, together with a copy of  
41 the adopted articles of incorporation and bylaws, if any, or a statement of the procedure and method  
42 for adoption of bylaws described in subparagraph (C) of this paragraph. The copies and any state-  
43 ment shall be delivered to each lot, mailed to the mailing address of each lot or mailed to the  
44 mailing addresses designated by the owners in writing; and

45 (iv) Cause a statement of association information to be prepared, executed and recorded in ac-

1 cordance with ORS 94.667.

2 (E) If the owners vote to form an association, all costs incurred under this paragraph, including  
3 but not limited to the preparation and filing of the articles of incorporation, drafting of bylaws,  
4 preparation of notice of meeting and the drafting, delivery and recording of all notices and state-  
5 ments shall be a common expense of the owners and shall be allocated as provided in the appropri-  
6 ate governing document or any amendment thereto.

7 (2)(a) The owners of lots in a Class I or Class II planned community that are subject to the  
8 provisions of ORS chapter 94 specified in subsection (1) of this section may elect to be subject to  
9 any other provisions of ORS 94.550 to 94.783 upon compliance with the procedures prescribed in  
10 subsection (1) of this section.

11 (b) If the owners of lots in a Class I or Class II planned community elect to be subject to addi-  
12 tional provisions of ORS 94.550 to 94.783, unless the notice of planned community otherwise required  
13 or permitted under subsection (4) of this section includes a statement of the election pursuant to this  
14 paragraph, the board of directors of the association shall cause the notice of planned community  
15 described in subsection (4) of this section to be prepared, executed and recorded in accordance with  
16 subsection (4) of this section.

17 (3)(a) The owners of lots in a Class III planned community created before January 1, 2002, may  
18 elect to be subject to provisions of ORS 94.550 to 94.783 upon compliance with the applicable pro-  
19 cedures in subsection (1) of this section.

20 (b) If the owners of lots in a Class III planned community elect to be subject to provisions of  
21 ORS 94.550 to 94.783, the board of directors of the association shall cause the notice of planned  
22 community described in subsection (4) of this section to be prepared, executed and recorded in ac-  
23 cordance with subsection (4) of this section.

24 (4) The notice of planned community required or permitted by this section shall be:

25 (a) Titled "Notice of Planned Community under ORS 94.572";

26 (b) Executed by the president and secretary of the association; and

27 (c) Recorded in the office of the recording officer of every county in which the property is lo-  
28 cated.

29 (5) The notice of planned community shall include:

30 (a) The name of the planned community and association as identified in the recorded declaration,  
31 conditions, covenants and restrictions or other governing document and, if different, the current  
32 name of the association;

33 (b) A list of the properties, described as required for recordation in ORS 93.600, within the ju-  
34 risdiction of the association;

35 (c) Information identifying the recorded declaration, conditions, covenants and restrictions or  
36 other governing documents and a reference to the recording index numbers and date of recording  
37 of the governing documents;

38 (d) A statement that the property described in accordance with paragraph (b) of this subsection  
39 is subject to specific provisions of the Oregon Planned Community Act;

40 (e) A reference to the specific provisions of the Oregon Planned Community Act that apply to  
41 the subject property and a reference to the subsection of this section under which the application  
42 is made; and

43 (f) If an association is formed under subsection (1)(b)(A) of this section, a statement to that ef-  
44 fect.

45 (6) An amended statement shall include a reference to the recording index numbers and the date

1 of recording of prior statements.

2 (7) The county clerk may charge a fee for recording a statement under this section according  
3 to the provisions of ORS 205.320 [(4)] (1)(d).

4 (8) The board of directors of an association not otherwise required to cause a notice of planned  
5 community described in subsection (4) of this section to be prepared and recorded under this section  
6 may cause a notice of planned community to be prepared, executed and recorded as provided in  
7 subsection (4) of this section.

8 (9) Title to a unit, lot or common property in a Class I or Class II planned community created  
9 before January 1, 2002, may not be rendered unmarketable or otherwise affected by a failure of the  
10 planned community to be in compliance with a requirement of this section.

11 (10) As used in this section:

12 (a) "Governing entity" means an incorporated or unincorporated association, committee, person  
13 or any other entity that has authority, under a governing document, to maintain commonly main-  
14 tained property, impose assessments on lots or to act on behalf of lot owners within the planned  
15 community on matters of common concern.

16 (b) "Recorded declaration" means an instrument recorded with the county recording officer of  
17 the county in which the planned community is located that contains conditions, covenants and re-  
18 strictions binding lots in the planned community or imposes servitudes upon the real property.

19 **NOTE:** Corrects subsection reference in (7); see amendments to 205.320 in section 22.

20 **SECTION 7.** ORS 94.667 is amended to read:

21 94.667. (1) As used in this section, "association" means an association formed under ORS 94.625,  
22 94.846 or 100.405, or any other association in which a person holds membership by virtue of owning  
23 or possessing a real estate interest subject to assessment and lien authority pursuant to a recorded  
24 instrument.

25 (2) The board of directors or managing agent of an association may record with the county clerk  
26 for the county where the subject property is located a statement of association information. Subject  
27 to subsection (3) of this section, the statement shall contain at least the following information:

28 (a) The name of the association as identified in the recorded declaration, conditions, covenants  
29 and restrictions or other governing instrument, and the current name of the association, if different;

30 (b) The name, address and daytime telephone number of a managing agent or treasurer of the  
31 association or other person authorized to receive:

32 (A) Assessments and fees imposed by the association; or

33 (B) Notice of a transfer of property;

34 (c) A list of the properties, as described for recordation in ORS 93.600, subject to assessment  
35 by the association;

36 (d) Information identifying the recorded declaration, conditions, covenants and restrictions or  
37 other governing instrument, and a reference to where the instruments are recorded; and

38 (e) If an amended statement is being recorded, information identifying prior recorded statements.

39 (3) The statement may not include information for a purpose that is not related to the identifi-  
40 cation of the person specified in subsection (2)(b) of this section.

41 (4) The county clerk may charge a fee for recording a statement under this section according  
42 to the provisions of ORS 205.320 [(4)] (1)(d).

43 **NOTE:** Corrects subsection reference in (4); see amendments to 205.320 in section 22.

44 **SECTION 8.** ORS 94.671 is amended to read:

45 94.671. The requirements of ORS 94.670 (5) first apply:



1 (1) Commencing with the fiscal year following the turnover meeting required by ORS 94.616 for  
 2 the association of a planned community created under ORS 94.550 to 94.783 [*prior to January 1, 2004,*  
 3 *if the turnover meeting has not yet occurred on January 1, 2004*].

4 [(2) *Commencing with the fiscal year beginning in calendar year 2004 for the association of a*  
 5 *planned community created under ORS 94.550 to 94.783 if the turnover meeting required by ORS 94.616*  
 6 *has occurred on or before January 1, 2004.*]

7 [(3) *Commencing with the fiscal year following the turnover meeting required by ORS 94.616 for*  
 8 *the association of a planned community created under ORS 94.550 to 94.783 on or after January 1,*  
 9 *2004.*]

10 [(4)] (2) Commencing with the fiscal year following the year in which owners assume responsi-  
 11 bility for administration of a planned community described in ORS 94.572 [*if the owners have not*  
 12 *assumed responsibility for administration of the planned community on January 1, 2004*].

13 [(5) *Commencing with the fiscal year beginning in calendar year 2004 for the association of a*  
 14 *planned community described in ORS 94.572 if the owners have assumed responsibility for adminis-*  
 15 *tration of the planned community on or before January 1, 2004.*]

16 **NOTE:** Removes transitional elements of statute.

17 **SECTION 9.** ORS 100.155 is amended to read:

18 100.155. (1) If by the termination date specified in the declaration there is any remaining vari-  
 19 able property:

20 (a) Any property designated nonwithdrawable variable property becomes part of the common  
 21 elements and any interest in the property held for security purposes is automatically extinguished  
 22 by reclassification.

23 (b) Any property designated withdrawable variable property shall be automatically withdrawn  
 24 from the condominium as of the termination date.

25 (c) Subject to paragraph (d) of this subsection, the association may record in the office of the  
 26 recording officer in the county in which the condominium is located:

27 (A) For property reclassified under paragraph (a) of this subsection, a "Statement of Reclassi-  
 28 fication of Variable Property" stating that the remaining nonwithdrawable variable property has  
 29 been reclassified to common elements pursuant to paragraph (a) of this subsection.

30 (B) For property withdrawn under paragraph (b) of this subsection, a "Statement of Withdrawal  
 31 of Variable Property from Condominium" stating that remaining withdrawable variable property has  
 32 been withdrawn from the condominium pursuant to paragraph (b) of this subsection.

33 (d) A statement described in paragraph (c) of this subsection shall:

34 (A) Include the name of the condominium, a reference to the recording index numbers and date  
 35 of recording of the declaration, the plat creating the affected variable property and any applicable  
 36 supplemental declaration.

37 (B) Include a description of the reclassified or withdrawn variable property complying with ORS  
 38 93.600.

39 (C) Be executed by the chairperson and secretary of the association and acknowledged in the  
 40 manner provided for acknowledgment of deeds.

41 (e) After recording a statement under paragraph (c) of this subsection, the association shall  
 42 provide a copy of the recorded statement to the county surveyor. The original plat may not be  
 43 changed or corrected after it is recorded with the county clerk.

44 (2)(a) Unless expressly prohibited by the declaration, any variable property automatically with-  
 45 drawn from the condominium under subsection (1)(b) of this section or voluntarily withdrawn under

1 ORS 100.150 (1)(b) may be later annexed to the condominium by the recording of a supplemental  
2 declaration and plat in accordance with ORS 100.120 (2) if such action is first approved by at least  
3 75 percent of all voting rights in the manner required for an amendment to the declaration.

4 (b) The supplemental declaration and plat shall be executed by the chairperson and secretary  
5 on behalf of the association and acknowledged in the manner provided for acknowledgment of deeds  
6 by such officers. Except for the termination date, the supplemental declaration shall comply with  
7 ORS 100.120 (1) and shall state that the annexation was approved by at least 75 percent of all voting  
8 rights.

9 (3)(a) Unless expressly prohibited by the declaration and notwithstanding the termination date,  
10 the association may, with respect to any variable property automatically reclassified, exercise any  
11 rights previously held by the declarant. The exercise of any right shall first be approved by at least  
12 a majority of all voting rights. All other actions relating to such reclassified general common ele-  
13 ments shall be regulated and governed in like manner as other general common elements of the  
14 condominium.

15 (b) If a supplemental declaration and plat is required for any action, the plat shall be executed  
16 by the chairperson and secretary of the association and shall comply with the requirements of this  
17 chapter as to a supplemental declaration and the recording of plats.

18 (4) Title to any additional units created under subsection (3) of this section automatically vests  
19 in the association upon the recording of a supplemental declaration and plat. The board of directors  
20 acting on behalf of the association has the power to hold, convey, lease, encumber or otherwise deal  
21 with a unit or any interest therein in like manner as other property owned by the association.

22 (5) The county clerk may charge a fee for recording a statement under this section according  
23 to provisions of ORS 205.320 [(4)] (1)(d).

24 (6) The county assessor shall cause the assessment and tax rolls to reflect the status of any  
25 variable property affected by automatic property reclassification under subsection (1)(a) of this sec-  
26 tion or automatically withdrawn under subsection (1)(b) of this section.

27 **NOTE:** Corrects subsection reference in (5); see amendments to 205.320 in section 22.

28 **SECTION 10.** ORS 107.615 is amended to read:

29 107.615. (1) The governing body of any county may impose a fee up to \$10 above that prescribed  
30 in ORS 205.320 [(5)] (1)(e) for issuing a marriage license or registering a Declaration of Domestic  
31 Partnership.

32 (2) In addition to any other funds used therefor, the governing body shall use the proceeds from  
33 the fee increase authorized by this section to pay the expenses of conciliation services under ORS  
34 107.510 to 107.610 and mediation services under ORS 107.755 to 107.795. If there are none in the  
35 county, the governing body may provide conciliation and mediation services through other county  
36 agencies or may contract with a public or private agency or person to provide conciliation and  
37 mediation services.

38 (3) The governing body may establish rules of eligibility for conciliation services funded under  
39 this section so long as its rules do not conflict with rules of the court adopted under ORS 107.580.

40 (4) Fees collected under this section shall be collected and deposited in the same manner as  
41 other county funds are collected and deposited but shall be maintained in a separate account to be  
42 used as provided in this section.

43 **NOTE:** Corrects subsection reference in (1); see amendments to 205.320 in section 22.

44 **SECTION 11.** ORS 112.255 is amended to read:

45 112.255. (1) A will is lawfully executed if it is in writing, signed by or at the direction of the

1 testator and otherwise executed in accordance with the law of:

2 (a) This state at the time of execution or at the time of death of the testator; [*or*]

3 (b) The domicile of the testator at the time of execution or at the time of the testator's death;

4 or

5 (c) The place of execution at the time of execution.

6 (2) A will is lawfully executed if it complies with the Uniform International Wills Act.

7 **NOTE:** Removes extraneous conjunction.

8 **SECTION 12.** (1) **Section 13, chapter 158, Oregon Laws 2013, is repealed.**

9 **(2) Notwithstanding any other provision of law, ORS 128.993 shall not be considered to**  
10 **have been added to or made a part of ORS 128.560 to 128.600 for the purpose of statutory**  
11 **compilation or for the application of definitions, penalties or administrative provisions ap-**  
12 **licable to statute sections in that series.**

13 **NOTE:** Removes statute from inappropriate series.

14 **SECTION 13.** **The repeal of section 21, chapter 178, Oregon Laws 2009, by section 1,**  
15 **chapter 582, Oregon Laws 2013, revives section 20, chapter 178, Oregon Laws 2009. Section**  
16 **1, chapter 582, Oregon Laws 2013, operates retroactively to June 30, 2013, and the operation**  
17 **and effect of section 20, chapter 178, Oregon Laws 2009, continues unaffected from June 30,**  
18 **2013. Any otherwise lawful action taken or otherwise lawful obligation incurred under the**  
19 **authority of section 20, chapter 178, Oregon Laws 2009, after June 30, 2013, and before the**  
20 **effective date of this 2015 Act, is ratified and approved.**

21 **NOTE:** Affirms legislative intent in chapter 582, Oregon Laws 2013, to make Task Force on  
22 Victims' Rights Enforcement permanent.

23 **SECTION 14.** ORS 151.225 is amended to read:

24 151.225. (1) The Public Defense Services Account is established **in the State Treasury**, separate  
25 and distinct from the General Fund. The Public Defense Services Account is continuously appropri-  
26 ated to the Public Defense Services Commission to:

27 (a) Reimburse the actual costs and expenses, including personnel expenses, incurred in admin-  
28 istration and support of the public defense system;

29 (b) Reimburse the State Court Administrator under ORS 151.216 (1)(i); and

30 (c) Pay other expenses in connection with the legal representation of persons for which the  
31 commission is responsible by law, including expenses incurred in the administration of the public  
32 defense system.

33 (2) All moneys received by the Judicial Department under ORS 135.050 (8), 151.487 (1), 419A.211,  
34 419B.198 (1), 419C.203 (1) or 419C.535 (2) shall be deposited in the Public Defense Services Account.

35 (3) All gifts, grants or contributions accepted by the commission under ORS 151.216 shall be  
36 deposited in a separate subaccount created in the Public Defense Services Account to be used by  
37 the commission for the purpose for which the gift, grant or contribution was given or granted.

38 **NOTE:** Conforms creation of account in (1) to legislative style.

39 **SECTION 15.** Section 14, chapter 826, Oregon Laws 2009, as amended by section 23, chapter  
40 826, Oregon Laws 2009, and section 2, chapter 448, Oregon Laws 2011, is amended to read:

41 **Sec. 14.** (1) Section 5, chapter 826, Oregon Laws 2009, as amended by sections 18 and 18a,  
42 chapter 826, Oregon Laws 2009, **section 32, chapter 658, Oregon Laws 2011, and section 68,**  
43 **chapter 360, Oregon Laws 2013, is repealed on January 2, 2016.**

44 (2) Section 13, chapter 826, Oregon Laws 2009, as amended by section 22, chapter 826, Oregon  
45 Laws 2009, is repealed on January 2, 2016.

1 (3) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 10, 11, 11a and 20,  
2 chapter 826, Oregon Laws 2009, become operative on January 2, 2016.

3 **NOTE:** Conforms sunset provision to legislative style.

4 **SECTION 16.** ORS 179.325 is amended to read:

5 179.325. (1) The Department of Human Services may order the change, in all or part, of the  
6 purpose and use of any state institution being used as an institution for the care and treatment of  
7 persons with developmental disabilities in order to care for persons committed to its custody when-  
8 ever the department determines that a change in purpose and use will better enable this state to  
9 meet its responsibilities to persons with developmental disabilities. In determining whether to order  
10 the change, the department shall consider changes in the number and source of the admissions of  
11 persons with [*mental retardation*] **developmental disabilities**.

12 (2) The Oregon Health Authority may order the change, in all or part, of the purpose and use  
13 of any state institution being used as an institution for the care and treatment of persons with  
14 mental illness in order to care for persons committed to its custody whenever the authority deter-  
15 mines that a change in purpose and use will better enable this state to meet its responsibilities to  
16 persons with mental illness. In determining whether to order the change, the authority shall con-  
17 sider changes in the number and source of the admissions of persons with mental illness.

18 **NOTE:** Standardizes terminology in (1) (see section 39, chapter 36, Oregon Laws 2013).

19 **SECTION 17.** ORS 179.490 is amended to read:

20 179.490. In the case of a necessary or emergency operation requiring the services of a specialist,  
21 and where the relatives or guardians, in the judgment of the Department of Corrections or the  
22 Oregon Health Authority, are unable to pay a part or the whole cost of the operation, the agencies  
23 may have the operation performed, the cost of the operation to be payable from the funds of the  
24 institution concerned.

25 **NOTE:** Restores comma after introductory clause (see section 53, chapter 36, Oregon Laws  
26 2013).

27 **SECTION 18.** ORS 192.001 is amended to read:

28 192.001. (1) The Legislative Assembly finds that:

29 (a) The records of the state and its political subdivisions are so interrelated and  
30 interdependent[,] that the decision as to what records are retained or destroyed is a matter of  
31 statewide public policy.

32 (b) The interest and concern of citizens in public records recognizes no jurisdictional  
33 boundaries[,] and extends to such records wherever they may be found in Oregon.

34 (c) As local programs become increasingly intergovernmental, the state and its political subdi-  
35 visions have a responsibility to [*insure*] **ensure** orderly retention and destruction of all public re-  
36 cords, whether current or noncurrent, and to [*insure*] **ensure** the preservation of public records of  
37 value for administrative, legal and research purposes.

38 (2) The purpose of ORS 192.005 to 192.170 and 357.805 to 357.895 is to provide direction for the  
39 retention or destruction of public records in Oregon in order to [*assure*] **ensure** the retention of  
40 records essential to meet the needs of the Legislative Assembly, the state, its political subdivisions  
41 and its citizens, [*in so far*] **insofar** as the records affect the administration of government, legal  
42 rights and responsibilities, and the accumulation of information of value for research purposes of  
43 all kinds, and in order to [*assure*] **ensure** the prompt destruction of records without continuing  
44 value. All records not included in types described in this subsection shall be destroyed in accord-  
45 ance with [*the*] rules adopted by the Secretary of State.

1 **NOTE:** Updates and corrects syntax.

2 **SECTION 19.** ORS 197.296 is amended to read:

3 197.296. (1)(a) The provisions of this section apply to metropolitan service district regional  
4 framework plans and local government comprehensive plans for lands within the urban growth  
5 boundary of a city that is located outside of a metropolitan service district and has a population of  
6 25,000 or more.

7 (b) The Land Conservation and Development Commission may establish a set of factors under  
8 which additional cities are subject to the provisions of this section. In establishing the set of factors  
9 required under this paragraph, the commission shall consider the size of the city, the rate of popu-  
10 lation growth of the city or the proximity of the city to another city with a population of 25,000 or  
11 more or to a metropolitan service district.

12 (2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of  
13 the comprehensive plan or regional **framework** plan that concerns the urban growth boundary and  
14 requires the application of a statewide planning goal relating to buildable lands for residential use,  
15 a local government shall demonstrate that its comprehensive plan or regional **framework** plan  
16 provides sufficient buildable lands within the urban growth boundary established pursuant to state-  
17 wide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall  
18 commence on the date initially scheduled for completion of the periodic or legislative review.

19 (3) In performing the duties under subsection (2) of this section, a local government shall:

20 (a) Inventory the supply of buildable lands within the urban growth boundary and determine the  
21 housing capacity of the buildable lands; and

22 (b) Conduct an analysis of housing need by type and density range, in accordance with ORS  
23 197.303 and statewide planning goals and rules relating to housing, to determine the number of units  
24 and amount of land needed for each needed housing type for the next 20 years.

25 (4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable  
26 lands” includes:

27 (A) Vacant lands planned or zoned for residential use;

28 (B) Partially vacant lands planned or zoned for residential use;

29 (C) Lands that may be used for a mix of residential and employment uses under the existing  
30 planning or zoning; and

31 (D) Lands that may be used for residential infill or redevelopment.

32 (b) For the purpose of the inventory and determination of housing capacity described in sub-  
33 section (3)(a) of this section, the local government must demonstrate consideration of:

34 (A) The extent that residential development is prohibited or restricted by local regulation and  
35 ordinance, state law and rule or federal statute and regulation;

36 (B) A written long term contract or easement for radio, telecommunications or electrical facili-  
37 ties, if the written contract or easement is provided to the local government; and

38 (C) The presence of a single family dwelling or other structure on a lot or parcel.

39 (c) Except for land that may be used for residential infill or redevelopment, a local government  
40 shall create a map or document that may be used to verify and identify specific lots or parcels that  
41 have been determined to be buildable lands.

42 (5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of  
43 housing capacity and need pursuant to subsection (3) of this section must be based on data relating  
44 to land within the urban growth boundary that has been collected since the last periodic review or  
45 five years, whichever is greater. The data shall include:

1 (A) The number, density and average mix of housing types of urban residential development that  
2 have actually occurred;

3 (B) Trends in density and average mix of housing types of urban residential development;

4 (C) Demographic and population trends;

5 (D) Economic trends and cycles; and

6 (E) The number, density and average mix of housing types that have occurred on the buildable  
7 lands described in subsection (4)(a) of this section.

8 (b) A local government shall make the determination described in paragraph (a) of this sub-  
9 section using a shorter time period than the time period described in paragraph (a) of this subsection  
10 if the local government finds that the shorter time period will provide more accurate and reliable  
11 data related to housing capacity and need. The shorter time period may not be less than three years.

12 (c) A local government shall use data from a wider geographic area or use a time period for  
13 economic cycles and trends longer than the time period described in paragraph (a) of this subsection  
14 if the analysis of a wider geographic area or the use of a longer time period will provide more ac-  
15 curate, complete and reliable data relating to trends affecting housing need than an analysis per-  
16 formed pursuant to paragraph (a) of this subsection. The local government must clearly describe the  
17 geographic area, time frame and source of data used in a determination performed under this para-  
18 graph.

19 (6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than  
20 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government  
21 shall take one or more of the following actions to accommodate the additional housing need:

22 (a) Amend its urban growth boundary to include sufficient buildable lands to accommodate  
23 housing needs for the next 20 years. As part of this process, the local government shall consider the  
24 effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include  
25 sufficient land reasonably necessary to accommodate the siting of new public school facilities. The  
26 need and inclusion of lands for new public school facilities shall be a coordinated process between  
27 the affected public school districts and the local government that has the authority to approve the  
28 urban growth boundary;

29 (b) Amend its comprehensive plan, regional **framework** plan, functional plan or land use regu-  
30 lations to include new measures that demonstrably increase the likelihood that residential develop-  
31 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without  
32 expansion of the urban growth boundary. A local government or metropolitan service district that  
33 takes this action shall monitor and record the level of development activity and development density  
34 by housing type following the date of the adoption of the new measures; or

35 (c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

36 (7) Using the analysis conducted under subsection (3)(b) of this section, the local government  
37 shall determine the overall average density and overall mix of housing types at which residential  
38 development of needed housing types must occur in order to meet housing needs over the next 20  
39 years. If that density is greater than the actual density of development determined under subsection  
40 (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined  
41 under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall  
42 adopt measures that demonstrably increase the likelihood that residential development will occur  
43 at the housing types and density and at the mix of housing types required to meet housing needs  
44 over the next 20 years.

45 (8)(a) A local government outside a metropolitan service district that takes any actions under

1 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use  
 2 regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to  
 3 197.314.

4 (b) The local government shall determine the density and mix of housing types anticipated as a  
 5 result of actions taken under subsections (6) and (7) of this section and monitor and record the ac-  
 6 tual density and mix of housing types achieved. The local government shall compare actual and  
 7 anticipated density and mix. The local government shall submit its comparison to the commission  
 8 at the next periodic review or at the next legislative review of its urban growth boundary, which-  
 9 ever comes first.

10 (9) In establishing that actions and measures adopted under subsections (6) *[or]* **and** (7) of this  
 11 section demonstrably increase the likelihood of higher density residential development, the local  
 12 government shall at a minimum ensure that land zoned for needed housing is in locations appropri-  
 13 ate for the housing types identified under subsection (3) of this section and is zoned at density  
 14 ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of  
 15 this section. Actions or measures, or both, may include but are not limited to:

16 (a) Increases in the permitted density on existing residential land;

17 (b) Financial incentives for higher density housing;

18 (c) Provisions permitting additional density beyond that generally allowed in the zoning district  
 19 in exchange for amenities and features provided by the developer;

20 (d) Removal or easing of approval standards or procedures;

21 (e) Minimum density ranges;

22 (f) Redevelopment and infill strategies;

23 (g) Authorization of housing types not previously allowed by the plan or regulations;

24 (h) Adoption of an average residential density standard; and

25 (i) Rezoning or redesignation of nonresidential land.

26 **NOTE:** Standardizes terminology in (2) and (6)(b) to conform with other land use statutes; cor-  
 27 rects syntax in (9).

28 **SECTION 20.** ORS 197A.315 is amended to read:

29 197A.315. (1) As used in this section, “district” means:

30 (a) A domestic water supply district organized under ORS chapter 264.

31 (b) A parks and recreation district organized under ORS chapter 266.

32 (c) A sanitary district organized under ORS 450.005 to 450.245.

33 (d) A rural fire protection district organized under ORS chapter 478.

34 (2) When a city evaluates or amends the urban growth boundary of the city under ORS 197A.312,  
 35 the city shall notify:

36 (a) Each district that has territory within the study area established under ORS 197A.320.

37 (b) Each county that has land use jurisdiction over any portion of the study area.

38 (3) The notification must:

39 (a) Include a map showing the study area; and

40 (b) State that, in order to execute or amend an urban *[services]* **service** agreement concerning  
 41 the study area, the district shall respond to the notice within 60 days of the date the notice is mailed  
 42 if the district enters into or amends an urban *[services]* **service** agreement concerning the study  
 43 area.

44 (4) An urban *[services]* **service** agreement executed under this section must satisfy the require-  
 45 ments of ORS 195.065 (1)(a) to (f). When a city and a district execute an urban *[services]* **service**

1 agreement pursuant to this section, the city and the district are not required to participate in the  
2 negotiation of an urban service agreement under ORS 195.065 to 195.085.

3 (5) Before executing the urban service agreement, the city and the district shall consult with  
4 community planning organizations that are recognized by the governing body of the city and whose  
5 boundaries include territory in the study area that may be affected by the urban service agreement.

6 (6) If the special district chooses not to negotiate an urban service agreement or does not re-  
7 spond to the notice within 60 days, the city may withdraw from the service territory of the district  
8 any portion of the study area that is included within the urban growth boundary of the city and  
9 annexed to the city.

10 (7) If the district responds in writing to the notice within 60 days and requests to execute an  
11 urban service agreement for the study area with the city, the city and the district shall meet to  
12 develop the **urban service** agreement within 60 days after the district responds.

13 (8) If the city and district are unable to develop the **urban service** agreement within 180 days  
14 after the date of the first meeting, the city or the district may require mediation. If mediation is  
15 required, the city and the district shall each designate an individual to work with the city and the  
16 district to develop an **urban service** agreement. The city and the district are each responsible for  
17 the costs of the mediator it selects.

18 (9) If the city and the district are unable to develop the **urban service** agreement after an ad-  
19 ditional 180 days, the city or the district may require arbitration. The mediators selected under  
20 subsection (8) of this section shall jointly select a third individual, and the three individuals shall  
21 constitute an arbitration panel to develop the urban [*services*] **service** agreement. If the mediators  
22 are unable to agree on the third individual, the Director of the Department of Land Conservation  
23 and Development shall select an individual from a list of qualified arbitrators provided by the Land  
24 Conservation and Development Commission. The city and the district shall bear the cost of the third  
25 individual equally. The arbitration panel:

26 (a) Shall consider the provisions of ORS 222.460, 222.465, 222.510 to 222.570, 222.575 and 222.580;  
27 and

28 (b) May not:

29 (A) Require the city or the district to pay the other party as part of the urban [*services*] **service**  
30 agreement unless:

31 (i) The urban [*services*] **service** agreement requires a transfer of physical assets, in which case  
32 the **urban service** agreement may require the payment of fair market value for the assets; or

33 (ii) A party has offered a payment as part of prior negotiations and the arbitrators incorporate  
34 all or a portion of the negotiated payment in the **urban service** agreement;

35 (B) Prevent a city from including land within the urban growth boundary of the city; or

36 (C) Prohibit a city from annexing territory that is within the urban growth boundary of the city.

37 (10) A city may not withdraw territory from the service territory of a district:

38 (a) Unless the district does not respond to the notice required by subsection (2) of this section;  
39 or

40 (b) Until the city and the district develop an urban [*services*] **service** agreement under this  
41 section.

42 (11) Decisions related to the execution of an urban service agreement under this section are not  
43 land use decisions subject to the jurisdiction of the Land Use Board of Appeals.

44 **NOTE:** Standardizes terminology in (3)(b), (4), (7), (8), (9), (9)(b)(A) and (10)(b) to conform with  
45 other land use statutes.



1        **SECTION 21.** ORS 204.116 is amended to read:

2        204.116. (1) Except as otherwise provided by law, the governing body of each county shall fix  
3 the compensation of its own members and of every other county officer, deputy and employee when  
4 the compensation of such individuals is paid from county funds.

5        (2) Any commission, fees or other moneys received by a county officer, deputy or employee for  
6 services rendered in the course of that individual's office or employment [*shall*] **may** not be allowed  
7 to or retained by that individual, but shall promptly be paid into the county treasury except:

8        (a) For compensation fixed under subsection (1) of this section;

9        (b) As otherwise determined by the governing body of the county; or

10       (c) As otherwise provided by ORS 106.120 or 205.320 [(6)] (1)(f).

11       **NOTE:** Corrects word choice in (2) and subsection reference in (2)(c); see amendments to 205.320  
12 in section 22.

13       **SECTION 22.** ORS 205.320 is amended to read:

14       205.320. (1) In every county there shall be charged and collected in advance by the county clerk,  
15 for the benefit of the county, the following fees, and no more, for the following purposes and ser-  
16 vices:

17       [(1)] (a) For filing and making entry when required by law of any instrument required or per-  
18 mitted by law to be filed, when it is not recorded, \$5 for each page.

19       [(2)] (b) For filing and making entry of the assignment or satisfaction of any filed, but not re-  
20 corded, instrument, \$5 for each page.

21       [(3)] (c) For each official certificate, \$3.75.

22       [(4)(a) For purposes of this subsection, "page" means one side of a sheet 14 inches, or less, long  
23 and 8-1/2 inches, or less, wide.]

24       [(b)] (d)(A) For recording any instrument required or permitted by law to be recorded, \$5 for  
25 each page, but the minimum fee shall not be less than \$5. **As used in this subparagraph, "page"**  
26 **means one side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.**

27       [(c)] (B) For supplying to private parties copies of records or files, not more than \$3.75 for lo-  
28 cating a record requested by the party and 25 cents for each page. **As used in this subparagraph,**  
29 **"page" means one side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.**

30       [(d)] (C) For each official certificate, \$3.75.

31       [(5)] (e) For taking an affidavit for and making and issuing a marriage license and registering  
32 the return of the license, or for taking an affidavit for and registering a Declaration of Domestic  
33 Partnership, \$25.

34       [(6)] (f) For solemnizing a marriage under ORS 106.120, [\$25] **\$105**. This [*subsection*] **paragraph**  
35 does not require that the county clerk charge a fee for solemnizing a marriage after normal working  
36 hours or on Saturdays or legal holidays. This [*subsection*] **paragraph** does not prohibit a county  
37 clerk from charging and accepting a personal payment for solemnizing a marriage if otherwise au-  
38 thorized by ORS 106.120.

39       [(7)] (g) For taking and certifying acknowledgment or proof of execution of any instrument, the  
40 fee established in the schedule adopted by the Secretary of State under ORS 194.400.

41       [(8)] (h) For issuing any license required by law, other than a marriage or liquor license, and  
42 for which no fee is otherwise provided by law, \$5.

43       [(9)] (i) For any service the clerk may be required or authorized to perform and for which no  
44 fee is provided by law, such fees as may favorably compare with those established by this section  
45 for similar services and as may be established by order or rule of the county court or board of

1 county commissioners.

2 [(10)] (j) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant  
3 to ORS 203.148.

4 [(11)] (k) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
5 **paragraph (d) of this subsection**, for each additional municipal assessment lien recorded under  
6 ORS 93.643, \$5.

7 [(12)] (L) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
8 **paragraph (d) of this subsection**, for each additional assignment, release or satisfaction of any  
9 recorded instrument, \$5.

10 [(13)] (m) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
11 **paragraph (d) of this subsection**, for each additional transaction described under ORS 205.236, \$5.

12 [(14)] (n) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
13 **paragraph (d) of this subsection**, for each additional lien recorded under ORS 311.675, \$5.

14 [(15)] (o) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee  
15 that is established by the county governing body.

16 [(16)] (p) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
17 **paragraph (d) of this subsection**, for each additional claim listed on an affidavit of annual com-  
18 pliance under ORS 517.210, \$5.

19 [(17)] (q) In addition to and not in lieu of the fees charged under [subsection (4) of this section]  
20 **paragraph (d) of this subsection**, for each additional name listed on a cooperative contract under  
21 ORS 62.360 (2) or for recording the termination of a cooperative contract under ORS 62.360 (4), \$5.

22 [(18)] (2) Notwithstanding any other law, five percent of any fee or tax that is not collected for  
23 the benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be  
24 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the  
25 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-  
26 lected under this subsection shall be deposited in a county clerk records fund established by the  
27 county governing body. No moneys shall be deducted under this subsection from:

28 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

29 (b) Fees collected for conciliation services under ORS 107.615.

30 (c) Real estate transfer taxes enacted prior to January 1, 1998.

31 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

32 (e) Fees collected under ORS 205.323 (1)(c) for the housing-related programs listed in ORS  
33 294.187 (2)(b).

34 **NOTE:** Reorganizes section to mend bad read-ins in old (4)(a) and (18); aligns dollar amount in  
35 (1)(f) with amount stated in 106.120 (see chapter 595, Oregon Laws 2011, chapter 685, Oregon Laws  
36 2013, and chapter 76, Oregon Laws 2014).

37 **SECTION 23.** ORS 205.323 is amended to read:

38 205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320  
39 and other fees, the county clerk shall charge and collect the following fees for the recording or fil-  
40 ing of any instrument described in ORS 205.130:

41 (a) A fee of \$1, to be credited as provided in subsection (4)(a) of this section;

42 (b) A fee of \$10, to be credited as provided in subsection (4)(b) of this section; and

43 (c) A fee of \$20, to be credited as provided in subsection (4)(c) of this section.

44 (2) Subsection (1) of this section does not apply to the recording or filing of the following:

45 (a) Instruments that are otherwise exempt from recording or filing fees under any provision of

1 law;

2 (b) Any satisfaction of judgment or certificate of satisfaction of judgment; or

3 (c) Internal county government instruments not otherwise charged a recording or filing fee.

4 (3) Subsection (1)(c) of this section does not apply to the recording or filing of:

5 (a) Instruments required under ORS 517.210 to maintain mining claims;

6 (b) Warrants issued by the Employment Department pursuant to ORS 657.396, 657.642 and  
7 657.646; or

8 (c) A certified copy of a judgment, a lien record abstract as described in ORS 18.170 or a sat-  
9 isfaction of a judgment, including a judgment noticed by recordation of a lien record abstract.

10 (4) Of the amounts charged and collected under this section:

11 (a) The recording or filing fee charged and collected under subsection (1)(a) of this section must  
12 be deposited and credited to the Oregon Land Information System Fund established under ORS  
13 306.132.

14 (b) The recording or filing fee charged and collected under subsection (1)(b) of this section shall  
15 be credited as follows:

16 (A) Five percent of the fee must be credited for the benefit of the county;

17 (B) Five percent of the fee must be credited for the benefit of the county clerk for the purposes  
18 described in ORS 205.320 [(18)] (2); and

19 (C) 90 percent of the fee must be credited to and deposited in the County Assessment and Tax-  
20 ation Fund created under ORS 294.187.

21 (c) The recording or filing fee charged and collected under subsection (1)(c) of this section must  
22 be credited to and deposited in the County Assessment and Taxation Fund created under ORS  
23 294.187.

24 (5) The Department of Revenue is exempt from paying the fee under subsection (1)(c) of this  
25 section.

26 **NOTE:** Corrects subsection reference in (4)(b)(B); see amendments to 205.320 in section 22.

27 **SECTION 24.** ORS 215.284 is amended to read:

28 215.284. (1) In the Willamette Valley, a single-family residential dwelling not provided in con-  
29 junction with farm use may be established, subject to approval of the governing body or its designee,  
30 in any area zoned for exclusive farm use upon a finding that:

31 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
32 or significantly increase the cost of accepted farming or forest practices on nearby lands devoted  
33 to farm or forest use;

34 (b) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV  
35 through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or  
36 Class II soils;

37 (c) The dwelling will be sited on a lot or parcel created before January 1, 1993;

38 (d) The dwelling will not materially alter the stability of the overall land use pattern of the area;  
39 and

40 (e) The dwelling complies with such other conditions as the governing body or its designee  
41 considers necessary.

42 (2) In counties not described in subsection (1) of this section, a single-family residential dwelling  
43 not provided in conjunction with farm use may be established, subject to approval of the governing  
44 body or its designee, in any area zoned for exclusive farm use upon a finding that:

45 (a) The dwelling or activities associated with the dwelling will not force a significant change in

1 or significantly increase the cost of accepted farming or forest practices on nearby lands devoted  
2 to farm or forest use;

3 (b) The dwelling is situated upon a lot or parcel or portion of a lot or parcel that is generally  
4 unsuitable land for the production of farm crops and livestock or merchantable tree species, con-  
5 sidering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and  
6 size of the tract. A lot or parcel or portion of a lot or parcel may not be considered unsuitable  
7 solely because of size or location if it can reasonably be put to farm or forest use in conjunction  
8 with other land;

9 (c) The dwelling will be sited on a lot or parcel created before January 1, 1993;

10 (d) The dwelling will not materially alter the stability of the overall land use pattern of the area;  
11 and

12 (e) The dwelling complies with such other conditions as the governing body or its designee  
13 considers necessary.

14 (3) In counties in western Oregon, as defined in ORS 321.257, not described in subsection (4) of  
15 this section, a single-family residential dwelling not provided in conjunction with farm use may be  
16 established, subject to approval of the governing body or its designee, in any area zoned for exclu-  
17 sive farm use upon a finding that:

18 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
19 or significantly increase the cost of accepted farming or forest practices on nearby lands devoted  
20 to farm or forest use;

21 (b) The dwelling is situated upon a lot or parcel or portion of a lot or parcel that is generally  
22 unsuitable land for the production of farm crops and livestock or merchantable tree species, con-  
23 sidering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and  
24 size of the tract. A lot or parcel or portion of a lot or parcel may not be considered unsuitable  
25 solely because of size or location if it can reasonably be put to farm or forest use in conjunction  
26 with other land;

27 (c) The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under  
28 ORS 215.263 (4);

29 (d) The dwelling will not materially alter the stability of the overall land use pattern of the area;  
30 and

31 (e) The dwelling complies with such other conditions as the governing body or its designee  
32 considers necessary.

33 (4)(a) In the Willamette Valley, a lot or parcel allowed under paragraph (b) of this subsection  
34 for a single-family residential dwelling not provided in conjunction with farm use may be established,  
35 subject to approval of the governing body or its designee, in any area zoned for exclusive farm use  
36 upon a finding that the originating lot or parcel is equal to or larger than the applicable minimum  
37 lot or parcel size and:

38 (A) Is not stocked to the requirements under ORS 527.610 to 527.770;

39 (B) Is composed of at least 95 percent Class VI through Class VIII soils; and

40 (C) Is composed of at least 95 percent soils not capable [*or*] of producing 50 cubic feet per acre  
41 per year of wood fiber.

42 (b) Any parcel to be created for a dwelling from the originating lot or parcel described in par-  
43 agraph (a) of this subsection will not be smaller than 20 acres.

44 (c) The dwelling or activities associated with the dwelling allowed under this subsection will  
45 not force a significant change in or significantly increase the cost of accepted farming or forest

1 practices on nearby lands devoted to farm or forest use.

2 (d) The dwelling allowed under this subsection will not materially alter the stability of the  
3 overall land use pattern of the area.

4 (e) The dwelling allowed under this subsection complies with such other conditions as the gov-  
5 erning body or its designee considers necessary.

6 (5) No final approval of a nonfarm use under this section shall be given unless any additional  
7 taxes imposed upon the change in use have been paid.

8 (6) If a single-family dwelling is established on a lot or parcel as set forth in ORS 215.705 to  
9 215.750, no additional dwelling may later be sited under subsection (1), (2), (3), (4) or (7) of this  
10 section.

11 (7) In counties in eastern Oregon, as defined in ORS 321.805, a single-family residential dwelling  
12 not provided in conjunction with farm use may be established, subject to the approval of the county  
13 governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

14 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
15 or significantly increase the cost of accepted farming or forest practices on nearby lands devoted  
16 to farm or forest use;

17 (b) The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under  
18 ORS 215.263 (5);

19 (c) The dwelling will not materially alter the stability of the overall land use pattern of the area;  
20 and

21 (d) The dwelling complies with such other conditions as the governing body or its designee  
22 considers necessary.

23 **NOTE:** Corrects word choice in (4)(a)(C).

24 **SECTION 25.** ORS 285C.659 is amended to read:

25 285C.659. (1) The Oregon Business Development Department shall annually prepare a report that  
26 discloses all costs and fees incurred by the department, or by any other state agency, in adminis-  
27 tering, during the agency fiscal year ending during the current calendar year, the tax credit allowed  
28 under ORS 315.533.

29 (2) The report required under this section shall also provide information about qualified equity  
30 investments issued on or after July 1, 2013, including, for the previous calendar year and for tax  
31 years ending during the previous calendar year:

32 (a) The amount of tax credit allowed for the qualified equity investments under ORS 315.533;

33 (b) The amount of tax credit claimed for the qualified equity investments under ORS 315.533;

34 (c) The costs and expenses of forming the qualified community development entities that issued  
35 the qualified equity investments, including but not limited to fees paid for professional services, in-  
36 cluding legal and accounting services, related to the formation and operation of the entities; and

37 (d) Information with respect to qualified equity investments and qualified low-income community  
38 investments that would be reported as part of the institution level report and transaction level re-  
39 ports submitted by qualified community development entities pursuant to section 45D of the Internal  
40 Revenue Code.

41 (3) The Oregon Business Development Department shall submit the report required under this  
42 section to the Oregon Department of Administrative Services [*no later than 30 days following Octo-*  
43 *ber 7, 2013, and, beginning in 2014,*] no later than September 30 of each year. The information shall  
44 then be posted on the Oregon transparency website required under ORS 184.483 no later than De-  
45 cember 31 of the same year.

1 (4) The information described in this section that is available on the Oregon transparency  
2 website must be accessible in the format and manner required by the Oregon Department of Ad-  
3 ministrative Services.

4 (5) The Oregon Business Development Department shall collect data sufficient for the purpose  
5 of preparing the report required under this section.

6 (6) For purposes of this section, the Oregon Business Development Department may not collect  
7 or report proprietary information related to a taxpayer, taxpayers holding qualified equity invest-  
8 ments, qualified community development entities or qualified active low-income community busi-  
9 nesses, or information about the specific terms of financial agreements pertaining to any project.

10 **NOTE:** Removes outdated dates in (3).

11 **SECTION 26.** ORS 293.813 is amended to read:

12 293.813. (1) The people of Oregon condemn the human rights abuses, enslavement and genocide  
13 in Sudan and declare these atrocities to be absolutely contrary to the fundamental principles of  
14 human rights and standards of justice and individual freedom.

15 (2) The Legislative Assembly finds:

16 (a) The Congress of the United States has declared that genocide is occurring in the Darfur  
17 region of Sudan;

18 (b) The National Black Caucus of State Legislators Resolution 05-144 declares that the atrocities  
19 unfolding in Darfur are genocide under Articles 1 to 3 of the 1948 United Nations Convention;

20 (c) The United Nations International Commission of Inquiry on Darfur found that government  
21 forces and militias of Sudan have conducted indiscriminate attacks, including the killing of civilians,  
22 torture, enforced disappearances, the destruction of villages, rape and other forms of sexual vi-  
23 olence, pillaging and forced displacement throughout Darfur;

24 (d) Sudanese government forces and government-supported militia forces have implemented a  
25 coordinated policy of ethnic cleansing;

26 (e) More than 2.2 million people are affected by the crisis in Sudan, with 1.2 million displaced  
27 inside Sudan, 200,000 living as refugees and more than 50,000 people having died, according to the  
28 Catholic Relief Services;

29 (f) Sixty percent of the villages in Northern Darfur have been destroyed or abandoned according  
30 to the Intermediate Technology Development Group;

31 (g) Sudanese government forces have pursued a scorched earth policy aimed at removing popu-  
32 lations from around a newly constructed oil pipeline and other oil production facilities, according  
33 to the United States Department of State Report on Human Rights Practices in Sudan;

34 (h) Fourteen thousand Dinka women and children have been abducted in Sudan according to the  
35 United States Department of State 2005 Trafficking in Persons Report;

36 (i) Christian Solidarity International reports that the government of Sudan is responsible for the  
37 revival of the evil institution of slavery;

38 (j) The Methodist Church of Southern Africa reports mass rapes of girls and women, the dis-  
39 placement of millions of people and genocide and ethnic cleansing in Darfur;

40 (k) The Committee on Conscience of the United States Holocaust Memorial Museum has de-  
41 clared a genocide emergency in Sudan;

42 (L) Genocide, enslavement and such atrocities are repugnant to the basic principles of liberty  
43 and justice in the Bill of Rights, Article I of the Oregon Constitution, which are fundamental to the  
44 character of a free society; and

45 *[(m) The investment of subject investment funds in business firms and financial institutions with*

1 *ties to the repressive regime in Sudan is inconsistent with the moral and political values of the people*  
 2 *of Oregon.]*

3 **(m) The investment of investment funds consisting of the Public Employees Retirement**  
 4 **Fund referred to in ORS 238.660 in scrutinized companies is inconsistent with the moral and**  
 5 **political values of the people of Oregon.**

6 **NOTE:** Aligns legislative finding in (2)(m) with changes to Oregon Human Rights and Anti-  
 7 Genocide Act of 2005 made by chapter 722, Oregon Laws 2013.

8 **SECTION 27.** ORS 326.425 is amended to read:

9 326.425. (1) The Early Learning Council is established. [*The council shall function under the di-*  
 10 *rection and control of the Oregon Education Investment Board established by section 1, chapter 519,*  
 11 *Oregon Laws 2011.]*

12 (2) The council is established to [*assist the board in overseeing*] **oversee** a unified system of early  
 13 learning services for the purpose of ensuring that children enter school ready to learn. The Early  
 14 Learning Council shall ensure that children enter school ready to learn by:

15 (a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided  
 16 by ORS 417.796.

17 (b) Implementing and overseeing a system that coordinates the delivery of early learning ser-  
 18 vices.

19 (c) Overseeing the Oregon Early Learning System created by ORS 417.727.

20 (3) The council consists of members appointed as provided by subsections (4) and (5) of this  
 21 section.

22 (4)(a) The Governor shall appoint nine voting members who are appointed for a term of four  
 23 years and serve at the pleasure of the Governor. A person appointed under this subsection may not  
 24 be appointed to serve more than two consecutive full terms as a council member.

25 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

26 [(A) *Ensure that at least one of the members is an appointed member of the Oregon Education*  
 27 *Investment Board;*]

28 [(B)] (A) Ensure that each congressional district of this state is represented;

29 [(C)] (B) [*For a member who is not an appointed member of the Oregon Education Investment*  
 30 *Board, ensure that the]* **Ensure that each** member meets the following qualifications:

31 (i) Demonstrates leadership skills in civics or the member's profession;

32 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-  
 33 ographic, ethnic, gender, racial and economic diversity of this state; and

34 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-  
 35 opment, early childhood care, early childhood education, family financial stability, populations dis-  
 36 proportionately burdened by poor education outcomes and outcome-based best practices; and

37 [(D)] (C) Solicit recommendations from the Speaker of the House of Representatives for at least  
 38 two members and from the President of the Senate for at least two members.

39 (5) In addition to the members appointed under subsection (4) of this section, the Governor shall  
 40 appoint voting, ex officio members who represent the state agencies and other entities that are re-  
 41 quired to be represented on a state advisory council for purposes of the federal Head Start Act and  
 42 who represent the tribes of this state.

43 (6) The activities of the council shall be directed and supervised by the Early Learning System  
 44 Director[. *The director shall;*]

45 [(a) *Be*] **who is** appointed by the Governor and [*serve*] **serves** at the pleasure of the Governor.

1        *[(b) Serve under the direction and control of the Chief Education Officer appointed under section*  
 2 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*  
 3 *education system.]*

4        (7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules  
 5 necessary for the administration of the laws that the council is charged with administering.

6        **NOTE:** Affirms legislative intent in section 22b, chapter 36, Oregon Laws 2012, by correctly  
 7 setting forth amendments in text.

8        **SECTION 28.** Section 22c, chapter 36, Oregon Laws 2012, is amended to read:

9        **Sec. 22c.** The amendments to *[section 4, chapter 519, Oregon Laws 2011, by section 22b of this*  
 10 *2012 Act]* **ORS 326.425 by section 22b, chapter 36, Oregon Laws 2012, and section 27 of this 2015**  
 11 **Act** become operative on March 15, 2016.

12        **NOTE:** Sets forth delayed operative date for amendments to 326.425 by section 27.

13        **SECTION 29.** Section 14, chapter 577, Oregon Laws 2013, is amended to read:

14        **Sec. 14.** *[If House Bill 3233 becomes law:]*

15        *[(1) The amendments to ORS 327.008 by section 13 of this 2013 Act apply to State School Fund*  
 16 *distributions commencing with the 2013-2014 distributions.]*

17        *[(2)]* Notwithstanding ORS 327.008 *[(9)(c)]* **(10)(c)**, the amounts identified in ORS 327.008 *[(9)(b)(B)*  
 18 *and (C)]* **(10)(b)(B) and (C)** shall first be adjusted beginning in the 2015-2017 biennium.

19        **NOTE:** Removes outdated applicability date in (1); corrects subsection references in (2) to re-  
 20 flect amendments to 327.008 by chapter 81, Oregon Laws 2014.

21        **SECTION 30.** ORS 327.800 is amended to read:

22        327.800. (1) The Oregon Education Investment Board shall design and implement programs that  
 23 make strategic investments to:

24        (a) Advance the educational goals of this state, as described in ORS 351.009;

25        (b) Improve the employability of graduates from Oregon public schools;

26        (c) Close the achievement gap that exists between historically underserved student groups, as  
 27 defined by the board by rule;

28        (d) Assist public education in all regions of this state;

29        (e) Promote collaboration and alignment among early childhood service providers, school dis-  
 30 tricts, community colleges, public universities and employers;

31        (f) Leverage private, public and community resources;

32        (g) Engage parents and child care providers, support families and motivate students;

33        (h) Develop and disseminate evidence-based models and best practices that are likely to improve  
 34 student outcomes;

35        (i) Collect data to monitor student progress; and

36        (j) Establish networks that allow for the replication of successful practices across this state.

37        (2) The distribution and administration of all moneys that are used for strategic investments  
 38 made as provided by this section and ORS 327.810, 327.815 and 327.820 must be guided by the pur-  
 39 poses described in subsection (1) of this section.

40        (3) Any recipient of moneys distributed as a strategic investment must provide separate ac-  
 41 counting for the moneys and may use the moneys only for the purpose for which the moneys are  
 42 provided.

43        (4)(a) The board shall establish requirements for the programs implemented under this section  
 44 that are consistent with this section and with ORS 327.810, 327.815 and 327.820.

45        (b) The board shall develop timelines, performance measures and other requirements related to



1 the accumulation and evaluation of data collected in relation to a program that receives moneys as  
 2 a strategic investment. The performance measures shall include progress toward the goals estab-  
 3 lished in ORS 351.009 and other key student education outcomes established by the board.

4 (5) The State Board of Education, the [*Oregon Student Access Commission*] **Higher Education**  
 5 **Coordinating Commission**, the Oregon Arts Commission and the Oregon Education Investment  
 6 Board may adopt any rules necessary for the agencies they oversee to perform any of the duties  
 7 assigned to them under this section. Any rules adopted by the State Board of Education, the [*Oregon*  
 8 *Student Access Commission*] **Higher Education Coordinating Commission** or the Oregon Arts  
 9 Commission must be consistent with this section and actions taken by the Oregon Education In-  
 10 vestment Board to implement this section.

11 **NOTE:** Replaces references in (5) to abolished agency with agency to which duties were trans-  
 12 ferred (see section 13, chapter 747, Oregon Laws 2013).

13 **SECTION 31.** ORS 327.800, as amended by section 5, chapter 660, Oregon Laws 2013, is  
 14 amended to read:

15 327.800. (1) The State Board of Education shall design and implement programs that make stra-  
 16 tegic investments to:

- 17 (a) Advance the educational goals of this state, as described in ORS 351.009;
- 18 (b) Improve the employability of graduates from Oregon public schools;
- 19 (c) Close the achievement gap that exists between historically underserved student groups, as  
 20 defined by the board by rule;
- 21 (d) Assist public education in all regions of this state;
- 22 (e) Promote collaboration and alignment among early childhood service providers, school dis-  
 23 tricts, community colleges, public universities and employers;
- 24 (f) Leverage private, public and community resources;
- 25 (g) Engage parents and child care providers, support families and motivate students;
- 26 (h) Develop and disseminate evidence-based models and best practices that are likely to improve  
 27 student outcomes;
- 28 (i) Collect data to monitor student progress; and
- 29 (j) Establish networks that allow for the replication of successful practices across this state.

30 (2) The distribution and administration of all moneys that are used for strategic investments  
 31 made as provided by this section and ORS 327.810, 327.815 and 327.820 must be guided by the pur-  
 32 poses described in subsection (1) of this section.

33 (3) Any recipient of moneys distributed as a strategic investment must provide separate ac-  
 34 counting for the moneys and may use the moneys only for the purpose for which the moneys are  
 35 provided.

36 (4)(a) The board shall establish requirements for the programs implemented under this section  
 37 that are consistent with this section and with ORS 327.810, 327.815 and 327.820.

38 (b) The board shall develop timelines, performance measures and other requirements related to  
 39 the accumulation and evaluation of data collected in relation to a program that receives moneys as  
 40 a strategic investment. The performance measures shall include progress toward the goals estab-  
 41 lished in ORS 351.009 and other key student education outcomes established by the board.

42 (5) The State Board of Education, the [*Oregon Student Access Commission*] **Higher Education**  
 43 **Coordinating Commission** and the Oregon Arts Commission may adopt any rules necessary for the  
 44 agencies they oversee to perform any of the duties assigned to them under this section. Any rules  
 45 adopted by the [*Oregon Student Access Commission*] **Higher Education Coordinating Commission**

1 or the Oregon Arts Commission must be consistent with this section and actions taken by the State  
2 Board of Education to implement this section.

3 **NOTE:** Replaces references in (5) to abolished agency with agency to which duties were trans-  
4 ferred (see section 13, chapter 747, Oregon Laws 2013).

5 **SECTION 32.** ORS 327.815 is amended to read:

6 327.815. (1) The Oregon Education Investment Board shall establish the Guidance and Support  
7 for Post-Secondary Aspirations Program to:

8 (a) Increase the number of students in the ninth grade who are making satisfactory progress  
9 toward a high school diploma, a modified diploma or an extended diploma; and

10 (b) Increase the number of students who earn a high school diploma, a modified diploma or an  
11 extended diploma and who enroll in a post-secondary institution of higher education.

12 (2) To accomplish the purposes of the Guidance and Support for Post-Secondary Aspirations  
13 Program, moneys shall be distributed for strategic investments that advance at least one of the fol-  
14 lowing missions:

15 (a) Supporting comprehensive systems of monitoring and support for struggling students.

16 (b) Ensuring that middle and high school students who had not considered enrolling in post-  
17 secondary education are directed toward, and able to access, post-secondary education opportunities  
18 that match their interests and abilities.

19 (3) Strategic investment moneys distributed as provided by this section shall be as follows:

20 (a) To the [*Oregon Student Access Commission*] **Higher Education Coordinating Commission**  
21 for the purposes of supporting an expansion of Access to Student Assistance Programs in Reach of  
22 Everyone (ASPIRE) in public middle schools, public high schools and community-based sites across  
23 this state.

24 (b) To the Department of Education for the purposes of:

25 (A) Distributing moneys to school districts and nonprofit organizations to implement compre-  
26 hensive systems for monitoring progress and providing individualized planning, mentoring, tutoring  
27 or other support services to students in grades 6 through 10 who are not making satisfactory  
28 progress toward a high school diploma, a modified diploma or an extended diploma.

29 (B) Creating a scholarship fund aimed at increasing access for underserved students to post-  
30 secondary institutions by paying for first-year college courses or accelerated college credit pro-  
31 grams.

32 (c) To the Department of Community Colleges and Workforce Development for the purpose of  
33 distributing moneys to school districts, public schools, post-secondary institutions and nonprofit or-  
34 ganizations to educate and engage underserved or first-generation college-bound students and their  
35 families through counseling programs, parent advocacy, parent education, college visits, college ini-  
36 tiatives and assistance with obtaining financial aid.

37 **NOTE:** Replaces reference in (3)(a) to abolished agency with agency to which duties were  
38 transferred (see section 13, chapter 747, Oregon Laws 2013).

39 **SECTION 33.** ORS 327.815, as amended by section 7, chapter 660, Oregon Laws 2013, is  
40 amended to read:

41 327.815. (1) The State Board of Education shall establish the Guidance and Support for Post-  
42 Secondary Aspirations Program to:

43 (a) Increase the number of students in the ninth grade who are making satisfactory progress  
44 toward a high school diploma, a modified diploma or an extended diploma; and

45 (b) Increase the number of students who earn a high school diploma, a modified diploma or an

1 extended diploma and who enroll in a post-secondary institution of higher education.

2 (2) To accomplish the purposes of the Guidance and Support for Post-Secondary Aspirations  
3 Program, moneys shall be distributed for strategic investments that advance at least one of the fol-  
4 lowing missions:

5 (a) Supporting comprehensive systems of monitoring and support for struggling students.

6 (b) Ensuring that middle and high school students who had not considered enrolling in post-  
7 secondary education are directed toward, and able to access, post-secondary education opportunities  
8 that match their interests and abilities.

9 (3) Strategic investment moneys distributed as provided by this section shall be as follows:

10 (a) To the [*Oregon Student Access Commission*] **Higher Education Coordinating Commission**  
11 for the purposes of supporting an expansion of Access to Student Assistance Programs in Reach of  
12 Everyone (ASPIRE) in public middle schools, public high schools and community-based sites across  
13 this state.

14 (b) To the Department of Education for the purposes of:

15 (A) Distributing moneys to school districts and nonprofit organizations to implement compre-  
16 hensive systems for monitoring progress and providing individualized planning, mentoring, tutoring  
17 or other support services to students in grades 6 through 10 who are not making satisfactory  
18 progress toward a high school diploma, a modified diploma or an extended diploma.

19 (B) Creating a scholarship fund aimed at increasing access for underserved students to post-  
20 secondary institutions by paying for first-year college courses or accelerated college credit pro-  
21 grams.

22 (c) To the Department of Community Colleges and Workforce Development for the purpose of  
23 distributing moneys to school districts, public schools, post-secondary institutions and nonprofit or-  
24 ganizations to educate and engage underserved or first-generation college-bound students and their  
25 families through counseling programs, parent advocacy, parent education, college visits, college ini-  
26 tiatives and assistance with obtaining financial aid.

27 **NOTE:** Replaces reference in (3)(a) to abolished agency with agency to which duties were  
28 transferred (see section 13, chapter 747, Oregon Laws 2013).

29 **SECTION 34.** ORS 329.838 is amended to read:

30 329.838. (1) The School District Collaboration Grant Program is established to provide funding  
31 for school districts to improve student achievement through the voluntary collaboration of teachers  
32 and administrators to design and implement new approaches to:

33 (a) Career pathways for teachers and administrators;

34 (b) Evaluation processes for teachers and administrators;

35 (c) Compensation models for teachers and administrators; and

36 (d) Enhanced professional development opportunities for teachers and administrators.

37 (2)(a) The Department of Education shall administer the grant program established by this sec-  
38 tion and may provide technical expertise to school districts applying for or receiving a grant under  
39 this section.

40 (b) For the purpose of providing technical expertise, the department may enter into contracts  
41 with nonprofit entities that have experience in designing and implementing approaches that are  
42 similar to the approaches described in subsection (1) of this section.

43 (c) The department may expend no more than five percent of the amount appropriated to the  
44 department for the grant program to pay for the administrative costs incurred by the department  
45 under this section, not including any costs related to contracts described in paragraph (b) of this

1 subsection.

2 (3) Each school district may apply to the department for a grant under this section. Applications  
3 may be for the design or for the implementation of an approach identified in subsection (1) of this  
4 section.

5 (4) Prior to applying for a grant, the school district must receive the approval to apply for the  
6 grant from:

7 (a) The exclusive bargaining representative for the teachers of the school district or, if the  
8 teachers are not represented by an exclusive bargaining representative, from the teachers of the  
9 school district;

10 (b) The chairperson of the school district board; and

11 (c) The superintendent of the school district.

12 (5) Funding for the grant program established by this section shall be provided through the  
13 School District Collaboration Grant Account established by ORS 329.839.

14 (6) The amount of each grant shall be determined as follows:

15 (a) For grants that are for the design of an approach identified in subsection (1) of this section,  
16 the amount determined by the department based on:

17 (A) The application submitted by the school district to the department;

18 (B) The portion of the total funds available for grants that are for the design of an approach;  
19 and

20 (C) Any other limitations established by the State Board of Education by rule, which may in-  
21 clude a minimum amount or a maximum amount for a grant.

22 (b) For grants that are for the implementation of an approach identified in subsection (1) of this  
23 section, the Grant Amount = School district ADMw  $\times$  (the total amount available for distribution  
24 for an implementation grant in a fiscal year through the School District Collaboration Grant Pro-  
25 gram  $\div$  the total ADMw of the school districts that receive an implementation grant for the fiscal  
26 year through the School District Collaboration Grant Program). For the purpose of the calculation  
27 made under this paragraph, ADMw shall be calculated as provided by ORS 327.013, 338.155 (1) and  
28 338.165 [(3)] (2).

29 (7) The department shall award grants based on:

30 (a) The application submitted by the school district to the department;

31 (b) Other funds received by a school district for a purpose identified in subsection (1) of this  
32 section; and

33 (c) Any other criteria established by the State Board of Education by rule.

34 (8) Moneys received by a school district under this section must be separately accounted for and  
35 may be used only to provide funding for the purposes described in the application submitted by the  
36 school district.

37 (9) The department shall accumulate, evaluate and publish student achievement results of school  
38 districts receiving grants under this section to determine the effectiveness of the approaches de-  
39 signed and implemented by the school districts under the grant program.

40 (10)(a) Except as provided by paragraph (b) of this subsection, the State Board of Education may  
41 adopt any rules necessary for the implementation of the grant program established by this section.

42 (b) The board may not adopt any rules that establish statewide standards for the design and  
43 implementation of the approaches described in subsection (1) of this section.

44 **NOTE:** Corrects subsection reference in (6)(b).

45 **SECTION 35.** ORS 336.057 is amended to read:

1 336.057. In all public schools, courses of instruction shall be given in the Constitution of the  
2 United States and in the history of the United States. These courses shall:

3 (1) Begin not later than the opening of the eighth grade and shall continue in grades 9 through  
4 12.

5 (2) Be required in all public universities listed in ORS 352.002[, *except the Oregon Health and*  
6 *Science University,*] and in all state and local institutions that provide education for patients or in-  
7 mates to an extent to be determined by the Superintendent of Public Instruction.

8 **NOTE:** Adds comma after introductory clause; removes nonsensical exception in (2) for univer-  
9 sity not listed as public university under 352.002.

10 **SECTION 36.** ORS 342.950 is amended to read:

11 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
12 of the Oregon Education Investment Board, the Department of Education and public and private  
13 entities that receive funding as provided by this section to accomplish the purposes of the network  
14 described in subsection (2) of this section.

15 (2) The purposes of the network are the following:

16 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
17 fession of teaching among providers of early learning services, teachers and administrators in  
18 kindergarten through grade 12, education service districts and teacher education institutions.

19 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
20 ment, including practices advanced by or described in ORS 329.788 to 329.820, [329.822,] 329.824,  
21 329.838, 342.433 to 342.449 and 342.805 to 342.937.

22 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
23 port of educators.

24 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
25 Department of Education, subject to the direction and control of the Chief Education Officer, shall  
26 distribute funding as follows:

27 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-  
28 tiums that are any combination of those entities for the purpose of supporting the implementation  
29 of common core state standards.

30 (b) To school districts and nonprofit organizations for the purposes of complying with the core  
31 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
32 scribed by federal law.

33 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
34 opportunities for professional collaboration and professional development and for the pursuit of ca-  
35 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
36 described in ORS 329.838.

37 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
38 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
39 and administrator mentorship program described in ORS 329.788 to 329.820.

40 (e) To school districts for the purposes of obtaining assessments and developing professional  
41 development plans to meet school improvement objectives and educator needs.

42 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
43 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
44 ment, implementing data-driven decision making, supporting practice communities and implementing  
45 culturally competent practices.

1 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
2 in proficiency-based or student-centered learning practices and assessments.

3 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes  
4 of strengthening educator preparation programs and supporting the development and sustainability  
5 of partnerships between providers of early learning services, public schools with any grades from  
6 kindergarten through grade 12 and post-secondary institutions.

7 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-  
8 tutions for the purposes of providing professional development and supporting providers of early  
9 learning services with opportunities for professional collaboration and advancement.

10 (4) The Oregon Education Investment Board shall support the network by:

11 (a) Conducting and coordinating research to determine best practices and evidence-based mod-  
12 els.

13 (b) Working with educator preparation programs to ensure ongoing collaboration with education  
14 providers.

15 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as  
16 described in ORS 342.437.

17 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-  
18 ability and culturally diverse candidates to work in high-need communities and fields.

19 (5) The Department of Education shall support the network by:

20 (a) Developing a system that ensures statewide dissemination of best practices and evidence-  
21 based models.

22 (b) Supporting the development and implementation of standards-based curriculum, high-leverage  
23 practices and assessments that promote student learning and improve outcomes for students learning  
24 English as a second language and for students with disabilities.

25 (c) Administering the distribution of funding as described in subsection (3) of this section.

26 (6) The Oregon Education Investment Board shall develop processes to establish the network  
27 and ensure the accountability of the network. The processes must ensure that the network:

28 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

29 (b) Delivers services for the benefit of all regions of this state.

30 (c) Is accountable for improving education outcomes identified by the Oregon Education Invest-  
31 ment Board, contained in achievement compacts or set forth in ORS 351.009.

32 (d) Includes and connects education providers and leaders from pre-kindergarten through post-  
33 secondary education.

34 (7) No more than two percent of all moneys received for the purposes of this section may be  
35 expended by the Oregon Education Investment Board or the Department of Education for adminis-  
36 trative costs incurred under this section. For the purpose of this subsection, technical assistance  
37 and direct program services provided to school districts and nonprofit organizations are not con-  
38 sidered administrative costs.

39 (8) The State Board of Education may adopt any rules necessary for the Department of Educa-  
40 tion to support the network and perform any duties assigned to the department under this section  
41 or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the  
42 State Board of Education must be consistent with this section and with actions taken by the Oregon  
43 Education Investment Board to implement this section.

44 **NOTE:** Deletes reference to repealed statute in (2)(b).

45 **SECTION 37.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is

1 amended to read:

2 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
3 of the Department of Education and public and private entities that receive funding as provided by  
4 this section to accomplish the purposes of the network described in subsection (2) of this section.

5 (2) The purposes of the network are the following:

6 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
7 fession of teaching among providers of early learning services, teachers and administrators in  
8 kindergarten through grade 12, education service districts and teacher education institutions.

9 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
10 ment, including practices advanced by or described in ORS 329.788 to 329.820, [329.822,] 329.824,  
11 329.838, 342.433 to 342.449 and 342.805 to 342.937.

12 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
13 port of educators.

14 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
15 Department of Education, subject to the direction and control of the Superintendent of Public In-  
16 struction, shall distribute funding as follows:

17 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-  
18 tiums that are any combination of those entities for the purpose of supporting the implementation  
19 of common core state standards.

20 (b) To school districts and nonprofit organizations for the purposes of complying with the core  
21 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
22 scribed by federal law.

23 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
24 opportunities for professional collaboration and professional development and for the pursuit of ca-  
25 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
26 described in ORS 329.838.

27 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
28 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
29 and administrator mentorship program described in ORS 329.788 to 329.820.

30 (e) To school districts for the purposes of obtaining assessments and developing professional  
31 development plans to meet school improvement objectives and educator needs.

32 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
33 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
34 ment, implementing data-driven decision making, supporting practice communities and implementing  
35 culturally competent practices.

36 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
37 in proficiency-based or student-centered learning practices and assessments.

38 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes  
39 of strengthening educator preparation programs and supporting the development and sustainability  
40 of partnerships between providers of early learning services, public schools with any grades from  
41 kindergarten through grade 12 and post-secondary institutions.

42 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-  
43 tutions for the purposes of providing professional development and supporting providers of early  
44 learning services with opportunities for professional collaboration and advancement.

45 (4) The Department of Education shall support the network by:

1 (a) Conducting and coordinating research to determine best practices and evidence-based mod-  
2 els.

3 (b) Working with educator preparation programs to ensure ongoing collaboration with education  
4 providers.

5 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as  
6 described in ORS 342.437.

7 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-  
8 ability and culturally diverse candidates to work in high-need communities and fields.

9 (e) Developing a system that ensures statewide dissemination of best practices and evidence-  
10 based models.

11 (f) Supporting the development and implementation of standards-based curriculum, high-leverage  
12 practices and assessments that promote student learning and improve outcomes for students learning  
13 English as a second language and for students with disabilities.

14 (g) Administering the distribution of funding as described in subsection (3) of this section.

15 (5) The State Board of Education shall develop processes to establish the network and ensure  
16 the accountability of the network. The processes must ensure that the network:

17 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

18 (b) Delivers services for the benefit of all regions of this state.

19 (c) Is accountable for improving education outcomes identified by the State Board of Education,  
20 contained in achievement compacts or set forth in ORS 351.009.

21 (d) Includes and connects education providers and leaders from pre-kindergarten through post-  
22 secondary education.

23 (6) No more than two percent of all moneys received for the purposes of this section may be  
24 expended by the Department of Education for administrative costs incurred under this section. For  
25 the purpose of this subsection, technical assistance and direct program services provided to school  
26 districts and nonprofit organizations are not considered administrative costs.

27 (7) The State Board of Education may adopt any rules necessary for the Department of Educa-  
28 tion to support the network and perform any duties assigned to the department under this section.  
29 Any rules adopted by the State Board of Education must be consistent with this section.

30 **NOTE:** Deletes reference to repealed statute in (2)(b).

31 **SECTION 38.** ORS 345.060 is amended to read:

32 345.060. (1) Every agent for a career school not domiciled in this state shall be held to have  
33 appointed the executive [*officer*] **director** of the Higher Education Coordinating Commission as  
34 agent to accept service of all summonses, pleadings, writs and processes in all actions or pro-  
35 ceedings brought against the applicant in this state. Service upon the executive [*officer*] **director**  
36 shall be taken and held in all courts to be as valid and binding as if personal service thereof had  
37 been made upon the applicant within this state.

38 (2) When any summons, pleading, writ or process is served on the executive [*officer*] **director**,  
39 service shall be by duplicate copies. One of the duplicates shall be filed in the office of the executive  
40 [*officer*] **director** and the other immediately forwarded by certified mail to the agent thereby affected  
41 or therein named, at the agent's last-known post-office address. If service is of a summons, the  
42 plaintiff therein also shall cause the agent to be served therewith in a manner provided by ORCP  
43 7.

44 **NOTE:** Corrects official title.

45 **SECTION 39.** ORS 390.885 is amended to read:



1       390.885. In acquiring related adjacent land by exchange, the State Parks and Recreation De-  
2 partment may accept title to any property within a scenic waterway[,] and, in exchange therefor,  
3 may convey to the grantor of [*such*] **the** property any property under [*its*] **the department's** juris-  
4 diction that the department is not otherwise restricted from exchanging. [*In so far*] **Insofar** as  
5 practicable, the properties so exchanged shall be of approximately equal fair market value. If they  
6 are not of approximately equal fair market value, the department may accept cash or property from,  
7 or pay cash or grant property to, the grantor in order to equalize the values of the properties ex-  
8 changed.

9       **NOTE:** Updates and corrects syntax.

10       **SECTION 40.** ORS 403.137 is amended to read:

11       403.137. (1) As used in this section, "workplace":

12       (a) Includes hallways, lobbies, conference rooms, rest rooms, break rooms, elevators, laborato-  
13 ries, warehouse space and other areas of a building in which employees or volunteers perform work  
14 or that are accessible on a regular basis by employees, volunteers or members of the public; and

15       (b) Does not include wall thickness, shafts, heating or ventilation spaces, mechanical or elec-  
16 trical spaces or other areas not accessible on a regular basis by employees, volunteers or members  
17 of the public.

18       (2) Except as provided in subsection (3) of this section, the operator of a multiline telephone  
19 system installed at least 12 months after January 1, 2014, shall provide information so that the ap-  
20 propriate primary public safety answering point is able to query the automatic location identifica-  
21 tion database and obtain an emergency response location identifier that includes at least the street  
22 address and building name for the location from which a 9-1-1 call originates.

23       (3) Subsection (2) of this section does not apply to the operator of:

24       (a) A key telephone system;

25       (b) Any other multiline telephone system serving a workplace that [*compromises*] **comprises** less  
26 than 10,000 square feet on a single level and is located on one tract, as defined in ORS 215.010, of  
27 land; and

28       (c) Wireless telecommunications services.

29       (4) If a multiline telephone system requires a caller to dial a prefix before dialing an outgoing  
30 call, the manager of the multiline telephone system installed at least 12 months after January 1,  
31 2014, shall make a diligent effort to ensure that users of the system are aware of the procedures for  
32 making an emergency call to a 9-1-1 emergency reporting system.

33       (5) When applicable, the operator of a multiline telephone system installed at least 12 months  
34 after January 1, 2014, shall arrange, as soon as practicable after installation of a new system or  
35 record completion of actual changes, to update the automatic location identification database with  
36 valid address information and a call-back number for the multiline telephone system from the ap-  
37 propriate master street address guide so that the emergency response location identifier specifies  
38 the emergency response location of the caller.

39       (6) An update to the automatic location identification database must match the direct inward  
40 dialing number automatic location identification database record indicator, to the extent that the  
41 operator of a multiline telephone system assigns the direct inward dialing number of the station or  
42 the emergency response location as the automatic location identification database record indicator.

43       (7) Without regard to the date of installation, the following persons are not liable for civil  
44 damages or penalties as a result of an act or omission, except willful or wanton misconduct, in  
45 connection with the development, adoption, operation or implementation of a database or the

1 multiline telephone system:

- 2 (a) A provider.
- 3 (b) A manufacturer of the multiline telephone system.
- 4 (c) A manager of the multiline telephone system.
- 5 (d) An operator of the multiline telephone system.
- 6 (e) A 9-1-1 jurisdiction.

7 **NOTE:** Supplies comma after introductory clause in (2); corrects word choice in (3)(b).

8 **SECTION 41. Section 1, chapter 752, Oregon Laws 2013, is repealed.**

9 **NOTE:** Repeals provision adding 413.600 to inappropriate chapter.

10 **SECTION 42.** ORS 414.153 is amended to read:

11 414.153. In order to make advantageous use of the system of public health care and services  
12 available through county health departments and other publicly supported programs and to [*insure*]  
13 **ensure** access to public health care and services through contract under ORS chapter 414, the state  
14 shall:

15 (1) Unless cause can be shown why such an agreement is not feasible, require and approve  
16 agreements between coordinated care organizations and publicly funded providers for authorization  
17 of payment for point of contact services in the following categories:

- 18 (a) Immunizations;
- 19 (b) Sexually transmitted diseases; and
- 20 (c) Other communicable diseases;

21 (2) Allow [*enrollees in*] **members of** coordinated care organizations to receive from fee-for-  
22 service providers:

- 23 (a) Family planning services;
- 24 (b) Human immunodeficiency virus and acquired immune deficiency syndrome prevention ser-  
25 vices; and
- 26 (c) Maternity case management if the Oregon Health Authority determines that a coordinated  
27 care organization cannot adequately provide the services;

28 (3) Encourage and approve agreements between coordinated care organizations and publicly  
29 funded providers for authorization of and payment for services in the following categories:

- 30 (a) Maternity case management;
- 31 (b) Well-child care;
- 32 (c) Prenatal care;
- 33 (d) School-based clinics;
- 34 (e) Health care and services for children provided through schools and Head Start programs;

35 and

36 (f) Screening services to provide early detection of health care problems among low income  
37 women and children, migrant workers and other special population groups; and

38 (4) Recognize the responsibility of counties under ORS 430.620 to operate community mental  
39 health programs by requiring a written agreement between each coordinated care organization and  
40 the local mental health authority in the area served by the coordinated care organization, unless  
41 cause can be shown why such an agreement is not feasible under criteria established by the Oregon  
42 Health Authority. The written agreements:

- 43 (a) May not limit the ability of coordinated care organizations to contract with other public or  
44 private providers for mental health or chemical dependency services;
- 45 (b) Must include agreed upon outcomes; and

1 (c) Must describe the authorization and payments necessary to maintain the mental health safety  
 2 net system and to maintain the efficient and effective management of the following responsibilities  
 3 of local mental health authorities, with respect to the service needs of members of the coordinated  
 4 care organization:

5 (A) Management of children and adults at risk of entering or who are transitioning from the  
 6 Oregon State Hospital or from residential care;

7 (B) Care coordination of residential services and supports for adults and children;

8 (C) Management of the mental health crisis system;

9 (D) Management of community-based specialized services, including but not limited to supported  
 10 employment and education, early psychosis programs, assertive community treatment or other types  
 11 of intensive case management programs and home-based services for children; and

12 (E) Management of specialized services to reduce recidivism of individuals with mental illness  
 13 in the criminal justice system.

14 **NOTE:** Improves word choice in lead-in; corrects terminology in (2); supplies comma in (4)(c)(D).

15 **SECTION 43.** ORS 414.645 is amended to read:

16 414.645. (1) A coordinated care organization that contracts with the Oregon Health Authority  
 17 must maintain a network of providers sufficient in numbers and areas of practice and geographically  
 18 distributed in a manner to ensure that the health services provided under the contract are reason-  
 19 ably accessible to [enrollees] **members**.

20 (2) [An enrollee] **A member** may transfer from one organization to another organization no more  
 21 than once during each enrollment period.

22 **NOTE:** Corrects terminology.

23 **SECTION 44.** ORS 414.647 is amended to read:

24 414.647. (1) The Oregon Health Authority may approve the transfer of 500 or more [enrollees]  
 25 **members** from one coordinated care organization to another coordinated care organization if:

26 (a) The [enrollees'] **members'** provider has contracted with the receiving organization and has  
 27 stopped accepting patients from or has terminated providing services to [enrollees in] **members of**  
 28 the transferring organization; and

29 (b) [Enrollees] **Members** are offered the choice of remaining [enrolled in] **members of** the  
 30 transferring organization.

31 (2) [Enrollees] **Members** may not be transferred under this section until the authority has  
 32 evaluated the receiving organization and determined that the organization meets criteria established  
 33 by the authority by rule, including but not limited to criteria that ensure that the organization  
 34 meets the requirements of ORS 414.645 (1).

35 (3) The authority shall provide notice of a transfer under this section to [enrollees] **members**  
 36 that will be affected by the transfer at least 90 days before the scheduled date of the transfer.

37 (4)(a) The authority may not approve the transfer of [enrollees] **members** under this section if:

38 (A) The transfer results from the termination of a provider's contract with a coordinated care  
 39 organization for just cause; and

40 (B) The coordinated care organization has notified the authority that the provider's contract  
 41 was terminated for just cause.

42 (b) A provider is entitled to a contested case hearing in accordance with ORS chapter 183, on  
 43 an expedited basis, to dispute the denial of a transfer of [enrollees] **members** under this subsection.

44 (c) As used in this subsection, "just cause" means that the contract was terminated for reasons  
 45 related to quality of care, competency, fraud or other similar reasons prescribed by the authority

1 by rule.

2 (5) The provider and the organization shall be the parties to any contested case proceeding to  
3 determine whether the provider's contract was terminated for just cause. The authority may award  
4 attorney fees and costs to the party prevailing in the proceeding, applying the factors in ORS 20.075.

5 **NOTE:** Corrects terminology in (1), (2), (3) and (4)(a) and (b).

6 **SECTION 45.** ORS 414.736 is amended to read:

7 414.736. As used in ORS 192.493, this chapter[,] **and** ORS chapter 416 [*and section 9, chapter 867,*  
8 *Oregon Laws 2009*]:

9 (1) "Designated area" means a geographic area of the state defined by the Oregon Health Au-  
10 thority by rule that is served by a prepaid managed care health services organization.

11 (2) "Fully capitated health plan" means an organization that contracts with the authority on a  
12 prepaid capitated basis under ORS 414.618.

13 (3) "Physician care organization" means an organization that contracts with the authority on a  
14 prepaid capitated basis under ORS 414.618 to provide the health services described in ORS 414.025  
15 (7)(b), (c), (d), (e), (f), (g) and (j). A physician care organization may also contract with the authority  
16 on a prepaid capitated basis to provide the health services described in ORS 414.025 (7)(k) and (L).

17 (4) "Prepaid managed care health services organization" means a managed physical health,  
18 dental, mental health or chemical dependency organization that contracts with the authority on a  
19 prepaid capitated basis under ORS 414.618. A prepaid managed care health services organization  
20 may be a dental care organization, fully capitated health plan, physician care organization, mental  
21 health organization or chemical dependency organization.

22 **NOTE:** Deletes reference to obsolete law in lead-in.

23 **SECTION 46.** ORS 414.743 is amended to read:

24 414.743. (1) Except as provided in subsection (2) of this section, a coordinated care organization  
25 that does not have a contract with a hospital to provide inpatient or outpatient hospital services  
26 under ORS 414.631, 414.651 and 414.688 to 414.745 must, using Medicare payment methodology, re-  
27 imburse the noncontracting hospital for services provided to [*an enrollee of the plan*] **a member of**  
28 **the organization** at a rate no less than a percentage of the Medicare reimbursement rate for those  
29 services. The percentage of the Medicare reimbursement rate that is used to determine the re-  
30 imbursement rate under this subsection is equal to four percentage points less than the percentage  
31 of Medicare cost used by the **Oregon Health** Authority in calculating the base hospital capitation  
32 payment to the [*plan*] **organization**, excluding any supplemental payments.

33 (2)(a) If a coordinated care organization does not have a contract with a hospital, and the hos-  
34 pital provides less than 10 percent of the hospital admissions and outpatient hospital services to  
35 [*enrollees*] **members** of the organization, the percentage of the Medicare reimbursement rate that  
36 is used to determine the reimbursement rate under subsection (1) of this section is equal to two  
37 percentage points less than the percentage of Medicare cost used by the Oregon Health Authority  
38 in calculating the base hospital capitation payment to the organization, excluding any supplemental  
39 payments.

40 (b) This subsection is not intended to discourage a coordinated care organization and a hospital  
41 from entering into a contract and is intended to apply to hospitals that provide primarily, but not  
42 exclusively, specialty and emergency care to [*enrollees*] **members** of the organization.

43 (3) A hospital that does not have a contract with a coordinated care organization to provide  
44 inpatient or outpatient hospital services under ORS 414.631, 414.651 and 414.688 to 414.745 must  
45 accept as payment in full for hospital services the rates described in subsections (1) and (2) of this

1 section.

2 (4) This section does not apply to type A and type B hospitals, as described in ORS 442.470, and  
 3 rural critical access hospitals, as defined in ORS 315.613.

4 (5) The Oregon Health Authority shall adopt rules to implement and administer this section.

5 **NOTE:** Corrects terminology in (1) and (2); sets out full title of agency in (1).

6 **SECTION 47.** ORS 433.375 is amended to read:

7 433.375. (1) The owner of the animal shall present by mail or otherwise the inoculation certif-  
 8 icate, together with the fee fixed pursuant to ORS 433.380, if any, to the clerk of the county in which  
 9 the owner resides.

10 (2) The county shall upon receipt of the fee and presentation of the certificate issue to the  
 11 owner a serial-numbered tag, legibly identifying its expiration date as such date is determined in  
 12 accordance with rules of the Oregon Health Authority relating to intervals of inoculation. The tag  
 13 shall be designed for and shall be attached to a collar or harness [*which shall*] **that must** be worn  
 14 by the dog for which the tag and certificate [*is*] **are** issued at all times when off or outside the  
 15 premises of the owner. Whenever an original tag is lost, mutilated or destroyed, upon application  
 16 and payment of the fee prescribed under ORS 433.380, if any, a replacement tag, to be dated, de-  
 17 signed and worn as the original, shall be issued.

18 (3) No official of any county shall issue a license for a dog until the official has been shown a  
 19 proper certification, or its equivalent, of a rabies inoculation.

20 (4) If the county files the certificate upon which a tag is issued, it shall be cross-referenced to  
 21 the tag number. If the certificate is not filed, the county shall keep an appropriate record of the  
 22 expiration date and number, if any, of the certificate cross-referenced to the tag number.  
 23 Notwithstanding ORS 205.320 (1)(a), a fee is not required for filing the certificate.

24 (5) Unexpired tags shall be honored in all counties when the animal is in transit or where the  
 25 owner has established a new residence.

26 (6) The provisions of this section apply to a city, rather than a county, in a city [*which*] **that**  
 27 has a dog licensing program.

28 **NOTE:** Updates syntax and corrects verb choice in (2); corrects subsection reference in (4) (see  
 29 amendments to 205.320 in section 22); updates syntax in (6).

30 **SECTION 48.** ORS 446.626 is amended to read:

31 446.626. (1) The owner of a manufactured structure that qualifies under this subsection may  
 32 apply to the county assessor to have the structure recorded in the deed records of the county. The  
 33 application must be on a form approved by the Department of Consumer and Business Services. The  
 34 application must include a description of the location of the real property on which the manufac-  
 35 tured structure is or will be sited. If the structure is being sold by a manufactured structure dealer,  
 36 the dealer may file the application on behalf of the owner within the time described in ORS 446.736  
 37 (7). A manufactured structure qualifies for recording in the deed records if the owner of the struc-  
 38 ture:

- 39 (a) Also owns the land on which the manufactured structure is located;
- 40 (b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically  
 41 permits the manufactured structure owner to record the structure under this section; or
- 42 (c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800  
 43 to 62.815 that owns the land on which the manufactured structure is located.

44 (2) If the assessor, as agent for the department, determines that the manufactured structure  
 45 qualifies for recording in the deed records of the county, the assessor shall cause the structure to

1 be recorded in the deed records. The deed records must contain any unreleased security interest in  
 2 the manufactured structure. If the department has issued an ownership document for the manufac-  
 3 tured structure, the owner must submit the ownership document to the assessor with the application  
 4 described in subsection (1) of this section. Upon recording the manufactured structure in the deed  
 5 records, the assessor shall send the ownership document to the department for cancellation. The  
 6 department shall cancel the ownership document and send confirmation of the cancellation to the  
 7 assessor and the owner.

8 (3) The recording of a security interest in the deed records of the county under this section  
 9 satisfies the requirements for filing a financing statement for a fixture to real property under ORS  
 10 79.0502. The recording of a manufactured structure in the deed records of the county is independent  
 11 of the assessment and taxation of the structure as real property under ORS 308.875. The recording  
 12 of a manufactured structure in the deed records of the county makes the structure subject to the  
 13 same provisions of law applicable to any other building, housing or structure on the land. However,  
 14 the manufactured structure may not be sold separately from the land or leasehold estate unless the  
 15 owner complies with subsection (4) of this section.

16 (4) The owner of a manufactured structure that is recorded in the deed records of the county  
 17 may apply to have the structure removed from the deed records and an ownership document issued  
 18 for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must ap-  
 19 ply to the county assessor, as agent for the department, for an ownership document as provided in  
 20 ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the  
 21 manufactured structure in the deed records.

22 (5) If a manufactured structure described in subsection (1)(b) or (c) of this section is recorded  
 23 in the deed records, the owner of the structure has a real property interest in the manufactured  
 24 structure for purposes of:

25 (a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;

26 (b) Deed forms pursuant to ORS 93.850 to 93.870;

27 (c) Mortgages, trust deeds and other liens pursuant to [ORS 86.010 to 86.990 and] ORS chapters  
 28 **86, 87 and 88; and**

29 (d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is  
 30 considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

31 **NOTE:** Consolidates series reference in (5)(c).

32 **SECTION 49.** ORS 455.110 is amended to read:

33 455.110. Except as otherwise provided by [ORS chapters 446, 447, 460, 476,] ORS 479.015 to  
 34 [479.220] **479.200, 479.210 to 479.220**, 479.510 to 479.945, 479.990 and 479.995 and ORS [chapter 480]  
 35 **chapters 446, 447, 460, 476 and 480:**

36 (1) The Director of the Department of Consumer and Business Services shall coordinate, inter-  
 37 pret and generally supervise the adoption, administration and enforcement of the state building code.

38 (2) The director, with the approval of the appropriate advisory boards, shall adopt codes and  
 39 standards, including regulations as authorized by ORS 455.020 governing the construction, recon-  
 40 struction, alteration and repair of buildings and other structures and the installation of mechanical  
 41 devices and equipment therein. The regulations may include rules for the administration and  
 42 enforcement of a certification system for persons performing work under the codes and standards  
 43 adopted under this subsection. However, this subsection does not authorize the establishment of a  
 44 separate certification for performing work on low-rise residential dwellings.

45 (3) The director, with the approval of the appropriate advisory boards, may amend such codes

1 from time to time. The codes of regulations and any amendment thereof shall conform insofar as  
 2 practicable to model building codes generally accepted and in use throughout the United States. If  
 3 there is no nationally recognized model code, consideration shall be given to the existing specialty  
 4 codes presently in use in this state. Such model codes with modifications considered necessary and  
 5 specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof  
 6 shall be based on the application of scientific principles, approved tests and professional judgment  
 7 and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired  
 8 results instead of the means of achieving such results, avoiding wherever possible the incorporation  
 9 of specifications of particular methods or materials. To that end the codes shall encourage the use  
 10 of new methods, new materials and maximum energy conservation.

11 (4) The director shall adopt rules requiring a journeyman plumber licensed under ORS chapter  
 12 693 or an apprentice plumber, as defined in ORS 693.010, who tests backflow assemblies to complete  
 13 a state-approved training program for the testing of those assemblies.

14 **NOTE:** Uncouples discrete series and conforms citations to legislative style in lead-in.

15 **SECTION 50.** ORS 459A.820 is amended to read:

16 459A.820. The Legislative Assembly finds that it is in the best interest of this state for archi-  
 17 tectural paint manufacturers to finance and manage an environmentally sound, cost-effective archi-  
 18 tectural paint stewardship [*pilot*] program, undertaking responsibility for the development and  
 19 implementation of strategies to reduce the generation of post-consumer architectural paint, promote  
 20 the reuse of post-consumer architectural paint and collect, transport and process post-consumer ar-  
 21 chitectural paint for end-of-product-life management, including reuse, recycling, energy recovery and  
 22 disposal.

23 **NOTE:** Corrects name of program.

24 **SECTION 51.** ORS 459A.840 is amended to read:

25 459A.840. (1) It is the intent of this section that a stewardship organization operating an archi-  
 26 tectural paint stewardship [*pilot*] program pursuant to ORS 459A.820 to 459A.855, approved by the  
 27 Department of Environmental Quality and subject to the regulatory supervision of the department,  
 28 is granted immunity from federal and state antitrust laws for the limited purpose of establishing and  
 29 operating an architectural paint stewardship [*pilot*] program. The activities of the stewardship or-  
 30 ganization that comply with the provisions of this section may not be considered to be in restraint  
 31 of trade, a conspiracy or combination or any other unlawful activity in violation of any provisions  
 32 of ORS 646.705 to 646.826 or federal antitrust laws.

33 (2) The department shall actively supervise the conduct of the stewardship organization, in-  
 34 cluding but not limited to conduct related to payments made by architectural paint producers to the  
 35 stewardship organization for the architectural paint stewardship assessment specified in ORS  
 36 459A.827. The department may require the stewardship organization to take whatever action the  
 37 department considers necessary to:

38 (a) Ensure that the stewardship organization is engaging in conduct authorized under this sec-  
 39 tion;

40 (b) Ensure that the policies of this state are being fulfilled by an architectural paint stewardship  
 41 [*pilot*] program; and

42 (c) Enjoin conduct that is not authorized by the department or conduct that the department finds  
 43 does not advance the interests of this state in carrying out the architectural paint stewardship  
 44 [*pilot*] program.

45 (3) The Director of the Department of Environmental Quality may designate employees of the

1 department to carry out the responsibility of actively supervising the conduct of the stewardship  
2 organization.

3 (4) The Environmental Quality Commission may adopt rules to carry out the purposes of this  
4 section.

5 **NOTE:** Corrects name of program in (1) and (2)(b) and (c).

6 **SECTION 52.** ORS 461.543 is amended to read:

7 461.543. (1) Except as otherwise specified in subsection (5) of this section, the Sports Lottery  
8 Account is continuously appropriated to and shall be used by the Higher Education Coordinating  
9 Commission to fund sports programs at public universities listed in ORS 352.002. Seventy percent  
10 of the revenues in the fund shall be used to fund nonrevenue producing sports and 30 percent shall  
11 be used for revenue producing sports. Of the total amount available in the fund, at least 50 percent  
12 shall be made available for women's athletics.

13 (2) The [board] **commission** shall allocate moneys in the Sports Lottery Account among the  
14 public universities, giving due consideration to:

15 (a) The athletic conference to which the public university belongs and the relative costs of  
16 competing in that conference.

17 (b) The level of effort being made by the public university to generate funds and support from  
18 private sources.

19 (3) As used in subsections (1) to (3) of this section, "revenue producing sport" is a sport that  
20 produces net revenue over expenditures during a calendar year or if its season extends into two  
21 calendar years, produces net revenue over expenditures during the season.

22 (4) An amount equal to one percent of the moneys transferred to the Administrative Services  
23 Economic Development Fund from the State Lottery Fund shall be allocated from the Administrative  
24 Services Economic Development Fund to the Sports Lottery Account.

25 (5) The amounts received by the Sports Lottery Account shall be allocated as follows:

26 (a) Eighty-eight percent for the purposes specified in subsections (1) to (3) of this section, but  
27 not to exceed \$8 million annually, adjusted annually pursuant to the Consumer Price Index, as de-  
28 fined in ORS 327.006.

29 (b) Twelve percent for the purpose of scholarships, to be distributed equally between scholar-  
30 ships based on academic merit and scholarships based on need, as determined by rule of the  
31 [board] **commission**, but not to exceed \$1,090,909 annually.

32 (c) All additional money to the [Oregon Student Access] commission for the Oregon Opportunity  
33 Grant program under ORS 348.260.

34 **NOTE:** Corrects subsequent references to commission in (2) and (5)(b); replaces reference in  
35 (5)(c) to abolished agency with agency to which duties were transferred (see section 13, chapter 747,  
36 Oregon Laws 2013).

37 **SECTION 53.** ORS 507.050 is amended to read:

38 507.050. (1) The State Fish and Wildlife Director, one legislator appointed as provided in this  
39 section and one public member appointed by the Governor shall act as representatives of the State  
40 of Oregon on the Pacific States Marine Fisheries Commission in accordance with the provisions of  
41 and with the powers and duties in the compact set forth in ORS 507.040.

42 (2) The legislative member shall be appointed by the President of the Senate or the Speaker of  
43 the House of Representatives [from among those legislators who, at the time of appointment, are  
44 serving on the Pacific Fisheries Legislative Task Force].

45 (3) The legislative member shall serve for a term of four years. The Speaker of the House of



1 Representatives and the President of the Senate shall alternate in making the appointment of the  
2 legislative member.

3 (4) Notwithstanding ORS 171.072, the legislative member is not entitled to mileage expenses or  
4 a per diem and serves as a volunteer on the commission.

5 (5) Members of the commission who are not members of the Legislative Assembly are not enti-  
6 tled to compensation or reimbursement of expenses and serve as volunteers on the commission.

7 **NOTE:** Deletes reference to obsolete task force in (2).

8 **SECTION 54. Any appointment made under ORS 507.050 (2), as in effect immediately be-**  
9 **fore the effective date of this 2015 Act, is validated.**

10 **NOTE:** Validates appointment made under 507.050 (2); see amendments to 507.050 in section 53.

11 **SECTION 55.** ORS 576.365 is amended to read:

12 576.365. (1) If any person responsible for the transmittal of assessment moneys to a commodity  
13 commission fails to relinquish assessment moneys collected, the person shall pay a penalty equal to  
14 twice the amount of the unrelinquished assessment moneys.

15 (2) A commission may commence a civil action or utilize any other available legal or equitable  
16 remedy to collect an assessment or civil penalty, obtain injunctive relief or obtain specific per-  
17 formance under ORS 576.051 to 576.455.

18 (3) If the person responsible for the transmittal of assessment moneys is a corporation, all di-  
19 rectors and officers of the corporation are personally liable for a failure to relinquish the assessment  
20 moneys collected by the corporation.

21 (4) If a commission obtains a favorable judgment in an action or suit under subsection (2) of this  
22 section, the court shall award the commission costs and reasonable attorney fees.

23 (5) Unless the person required to pay an assessment and the person responsible for collecting  
24 the assessment are related businesses, the *[department]* **commission** may not collect from the person  
25 required to pay the assessment any amount deducted by the person responsible for collecting the  
26 assessment and due and owing to the *[department]* **commission**.

27 **NOTE:** Corrects subsequent references to commission in (5).

28 **SECTION 56.** ORS 632.715 is amended to read:

29 632.715. (1) Unless *[the holder of]* **the person holds** a permit issued under ORS 632.730, *[no*  
30 *person shall]* **a person may not** sell or distribute within this state any eggs to consumers or to  
31 retailers without having first obtained an egg handler's license from the State Department of Agri-  
32 culture. The license shall not be required:

33 (a) Of a producer selling and delivering eggs of the producer's own production *[direct]* **directly**  
34 to an individual consumer; *[or]*

35 (b) For the sale of uncandled eggs to other than a consumer; or

36 (c) For the sale by a retailer to a consumer of eggs *[which]* **that** previously have been candled  
37 and graded by an egg handler in compliance with ORS 632.705 to 632.815.

38 (2) Application for *[such]* **an egg handler's** license shall be made to the department, on forms  
39 prescribed by the department.

40 (3) Each egg handler's license *[shall expire]* **expires** on June 30 next following the date of issu-  
41 ance or on such date as may be specified by department rule. *[Such license shall not be]* **The license**  
42 **is not** transferable to any person. The original of the license shall be conspicuously displayed in the  
43 main office of the licensee. A duplicate copy of the license shall be conspicuously displayed in each  
44 separate branch, store, sales outlet, office, warehouse or location operated or owned by the licensee  
45 in which eggs are candled or graded.

1 (4) The department, in accordance with ORS chapter 183, may refuse to issue, or may suspend  
 2 or revoke, an egg handler's license issued under this section, or a permit issued under ORS 632.730,  
 3 if the applicant, the permit holder[,] or the licensee has **violated** or is violating the provisions of  
 4 ORS 632.705 to 632.815 or rules promulgated pursuant thereto.

5 **NOTE:** Modernizes syntax in (1), (1)(a) and (c), (2) and (3); deletes extraneous conjunction in  
 6 (1)(a); corrects punctuation and supplies missing word in (4).

7 **SECTION 57.** ORS 646.905 is amended to read:

8 646.905. As used in ORS 646.910 to 646.923:

9 (1) "Alcohol" means a volatile flammable liquid having the general formula  $C_nH_{(2n+1)}OH$  used  
 10 or sold for the purpose of blending or mixing with gasoline for use in propelling motor vehicles, and  
 11 commonly or commercially known or sold as an alcohol, and includes ethanol or methanol.

12 (2) "Biodiesel" means a motor vehicle fuel consisting of mono-alkyl esters of long chain fatty  
 13 acids derived from vegetable oils, animal fats or other nonpetroleum resources, not including palm  
 14 oil, designated as B100 and complying with ASTM D 6751.

15 (3) "Certificate of analysis" means:

16 (a) A document verifying that B100 biodiesel has been analyzed and complies with, at a mini-  
 17 mum, the following ASTM D 6751 biodiesel fuel test methods and specifications:

18 (A) Flash point (ASTM D 93);

19 (B) Acid number (ASTM D 664);

20 (C) Cloud point (ASTM D 2500);

21 (D) Water and sediment (ASTM D 2709);

22 (E) Visual appearance (ASTM D 4176);

23 (F) Free glycerin (ASTM D [6854] **6584**); and

24 (G) Total glycerin (ASTM D [6854] **6584**); and

25 (b) Certification of feedstock origination describing the percent of the feedstock sourced outside  
 26 of the states of Oregon, Washington, Idaho and Montana.

27 (4) "Co-solvent" means an alcohol other than methanol [*which*] **that** is blended with either  
 28 methanol or ethanol or both to minimize phase separation in gasoline.

29 (5) "Ethanol" means ethyl alcohol, a flammable liquid having the formula  $C_2H_5OH$  used or sold  
 30 for the purpose of blending or mixing with gasoline for use in motor vehicles.

31 (6) "Gasoline" means any fuel sold for use in spark ignition engines whether leaded or unleaded.

32 (7) "Methanol" means methyl alcohol, a flammable liquid having the formula  $CH_3OH$  used or  
 33 sold for the purpose of blending or mixing with gasoline for use in motor vehicles.

34 (8) "Motor vehicles" means all vehicles, vessels, watercraft, engines, machines or mechanical  
 35 contrivances that are propelled by internal combustion engines or motors.

36 (9) "Nonretail dealer" means any person who owns, operates, controls or supervises an estab-  
 37 lishment at which motor vehicle fuel is dispensed through a card- or key-activated fuel dispensing  
 38 device to nonretail customers.

39 (10) "Other renewable diesel" means a diesel fuel substitute, produced from nonfossil renewable  
 40 resources, that has an established ASTM standard, is approved by the United States Environmental  
 41 Protection Agency, meets specifications of the National Conference on Weights and Measures, and  
 42 complies with standards promulgated under ORS 646.957.

43 (11) "Retail dealer" means any person who owns, operates, controls or supervises an establish-  
 44 ment at which gasoline is sold or offered for sale to the public.

45 (12) "Wholesale dealer" means any person engaged in the sale of gasoline if the seller knows

1 or has reasonable cause to believe the buyer intends to resell the gasoline in the same or an altered  
2 form to another.

3 **NOTE:** Corrects citation in (3)(a)(F) and (G); updates syntax in (4).

4 **SECTION 58.** ORS 657.610 is amended to read:

5 657.610. The Director of the Employment Department may:

6 (1) For purposes of administration and control, and with the approval of the Governor, organize  
7 and reorganize the department in whatever manner the director considers appropriate to carry out  
8 the duties, functions and powers of the department.

9 (2) Appoint all subordinate officers and employees of the department, whether classified or un-  
10 classified, and prescribe their duties and compensation, subject to applicable provisions of the State  
11 Personnel Relations Law.

12 (3) Delegate to departmental officers and employees such responsibility and authority as the  
13 director determines necessary.

14 (4)(a) Determine all questions of general policy for this chapter [*and ORS chapter 657A*];

15 (b) Adopt rules for this chapter [*and ORS chapter 657A*]; and

16 (c) Administer and enforce this chapter [*and ORS chapter 657A*].

17 (5) Sue and be sued in the name of the director, and shall have a seal bearing the name of the  
18 Employment Department.

19 (6) Adopt proper rules to regulate the mode and manner of all investigations.

20 (7) Prescribe the time, place and manner of making claims for benefits under this chapter, the  
21 kind and character of notices required thereunder and the procedure for investigating and deciding  
22 claims.

23 (8) Enter into contracts relating to the federal Workforce Investment Act deemed necessary by  
24 the director to fulfill the mission of the department. The director may enter into contracts with  
25 other states or governments, public bodies or persons to provide or receive services. Contracts en-  
26 tered into by the director shall be executed in the name of the state, by and through the Employ-  
27 ment Department.

28 **NOTE:** Deletes inappropriate chapter references in (4).

29 **SECTION 59.** ORS 705.138 is amended to read:

30 705.138. (1) The Director of the Department of Consumer and Business Services may share con-  
31 fidential and privileged documents, material or information the director receives under ORS 732.517  
32 to 732.592 with a chief insurance regulatory official in accordance with ORS 705.137:

33 (a) Only if the regulatory official's jurisdiction has a statute or rules that are substantially  
34 similar in effect to ORS 732.586; and

35 (b) Only if the regulatory official agrees in writing not to disclose the documents, material or  
36 information.

37 (2) The director shall enter into a written agreement with the National Association of Insurance  
38 Commissioners that governs how the director and the association may use or share documents, ma-  
39 terial or information the director receives under ORS 732.517 to 732.592, including documents, ma-  
40 terial or information the director receives as a consequence of the director's participation in a  
41 supervisory college under ORS 732.571. The agreement must:

42 (a) Specify procedures and protocols for maintaining the confidentiality and security of docu-  
43 ments, material and information the director shares with the association and the association's affil-  
44 iates or subsidiaries;

45 (b) Specify conditions under which the association may share the documents, material or infor-

1 mation with other state, federal or international regulatory agencies;

2 (c) State that the director retains ownership of the documents, material and information the di-  
3 rector shares with the association and the association's affiliates and subsidiaries and that the  
4 association's use of the documents, material or information is subject to the director's control;

5 (d) Require the director or the association to notify an insurer if a subpoena or other request  
6 compels the association or the association's affiliates or subsidiaries to disclose or produce docu-  
7 ments, material or information the director has shared with the association;

8 (e) Require the association to consent to an insurer's intervention in an administrative or judi-  
9 cial proceeding that may result **in** the association or the association's affiliates or subsidiaries  
10 having to disclose or produce documents, material or information the director shared with the as-  
11 sociation; and

12 (f) State that the association must maintain, in accordance with ORS 705.137, the confidentiality  
13 of the documents, material or information the association receives from the director.

14 **NOTE:** Supplies missing word in (2)(e).

15 **SECTION 60.** ORS 757.015 is amended to read:

16 757.015. As used in ORS 757.105 (1) and [*in ORS*] 757.495, "affiliated interest" with a public  
17 utility means:

18 (1) Every corporation and person owning or holding directly or indirectly five percent or more  
19 of the voting securities of such public utility.

20 (2) Every corporation and person in any chain of successive ownership of five percent or more  
21 of voting securities of such public utility.

22 (3) Every corporation five percent or more of whose voting securities are owned by any person  
23 or corporation owning five percent or more of the voting securities of such public utility or by any  
24 person or corporation in any chain of successive ownership of five percent or more of voting secu-  
25 rities of such public utility.

26 (4) Every person who is an officer or director of such public utility or of any corporation in any  
27 chain of successive ownership of five percent or more of voting securities of such public utility.

28 (5) Every corporation [*which*] **that** has two or more officers or two or more directors in common  
29 with such public utility.

30 (6) Every corporation and person, five percent or more of which is directly or indirectly owned  
31 by a public utility.

32 (7) Every corporation or person [*which*] **that** the Public Utility Commission determines as a  
33 matter of fact after investigation and hearing actually is exercising any substantial influence over  
34 the policies and actions of such public utility, even though such influence is not based upon  
35 stockholding, stockholders, directors or officers to the extent specified in this section.

36 (8) Every person or corporation [*who or which*] **that** the commission determines as a matter of  
37 fact, after investigation and hearing, actually is exercising such substantial influence over the poli-  
38 cies and actions of such public utility in conjunction with one or more other corporations or persons  
39 with whom they are related by ownership or blood or by action in concert that together they are  
40 affiliated with such public utility within the meaning of this section even though no one of them  
41 alone is so affiliated.

42 **NOTE:** Conforms citations to legislative style in lead-in; updates syntax in (5), (7) and (8).

43 **SECTION 61.** ORS 825.224 is amended to read:

44 825.224. (1) The rates, rules and practices used by for-hire carriers in the transportation of  
45 persons and of household goods shall be prescribed by the Department of Transportation and:

1 (a) Be plainly stated in tariffs or schedules available to the public at each carrier's office, and  
2 at the office of the department; and

3 (b) Be just, reasonable and fair and *[shall]* **may** not be unduly discriminatory, prejudicial or  
4 preferential.

5 (2) *[No]* **A** for-hire carrier of persons or household goods *[shall]* **may not**:

6 (a) Charge, collect or receive a different remuneration for the transportation of persons or  
7 household goods or for any service in connection therewith, than the rates *[which]* **that** have been  
8 legally prescribed and filed with the department.

9 (b) Refund or remit in any manner or by any device any portion of the rates required to be  
10 collected by its tariffs or written contracts on file with the department.

11 (3)(a) Any action against for-hire carriers of persons or household goods for recovery of over-  
12 charges or by the carriers for the collection of undercharges shall be commenced within two years  
13 from the time the cause of action accrued.

14 (b) As used in this subsection, "overcharges" or "undercharges" *[shall mean]* **means** charges  
15 assessed for transportation service different from those applicable under the tariff lawfully in effect.

16 (4) The department shall check the records of for-hire carriers of persons and of for-hire carriers  
17 of household goods for the purpose of discovering all discriminations and rebates. The department:

18 (a) Upon the department's own motion, may, and upon the complaint of any aggrieved person,  
19 shall, pursuant to written notice served upon any carrier subject to this subsection, investigate the  
20 rates, classifications, rules and practices of the carrier and investigate service in connection there-  
21 with; and

22 (b) To the extent that the rates, classifications, rules or practices are found by the department  
23 to be unreasonable, unlawful, unfair or unduly discriminatory, preferential or prejudicial, shall, by  
24 orders based upon the evidence, require the carrier to comply with just, fair, lawful and reasonable  
25 rates, classifications, rules and practices established by the department. Such carrier shall forthwith  
26 comply with such orders.

27 (5) The department may suspend a tariff or time schedule of carriers of persons or household  
28 goods that the department believes will impair the ability of the carriers to serve the public or ap-  
29 pears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise unlawful.

30 **NOTE:** Updates syntax in (1)(b), (2) and (2)(a); conforms (3) to legislative style.

31 **SECTION 62.** ORS 825.350 is amended to read:

32 825.350. (1) *[No]* **A** county, city or other municipal corporation may **not** impose a tax on, or re-  
33 quire a license for, a voluntary **commuter** ridesharing arrangement using a motor vehicle with a  
34 seating capacity for not more than 15 persons.

35 (2) For the purposes of this section, "voluntary **commuter** ridesharing arrangement" has the  
36 meaning given that term in ORS 656.025.

37 **NOTE:** Corrects terminology; updates syntax in (1); supplies punctuation in (2).

38 **SECTION 63.** ORS 830.990 is amended to read:

39 830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a  
40 Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565  
41 by a person operating a manually propelled boat is \$30.

42 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation.  
43 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-  
44 erating a motorboat is \$50.

45 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,

1 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the pur-  
2 poses of those statutes, commits a Class D violation.

3 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,  
4 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a  
5 Class C violation.

6 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,  
7 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,  
8 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or  
9 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

10 (5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes  
11 of those statutes, commits a Class A violation.

12 (6) A person who violates ORS 830.383 [*or 830.909*] commits a Class B misdemeanor.

13 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or  
14 830.955 (1) commits a Class A misdemeanor.

15 (8) A person who violates ORS 830.475 (2) commits a Class C felony.

16 (9) A person who violates ORS 830.944 commits a Class A violation.

17 **NOTE:** Deletes reference to repealed statute in (6).

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