CHAPTER 27

AN ACT SB 342

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

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

NOTE: Sets forth Reviser's Bill policy statement.

SECTION 2. ORS 36.256 is amended to read:

36.256. (1) An agricultural producer who is in danger of foreclosure on agricultural property 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 creditor, before or after beginning foreclosure proceedings, may request mediation of the agricultural producer's indebtedness by filing a request with the mediation service on a form provided by the service. However, an agricultural producer or creditor may not request mediation under this section unless, at the time the request is made, the agricultural producer owes more than $100,000 to one or more creditors, and the debt is either:

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

(b) Evidenced by a real estate contract covering the agricultural producer's agricultural property; or

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

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

(a) The name and address of each creditor;

(b) The amount claimed by each creditor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) If the person who receives the notice of request for mediation under subsection (5) of this section wishes to engage in mediation, the person shall advise the mediation service in writing within the 10-day period specified in subsection (5) of this section. The response shall include the appropriate information that the responding person would have been required to include in a request for mediation under subsection (2) or (3) of this section.

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

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

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

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

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

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

SECTION 3. ORS 46.560 is amended to read:

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

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

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

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

SECTION 4. ORS 70.610 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An amendment to the annual report if a change in the information set forth in the annual

report occurs after the report is delivered to the office for filing and before the next anniversary; or

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

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

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

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

(B) The information as changed.

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

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

NOTE: Adds statutes to appropriate series.

SECTION 6. ORS 94.572 is amended to read:

94.572. (1)(a) A Class I or Class II planned community created before January 1, 2002, that was not created under ORS 94.550 to 94.783 is subject to this section 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, 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, 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, 94.762, 94.770, 94.775, 94.777 and 94.780 to the extent that those statutes are consistent with any governing documents. If the governing documents do not provide for the formation of an association, the requirements of this subsection are not effective until the formation of an association in accordance with paragraph (b) of this subsection. If a provision of the governing documents is inconsistent with this subsection, the owners may amend the governing documents using the procedures in this subsection:

(A) In accordance with the procedures for the adoption of amendments in the governing documents and subject to any limitations in the governing documents, the owners may amend the inconsistent provisions of the governing documents to conform to the extent feasible with this section 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, 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, 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, 94.762, 94.770, 94.775, 94.777 and 94.780. Nothing in this paragraph requires the owners to amend a declaration or bylaws to include the information required by ORS 94.580 or 94.635.

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

(i) For an amendment to a recorded governing document other than bylaws, the owners may amend the inconsistent provisions of the document to conform to this section 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, 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, 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, 94.762, 94.770, 94.775, 94.777 and 94.780 by a vote of at least 75 percent of the owners in the planned community.

(ii) For an amendment to the bylaws, the owners may amend the inconsistent provisions of the bylaws to conform to this section 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, 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, 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, 94.762, 94.770, 94.775, 94.777 and 94.780 by a vote of at least a majority of the owners in the planned community.

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

(iv) An amendment to a recorded declaration shall be executed, certified and recorded as provided in ORS 94.590 (2) and (3) and shall be subject to ORS 94.590 (5). An amendment to the bylaws and any other governing document shall be executed and certified as provided in ORS 94.590 (3) and shall be recorded in the office of the recording officer of every county in which the planned community is located if the bylaws or other governing document to which the amendment relates were recorded.

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

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

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

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

(i) Name the initiating owners or governing entity;

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

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

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

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

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

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

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

(B) At least five business days before the organizational meeting, the initiating owners or governing entity shall cause articles of incorporation and bylaws to be drafted. The bylaws shall include, to the extent applicable, the information required by ORS 94.635.

(C) At the organizational meeting:

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

(ii) The initiating owners or governing entity shall make available copies of the proposed articles of incorporation and the proposed bylaws.

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

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

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

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

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

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

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

(iv) Cause a statement of association information to be prepared, executed and recorded in accordance with ORS 94.667.

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

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

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

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

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

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

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

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

(c) Recorded in the office of the recording officer of every county in which the property is located.

(5) The notice of planned community shall include:

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

(b) A list of the properties, described as required for recordation in ORS 93.600, within the jurisdiction of the association;

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

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

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

(f) If an association is formed under subsection (1)(b)(A) of this section, a statement to that effect.

(6) An amended statement shall include a reference to the recording index numbers and the date of recording of prior statements.

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

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

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

(10) As used in this section:

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

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

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

SECTION 7. ORS 94.667 is amended to read:

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

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

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

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

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

(B) Notice of a transfer of property;

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

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

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

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

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

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

SECTION 8. ORS 94.671 is amended to read:

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

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

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

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

[*(4)*] **(2)** Commencing with the fiscal year following the year in which owners assume responsibility for administration of a planned community described in ORS 94.572 [*if the owners have not assumed re-*

sponsibility for administration of the planned community on January 1, 2004].

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

NOTE: Removes transitional elements of statute.

SECTION 9. ORS 100.155 is amended to read:

100.155. (1) If by the termination date specified in the declaration there is any remaining variable property:

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

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

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

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

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

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

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

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

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

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

(2)(a) Unless expressly prohibited by the declaration, any variable property automatically withdrawn from the condominium under subsection (1)(b) of this section or voluntarily withdrawn under ORS 100.150 (1)(b) may be later annexed to the condominium by the recording of a supplemental declaration and plat in accordance with ORS 100.120 (2) if such action is first approved by at least 75 percent of all voting rights in the manner required for an amendment to the declaration.

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

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

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

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

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

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

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

SECTION 10. ORS 107.615 is amended to read:

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

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

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

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

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

SECTION 11. ORS 112.255 is amended to read:

112.255. (1) A will is lawfully executed if it is in writing, signed by or at the direction of the testator and otherwise executed in accordance with the law of:

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

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

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

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

NOTE: Removes extraneous conjunction.

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

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

NOTE: Removes statute from inappropriate series.

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

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

SECTION 14. ORS 151.225 is amended to read:

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

(a) Reimburse the actual costs and expenses, including personnel expenses, incurred in administration and support of the public defense system;

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

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

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

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

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

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

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

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

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

NOTE: Conforms sunset provision to legislative style.

SECTION 16. ORS 179.325 is amended to read:

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

(2) The Oregon Health Authority may order the change, in all or part, of the purpose and use of any state institution being used as an institution for the care and treatment of persons with mental illness in order to care for persons committed to its custody whenever the authority determines that a change in purpose and use will better enable this state to meet

its responsibilities to persons with mental illness. In determining whether to order the change, the authority shall consider changes in the number and source of the admissions of persons with mental illness.

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

SECTION 17. ORS 179.490 is amended to read:

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

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

SECTION 18. ORS 192.001 is amended to read:

192.001. (1) The Legislative Assembly finds that:

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

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

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

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

NOTE: Updates and corrects syntax.

SECTION 19. ORS 197.296 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to

verify and identify specific lots or parcels that have been determined to be buildable lands.

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

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

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

(C) Demographic and population trends;

(D) Economic trends and cycles; and

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

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

(c) A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

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

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

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

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

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

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

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

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

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

(b) Financial incentives for higher density housing;

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

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

(e) Minimum density ranges;

(f) Redevelopment and infill strategies;

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

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

(i) Rezoning or redesignation of nonresidential land.

NOTE: Standardizes terminology in (2) and (6)(b) to conform with other land use statutes; corrects syntax in (9).

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

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

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

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

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

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

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

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

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

(3) The notification must:

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

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

(4) An urban [*services*] **service** agreement executed under this section must satisfy the requirements of ORS 195.065 (1)(a) to (f). When a city and a district execute an urban [*services*] **service** agreement pursuant to this section, the city and the district are not required to participate in the negotiation of an urban service agreement under ORS 195.065 to 195.085.

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

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

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

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

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

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

(b) May not:

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

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

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

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

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

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

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

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

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

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

SECTION 21. ORS 204.116 is amended to read:

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

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

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

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

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

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

SECTION 22. ORS 205.320 is amended to read:

205.320. **(1)** In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, and no more, for the following purposes and services:

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

[*(2)*] **(b)** For filing and making entry of the assignment or satisfaction of any filed, but not recorded, instrument, $5 for each page.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 23. ORS 205.323 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) 90 percent of the fee must be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

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

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

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

SECTION 24. ORS 215.284 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(3) In counties in western Oregon, as defined in ORS 321.257, not described in subsection (4) of this section, a single-family residential dwelling not pro-

vided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

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

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

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

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

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

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

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

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

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

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

(c) The dwelling or activities associated with the dwelling allowed under this subsection will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

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

(e) The dwelling allowed under this subsection complies with such other conditions as the governing body or its designee considers necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Oregon Business Development Department shall submit the report required under this section to the Oregon Department of Administrative Services [*no later than 30 days following October 7, 2013, and, beginning in 2014,*] no later than September 30 of each year. The information shall then be posted on the Oregon transparency website required

under ORS 184.483 no later than December 31 of the same year.

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

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

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

NOTE: Removes outdated dates in (3).

SECTION 26. ORS 293.813 is amended to read:

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

(2) The Legislative Assembly finds:

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

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

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

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

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

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

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

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

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

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

(k) The Committee on Conscience of the United States Holocaust Memorial Museum has declared a genocide emergency in Sudan;

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

[*(m) The investment of subject investment funds in business firms and financial institutions with ties to the repressive regime in Sudan is inconsistent with the moral and political values of the people of Oregon.*]

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

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

SECTION 27. ORS 326.425 is amended to read:

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

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

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

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

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

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

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

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

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

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

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

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

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

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: Removes outdated applicability date in (1); corrects subsection references in (2) to reflect amendments to 327.008 by chapter 81, Oregon Laws 2014.

SECTION 30. ORS 327.800 is amended to read:

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

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

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

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

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

(e) Promote collaboration and alignment among early childhood service providers, school districts, community colleges, public universities and employers;

(f) Leverage private, public and community resources;

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

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

(i) Collect data to monitor student progress; and

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

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

(3) Any recipient of moneys distributed as a strategic investment must provide separate accounting for the moneys and may use the moneys only for the purpose for which the moneys are provided.

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

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

(5) The State Board of Education, the [*Oregon Student Access Commission*] **Higher Education Coordinating Commission**, the Oregon Arts Commission and the Oregon Education Investment Board may adopt any rules necessary for the agencies they oversee to perform any of the duties assigned to

them under this section. Any rules adopted by the State Board of Education, the [*Oregon Student Access Commission*] **Higher Education Coordinating Commission** or the Oregon Arts Commission must be consistent with this section and actions taken by the Oregon Education Investment Board to implement this section.

NOTE: Replaces references in (5) to abolished agency with agency to which duties were transferred (see section 13, chapter 747, Oregon Laws 2013).

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

327.800. (1) The State Board of Education shall design and implement programs that make strategic investments to:

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

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

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

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

(e) Promote collaboration and alignment among early childhood service providers, school districts, community colleges, public universities and employers;

(f) Leverage private, public and community resources;

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

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

(i) Collect data to monitor student progress; and

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

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

(3) Any recipient of moneys distributed as a strategic investment must provide separate accounting for the moneys and may use the moneys only for the purpose for which the moneys are provided.

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

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

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

NOTE: Replaces references in (5) to abolished agency with agency to which duties were transferred (see section 13, chapter 747, Oregon Laws 2013).

SECTION 32. ORS 327.815 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(c) To the Department of Community Colleges and Workforce Development for the purpose of distributing moneys to school districts, public schools,

post-secondary institutions and nonprofit organizations to educate and engage underserved or first-generation college-bound students and their families through counseling programs, parent advocacy, parent education, college visits, college initiatives and assistance with obtaining financial aid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 34. ORS 329.838 is amended to read:

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

(a) Career pathways for teachers and administrators;

(b) Evaluation processes for teachers and administrators;

(c) Compensation models for teachers and administrators; and

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

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

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

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

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

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

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

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

(c) The superintendent of the school district.

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

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

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

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

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

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

(b) For grants that are for the implementation of an approach identified in subsection (1) of this section, the Grant Amount = School district ADMw × (the total amount available for distribution for an implementation grant in a fiscal year through the School District Collaboration Grant Program ÷ the total ADMw of the school districts that receive an implementation grant for the fiscal year through the School District Collaboration Grant Program). For the purpose of the calculation made under this paragraph, ADMw shall be calculated as provided by ORS 327.013, 338.155 (1) and 338.165 [*(3)*] **(2)**.

(7) The department shall award grants based on:

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

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

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

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

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

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

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

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

SECTION 35. ORS 336.057 is amended to read:

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

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

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

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

SECTION 36. ORS 342.950 is amended to read:

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

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

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

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

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

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

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

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

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

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

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

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

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

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

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

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

(a) Conducting and coordinating research to determine best practices and evidence-based models.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 37. ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is amended to read:

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

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

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

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

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

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

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

(b) To school districts and nonprofit organizations for the purposes of complying with the core

teaching standards adopted as provided by ORS 342.856 and complying with related standards prescribed by federal law.

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

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

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

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

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

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

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

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

(a) Conducting and coordinating research to determine best practices and evidence-based models.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 38. ORS 345.060 is amended to read:

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

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

NOTE: Corrects official title.

SECTION 39. ORS 390.885 is amended to read:

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

NOTE: Updates and corrects syntax.

SECTION 40. ORS 403.137 is amended to read:

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

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

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

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

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

(a) A key telephone system;

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

(c) Wireless telecommunications services.

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

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

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

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

(a) A provider.

(b) A manufacturer of the multiline telephone system.

(c) A manager of the multiline telephone system.

(d) An operator of the multiline telephone system.

(e) A 9-1-1 jurisdiction.

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

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

NOTE: Repeals provision adding 413.600 to inappropriate chapter.

SECTION 42. ORS 414.153 is amended to read:

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

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

(a) Immunizations;

(b) Sexually transmitted diseases; and

(c) Other communicable diseases;

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

(a) Family planning services;

(b) Human immunodeficiency virus and acquired immune deficiency syndrome prevention services; and

(c) Maternity case management if the Oregon Health Authority determines that a coordinated care organization cannot adequately provide the services;

(3) Encourage and approve agreements between coordinated care organizations and publicly funded

providers for authorization of and payment for services in the following categories:

(a) Maternity case management;

(b) Well-child care;

(c) Prenatal care;

(d) School-based clinics;

(e) Health care and services for children provided through schools and Head Start programs; and

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

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

(a) May not limit the ability of coordinated care organizations to contract with other public or private providers for mental health or chemical dependency services;

(b) Must include agreed upon outcomes; and

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

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

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

(C) Management of the mental health crisis system;

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

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

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

SECTION 43. ORS 414.645 is amended to read:

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

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

NOTE: Corrects terminology.

SECTION 44. ORS 414.647 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 45. ORS 414.736 is amended to read:

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

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

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

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

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

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

SECTION 46. ORS 414.743 is amended to read:

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

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

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

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

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

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

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

SECTION 47. ORS 433.375 is amended to read:

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

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

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

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

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

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

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

SECTION 48. ORS 446.626 is amended to read:

446.626. (1) The owner of a manufactured structure that qualifies under this subsection may apply to the county assessor to have the structure recorded in the deed records of the county. The application must be on a form approved by the Department of Consumer and Business Services. The application must include a description of the location of the real property on which the manufactured structure is or will be sited. If the structure is being sold by a manufactured structure dealer, the

dealer may file the application on behalf of the owner within the time described in ORS 446.736 (7). A manufactured structure qualifies for recording in the deed records if the owner of the structure:

(a) Also owns the land on which the manufactured structure is located;

(b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically permits the manufactured structure owner to record the structure under this section; or

(c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800 to 62.815 that owns the land on which the manufactured structure is located.

(2) If the assessor, as agent for the department, determines that the manufactured structure qualifies for recording in the deed records of the county, the assessor shall cause the structure to be recorded in the deed records. The deed records must contain any unreleased security interest in the manufactured structure. If the department has issued an ownership document for the manufactured structure, the owner must submit the ownership document to the assessor with the application described in subsection (1) of this section. Upon recording the manufactured structure in the deed records, the assessor shall send the ownership document to the department for cancellation. The department shall cancel the ownership document and send confirmation of the cancellation to the assessor and the owner.

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

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

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

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

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

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

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

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

SECTION 49. ORS 455.110 is amended to read:

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

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

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

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

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

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

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

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

NOTE: Corrects name of program.

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

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

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

(a) Ensure that the stewardship organization is engaging in conduct authorized under this section;

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

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

(3) The Director of the Department of Environmental Quality may designate employees of the department to carry out the responsibility of actively supervising the conduct of the stewardship organization.

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

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

SECTION 52. ORS 461.543 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

SECTION 53. ORS 507.050 is amended to read:

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

(2) The legislative member shall be appointed by the President of the Senate or the Speaker of the House of Representatives [*from among those legisla-*

tors who, at the time of appointment, are serving on the Pacific Fisheries Legislative Task Force].

(3) The legislative member shall serve for a term of four years. The Speaker of the House of Representatives and the President of the Senate shall alternate in making the appointment of the legislative member.

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

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

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

SECTION 54. Any appointment made under ORS 507.050 (2), as in effect immediately before the effective date of this 2015 Act, is validated.

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

SECTION 55. ORS 576.365 is amended to read:

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

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

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

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

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

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

SECTION 56. ORS 632.715 is amended to read:

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

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

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

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

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

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

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

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

SECTION 57. ORS 646.905 is amended to read:

646.905. As used in ORS 646.910 to 646.923:

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

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

(3) "Certificate of analysis" means:

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

(A) Flash point (ASTM D 93);

(B) Acid number (ASTM D 664);

(C) Cloud point (ASTM D 2500);

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

(E) Visual appearance (ASTM D 4176);

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

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

(b) Certification of feedstock origination describing the percent of the feedstock sourced outside of

the states of Oregon, Washington, Idaho and Montana.

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

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

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

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

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

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

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

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

(12) "Wholesale dealer" means any person engaged in the sale of gasoline if the seller knows or has reasonable cause to believe the buyer intends to resell the gasoline in the same or an altered form to another.

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

SECTION 58. ORS 657.610 is amended to read:

657.610. The Director of the Employment Department may:

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

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

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

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

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

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

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

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

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

(8) Enter into contracts relating to the federal Workforce Investment Act deemed necessary by the director to fulfill the mission of the department. The director may enter into contracts with other states or governments, public bodies or persons to provide or receive services. Contracts entered into by the director shall be executed in the name of the state, by and through the Employment Department.

NOTE: Deletes inappropriate chapter references in (4).

SECTION 59. ORS 705.138 is amended to read:

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

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

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

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

(a) Specify procedures and protocols for maintaining the confidentiality and security of documents, material and information the director shares with the association and the association's affiliates or subsidiaries;

(b) Specify conditions under which the association may share the documents, material or information with other state, federal or international regulatory agencies;

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

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

(e) Require the association to consent to an insurer's intervention in an administrative or judicial proceeding that may result **in** the association or the association's affiliates or subsidiaries having to disclose or produce documents, material or information the director shared with the association; and

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

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

SECTION 60. ORS 757.015 is amended to read:

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

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

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

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

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

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

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

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

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

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

SECTION 61. ORS 825.224 is amended to read:

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

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

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

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

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

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

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

(b) As used in this subsection, **"**overcharges**"** or **"**undercharges**"** [*shall mean*] **means** charges assessed for transportation service different from those applicable under the tariff lawfully in effect.

(4) The department shall check the records of for-hire carriers of persons and of for-hire carriers of household goods for the purpose of discovering all discriminations and rebates. The department:

(a) Upon the department's own motion, may, and upon the complaint of any aggrieved person, shall, pursuant to written notice served upon any carrier subject to this subsection, investigate the rates, classifications, rules and practices of the carrier and investigate service in connection therewith; and

(b) To the extent that the rates, classifications, rules or practices are found by the department to be unreasonable, unlawful, unfair or unduly discriminatory, preferential or prejudicial, shall, by orders based upon the evidence, require the carrier to comply with just, fair, lawful and reasonable rates, classifications, rules and practices established by the department. Such carrier shall forthwith comply with such orders.

(5) The department may suspend a tariff or time schedule of carriers of persons or household goods that the department believes will impair the ability of the carriers to serve the public or appears to be unjust, unfair, unreasonable, prejudicial, discriminatory or otherwise unlawful.

NOTE: Updates syntax in (1)(b), (2) and (2)(a); conforms (3) to legislative style.

SECTION 62. ORS 825.350 is amended to read:

825.350. (1) [*No*] **A** county, city or other municipal corporation may **not** impose a tax on, or require a license for, a voluntary **commuter** ridesharing arrangement using a motor vehicle with a seating capacity for not more than 15 persons.

(2) For the purposes of this section**,** "voluntary **commuter** ridesharing arrangement" has the meaning given that term in ORS 656.025.

NOTE: Corrects terminology; updates syntax in (1); supplies punctuation in (2).

SECTION 63. ORS 830.990 is amended to read:

830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person operating a manually propelled boat is $30.

(b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person operating a motorboat is $50.

(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the purposes of those statutes, commits a Class D violation.

(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a Class C violation.

(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

(5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes of those statutes, commits a Class A violation.

(6) A person who violates ORS 830.383 [*or 830.909*] commits a Class B misdemeanor.

(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

(8) A person who violates ORS 830.475 (2) commits a Class C felony.

(9) A person who violates ORS 830.944 commits a Class A violation.

NOTE: Deletes reference to repealed statute in (6).

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