

LAW AUTHORIZING THIS PUBLICATION

(ORS 171.236)

171.236. (1) The Legislative Counsel, under the direction of the Legislative Counsel Committee, shall publish and distribute the laws enacted by the Legislative Assembly.

(2) The Legislative Counsel Committee shall determine the form, number and distribution of and charges for, if any, the publications referred to in subsection (1) of this section and may perform other functions necessary for the publication and distribution thereof.

(3) The Legislative Counsel shall provide sufficient copies of the publications prepared under this section to the Legislative Administrator for distribution in accordance with ORS 171.206 (2).

(4) The Legislative Counsel Committee may order the disposition of any publications referred to in this section which in its judgment are no longer of value to the state.

EVIDENTIARY STATUS

(ORS 171.255)

171.255. The laws enacted by the Legislative Assembly and by the people, when published in accordance with the provisions of ORS 171.236, shall be received in all courts of this state as an authorized publication of the laws of Oregon published therein.

PUBLISHED BY OREGON LEGISLATIVE ASSEMBLY

STATE OF OREGON
Legislative Counsel Committee
900 Court Street NE S101
Salem, OR 97301-4065
www.lc.state.or.us

FOREWORD

This online edition of Oregon Laws 2009, published in accordance with ORS 171.236, contains all the laws enacted by the regular session of the Seventy-fifth Legislative Assembly that convened on January 12, 2009, and adjourned sine die on June 29, 2009. The online edition also contains resolutions adopted by the regular session of the Seventy-fifth Legislative Assembly that are considered to be of public significance and general interest. Resolutions that deal with matters of routine legislative business or matters of limited interest are not included.

The text begins with a summary of the Governor's vetoes and a summary of the vote on statewide measures at elections held since the publication of the previous permanent edition of Oregon Laws. The online edition continues with the text of chapters 1 to 914, Oregon Laws 2009, and the text of selected resolutions of the Seventy-fifth Legislative Assembly. The selected resolutions include House Concurrent Resolution 10 (2009), which adjourned the regular session.

The online edition of Oregon Laws 2009 also sets forth the amendments to the Oregon Rules of Civil Procedure promulgated by the Council on Court Procedures on December 13, 2008, and submitted to the Seventy-fifth Legislative Assembly pursuant to ORS 1.735. These changes took effect on January 1, 2010.

Several tables follow the text. The online edition of Oregon Laws 2009 contains a table showing ballot measures adopted at a statewide special election held in November 2007, at a statewide special election held on May 20, 2008 (same date as the primary election), and at the statewide general election held on November 4, 2008, a table showing the session law chapter numbers assigned to Acts of the 2009 regular session that were approved by the Governor or allowed to become law without signature, and tables showing the sections of Oregon Revised Statutes, Oregon Rules of Civil Procedure and uncodified Acts that were amended, repealed or added to by Acts of the Seventy-fifth Legislative Assembly at its 2009 regular session. A subject index to Oregon Laws 2009 follows the tables.

The online edition of Oregon Laws 2009 concludes with the statements of receipts and expenditures of public money published with the laws of each regular session of the Legislative Assembly pursuant to section 5, Article IX, Oregon Constitution.

EFFECTIVE DATE

Pursuant to ORS 171.022, each Act passed by the Legislative Assembly takes effect on January 1 of the year after passage of the Act, unless a different date is specified in the Act. The normal effective date for Acts passed by the Seventy-fifth Legislative Assembly during its 2009 regular session is January 1, 2010.

Section 28, Article IV, Oregon Constitution, provides that an Act may not take effect sooner than 90 days from the end of a legislative session unless an emergency is declared in the Act. Unless otherwise specified in an Act in which an emergency is declared, the Act takes effect on the date it is approved by the Governor or, if neither approved nor disapproved by the Governor, on the date it is filed in the office of the Secretary of State.

LEGISLATIVE REFERRALS

The special session of the Seventy-fourth Legislative Assembly referred chapter 14, Oregon Laws 2008 (Enrolled Senate Bill 1087), to the people at the statewide general election on November 4, 2008. The people approved that Act and it took effect December 4, 2008.

The regular session of the Seventy-fifth Legislative Assembly proposed one revision of the Oregon Constitution. House Joint Resolution 13 (2009) is to be submitted to the people for approval or rejection at the primary election on May 18, 2010. The effective date for a ballot measure approved at this election is June 17, 2010.

The regular session of the Seventy-fifth Legislative Assembly proposed one amendment to the Oregon Constitution. House Joint Resolution 7 (2009) is to be submitted to the people for approval or rejection at the statewide general election on November 2, 2010. The effective date for a ballot measure approved at this election is December 2, 2010.

REFERENDUM

An Act that becomes effective earlier than 90 days after the end of the session in which it is passed is not subject to referendum by petition under section 1, Article IV, Oregon Constitution. Other Acts may be referred to the people for their approval or rejection by petition filed with the Secretary of State not more than 90 days after the end of the session.

After adjournment sine die, four Acts of the regular session of the Seventy-fifth Legislative Assembly were the subjects of referendum petitions approved for circulation by the Secretary of State. On September 25, 2009, petitioners for two of the referendum petitions filed signed petitions with the Secretary of State for signature verification pursuant to section 1, Article IV, Oregon Constitution. The Secretary of State completed signature verification on October 8, 2009, and determined that both petitions contained the required number of signatures of qualified electors.

The Secretary of State assigned Ballot Measure Number 66 to chapter 746, Oregon Laws 2009 (Enrolled House Bill 2649), and Ballot Measure Number 67 to chapter 745, Oregon Laws 2009 (Enrolled House Bill 3405), for the statewide special election to be held on January 26, 2010. See section 8, chapter 714, Oregon Laws 2009 (Enrolled House Bill 2414). The effective date for an Act approved at this election is February 25, 2010.

VETO SUMMARY

2009 ACTS OF REGULAR SESSION OF SEVENTY-FIFTH LEGISLATIVE ASSEMBLY

Six bills passed by the Seventy-fifth Legislative Assembly at its 2009 regular session (January 12 to June 29, 2009) were vetoed by the Governor acting pursuant to section 15b, Article V, Oregon Constitution. Pursuant to section 15a, Article V, Oregon Constitution, the Governor vetoed one section of one appropriation bill and certain provisions of a second appropriation bill. During its regular session, the Seventy-fifth Legislative Assembly overturned one veto and one single-item veto before adjourning sine die.

Bill	Number	Subject	Veto Date
SB	545	Requires State Department of Fish and Wildlife to study impact of pathogens in fish hatcheries and feasibility of reducing pathogens in hatchery trout.	8-6-09
SB	580	Directs Department of Transportation to collaborate with governmental units to implement tolling for interstate bridges that cross Columbia River.	6-24-09
SB	897	Allows member of Public Employees Retirement System to request, within two years of earliest retirement age, verification of data used to calculate benefits. Prohibits Public Employees Retirement Board from modifying certain data provided in verification if modification would decrease benefits. Provides that retired members of Oregon Public Service Retirement Plan are eligible for group health insurance provided under board contract.	8-7-09
SB	5520	Appropriates moneys from General Fund and Oregon Rainy Day Fund to Department of Education for State School Fund. Limits expenditures by department. Veto Override: The Legislative Assembly overturned the veto of SB 5520 on June 25, 2009, and the Act took effect July 1, 2009.	6-23-09
SB	5554 §3	Single-item veto of provision that appropriates two-thirds of balance in Oregon Rainy Day Fund on July 1, 2009, to General Fund for general governmental purposes. Veto Override: The Legislative Assembly overturned the veto of section 3 on June 25, 2009, and that section took effect June 25, 2009.	6-23-09
HB	2472	Changes criteria for preliminary certification required for certain renewable energy facility tax credits. Limits amount and specifies duration of tax credit for certain renewable energy facilities and wind systems.	8-7-09
Bill	Number	Subject	Veto Date

HB	2940	Allows electricity generated by certain biomass and solid waste facilities to be used to comply with renewable portfolio standards on limited basis. Authorizes full recovery of costs by public utilities for investments related to hydrogen power stations.	8-7-09
HB	5054 §61 (4), (6)	Single-item vetoes of certain provisions reducing appropriations to Department of Higher Education and Judicial Department for biennium beginning July 1, 2009.	8-6-09

VOTE ON STATEWIDE MEASURES

Special Election, November 6, 2007

The following statewide measures, proposed by the Seventy-fourth Legislative Assembly at its 2007 regular session, were voted on by the people at the special election held on November 6, 2007:

Ballot Title	Proposed By	Outcome
No. 49 – Modifies Measure 37; Clarifies Right To Build Homes; Limits Large Developments; Protects Farms, Forests, Groundwater.	HB 3540 (chapter 424, Oregon Laws 2007)	Passed
No. 50 – Amends Constitution: Dedicates Funds To Provide Health Care For Children, Fund Tobacco Prevention, Through Increased Tobacco Tax.	SJR 4 (2007)	Failed

Special Election, May 20, 2008

The following statewide measures, proposed by the Seventy-fourth Legislative Assembly at its 2007 regular session, were voted on by the people at the special election held on May 20, 2008:

Ballot Title	Proposed By	Outcome
No. 51 – Amends Constitution: Enables Crime Victims to Enforce Existing Constitutional Rights in Prosecutions, Delinquency Proceedings; Authorizes Implementing Legislation.	HJR 49 (2007)	Passed
No. 52 – Amends Constitution: Enables Crime Victims to Enforce Existing Constitutional Rights in Prosecutions, Delinquency Proceedings; Authorizes Implementing Legislation.	HJR 50 (2007)	Passed
No. 53 – Amends Constitution: Modifies Provisions Governing Civil Forfeitures Related To Crimes; Permits Use Of Proceeds By Law Enforcement.	SJR 18 (2007)	Passed

General Election, November 4, 2008

The following statewide measures, proposed by the Seventy-fourth Legislative Assembly at its 2007 regular session and its 2008 special session, or proposed by initiative petition, were voted on by the people at the general election held on November 4, 2008:

Ballot Title	Proposed By	Outcome
No. 54 – Amends Constitution: Standardizes Voting Eligibility For School Board Elections With Other State And Local Elections.	HJR 4 (2007)	Passed

General Election, November 4, 2008

Ballot Title	Proposed By	Outcome
No. 55 – Amends Constitution: Changes Operative Date Of Redistricting Plans; Allows Affected Legislators To Finish Term In Original District.	HJR 31 (2007)	Passed
No. 56 – Amends Constitution: Provides That May And November Property Tax Elections Are Decided By Majority Of Voters Voting.	HJR 15 (2007)	Passed
No. 57 – Increases Sentences For Drug Trafficking, Theft Against Elderly And Specified Repeat Property And Identity Theft Crimes; Requires Addiction Treatment For Certain Offenders.	SB 1087 (chapter 14, Oregon Laws 2008)	Passed
No. 58 – Prohibits Teaching Public School Student in Language Other Than English for More Than Two Years	Initiative 19	Failed
No. 59 – Creates an Unlimited Deduction for Federal Income Taxes on Individual Taxpayers’ Oregon Income-Tax Returns	Initiative 3	Failed
No. 60 – Teacher “Classroom Performance,” Not Seniority, Determines Pay Raises; “Most Qualified” Teachers Retained, Regardless of Seniority	Initiative 20	Failed
No. 61 – Creates Mandatory Minimum Prison Sentences for Certain Theft, Identity Theft, Forgery, Drug, and Burglary Crimes	Initiative 40	Failed
No. 62 – Amends Constitution: Allocates 15% of Lottery Proceeds to Public Safety Fund for Crime Prevention, Investigation, Prosecution	Initiative 41	Failed
No. 63 – Exempts Specified Property Owners From Building Permit Requirements for Improvements Valued At/Under 35,000 Dollars	Initiative 21	Failed
No. 64 – Penalizes Person, Entity for Using Funds Collected With “Public Resource” (Defined) for “Political Purpose” (Defined)	Initiative 25	Failed
No. 65 – Changes General Election Nomination Processes for Major/Minor Party, Independent Candidates for Most Partisan Offices	Initiative 109	Failed