CHAPTER 2

AN ACT HB 2464

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

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

SECTION 1. ORS 174.535 is amended to read:

174.535. It is the policy of the Legislative Assembly to revise sections from Oregon Revised Statutes and Oregon law periodically in order to maintain accuracy. However, nothing in chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws 2017, chapter 13, Oregon Laws 2019, chapter 97, Oregon Laws 2021, [*or*] chapter 9, Oregon Laws 2023, **or this 2025 Act,** is intended to alter the legislative intent or purpose of statutory sections affected by chapter 740, Oregon Laws 1983, chapter 565, Oregon Laws 1985, chapter 158, Oregon Laws 1987, chapter 171, Oregon Laws 1989, chapters 67 and 927, Oregon Laws 1991, chapters 18 and 469, Oregon Laws 1993, chapter 79, Oregon Laws 1995, chapter 249, Oregon Laws 1997, chapter 59, Oregon Laws 1999, chapter 104, Oregon Laws 2001, chapter 14, Oregon Laws 2003, chapter 22, Oregon Laws 2005, chapter 71, Oregon Laws 2007, chapter 11, Oregon Laws 2009, chapter 9, Oregon Laws 2011, chapter 1, Oregon Laws 2013, chapter 27, Oregon Laws 2015, chapter 17, Oregon Laws 2017, chapter 13, Oregon Laws 2019, chapter 97, Oregon Laws 2021, [*and*] chapter 9, Oregon Laws 2023, **and this 2025 Act,** except insofar as the amendments thereto, or repeals thereof, specifically require.

NOTE: Sets forth Reviser's Bill policy statement.

SECTION 2. ORS 30.835 is amended to read:

30.835. (1) As used in this section:

(a) "Disclose" includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.

(b) "Injure" means to subject another to bodily injury or death.

(c) "Harass" means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.

(d) "Personal information" means:

(A) The plaintiff's home address, personal electronic mail address, personal phone number or Social Security number;

(B) Contact information for the plaintiff's employer;

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

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

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

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

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

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

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

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

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

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

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

(b) Punitive damages;

(c) Injunctive relief;

(d) Reasonable attorney fees; and

(e) Any other appropriate equitable relief.

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

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

SECTION 3. ORS 94.779 is amended to read:

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

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

(b) A finding by the Water Resources Commission that a severe, continuing drought exists or is

likely to occur in a political subdivision within which the planned community is located;

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

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

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

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

(b) Permit or require the replacement of turf or other landscape vegetation with xeriscape on any portion of the planned community.

(c) Require prior review and approval by the association or its designee of any plans by an owner or the association to replace turf or other landscape vegetation with xeriscape.

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

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

(a) A provision that prohibits or restricts the use of the owner's unit or lot as the premises of an exempt family child care provider participating in the subsidy program under ORS 329A.500; or

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

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

(a) Is reasonable; and

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

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

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

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

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

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

(B) Violate the device manufacture's written safety guidelines for the device; or

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

NOTE: Corrects citation in (6).

SECTION 4. ORS 105.124 is amended to read:

105.124. For a complaint described in ORS 105.123, if ORS chapter 90 applies to the dwelling unit:

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

IN THE CIRCUIT COURT
FOR THE COUNTY OF

_____

No. _____

RESIDENTIAL EVICTION COMPLAINT

PLAINTIFF (Landlord or agent):
_____
_____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

vs.

DEFENDANT (Tenants/Occupants):
_____
_____
MAILING ADDRESS: _____
City: _____
State: _____ Zip: _____
Telephone: _____

1.

Tenants are in possession of the dwelling unit, premises or rental property described above or located at:

_____

2.

Landlord is entitled to possession of the property because of:

_____ 24-hour notice for personal injury, substantial damage, extremely outrageous act or unlawful occupant. ORS 90.396 or 90.403.

_____ 24-hour or 48-hour notice for violation of a drug or alcohol program. ORS 90.398.
_____ 24-hour notice for perpetrating domestic violence, sexual assault or stalking. ORS 90.445.
_____ 72-hour notice for nonpayment of rent in a week-to-week tenancy. ORS 90.394 (1).
_____ 7-day notice with stated cause in a week-to-week tenancy. ORS 90.392 (6).
_____ 10-day notice for a pet violation, a repeat violation in a month-to-month tenancy or without stated cause in a week-to-week tenancy. ORS 90.392 (5), 90.405 or 90.427 (2).
_____ 10-day or 13-day notice for nonpayment of rent. ORS 90.394 (2).
_____ 20-day notice for a repeat violation. ORS 90.630 [*(5)*] **(6)**.
_____ 30-day, 60-day or 180-day notice without stated cause in a month-to-month tenancy. ORS 90.427 (3)(b) or (8)(a)(B) or (C) or 90.429.
_____ 30-day notice with stated cause. ORS 90.392, 90.630 or 90.632:
_____ The stated cause is for nonpayment as defined in ORS 90.395.
_____ 60-day notice with stated cause. ORS 90.632.
_____ 90-day notice with stated cause. ORS 90.427 (5) or (7).
_____ Notice to bona fide tenants after foreclosure sale or termination of fixed term tenancy after foreclosure sale. ORS 86.782 (6)(c).
_____ Other notice _____
_____ No notice (explain) _____

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

3.

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

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

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

_____
Signature of landlord or agent.

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(2) The complaint must be signed by the plaintiff, or an attorney representing the plaintiff as provided by ORCP 17, or verified by an agent or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

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

NOTE: Updates citation in (1) part 2.

SECTION 5. ORS 147.005 is amended to read:

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

(1) "Applicant" means:

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

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

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

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

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

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

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

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

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

(7) "Department" means the Department of Justice.

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

[*(8) "Department" means the Department of Justice.*]

(9) "Funeral expenses" means expenses of the funeral, burial, cremation, reduction or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains and also including, in the case of abuse of corpse in any degree, reinterment.

(10) "Injury" means abuse of a corpse, actual bodily harm, mental or emotional harm and, with respect to a victim, includes pregnancy and mental or nervous shock.

(11) "International terrorism" means activities that:

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

(b) Appear to be intended to:

(A) Intimidate or coerce a civilian population;

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

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

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

(12) "Involved in the hearing" and "involved in the oral argument" have the meaning given those terms by the department by rule.

(13) "Law enforcement official" means a sheriff, constable, marshal, municipal police officer, police officer commissioned by a university under ORS 352.121 or 353.125 or member of the Oregon State Police and such other persons as may be designated by law as a peace officer.

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

(15) "Relative" means a person related to the victim within the third degree as determined by the common law, a spouse, or an individual related to the spouse within the third degree as so determined and includes an individual in an adoptive relationship.

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

(17) "Victim" means:

(a) A person:

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

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

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

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

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

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

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

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

SECTION 6. ORS 173.615 is amended to read:

173.615. (1)(a) The Legislative Policy and Research Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker so that there is an equal number of majority party and minority party members of the House including the Speaker, and members of the Senate appointed by the President so that there is an equal number of majority party and minority party members of the Senate including the President. The Speaker of the House of Representatives and the President of the Senate may each designate, from among the members of the appropriate house, majority party and minority party alternates to exercise powers as members of the committee.

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

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

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

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

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

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

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

(3) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions, but the committee has no authority to affect the rules of either house.

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

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

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

NOTE: Deletes nonsensical phrase in (4).

SECTION 7. ORS 192.610 is amended to read:

192.610. As used in ORS 192.610 to 192.705:

(1) "Convening" means:

(a) Gathering in a physical location;

(b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;

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

(d) Using an intermediary to communicate among participants.

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

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

(4) "Executive session" means any meeting or part of a meeting of a governing body [*which*] **that** is closed to certain persons for deliberation on certain matters.

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

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

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

(b) "Meeting" does not include any on-site inspection of any project or program or the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

(7) "Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

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

SECTION 8. ORS 196.515 is amended to read:

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

NOTE: Standardizes series reference.

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

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

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

(A) Single-family homes.

(B) Accessory dwelling units.

(C) Units of middle housing.

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

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

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

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

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

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

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

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

(2) Performance measures subject to subsection (1) of this section shall be adopted by [*a metropolitan service district*] **Metro** and shall include but are not limited to measures that analyze the following:

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

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

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

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

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

(f) The sales price of vacant land;

(g) Residential vacancy rates;

(h) Public access to open spaces; and

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

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

SECTION 11. Notwithstanding any other provision of law, ORS 243.650 to 243.809 is considered to be identical to ORS 243.650 to 243.762 for the purpose of statutory compilation or for the application of definitions, penalties or administrative provisions applicable to statute sections in that series.

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

SECTION 12. ORS 253.005 is amended to read:

253.005. As used in this chapter:

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

[*(1)*] **(2)** "Clerk" means the county clerk.

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

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

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

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

SECTION 13. ORS 327.829 is amended to read:

327.829. (1) As part of the Early Literacy Success Initiative, the Department of Education shall establish and administer the Early Literacy Success School Grant program.

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

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

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

(A) Home-based summer reading activities for students who need additional support and enrichment; and

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

(c) The provision of high-dosage tutoring to students in early elementary grades that integrates reading and writing and that is delivered by a qualified tutor using developmentally appropriate practices.

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

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

(B) Provide professional development and time for teachers and administrators to attend training related to the curricula.

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

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

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

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

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

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

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

SECTION 14. ORS 366.744 is amended to read:

366.744. (1) The following moneys shall be allocated as provided in subsection (2) of this section:

(a) The amount attributable to the increase in title fees by the amendments to ORS 803.090 by section 1, chapter 618, Oregon Laws 2003[.]**;**

(b) The amount attributable to the increase in registration fees by the amendments to ORS 803.420 by section 2, chapter 618, Oregon Laws 2003, except for the amount paid to the State Parks and Recreation Department Fund under ORS 366.512; and

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

(2) The moneys described in subsection (1) of this section shall be allocated as follows:

(a) 57.53 percent to the Department of Transportation.

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

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

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

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

(c) Multnomah County and the cities within the county shall agree upon the distribution of moneys described in paragraph (b) of this subsection. When the county and the cities have reached an agreement, they shall notify the Oregon Transportation Commission of the agreement. If the commission does not receive notice of an agreement by June 30, 2004, the Department of Transportation may not distribute moneys that would otherwise go to the county under paragraph (b) of this subsection. Such moneys shall revert to the State Highway Fund for use by the Department of Transportation.

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

SECTION 15. ORS 366.924 is amended to read:

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

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

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

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

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

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

(7) The portion of U.S. Highway 30[,] beginning where the highway intersects with U.S. Highway 101 and ending at the Idaho state line[,] shall also be known as the Oregon Gold Star Families Memorial Highway.

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

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

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

NOTE: Standardizes punctuation in (7).

SECTION 16. ORS 413.213 is amended to read:

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

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

NOTE: Improves punctuation in (1).

SECTION 17. ORS 414.245 is amended to read:

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

NOTE: Updates title of fund to reflect program name.

SECTION 18. ORS 415.501 is amended to read:

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

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

(3)(a) A notice of a material change transaction involving the sale, merger or acquisition of a domestic health insurer shall be submitted to the Department of Consumer and Business Services as an addendum to filings required by ORS 732.517 to 732.546 or 732.576. The department shall provide to the authority the notice submitted under this subsection to enable the authority to conduct a review in accordance with subsections (5) and (7) of this section. The authority shall notify the department of the outcome of the authority's review.

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

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

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

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

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

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

(7)(a) Except as provided in paragraph (b) of this subsection, if a transaction does not meet the criteria in subsection (6) of this section, the authority shall conduct a comprehensive review and may appoint a review board of stakeholders to conduct a comprehensive review and make recommendations as provided in subsections (11) to (18) of this section. The authority shall complete the comprehensive review no later than 180 days after receipt of the notice unless the parties to the transaction agree to an extension of time.

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

(8) The authority shall prescribe by rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) The authority may suspend a proposed material change transaction if necessary to conduct an

examination and complete an analysis of whether the transaction is consistent with subsection (9) of this section and the criteria adopted by rule under subsection (2) of this section.

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

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

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

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

(b) Material that is privileged or confidential may not be publicly disclosed if:

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

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

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

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

(14) The authority or the Department of Justice may retain actuaries, accountants or other professionals independent of the authority who are qualified and have expertise in the type of material change transaction under review as necessary to assist the authority in conducting the analysis of a proposed material change transaction. The authority or the Department of Justice shall designate the party or parties to the material change transaction that shall bear the reasonable and actual cost of retaining the professionals.

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

(a) A summary of the proposed transaction;

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

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

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

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

(16) The authority shall post the information described in subsection (15)(a) to (d) of this section to the authority's website in the languages spoken in the area affected by the material change transaction and in a culturally sensitive manner.

(17) The authority shall provide the information described in subsection (15)(a) to (d) of this section to:

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

(b) Health facilities in the area affected by the material change transaction for posting by the health facilities; and

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

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

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

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

(b) The cost trends and cost growth trends of the parties to the transaction; and

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

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

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

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

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

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

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

SECTION 19. ORS 421.173 is amended to read:

421.173. (1) The Department of Corrections shall establish a doula program for pregnant and postpartum adults in custody at the Coffee Creek Correctional Facility.

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

(3) The department shall have one employee serve as the contact and coordinator for all persons providing doula services at the Coffee Creek Correctional Facility.

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

(a) Prenatal, postpartum and parent education;

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

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

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

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

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

(g) Enrollment of the adult in custody in the breastfeeding program and in a breastmilk transportation program for delivery of the mother's milk to the infant, including facilitating access to a breast pump and pumping supplies; and

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

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

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

(7) If it is not feasible for a doula to attend and provide assistance during the labor and delivery of an adult in custody, the reason for the lack of feasibility for a doula's attendance must be documented in the [*adult in custody's*] medical file **of the adult in custody** and an alternative birth plan must be developed, implemented and documented in the medical file.

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

(9) As used in this section, "postpartum period" means a period of one year following childbirth.

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

SECTION 20. ORS 421.175 is amended to read:

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

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

(b) The attending physician determines that use of the mechanical restraints does not present a medical risk to the adult in custody.

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

(a) May not interfere with the [*adult in custody's*] ability **of the adult in custody** to hold the infant, nurse the infant, establish a milk supply, obtain lactation support or receive other postpartum recovery care from hospital staff.

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

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

SECTION 21. ORS 427.265 is amended to read:

427.265. (1) At the time that a person who is alleged to have an intellectual disability and to be in need of commitment for residential care, treatment and training is brought before the court, the court shall advise the person of the reason for being brought before the court, the nature of the proceedings and the possible results of the proceedings. The court shall also advise the person of the right to subpoena witnesses and to suitable legal counsel possessing skills and experience commensurate with the nature of the allegations and complexity of the case during the proceedings, and that if the person does not have funds with which to retain suitable legal counsel, the court shall appoint such legal counsel to represent the person. If the person does not request legal counsel, the legal guardian, relative or friend may request the assistance of legal counsel on behalf of the person.

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

(3) If the person is unable to afford legal counsel, the court, if the matter is before a county or justice court, or the executive director of the Oregon Public Defense Commission, if the matter is before the circuit court, shall determine and allow, as provided in ORS 135.055, the reasonable expenses of the person and compensation for legal counsel. The expenses and compensation so allowed by a county court shall be paid by the county of residence of the person. The expenses and compensation determined by the executive director shall be paid by the executive director from funds available for the purpose. In all cases legal counsel shall be present at the hearing and may examine all witnesses offering testimony, and otherwise represent the person.

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

NOTE: Improves syntax in (4).

SECTION 22. ORS 430.717 is amended to read:

430.717. (1) As used in this section:

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

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

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

(d) "Intensive behavioral health treatment provider" means any provider licensed in this state to provide intensive psychiatric treatment, acute inpatient treatment or residential substance use disorder treatment of children and adolescents.

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

(a) Data on bed capacity;

(b) Referrals received, by provider; and

(c) Other information prescribed by the authority.

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

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

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

(b) Identify gaps in data that prevent the tracking of intensive behavioral health service capacity and develop a plan for addressing the gaps that includes providing assistance to providers and modifying required data elements that must be reported;

(c) Develop benchmarks and performance measures for intensive behavioral health treatment capacity; and

(d) Conduct research and evaluation of the children's and adolescents' continuum of care.

(5) The authority shall share data and coordinate processes with the Department of Human Services to populate the Children's System Data Dashboard described in ORS 418.981.

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

(a) Parameters and specifications for data collection;

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

(c) Requirements for the frequency of data submissions;

(d) Requirements for coordinated care organizations and insurers to collect and report, for members and insureds treated by intensive behavioral health treatment providers, data not submitted by providers under this section;

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

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

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

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

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

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

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

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

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

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

NOTE: Removes statutes from inappropriate chapter.

SECTION 24. ORS 443.485 is amended to read:

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

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

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

(2) The registration fee is $20 annually.

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

(a) Physical properties of a facility;

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

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

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

(4) The authority or the department shall provide evidence of the registration to the person. The evidence shall be posted in a facility.

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

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

(b) A violation of ORS 443.880 or 443.881.

(6) The authority or the department may suspend or revoke registration or deny the issuance of registration for violation of any statute, rule, ordinance or regulation relating to the facility.

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

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

NOTE: Corrects word choice in (1).

SECTION 25. ORS 456.603 is amended to read:

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

NOTE: Supplies missing word.

SECTION 26. ORS 468.463 is amended to read:

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

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

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

(c) Meets other criteria established by the Environmental Quality Commission by rule.

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

(3) The department may:

(a) Specify design features for the program; and

(b) Establish procedures to:

(A) Prioritize available moneys for specific qualifying vehicles;

(B) Limit the number of rebates available for each type of qualifying vehicle; and

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

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

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

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

(b) The department may establish a dealer application or individual application procedure.

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

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

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

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

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

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

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

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

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

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

(b) In each of the three years following receipt of a rebate, a rebate recipient shall:

(A) Maintain records of the miles driven or hours of use for the qualifying vehicle and whether the miles driven or hours used occurred in Oregon; and

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

(10) A rebate recipient may not make or allow any modifications to the qualifying vehicle's emissions control systems, hardware or software calibrations.

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

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

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

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

(12) Rebate recipients are required to participate in ongoing research efforts, if requested to do so by the administrator.

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

(14) A vehicle dealer may advertise the program on the premises owned or operated by the vehicle dealer. If no moneys are available from the program or the program otherwise changes, a vehicle dealer who advertises the program may not be held liable for advertising false or misleading information.

(15) The department may perform activities necessary to ensure that recipients of rebates under this section comply with applicable requirements. If the department determines that a recipient has not complied with applicable requirements, the department may order the recipient to refund all rebate moneys and may impose penalties pursuant to ORS 468.140.

(16) The commission may adopt any rules necessary to carry out the provisions of this section.

NOTE: Improves punctuation in (5).

SECTION 27. ORS 468.469 is amended to read:

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

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

(a) Amounts donated to the fund;

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

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

(d) Interest earned by the fund.

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

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

(a) The department; or

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

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

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

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

SECTION 28. ORS 468.498 is amended to read:

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

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

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

(4) Not more than 10 percent of the moneys in the [*Medium*] **Medium-** and Heavy-Duty Electrification Charging Fund in each biennium may be expended to pay the department's expenses, or the expenses of any other person the department hires or with which the department contracts, to administer the grant program.

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

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

468A.193. (1) The State Department of Energy and the Oregon Climate Action Commission shall, in coordination with the State Forestry Department, the State Department of Agriculture, the State Department of Fish and Wildlife, the Oregon Watershed Enhancement Board**,** the Department of State Lands, the State Parks and Recreation Department and the Department of Land Conservation and Development, and in consultation with relevant federal agencies, establish and maintain:

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

(b) Activity-based metrics in accordance with subsection (3) of this section; and

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

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

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

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

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

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

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

(6) The State Department of Energy and the Oregon Climate Action Commission, in consultation with the State Forestry Department, the State Department of Agriculture, the Oregon Watershed Enhancement Board[,] **and** the State Department of

Fish and Wildlife, shall establish nonbinding biological carbon sequestration and storage goals for Oregon's natural and working lands and update those goals as new information becomes available.

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

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

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

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

NOTE: Deletes inaccurate short title of federal Act.

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

NOTE: Adds statute to appropriate series.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: Adds statute to appropriate series.

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

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

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

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

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

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

(c) A description of the times, places and manner of providing other related optional services the applicants wish to provide.

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

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

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

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

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

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

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

(d) Provides adequate methods of peer review, service utilization review, quality assurance, contract review and dispute resolution to ensure appropriate treatment or to prevent inappropriate or excessive treatment, to exclude from participation in the plan those individuals who violate these treatment standards and to provide for the resolution of such medical disputes as the director considers appropriate. A majority of the members of each peer review, quality assurance, service utilization and contract review committee shall be physicians licensed to practice medicine by the Oregon Medical Board. As used in this paragraph:

[*(A) "Peer review" means evaluation or review of the performance of colleagues by a panel with similar types and degrees of expertise. Peer review requires participation of at least three physicians prior to final determination.*]

[*(B) "Service utilization review" means evaluation and determination of the reasonableness, necessity and appropriateness of a worker's use of medical care resources and the provision of any needed assistance to clinician or member, or both, to ensure appropriate use of resources. "Service utilization review" includes prior authorization, concurrent review, retrospective review, discharge planning and case management activities.*]

[*(C) "Quality assurance" means activities to safeguard or improve the quality of medical care by assessing the quality of care or service and taking action to improve it.*]

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

[*(E)*] **(A)** "Contract review" means the methods and processes whereby the managed care organization monitors and enforces its contracts with participating providers for matters other than matters enumerated in subparagraphs [*(A), (B) and*] (C)**, (D) and (E)** of this paragraph.

(B) "Dispute resolution" includes the resolution of disputes arising under peer review, service utilization review and quality assurance activities between insurers, self-insured employers, workers and medical and health care service providers, as required under the certified plan.

(C) "Peer review" means evaluation or review of the performance of colleagues by a panel with similar types and degrees of expertise. Peer review requires participation of at least three physicians prior to final determination.

(D) "Quality assurance" means activities to safeguard or improve the quality of medical care by assessing the quality of care or service and taking action to improve it.

(E) "Service utilization review" means evaluation and determination of the reasonableness, necessity and appropriateness of a worker's use of medical care resources and the provision of any needed assistance to clinician or member, or both, to ensure appropriate use of resources. "Service utilization review" includes prior authorization, concurrent review, retrospective review, discharge planning and case management activities.

(e) Provides a program involving cooperative efforts by the workers, the employer and the managed care organizations to promote workplace health and safety consultative and other services and early return to work for injured workers.

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

(g)(A) Authorizes workers to receive compensable medical treatment from a primary care physician or chiropractic physician who is not a member of the managed care organization, but who maintains the worker's medical records and is a physician with whom the worker has a documented history of treatment, if:

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

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

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

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

(C) A chiropractic physician authorized to provide compensable medical treatment under this par-

agraph may provide services and authorize temporary disability compensation as provided in ORS 656.005 (12)(b)(B) and 656.245 (2)(b). However, the managed care organization may authorize chiropractic physicians to provide medical services and authorize temporary disability payments beyond the periods established in ORS 656.005 (12)(b)(B) and 656.245 (2)(b).

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

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

(i) Does not prohibit the injured worker's attending physician from advocating for medical services and temporary disability benefits for the injured worker that are supported by the medical record.

(j) Complies with any other requirement the director determines is necessary to provide quality medical services and health care to injured workers.

(5)(a) Notwithstanding ORS 656.245 (5) and subsection (4)(g) of this section, a managed care organization may deny or terminate the authorization of a primary care physician or chiropractic physician to serve as an attending physician under subsection (4)(g) of this section or of a nurse practitioner or physician associate to provide medical services as provided in ORS 656.245 (5) if the physician, nurse practitioner or physician associate, within two years prior to the worker's enrollment in the plan:

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

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

(b) The director shall adopt by rule reporting standards for managed care organizations to report denials and terminations of the authorization of primary care physicians, chiropractic physicians, nurse practitioners and physician associates who are not members of the managed care organization to provide compensable medical treatment under ORS 656.245 (5) and subsection (4)(g) of this section. The director shall annually report to the Workers' Compensation Management-Labor Advisory Committee the information reported to the director by managed care organizations under this paragraph.

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

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

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

(7) Any issue concerning the provision of medical services to injured workers subject to a managed care contract and service utilization review, quality assurance, dispute resolution, contract review and peer review activities as well as authorization of medical services to be provided by other than an attending physician pursuant to ORS 656.245 (2)(b) shall be subject to review by the director or the director's designated representatives. The decision of the director is subject to review under ORS 656.704. Data generated by or received in connection with these activities, including written reports, notes or records of any such activities, or of any review thereof, shall be confidential, and shall not be disclosed except as considered necessary by the director in the administration of this chapter. The director may report professional misconduct to an appropriate licensing board.

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

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

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

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

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

(13) As used in this section[,] **and** ORS 656.245, 656.248 and 656.327, "medical service provider" means a person duly licensed to practice one or

more of the healing arts in any country or in any state or territory or possession of the United States.

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

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

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

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

(18) Any person who is dissatisfied with an action of a managed care organization other than regarding the provision of medical services pursuant to this chapter, peer review, service utilization review or quality assurance activities may request review under ORS 656.704.

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

(20) The director shall conduct such investigations, audits and other administrative oversight in regard to managed care as the director deems necessary to carry out the purposes of this chapter.

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

(A) Restrict the choice of a health care provider or medical service provider by a worker;

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

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

(D) Require preauthorization or precertification to determine the necessity of medical services or treatment; or

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

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

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

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

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

(c) Except as provided in paragraph (b) of this subsection, if the director finds that a person has violated a provision of paragraph (a) of this subsection, the director may impose a sanction that may include a civil penalty not to exceed $2,000 for each violation.

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

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

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

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

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

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

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

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

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

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

(e) Oversee the activities of, and determine the delegation of responsibilities to, the executive director.

(f) Determine the scope of biennial operations plans.

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

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

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

(B) Providing at least 24 hours' notice before a special meeting as described in ORS 192.640 (3).

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

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

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

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

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

(A) Annual budgets.

(B) Biennial operations reports.

(C) Biennial operations plans. A biennial operations plan must be consistent with an applicable forest management plan.

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

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

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

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

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

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

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

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

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

(j) Submit to the State Land Board biennial programmatic reviews of authority operations that address:

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

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

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

(L) Promote transparency around decisions concerning the forest, including forums to provide input.

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

(2) As part of a funding request described in subsection (1)(i)(L) of this section, the board of di-

rectors may request funding for state-funded debt service. Any moneys requested pursuant to this subsection and appropriated by the Legislative Assembly to pay debt service for state bonds must be held by the State Treasurer pursuant to an agreement entered into by the State Treasurer and the board of directors.

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

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

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

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

(a) "Agency" means an organization that provides agency with choice services.

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

(c) "Authorized representative" means a person designated by an individual or the individual's legal representative to act on behalf of the individual in making decisions on matters pertaining to the planning and implementation of an in-home service plan or an individual support plan.

(d)(A) "Direct support worker" means a person providing attendant or personal care services identified in an individual's individualized service plan as an employee of the agency.

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

(e) "Individual" means an individual, or the authorized representative of an individual, who receives in-home services and supports through the Department of Human Services or the Oregon Health Authority and who is:

(A) An older adult;

(B) An individual with a physical disability; or

(C) An individual with behavioral health needs.

(f) "Nurse delegation" means arranging for tasks that are normally performed only by licensed nurses to be performed by nursing assistants or other care providers subject to the instruction and supervision of a licensed nurse.

(g) "Self-directed service delivery model" means a model in which an individual is supported by an agency that functions as the common law employer of direct support workers recruited by the individual and provides financial management services and tasks in place of the individual. The individual directs the direct support workers and is considered a co-employer with the agency.

(2)(a) The Department of Human Services shall adopt rules for the licensing of agencies providing services to older adults or individuals with physical disabilities.

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

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

(a) Assist individuals with the following tasks:

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

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

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

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

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

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

(c) Perform the following functions:

(A) Submit claims for reimbursement to the department or the authority and pay direct support workers for authorized hours worked and billed in accordance with the electronic visit verification requirements for providers of services;

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

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

(D) Ensure that direct support workers employed by the agency have access to support coordination;

(E) Establish a process for:

(i) Identifying, analyzing and correcting adverse events;

(ii) Ensuring the timely reporting of any allegation of abuse, neglect or fiscal improprieties involving an individual or a direct support worker, immediately responding to the allegation and reporting the allegation to the appropriate authorities;

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

(iv) Conducting and documenting quality improvement activities;

(F) Meet with individuals at least every six months, with at least one in-home visit with the individual each 12 months, as determined jointly with

the individual based on the preferences and needs of the individual;

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

(H) Retain a personnel record for each direct support worker that includes, at a minimum:

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

(ii) Required criminal background checks; and

(iii) Evidence that any health care related license or certificate held by a direct support worker is current and that the direct support worker has not committed any action that would prevent the direct support worker from providing services; and

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

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

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

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

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

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

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

(j) Commit to engage and work closely with individuals in designing and implementing agency with choice services by appointing individuals to an advisory board, using focus groups of individuals or employing other methods, approved by the department or the authority, for working with individuals.

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

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

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

(ii) Which services are consistent with the individual's personal and cultural values and preferences;

(iii) Where and how the services are delivered;

(iv) When the services are delivered; and

(v) Who provides the services;

(B) Enhancing the role of direct support workers as members of the individual's care team, as desired and authorized by the individual and reflected in the individual's individualized service plan developed in accordance with rules adopted by the department or the authority; and

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

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

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

(n) Have in place a quality assurance system and a performance improvement plan to evaluate and monitor the quality, safety and appropriateness of the services provided by direct support workers.

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

(5) An individual has the right to:

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

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

(c) Direct the individual's own services that are provided by direct support workers;

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

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

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

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

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

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

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

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

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

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

(a) Establishing a maximum allowable percentage of the hourly reimbursement rate paid to the agency that may be spent on overhead and administrative costs;

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

(c) Requiring agencies to pass through to direct support workers reimbursement rate increases that are targeted for wages and benefits of direct support workers.

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

(10) The department and the authority shall conduct a competitive procurement process to select agency with choice services providers. The department and the authority may contract with no more than two agencies in total to provide agency with choice services.

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

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

(b) Includes a process for the resolution of labor disputes with the direct support workers employed by the agency.

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

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

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

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

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

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

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

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

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

(b) Failure by the agency to correct deficiencies identified during a program review or an investigation by the department or authority;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Each legislative member serves at the pleasure of the appointing authority and may serve as long as the member remains in the chamber of the Legislative Assembly from which the member was appointed.

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

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

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

(7) The Oregon Watershed Enhancement Board shall provide staff support to the council. The board may enter into agreements with other state agencies to provide additional staff support to the council.

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

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

(9)(a) Voting members of the council, and members of an advisory committee appointed under subsection (8) of this section who are not members of the council, may be reimbursed for actual and necessary travel and other expenses incurred by the member in the performance of official duties in the same manner and amount as provided by ORS 292.495.

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

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

(11) In accordance with the 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: Corrects number of council members in (1); corrects word choice in (1)(f)(A).

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

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

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

(b) Eligibility criteria for nonprofit entities;

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

(d) Guidelines for collaborations or partnerships between multiple entities; and

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

(B) Reporting requirements:

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

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

(2) Grants awarded under this section:

(a) Must be awarded for projects or purposes that are consistent with the terms of the Monsanto

Settlement Agreement and the strategic priorities established under section 9**, chapter 97, Oregon Laws 2024** [*of this 2024 Act*].

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

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

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

(4) Grants awarded under this section shall be paid out of the Disproportionately Impacted Community Fund established under section 11**, chapter 97, Oregon Laws 2024,** [*of this 2024 Act*] by the Oregon Watershed Enhancement Board in accordance with rules adopted by the council under this section.

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

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

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

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

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

NOTE: Corrects internal reference in lead-in.

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