

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Ratification of Unanimous Intergovernmental Relations Committee Actions and
Action on Non-Unanimous IGR Actions from March 16, 2011

Meeting Date: April 11, 2011
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Brenda Wilson
Contact Telephone Number: 541-682-8441

ISSUE STATEMENT

This is an action item to discuss and ratify the actions of the Intergovernmental Relations (IGR) Committee from the March 16, 2011, IGR Committee meetings.

BACKGROUND

As a matter of procedure, during the legislative session, the City Council is routinely asked to ratify the actions taken by the IGR Committee on legislation. The committee reviews all bills and their associated staff recommendations and provides direction for each piece of legislation introduced during the legislative session.

Any member of the IGR Committee may pull a bill off the IGR Bill Report for discussion. If a bill is not pulled for discussion, the staff recommendation stands. If a bill is pulled for discussion, the IGR Committee may keep or change the staff recommendation. Actions on which the IGR committee is not unanimous must be brought before the full City Council for consideration. These bills must be addressed by the full council in order to provide direction to staff in Salem.

The IGR Committee met on March 16, 2011, to review staff recommendations on bills that have been introduced in the state legislature. However, the IGR Committee vote on two bills was not unanimous. Accordingly, the full council must provide direction before these bills can be lobbied in Salem. The bills for which there were not unanimous votes are listed below. Staff comments for the bills are listed in the attached document. I have also attached copies of the bills.

A motion needs to be made to state the position for each bill listed below.

MARCH 16, 2011:

SB 845: This bill would require the Oregon Department of Transportation to issue a drivers license or drivers permit to applicants who have complied with all requirements for a license or a permit but do not provide proof of legal presence in the United States.

Staff Recommendation: Priority 1 Support (By Holly LeMasurier and Chuck Tilby)

IGR Committee Vote: Priority 3 Oppose (1/2, Clark / Poling, Piercy (voting in proxy for Taylor), No)

(See page 17 of the March 16, IGR Bill Report for staff comments).

HB 3167: This bill would eliminate the discount for partial or full payment of property taxes on or before November 15.

Staff Recommendation: Priority 1 Support (By Larry Hill)

IGR Committee Vote: Priority 3 Oppose (2/1, Clark, Poling / Piercy (voting in proxy for Taylor), No)

(See page 3 of the March 16, IGR Bill Report for staff comments).

RELATED CITY POLICIES

Ratification of IGR Committee actions is the making or affirming of the City of Eugene's policy with respect to federal and state legislative issues or such other matters as may come to the council from the committee.

COUNCIL OPTIONS

The council may ratify or decline to ratify the IGR Committee's unanimous actions and approval of staff recommendations. Actions on which the IGR committee is not unanimous must be addressed by the full council in order to provide direction to staff in Salem.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends ratification of the IGR Committee's actions and that there be a discussion on the actions that were not unanimous.

SUGGESTED MOTION

Move to ratify the IGR Committee's unanimous actions on bills and approval of staff recommendations in the March 16, 2011, IGR Bill Report for bills not pulled for discussion at those IGR meetings.

ATTACHMENTS

- A. March 16, 2011, IGR Bill Report
- B. Senate Bill 845
- C. House Bill 3167

FOR MORE INFORMATION

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IGR BILL REPORT
MARCH 16, 2011 / IGR COMMITTEE MEETING
CITY OF EUGENE

HB 2319

Relating Clause: Relating to compensability disputes in workers' compensation claims.

Title: Establishes process for random external file review in certain workers' compensation claims.

Sponsored by: By Representative BARNHART; Senator BATES (Pre-session filed.)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb2300.dir/hb2319.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Iboa		CS-RS	3/1/2011	Pri 3	Oppose

Comments: This bill would limit the Workers' Compensation Program to only one independent medical examination (IME) per claim. At times it is necessary to obtain IMEs to determine whether a claim is compensable, whether newly diagnosed conditions are compensable, and to assist with the treatment of complicated medical conditions. If passed, this bill would limit the Program's ability to seek independent unbiased medical opinions and could potentially increase the cost of claims significantly due to non-compensable claims being accepted and/or unnecessary treatment being rendered.

HB 2458

Relating Clause: Relating to judicial review for violations of the Public Contracting Code.

Title: Permits employee of contracting agency that allegedly violates provisions of Public Contracting Code or labor organization that is certified as exclusive representative of employee's bargaining unit to seek judicial review of alleged violation under certain conditions.

Sponsored by: Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb2400.dir/hb2458.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	1/18/2011	Pri 3	Oppose

Comments: Oppose, would allow employees and bargaining units to seek review of violations of those portions of ORS added by HB 2867. HB 2867 requires agencies to perform a cost analysis for services over \$250K that compares performing services in-house with outsourcing. Currently bargaining units cannot protest this process.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Susan Mullett		CS-HR	3/1/2011	Pri 3	Oppose

Comments: Follow finance recommendation.

HB 2493

Relating Clause: Relating to residential service disruption.

Title: Prohibits cable television provider, competitive telecommunications provider, consumer-owned utility, public utility or telecommunications utility from charging customer for repair related to disruption of service when disruption was not caused by customer.

Sponsored by: Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Accountability)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb2400.dir/hb2493.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Pam Berrian		CS-ISD	3/7/2011	Pri 2	Oppose

Comments: Oppose - New information has been provided since 1-31-11 indicating an adverse impact on EWEB, and if allowed to set precedent would likely adversely impact Wastewater and Stormwater programs. There could be situations where private property damage to utilities is not caused by customer (disaster-related), but also not caused by the utility, yet this bill would prohibit the utility from charging the private property owner for repair costs for work that the property owner requested.

HB 2642

Relating Clause: Relating to alcoholic beverages; declaring an emergency.

Title: Expands exemption of homemade beer, wine and fermented fruit juice from Liquor Control Act.

Sponsored by: By Representative SCHAUFLER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb2600.dir/hb2642.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	1/20/2011	Pri 3	Oppose

Comments: This is similar to HB 2262, for which I recommended "drop," but this bill contains a broader exemption, and it has some potential loopholes. The amounts of homemade brew it allows are pretty substantial, and the definition of "financial consideration" would allow "club dues" not to count as payment. HB 2262 is broad enough to allow amateur home-brewers to trade brews and enter contests; this bill goes farther than needed for that purpose.

HB 3167

Relating Clause: Relating to payment of property taxes; prescribing an effective date.
Title: Eliminates discounts for partial or full payment of property taxes on or before November 15.
Sponsored by: By COMMITTEE ON REVENUE
URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3167.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	3/2/2011	Pri 1	Support

Comments: Current law allows payment of 1/3 of billed property taxes by Nov. 15., 1/3 by Feb. 15 and 1/3 by May 15 without penalty. Current law also allows a discount of 2% if 2/3 of taxes due are paid by Nov. 15, and 3% if all taxes are paid by that date. This discount cost the City of Eugene \$2.5 million in lost property tax revenue in FY10. HB 3167 would change the statutes to allow payment of ½ of taxes due by Nov. 15, and ½ by May 15 without penalty, and by eliminating the current discount. This would provide more tax revenue without increasing either the tax rate or the amount of taxes levied.

HB 3254

Relating Clause: Relating to determinations of responsibility in connection with public contracts; declaring an emergency.
Title: Requires bidder or proposer for public contract to demonstrate that bidder or proposer complied in previous contracts with applicable state and federal health and safety standards and applicable building codes.
Sponsored by: By Representative WITT
URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3254.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/15/2011	Pri 2	Oppose

Comments: **Oppose unless amended** to provide a time limit on violations required to be reported for these purposes as well as a qualifying scale for disqualifying offenses. Paul's comments accurately reflect my concerns on the open-endedness of this bill as proposed and the potential negative impacts on competition could indirectly cause the City a significant amount of money in increased project costs.

As Paul states there is a fairly broad spectrum of possible offenses and a contractor's interpretation of projects of a "similar nature" where a violation was received may be very narrow to avoid reporting to the awarding agency. In addition to possible higher project costs due to a reduced pool of responsible contractors this could involve even more legwork to determine the responsibility.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/18/2011	Pri 2	Oppose

Comments: Agree.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jenifer Willer		PWE	3/1/2011	Pri 2	Oppose

Comments: I agree with Paul's comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/15/2011	Pri 2	Oppose

Comments: The impact of this bill on City contracts is unclear, because while it requires the contractor to supply information with their bids that shows that the contractor has complied with applicable state and federal health and safety standards and applicable building codes on previous contracts, it doesn't say how far back the contractor has to look, or what remedies there will be to allow the contractor to bid again in the future if they have a violation. Also, there the bill looks at all violations the same, so that what could be considered a very minor violation causing an inconvenience carries the same penalty as willful and repeated life-threatening violations over a period of time. For example, will a contractor be banned for life from bidding on public contracts because they failed to provide adequate restroom facilities on a five hour pothole repair project? There is not a contractor in town that hasn't received some type of citation for very minor safety or health violation. If this bill becomes law as written, it could have the unintended consequence of reducing the number of, or, in a worse case scenario, eliminating all qualified bidders for public infrastructure contracts.

The intent of this bill seems positive, but it needs more work to prevent negative impacts to public contracting. I recommend we oppose unless modified.

HB 3316

Relating Clause: Relating to certain professional services procured under Public Contracting Code; declaring an emergency.

Title: Adds photogrammetry to list of services subject to procurement procedures for contracting with architects, engineers, photogrammetrists and land surveyors.

Sponsored by: By COMMITTEE ON BUSINESS AND LABOR

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3316.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	3/1/2011	Pri 2	Oppose

Comments: Adds photogrammetry to the list of services covered by 279C which require selection based on qualifications (QBS) rather than strictly price. No affect on the City, because we already consider photogrammetry to fall into the category of "related services".

Deletes examples of the "related services" category which have also been selected via QBS and included many services that the City uses during the planning and permitting for an infrastructure project, such as facilities planning services, environmental impact studies, wetland delineation studies, hazmat studies, etc., and left it open-ended. Leaving the definition of related services more general like this could be helpful because there won't be a need to fit to specific services in a list. On the other hand, it will cause other questions. All in all, I don't see the need for this change, but I don't think it will affect the way we operate.

Many of the changes are housekeeping edits. One of the more significant changes in the bill appears to clarify that local agencies are subject to follow the same rules regarding QBS that state agencies must follow related to contracts for architects, engineers, surveyors, photogrammetry or related services. This change doesn't affect the City, because our purchasing rules already require QBS.

The bill clarifies that price may not be used to make a selection even between two equally qualified candidates.

Eliminates the ability to make direct appointments for smaller consulting contracts. This provision is troublesome, because it reduces local control of the City's selection process. Eliminating this ability will add months of time and significant additional staff expense to process consultant selections.

If this provision is removed, there will be little impact to the City and we would be neutral. However, until this provision is removed, I believe we should oppose the bill.

<u>Contact</u> Jenifer Willer	<u>Respondent</u>	<u>Dept</u> PWE	<u>Updated</u> 2/22/2011	<u>Priority</u> Pri 2	<u>Recommendation</u> Oppose
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Comments: Adding photogrammetry to the engineers, architects and land surveyors list for procurement procedures will not significantly change the City's processes as we already treat them the same way.

In my opinion, the real issue with this bill is removing the local agency's ability to direct appoint a consultant for smaller value contracts. This change would have a significant effect by slowing down projects and increasing agency costs by adding to the processes.

<u>Contact</u> Jamie Garner	<u>Respondent</u>	<u>Dept</u> CS-FIN	<u>Updated</u> 2/22/2011	<u>Priority</u> Pri 2	<u>Recommendation</u> Oppose
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Comments: **Oppose unless amended** to reinstate the provision that the amendments to ORS 279C.110 apply only to state contracting agencies or unless the following deleted provision is reinstated:

"[Adjustments to accommodate a contracting agency's objectives may include provision for the direct appointment of a consultant if the value of the project does not exceed a threshold amount as determined by the contracting agency.]"

Removing this provision and attempting to remove the restriction to state agencies would have a significant negative impact to the City's current process for contracting with architects/engineers. The City's contract review board currently allows direct appointment for these services up to \$25,000 in a fiscal year and up to \$75,000 if the vendor has been admitted into a qualified pool. This process streamlines construction and building projects and allows the City to procure these

services with minimal process costs. This omission undermines the City's right to dictate the process for personal services contracts.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/22/2011	Pri 2	Oppose

Comments: I agree with comments from others.

HB 3504

Relating Clause: Relating to driving while suspended.

Title: Authorizes civil forfeiture of motor vehicle if person is convicted of offense relating to driving while suspended or revoked.

Sponsored by: By Representative BARNHART; Representative TOMEI

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3504.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/2/2011	Pri 3	Support

Comments: This bill makes sense in that it applies only to the most aggravated of circumstances, where options for the government dealing with flagrant disregard of the law needs more options than what is currently available. The bill does not mandate a forfeiture so it can be applied judiciously. Civil forfeiture will basically require the City (either prosecutor or City Attorney) to file the paperwork because the District Attorney is not filing any civil forfeitures due to staffing limitations. The burden will be increased prosecutor time or City Attorney time and increased police administrative time to process forfeitures and store the vehicles. Given the limited number of cases involved, it's probably good to have the option when aggravated circumstances pose a significant public safety risk. In addition, the City will need to evaluate current ordinances regarding civil forfeiture as it mandates all proceeds will go to drug treatment programs for City residents (which I believe do not exist). Added Jerry Lidz to evaluate from the CA perspective.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/28/2011	Pri 3	Support

Comments: I agree with Chuck Tilby's analysis. This bill would authorize forfeiture of a vehicle only for repeat offenders of driving while suspended or revoked. Because forfeitures are time-consuming and therefore costly, it would be a last resort, but having the authority maybe useful on rare occasions. But rare enough that a priority 3 is sufficient.

HB 3505

Relating Clause: Relating to government ethics.

Title: Creates exception to definition of "gift" for purposes of government ethics laws.

Sponsored by: By COMMITTEE ON RULES

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3505.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		3/3/2011	Pri 3	Support

Comments: This bill would add another exception to the definition of "gift" in the government ethics statutes; giving a public official (including employees) admission to a retail or outlet store to buy goods at discount would no longer count as a "gift" limited to \$50 per year.
The bill appears to be a response to a recent Ethics Commission opinion about a National League of Cities program that connects local government employees to a Government Employees Marketplace program.
Because this protects an NLC program that benefits municipal employees, it's worth our support. Because it's not a policy issue, I recommend priority 3. We should coordinate with LOC.

HB 3516

Relating Clause: Relating to solar energy generation by retail electricity consumers.

Title: Authorizes installation and use of solar photovoltaic energy system on residential or commercial structure in zones in which residential or commercial structures are authorized.

Sponsored by: By Representatives CANNON, BAILEY, J SMITH; Representatives BOONE, GARRARD, GARRETT, KRIEGER, MATTHEWS, MCLANE, Senators BOQUIST, DINGFELDER, GEORGE

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3516.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Katharine Kappa	PDD-ADM		2/24/2011	Pri 3	Oppose

Comments: The current zoning code would permit solar systems on developed residential and commercial lots in Eugene. For this reason, the bill is consistent with our current code. However, we oppose the bill due to Section 3 and subsections 3a and 3b. Section 3 prohibits the application of required setbacks for these facilities. This would be inconsistent with our zoning code. Section 3a limits our ability to cover our costs by collecting fees for zoning review of these facilities (evaluating the setback and height). And Section 3b limits our ability to adequately review the facilities since we would need elevation drawings to determine if it meets height allowance. Also Section 3b limits our ability to request vegetation surveys or contour maps. In some areas of the city, we would need vegetation/tree surveys or contour maps to verify that the facilities are not proposed in "protected resource areas" that may exist on a lot. It is our understanding that the LOC may also oppose this bill for similar reasons. If Section 3 were removed from the bill, we would be neutral.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom	PDD-ADM		2/25/2011	--	--

Comments: Concur with Katharine.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mark Whitmill		PDD-BPS	3/3/2011	--	--

Comments: I agree with Katharine's comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/23/2011	--	--

Comments: I will defer to others.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Ethan Nelson		PDD-BPS	2/25/2011	--	--

Comments: I support Katharine's analysis and recommendation.

HB 3589

Relating Clause: Relating to manufactured dwelling parks.

Title: Authorizes establishment of manufactured dwelling park with 50 or fewer lots as conditional use in any zone. Creates refundable credit against personal income tax for full-year resident of manufactured dwelling park. Established subtraction for capital gains for purpose of income and excise taxation for owner or operator of manufactured dwelling park. Reduces income and excise tax rates and corporate minimum tax for owner or operator of manufactured dwelling park. Applies to tax years beginning on or after January 1, 2012.

Sponsored by: By Representative HICKS

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3589.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	3/7/2011	--	--

Comments: I concur with Stephanie's analysis and recommendation concerning policy impacts. This bill would have no direct impact on City revenues.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	3/1/2011	Pri 2	Oppose

Comments: Manufactured Housing Parks (MHPs) are already allowed in residential zones. Allowing MHPs in commercial or industrial zones (particularly industrial) does not create good living environments. Sometimes they are perceived as "temporary use." When such parks close, there are significant impacts for residents that must be managed by the City. Also, it is unclear whether this bill would require cities to allow conditional use permits. Decision to all MHPs in non-residential zone should be considered and decided by local jurisdiction on case by case basis.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom		PDD-ADM	3/1/2011	--	--

Comments: Concur with Amanda's comments and recommendation.

HB 3594

Relating Clause: Relating to refusal to identify to a peace officer.

Title: Creates offense of refusal to identify. Punishes by maximum fine of \$720.

Sponsored by: By Representative BARKER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3594.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/7/2011	Pri 3	Support

Comments: Current law only makes a "failure to identify" prohibition if driving a vehicle, if receiving a criminal citation or to avoid arrest on a warrant. This bill expands the requirement to identify one's self when officers are conducting a felony investigation AND the person has been at the scene of the felony within 6 hours. The standard of being at the scene of a felony within 6 hours of the commission of the crime seems a bit arbitrary, but the main idea of facilitating felony criminal investigations by making it a requirement to identify is a good tool for public safety. This bill could streamline many felony investigations involving uncooperative subjects, therefore save money in addition to serving the public safety.

SB 0116

Relating Clause: Relating to university police; creating new provisions; amending ORS 40.275, 44.550, 90.440, 124.050, 131.605, 133.005, 133.033, 133.318, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 153.630, 161.015, 163.730, 165.535, 180.320, 181.010.

Title: Allows State Board of Higher Education to authorize university under board control to establish university police department. Declares emergency, effective on passage.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Oregon University System)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0100.dir/sb0116.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 2	Oppose

Comments: EPD is generally in favor of universities having the authority to hire police officers, as long as their police officers are defined the same as ours.

Section 1, 2b - university police have all the powers of police, without benefits of collective bargaining for non-striking employees, PERS and other benefits afforded police officers. Good for universities, not good for professional standards maintenance, recruiting, retention.

They are not defined in 181.850, the prohibition to enforce immigration laws.

In almost all aspects of responsibility for police officers and law enforcement agencies, this bill defines campus police officers along with other traditional definitions.

In order to erase the ambiguity between agencies where concurrent jurisdiction applies (e.g. EPD and U of O, or Corvallis PD and OSU) the definitions must be consistent. Responsibilities seem to be there and they would be defined as police officers, so could make arrests for violations in any area of the State.

The provisions that make this bill questionable are the provisions that allow a university to not authorize their officers to carry firearms and exempting them from the protections of Oregon law as police officers (see above). In practical terms, a university police officer could respond to any call with all the authority but without the ultimate capability of using deadly force. This would make tactical responsibility in the most serious offenses faced by any community a nightmare because the agency of jurisdiction does not have the capability of handling deadly force situations. Therefore, the responsibility would fall back to other agencies - absolving the university system of the ultimate responsibility of having employees exert deadly force.

If they are to be police officers, they must have all of the corresponding responsibilities, protections and capabilities.

SB 0405

Relating Clause: Relating to university police; creating new provisions; amending ORS 40.275, 44.550, 90.440, 124.050, 131.605, 133.005, 133.033, 133.318, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 153.630, 161.015, 163.730, 165.535, 180.320, 181.010.

Title: Allows State Board of Higher Education to authorize university under board control to establish police department. Declares emergency, effective on passage.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/l1reg/measpdf/sb0400.dir/sb0405.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 2	Support

Comments: Similar to SB116, but without the drawbacks. This bill defines officers hired by universities as police officers and they are afforded all of the responsibilities, authority, protections afforded any other police officer in this state.

Therefore, this bill is far superior than SB116. EPD is in favor of universities being able to hire police officers as long as their authority, responsibility and capability are the same as any other

police officer in the state. Jurisdictional ambiguity is lessened and becomes a matter of geographical agreement and mutual aid.

SB 0594

Relating Clause: Relating to persons found guilty except for insanity.

Title: Authorizes county sheriff or municipal police chief to make community notification when person found guilty except for insanity of homicide or felony sex offense is conditionally released from state hospital.

Sponsored by: By Senator ATKINSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0500.dir/sb0594.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 3	Support

Comments: This bill mandates that the DA, Sheriff, and Police Chief (if applicable) will be notified of a hearing of a person who is being considered for a conditional release based upon a conviction "except for insanity" for homicide of a felony sex crime. Information regarding public safety issues of the release can then be submitted to the hearing. Additionally, the authorities can release information about the person being released in the interest of public safety. This is a good bill that allows for the safety of the public in certain situations. This situation does not happen often, but can have significant public safety implications.

SB 0700

Relating Clause: Relating to addressing the impacts of alcoholic beverages; declaring an emergency.

Title: Allows Oregon Liquor Control Commission to place restrictions on activities at licensed premises if commission has grounds to believe certain conditions exist.

Sponsored by: By Senator DINGFELDER, Representative KOTEK; Senators MONNES ANDERSON, MONROE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0700.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 3	Support

Comments: This bill essentially codifies criteria that are used currently to determine if a licensed premises should be held accountable for activities on or around their premises. This would stabilize the deliberations of the issues, give it some predictability and serve as notification of the types of activity that will be considered. The only concern is that it may be a bit too precise, but there are advantages to having the clarity.

SB 0708

Relating Clause: Relating to the Oregon Medical Marijuana Program.

Title: Directs Oregon Health Authority to develop system by which certain law enforcement employees may determine whether person is medical marijuana registry identification cardholder or designated primary caregiver of cardholder or whether location is authorized marijuana grow site.

Sponsored by: By Senator ATKINSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0708.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 3	Support

Comments: See HB 3129 comments: This law is a step in the right direction of untangling a web of information that requires us to ask "just the right" question of the authority, especially as it relates to grow sites. It would be better if we have language that prohibits the authority from disclosing the existence of a law enforcement request or subpoena. The impact of this law on CoE is to provide a mechanism to obtain the correct information regarding grow sites, thus being better able to triage cases. A majority of tips received from citizens are regarding marijuana growers that appear to be going beyond the law. This bill potentially saves many hours of background work. At the least, it would help identify growers that are out of compliance on a large scale, focusing our efforts on the most egregious offenders.

SB 0728

Relating Clause: Relating to corrections; declaring an emergency.

Title: Requires counties to assume responsibility for criminal offenders sentenced to term of incarceration of 24 months or less.

Sponsored by: By COMMITTEE ON JUDICIARY

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0728.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/4/2011	Pri 1	Oppose

Comments: This bill would result in the county jail having to house prisoners sentenced up to 2 years, instead of 1. Clearly a straight transfer of responsibility of the state without funding. Also, the impact on jail capacity would be extreme and the local jail situation would result in either more money needed, or an additional jail capacity reduction. Our data shows a clear correlation between jail capacity and local crime rates.

SB 0751

Relating Clause: Relating to taxation of centrally assessed property; prescribing an effective date.

Title: Defines “information services” to mean offering capability to generate, acquire, store, transform, process, retrieve, utilize or make available information through communications, including electronic publishing.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0751.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Pam Berrian		CS-ISD	2/22/2011	Pri 1	Oppose

Comments: Pri 1 Oppose - while I think Local and State Gov't Assns should take the lead, not necessarily telco staff, the implications and potential impacts are adverse for City of Eugene. Why? The bill would exempt "information services" (defined essentially the same as in the federal Communications Act, 47 USC Sec. 153(20)), from the reach of ORS 308.517(1)'s centrally assessed Ore. property tax.

Property used to provide "telecom services," in contrast, is apparently NOT exempted from the tax. This is suggested by new ORS 308.517(5)'s exclusion of "telecom service," tracking the definition in 47 USC Sec. 47 USC Sec. 153(43) & (46), from the definition of "information service". Keep in mind that many (but not all) "information services" may also be "Internet access," but remember the federal Internet Tax Free Act (2007-2014) does not reach taxes based on "property value," ITFA Sec. 1105(10)(B).

So, any new Ore. law that treats "information services" more favorably than "telecom services" is dangerous for Ord. 20083, bad policy and a slippery slope. Some svcs we used to think of as "telecom services" are now "information services." Broadband is the best example. By excluding property used to provide "information services," the bill would shrink the Ore. property tax base, & the shrinkage would grow every year, as more & more property is used to provide "information services" rather than "telecom services." To the extent that any of the ORS 308.515(1) property tax is passed on by the state to Ore. localities, this would mean a shrinkage in that revenue source for Ore. localities. But even if this property tax is not passed on to localities, shrinkage in Ore. state tax revenues probably can't be good news for Ore. localities.

Moreover, any Ore. state law acceptance of differentially favorable treatment of "information services" vis-à-vis "telecom services" -- which is what this bill would appear to do -- cannot help, & could hurt the breadth of Eugene's Ord. 20083's "telecom service" definition, currently the subject of pending litigation.

Moreover, any Ore. state law acceptance of differentially favorable treatment of "information services" vis-à-vis "telecom services" -- which is what this bill would appear to do -- cannot help, & could hurt the breadth of Eugene's Ord. 20083's "telecom service" definition, currently the subject of pending litigation involving Comcast. SB 751 tracks the narrower federal Communications Act definition [instead of supporting our Ord 20083's broader definition is and has been deemed legal until the Rasmussen lower court ruling in teh internet Access case.] This bill is premature.

In conclusion, SB 571 is financially adverse, pre-emptive of Eugene law and potentially interferes with the subject of current litigation. The Oregon Legis. should await the outcome final relevant Oregon court decisions before embarking upon this new policy.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	3/7/2011	Pri 1	Oppose

Comments: I agree with Pam’s analysis and recommendation. I cannot establish the amount, but this legislation has the potential to reduce revenue to the City.

SB 0783

Relating Clause: Relating to the Oregon Indoor Clean Air Act; declaring an emergency.

Title: Provides that business primarily engaged in sale of tobacco products and smoking instruments on December 31, 2008, qualifies as smoke shop for purposes of Oregon Indoor Clean Air Act.

Sponsored by: By Senator TELFER; Representatives CONGER, SHEEHAN, WHISNANT

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0783.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mark Whitmill		PDD-BPS	3/4/2011	--	--

Comments: I defer to Rachelle and Jerry.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/23/2011	Pri 2	Oppose

Comments: I agree with Rachelle’s comments. This bill would make it easier for a business to qualify as a “smoke shop” where smoking is allowed.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Rachelle Nicholas		PDD-BPS	2/23/2011	Pri 2	Oppose

Comments: This bill does not close the “smoke shop” loophole that currently exists at the State and local level. Passage of this bill would provide more opportunity for businesses to receive State smoke shop certification allowing indoor smoking.

SB 0793

Relating Clause: Relating to unlawful consumption of controlled substances; declaring an emergency.

Title: Provides that unlawful possession of controlled substance by person under 21 years of age includes unlawful consumption of controlled substance.

Sponsored by: By Senator TELFER; Senators ATKINSON, FERRIOLI, GIROD, MORSE, OLSEN, THOMSEN

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0793.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 3	Support

Comments: This bill applies the same standard to controlled substances as are applied to alcohol, to wit: allowing a charge of possession "by consumption." for juveniles. The consistent standard is desirable and the inability to charge a juvenile for consumption and not mere possession means that needed intervention, counseling and treatment is often missed.

SB 0796

Relating Clause: Relating to local zoning of government buildings.

Title: Prohibits development or use, in areas planned and zoned for residential use, of buildings containing more than 2,500 square feet for governmental purposes.

Sponsored by: By Senator TELFER; Senators FERRIOLI, GEORGE, KRUSE, OLSEN, Representatives CONGER, WHISNANT

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0796.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom		PDD-ADM	2/28/2011	Pri 2	Oppose

Comments: This bill appears to be primarily focused on limiting the state's super-siting authority to allow correctional facilities on residentially zoned lands. However, the bill would prohibit ALL government uses over 2,500 square feet on residentially zoned lands. This could have significant impact to Eugene's current land use structure. Our residential zones currently allow governmental uses, which include fire stations, community centers, park facilities, libraries, public utility facilities and other essential community services. Eugene, like most cities, assumes that a portion of its residential land will be devoted to non-residential uses.

If the bill was amended to specifically exempt correctional facilities (as it appears to be intended), staff would recommend a neutral position.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mark Whitmill		PDD-BPS	3/4/2011	--	--

Comments: I defer to Steve.

SB 0821

Relating Clause: Relating to executive sessions of public meetings.

Title: Eliminates certain types of meetings that governing bodies of public bodies may conduct in executive session.

Sponsored by: By Senator MORSE; Senator GIROD (at the request of John K. Lindsey, Linn County Commissioner)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0821.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/28/2011	Pri 3	Oppose

Comments: This bill would eliminate certain grounds for the city council (and other public bodies) to meet in executive session. At least two related changes could impact the City: the council would no longer be allowed to meet in executive session to discuss security measures to protect telecommunications systems or to protect data transmissions. Although those rarely would be topics of discussion, if there is a need for the council to discuss them, it should be done in confidence, so that we don't expose our security measures to terrorists, identity thieves or other malfeasants. There is little or no public interest on the other side, as security measures to protect telecom and data transmission facilities are not something the general public needs to know.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Twylla Miller	CS-FIN		2/25/2011	--	--

Comments: I defer to Jerry Lidz.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Pam Berrian	CS-ISD		3/1/2011	Pri 3	Oppose

Comments: Pri 3 Oppose – ISD would not promote eliminating the authority for the City to hold an executive session to discuss City-related data security matters or telecommunications systems. While the instance is rare, the current authority should be protected in the public interest.

SB 0822

Relating Clause: Relating to alternative fuel vehicles; prescribing an effective date.

Title: Extends sunsets for tax credits for use of alternative fuel vehicles and for construction or installation of fueling stations for alternative fuel vehicles.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0822.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill	CS-FIN		3/7/2011	--	--

Comments: I concur with Ethan's recommendation on policy aspects of this bill. This bill would have no fiscal impact on the City.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Ethan Nelson	PDD-BPS		2/25/2011	Pri 3	Support

Comments: This is the Senate companion bill to HB 2524, which the IGR has a Priority 3, Support recommendation.

SB 0845

Relating Clause: Relating to documents issued by the Department of Transportation.

Title: Requires Department of Transportation to issue driver license or driver permit to applicant who has complied with all requirements for license or permit but does not provide proof of legal presence in United States.

Sponsored by: By Senator SHIELDS, Representative CANNON; Representatives JENSON, KOTEK

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0845.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/2/2011	Pri 1	Support

Comments: See Holly's comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Holly LeMasurier		CS-CMO	2/25/2011	Pri 1	Support

Comments: We have consistently supported this effort and these objectives for a long time. This is a bill the City, State and community advocates have been working toward for several years. Technically, most positively related to public safety/EPD. Additional significant positive impact politically. Allows any Oregonians to access driver's license without having to provide proof of legal residency. Promotes safety/screening of any drivers through a testing process licensing them. Enables legality of drivers. Facilitates police/driver communication addressing the driver's license status directly. Allows many Eugene parents, families, workers, caregivers to drive to meet daily needs safely and legally.

SB 0881

Relating Clause: Relating to offenses.

Title: Requires law enforcement agency to take DNA sample of person arrested for certain crimes.

Sponsored by: By Senator WINTERS

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0881.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 2	Support

Comments: This bill mandates that agencies take blood or buccal sample for DNA when a person is arrested for persons crime or Burglary 1. Procedurally, this will be some burden on the department or the jail (depending on the process) but the implications for public safety far outweigh the impact. Establishing a DNA database for selected offenses has resulted in numerous additional crimes that are solved. The bigger the database, the more effective and having a state law rather than agency policy supply this data is preferable. I expect that the State Police will bear the brunt of the impact with analysis and storing of the data. We should watch for additional legislation that passes the costs down to the cities and counties.

SB 0887

Relating Clause: Relating to prevailing rates of wage as applied to residential construction.

Title: Includes certain types of apartment housing in definition of “residential construction” for purposes of determining whether prevailing rates of wage in public works contracts apply.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0887.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	2/24/2011	Pri 3	Support

Comments: This bill clarifies that buildings can have some other limited amount of space used for purposes other than affordable housing and still be considered affordable housing.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	3/7/2011	--	--

Comments: I defer to Stephanie’s recommendation.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/23/2011	--	--

Comments: I defer to Larry Hill and Amanda Nobel Flannery.

SB 0895

Relating Clause: Relating to police officers.

Title: Expands definition of “involved officer” to include officer involved in incident in which use of deadly force caused serious physical injury.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0895.intro.pdf>

Contact
Chuck Tilby

Respondent
EPD-ADM

Updated
3/5/2011

Priority
Pri 1

Recommendation
Oppose

Comments:

See comments for HB 2951, appears identical: Amending first sections to include "serious physical injury" to the definitions is just fine. The next change increases the number of sessions with a mental health professional that the City will pay for from 2 to 6. Not only would this be a 3x increase in these sessions, but adding "involved officer" could increase these another 2 or more times - monetary impact 9 times the cost to the City. Mandates involved officers attend ALL of the sessions (currently it says "at least one"). Not all involved officers need this amount of work. In most cases, a single session as described works well in that it describes the symptoms of traumatic incidents so that the officers are able to recognize normal reactions that otherwise may be disturbing. To mandate 6 sessions for all involved is way too much - doesn't serve officers well, but serves mental health professionals quite well. The requirement for a 72 hour re-assignment is essentially our existing policy. OK to mandate it because many agencies in the state do not do this. The next session mandates testing for controlled substances and anabolic steroids. Currently, this is an option that is offered to employees, but lacking reasonable grounds to believe an officer is taking such substances, the City cannot mandate the test. Expect a large negative reaction to this paragraph from unions. Typically, the City sees advantage for taking the tests, but current labor rules support the option. Mandating the tests is not advisable and increases the City's costs for paying for such tests. The next section (6) is a major problem with this bill. It takes the investigation out of the hands of a multi-agency investigation team (SB111 - In Lane County it is the Interagency Deadly Force Investigation Team) which has been successfully operating for several years. This bill mandates the Department of Justice conducts the investigation and then is reimbursed by the DA's office. First, DOJ does not have the resources to conduct the investigations we request of them, now, but to add responsibility to investigate all officer-involved shootings would result in inordinate delay in investigations, which is a major stressor for involved officers (often times more than the incident itself). Additionally, DOJ does not have investigatory expertise when it comes to investigating such incidents - a major advantage of the current system where experienced investigators from different agencies, coordinated by OSP, conduct the investigation. DOJ also does not have forensic capabilities. All of these issues will significantly reduce the quality and timeliness of these critical investigations. Removes local control provided by SB111 and turns it over to the state in the form of DOJ. Section 8 of this bill (appropriately numbered) mandates that DPSST establish a periodic psychological exam as a condition of employment as a police officer. This is a major departure from existing industry standards. Psychological testing is not an exact science, and often reach conclusions only if they are supported by observable behaviors, relying on a background during a hiring process. Standards do not exist for retention decisions., Mandating such a periodic test would undoubtedly result in litigation of cases where an officer was deemed not to have passed. Current law allows for agencies to address psychological issues and mandating tests would be costly and fraught with legal problems.

SB 0899

Relating Clause: Relating to sex trafficking.

Title: Creates Assistance to Victims of Sex Trafficking Program.

Sponsored by: By Senator STARR; Senators ATKINSON, DEVLIN, Representatives BARKER, DOHERTY, ESQUIVEL, HUFFMAN, KENNEMEW, KRIEGER, LINDSAY, TOMEI

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0899.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 3	Support

Comments: This bill allows non-profits to develop materials designed to expose victims of sex trafficking to resources as well as educate the public. Once approved by the state, the materials may be distributed in public places without cost. Small, unfunded, step in the right direction.

SB 0923

Relating Clause: Relating to sex offenders.

Title: Modifies definition of “predatory sex offender” to include person determined by federal government or other state to present increased risk of committing another sex crime.

Sponsored by: By Senator PROZANSKI (at the request of Maurice K. Sanders, Chief of Police, City of Florence)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0900.dir/sb0923.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	3/5/2011	Pri 2	Support

Comments: Allows handling someone as a predatory sex offender if so designated by another state or government process without having to "re-invent the wheel" in Oregon. This is a significant improvement for handling the most dangerous of offenders who also migrate.

Senate Bill 845

Sponsored by Senator SHIELDS, Representative CANNON; Representatives JENSON, KOTEK

SUMMARY

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

Requires Department of Transportation to issue driver license or driver permit to applicant who has complied with all requirements for license or permit but does not provide proof of legal presence in United States.

Provides that person who does not provide proof of legal presence in United States may only use driver license or driver permit as evidence of grant of driving privileges. Provides exceptions. Directs department to indicate on driver license or driver permit that license or permit may only be used for limited purposes.

Prohibits police officer from discriminating against individual who holds driver license or driver permit that states that it may only be used for limited purposes.

A BILL FOR AN ACT

1
2 Relating to documents issued by the Department of Transportation; creating new provisions; and
3 amending ORS 97.953, 127.860, 144.102, 144.270, 165.107, 166.291, 166.412, 194.515, 247.019,
4 462.195, 471.130, 471.186, 471.242, 471.282, 471.478, 480.235, 609.510, 646A.210, 697.520, 723.152,
5 801.250, 807.021, 807.040, 807.050, 807.110, 807.130, 807.310 and 807.750.

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

7 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of the Oregon**
8 **Vehicle Code.**

9 **SECTION 2. (1) The Department of Transportation shall issue a driver license or driver**
10 **permit described in subsection (2) of this section to an applicant who has complied with all**
11 **the requirements for an application for a driver license or driver permit except that the ap-**
12 **plicant does not provide proof of legal presence in the United States.**

13 **(2) Except as provided in subsection (3) of this section, a driver license or driver permit**
14 **issued to an applicant who does not provide proof of legal presence in the United States may**
15 **only be used as evidence of a grant of driving privileges.**

16 **(3) A driver license or driver permit issued under this section may be used for the pur-**
17 **pose of:**

18 **(a) Identifying the person as an anatomical donor.**

19 **(b) Identifying the person as an emancipated minor.**

20 **(c) Identifying the person as a veteran.**

21 **(d) Providing a driver license number as required under ORS 18.042, 18.170 and 25.020.**

22 **(e) Providing a driver license number to aid a law enforcement agency in identifying a**
23 **missing person under ORS 146.181.**

24 **SECTION 3. A police officer may not discriminate against an individual who holds a**
25 **driver license or driver permit issued under section 2 of this 2011 Act.**

26 **SECTION 4. ORS 807.021 is amended to read:**

27 **807.021. (1) Except as provided in ORS 807.310 (5) and 807.405 (4) and section 2 of this 2011**

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

1 **Act**, prior to issuing, renewing or replacing any driver license, driver permit or identification card,
 2 the Department of Transportation shall require a person to provide proof of both legal presence in
 3 the United States and a Social Security number or, if the person is not eligible for a Social Security
 4 number, proof of legal presence in the United States and proof that the person is not eligible for a
 5 Social Security number.

6 (2) For the purposes of subsection (1) of this section:

7 (a) A person provides proof of legal presence in the United States by submitting valid doc-
 8 umentation, as defined by the department by rule, that the person is a citizen or permanent legal
 9 resident of the United States or is otherwise legally present in the United States in accordance with
 10 federal immigration laws.

11 (b) A member of a federally recognized tribe located in Oregon or with an Oregon affiliation
 12 may submit a tribal identification card as proof of legal presence in the United States if the de-
 13 partment determines that the procedures used in issuing the card are sufficient to prove that a
 14 member is legally present in the United States.

15 (c) A person provides proof of a Social Security number by submitting valid documentation, as
 16 defined by the department by rule, that includes a Social Security number that has been assigned
 17 to the person by the United States Social Security Administration.

18 (d) If a person is not eligible for a Social Security number, the person shall provide proof, as
 19 defined by the department by rule, that the person is not eligible for a Social Security number.

20 (3) The department may issue, renew or replace a driver license, driver permit or identification
 21 card for an applicant who has submitted a Social Security number only after the department verifies
 22 the Social Security number with the United States Social Security Administration.

23 (4) This section does not apply if the department previously verified the Social Security number
 24 as required by subsection (3) of this section and the person applying for the driver license, driver
 25 permit or identification card is a citizen or permanent legal resident of the United States.

26 **SECTION 5.** ORS 807.040 is amended to read:

27 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 28 complies with all of the following requirements:

29 (a) The person must complete an application for a license under ORS 807.050.

30 (b) *[As required by ORS 807.021 and 807.730]* **Except as provided in section 2 of this 2011**
 31 **Act**, the person must present proof of both legal presence in the United States and a Social Security
 32 number or, if the person is not eligible for a Social Security number, proof of legal presence in the
 33 United States and proof that the person is not eligible for a Social Security number **as described**
 34 **in ORS 807.021.**

35 (c) The person must submit to collection of biometric data by the department that establish the
 36 identity of the person as described in ORS 807.024.

37 (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
 38 the license under ORS 807.062.

39 (e) The person must successfully pass all examination requirements under ORS 807.070 for the
 40 class of license sought.

41 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license
 42 sought.

43 (g) The person must pay the Student Driver Training Fund eligibility fee.

44 (h) If the application is for a commercial driver license, the person must be the holder of a Class
 45 C license or any higher class of license.

1 (i) If the application is for a commercial driver license, the person must submit to the depart-
 2 ment, in a form approved by the department, the report of a medical examination that establishes
 3 that the person meets the medical requirements for the particular class of license. The department,
 4 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
 5 ments established under this paragraph may include any requirements the department determines
 6 are necessary for the safe operation of vehicles permitted to be operated under the class of license
 7 for which the requirements are established.

8 (j) If the application is for a commercial driver license, the person must:

9 (A) Have at least one year's driving experience;

10 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

11 (C) Not be otherwise ineligible to hold a commercial driver license.

12 (2) The department shall work with other agencies and organizations to attempt to improve the
 13 issuance system for driver licenses.

14 **SECTION 6.** ORS 807.050 is amended to read:

15 807.050. An application for a license shall be in a form approved by the Oregon Department of
 16 Transportation. An application must contain all the following:

17 (1) The applicant's full legal name, age, sex, residence address, except as otherwise provided for
 18 corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality
 19 Program participants in ORS 192.846, and post-office address other than general delivery. The de-
 20 partment may provide by rule for acceptance of something other than an actual residence or post-
 21 office address if the department determines that the applicant does not have an actual address. The
 22 department shall require proof to verify the address in addition to anything else the department may
 23 require of the applicant.

24 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the
 25 applicant has been issued any license or driver permit:

26 (a) When the license or driver permit was granted;

27 (b) What jurisdiction granted the license or driver permit;

28 (c) Whether or not the driving privileges under the license or driver permit are currently sus-
 29 pended or revoked; and

30 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension
 31 or revocation.

32 (3) The class of license sought.

33 (4) The Social Security number of the applicant or other number or identifying information de-
 34 termined appropriate by the Secretary of the United States Department of Transportation, if the
 35 application is for a commercial driver license or if the Oregon Department of Transportation by rule
 36 requires the Social Security number on the application. **The department may accept a written
 37 statement from an individual who has not been issued a Social Security number by the
 38 United States Social Security Administration to fulfill the requirement of this subsection.**

39 (5) Any other information the department deems necessary to assist the department in deter-
 40 mining whether the applicant is qualified or eligible to be licensed.

41 **SECTION 7.** ORS 807.110, as amended by section 1, chapter 61, Oregon Laws 2010, is amended
 42 to read:

43 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
 44 lowing:

45 (a) The distinguishing number assigned to the person issued the license by the department.

1 (b) For the purpose of identification, a brief description of the person to whom the license is
2 issued.

3 (c) The full legal name of the person to whom the license is issued, except that the department
4 may limit the number of characters displayed on the license.

5 (d) The date of birth of the person to whom the license is issued.

6 (e) Except as provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250
7 or Address Confidentiality Program participants in ORS 192.846, the residence address of the person
8 to whom the license is issued.

9 (f) Upon request of the person to whom the license is issued, the fact that the person is an an-
10 atomical donor.

11 (g) Upon request of the person to whom the license is issued and presentation of proof, as de-
12 termined by the department, the fact that the person is a veteran, as defined in ORS 408.225.

13 (h) Upon order of the juvenile court, the fact that the person to whom the license is issued is
14 an emancipated minor.

15 (i) **The fact that a license issued under section 2 of this 2011 Act may only be used for**
16 **limited purposes.**

17 [(i)] (j) Except as otherwise provided in subsection (2) of this section, a photograph described in
18 this paragraph. A photograph required under this paragraph shall:

19 (A) Be a full-faced, color photograph of the person to whom the license is issued;

20 (B) Be of a size approved by the department; and

21 (C) Be taken at the time of application for issuance of the license whether the application is for
22 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
23 ORS 807.150, except that the department, by rule, may allow the applicant to use a photograph al-
24 ready on file with the department.

25 [(j)] (k) The class of license issued and any endorsements granted. If the license is a commercial
26 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
27 cense.

28 [(k)] (L) The signature of the person to whom the license is issued.

29 (2) The department may issue a valid license without a photograph to an applicant who objects
30 either on religious grounds or because of the applicant's facial disfigurement.

31 (3) A limited term driver license issued under ORS 807.730 shall indicate:

32 (a) That it is a limited term driver license; and

33 (b) The date on which the limited term driver license expires.

34 (4) The department shall use security procedures, processes and materials in the preparation,
35 manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter,
36 counterfeit, duplicate or modify the license without ready detection. The security features used in
37 the production of the licenses shall provide for:

38 (a) The authentication of a genuine document in a reasonable time; and

39 (b) The production of the license only by equipment that requires verification of the identity of
40 the operator of the equipment before a license may be produced.

41 **SECTION 8.** ORS 807.130 is amended to read:

42 807.130. (1) A license that is issued as an original license and not as a license that is renewed
43 expires on the anniversary of the licensee's birthday in the eighth calendar year after the year of
44 issuance.

45 (2) A license that is renewed under ORS 807.150 expires eight years from the specified expira-

1 tion date of the immediately preceding license.

2 (3) Notwithstanding subsections (1) and (2) of this section, a **limited term driver** license that
 3 is issued **under ORS 807.730** to a person who is not a citizen or permanent legal resident of the
 4 United States expires on the date the licensee is no longer authorized to stay in the United States,
 5 as indicated by the documentation the person presented to the Department of Transportation to
 6 provide proof of legal presence in the United States as required by ORS 807.021 and 807.730, but
 7 no longer than eight years from the date of issuance or, if there is no definite end to the authorized
 8 stay, after a period of one year.

9 (4) A license that has expired does not grant driving privileges and is not valid evidence of
 10 driving privileges.

11 **SECTION 9.** ORS 807.310 is amended to read:

12 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
 13 porary driver permits in a manner consistent with this section.

14 (2) The department may issue an applicant temporary driver permit to an applicant for a driver
 15 license or for a driver permit while the department is determining all facts relative to application
 16 for the driver license or driver permit. The department shall set forth on the applicant temporary
 17 driver permit the driving privileges granted under the permit.

18 (3) The holder of an applicant temporary driver permit must have the temporary driver permit
 19 on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver
 20 permit must operate within the driving privileges granted under the temporary driver permit.

21 (4) An applicant temporary driver permit is valid for a period of 30 days from the date issued.
 22 The department may extend the term of the permit for sufficient cause. An extension of the term
 23 of the permit may not exceed an additional 30 days.

24 (5) Notwithstanding section 11, chapter 775, Oregon Laws 2005, if an applicant has complied
 25 with all the requirements for an application for a driver license or driver permit, except that the
 26 applicant is unable to produce the documentation required by the department under ORS 807.021
 27 and 807.730, the department, at the time of application, may issue to the applicant an applicant
 28 temporary driver permit as provided in this section [*if the applicant certifies that the applicant is, to*
 29 *the best of the applicant's knowledge, legally present in the United States*].

30 (6) An applicant temporary driver permit issued to an applicant under subsection (5) of this
 31 section is valid for a period of 90 days from the date issued. The department may extend the term
 32 of the permit for sufficient cause. An extension of the term of the permit may not exceed an addi-
 33 tional 60 days.

34 (7) An applicant temporary driver permit automatically becomes invalid if the applicant's license
 35 or permit is issued or refused for good cause.

36 (8) The department may not charge a fee for issuance of an applicant temporary driver permit
 37 under this section.

38 **SECTION 10.** ORS 97.953 is amended to read:

39 97.953. As used in ORS 97.951 to 97.982:

40 (1) "Adult" means an individual who is 18 years of age or older.

41 (2) "Agent" means an:

42 (a) Attorney-in-fact as that term is defined in ORS 127.505; or

43 (b) Individual expressly authorized to make an anatomical gift on the principal's behalf by any
 44 record signed by the principal.

45 (3) "Anatomical gift" means a donation of all or part of a human body to take effect after the

1 donor's death for the purpose of transplantation, therapy, research or education.

2 (4) "Body part" means an organ, an eye or tissue of a human being. The term does not include
3 the whole body.

4 (5) "Decedent" means a deceased individual whose body or body part is or may be the source
5 of an anatomical gift, and includes a stillborn infant or a fetus.

6 (6)(a) "Disinterested witness" means a witness other than:

7 (A) A spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who
8 makes, amends, revokes or refuses to make an anatomical gift; or

9 (B) An adult who exhibited special care and concern for the individual.

10 (b) "Disinterested witness" does not include a person to whom an anatomical gift could pass
11 under ORS 97.969.

12 (7) "Document of gift" means a donor card or other record used to make an anatomical gift. The
13 term includes a statement, symbol or designation on a driver license, identification card or donor
14 registry.

15 (8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

16 (9) "Donor registry" means a centralized database that contains records of anatomical gifts and
17 amendments to or revocations of anatomical gifts.

18 (10) "Driver license" means a license or permit issued under ORS 807.021, 807.040, 807.200,
19 807.280 or 807.730 **or section 2 of this 2011 Act**, regardless of whether conditions are attached to
20 the license or permit.

21 (11) "Eye bank" means an organization licensed, accredited or regulated under federal or state
22 law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes
23 or portions of human eyes.

24 (12) "Guardian" means a person appointed by a court to make decisions regarding the support,
25 care, education, health or welfare of an individual. "Guardian" does not include a guardian ad litem.

26 (13) "Hospital" means a facility licensed as a hospital under the law of any state or a facility
27 operated as a hospital by the United States, a state or a subdivision of a state.

28 (14) "Identification card" means the card issued under ORS 807.021, 807.400 or 807.730, or a
29 comparable provision of the motor vehicle laws of another state.

30 (15) "Know" means to have actual knowledge.

31 (16) "Minor" means an individual who is under 18 years of age.

32 (17) "Organ procurement organization" means an organization designated by the Secretary of
33 the United States Department of Health and Human Services as an organ procurement organization.

34 (18) "Parent" means a parent whose parental rights have not been terminated.

35 (19) "Physician" means an individual authorized to practice medicine or osteopathy under the
36 law of any state.

37 (20) "Procurement organization" means an eye bank, organ procurement organization or tissue
38 bank.

39 (21) "Prospective donor" means an individual who is dead or near death and has been deter-
40 mined by a procurement organization to have a body part that could be medically suitable for
41 transplantation, therapy, research or education. The term does not include an individual who has
42 made a refusal.

43 (22) "Reasonably available" means able to be contacted by a procurement organization without
44 undue effort and willing and able to act in a timely manner consistent with existing medical criteria
45 necessary for the making of an anatomical gift.

1 (23) "Recipient" means an individual into whose body a decedent's body part has been or is in-
 2 tended to be transplanted.

3 (24) "Record" means information that is inscribed on a tangible medium or that is stored in an
 4 electronic or other medium and is retrievable in perceivable form.

5 (25) "Refusal" means a record that expressly states an intent to prohibit other persons from
 6 making an anatomical gift of an individual's body or body part.

7 (26) "Sign" means, with the present intent to authenticate or adopt a record:

8 (a) To execute or adopt a tangible symbol; or

9 (b) To attach to or logically associate with the record an electronic symbol, sound or process.

10 (27) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
 11 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the
 12 United States.

13 (28) "Technician" means an individual determined to be qualified to remove or process body
 14 parts by an appropriate organization that is licensed, accredited or regulated under federal or state
 15 law. The term includes an enucleator.

16 (29) "Tissue" means a portion of the human body other than an organ or an eye. The term does
 17 not include blood unless the blood is donated for the purpose of research or education.

18 (30) "Tissue bank" means a person that is licensed, accredited or regulated under federal or
 19 state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

20 (31) "Transplant hospital" means a hospital that furnishes organ transplants and other medical
 21 and surgical specialty services required for the care of transplant patients.

22 **SECTION 11.** ORS 127.860 is amended to read:

23 127.860. §3.10. Residency requirement. Only requests made by Oregon residents under ORS
 24 127.800 to 127.897 shall be granted. Factors demonstrating Oregon residency include but are not
 25 limited to:

26 (1) Possession of an Oregon driver license, **except that a driver license issued under section**
 27 **2 of this 2011 Act may not be used to establish residency;**

28 (2) Registration to vote in Oregon;

29 (3) Evidence that the person owns or leases property in Oregon; or

30 (4) Filing of an Oregon tax return for the most recent tax year.

31 **SECTION 12.** ORS 144.102 is amended to read:

32 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority
 33 responsible for correctional services for a person shall specify in writing the conditions of post-
 34 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person
 35 upon release from prison or jail.

36 (2) The board or the supervisory authority shall determine, and may at any time modify, the
 37 conditions of post-prison supervision, which may include, among other conditions, that the person
 38 shall:

39 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-
 40 sory authority.

41 (b) Be under the supervision of the Department of Corrections and its representatives or other
 42 supervisory authority and abide by their direction and counsel.

43 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

44 (d) Report to the parole officer as directed by the board, the department or the supervisory au-
 45 thority.

- 1 (e) Not own, possess or be in control of any weapon.
- 2 (f) Respect and obey all municipal, county, state and federal laws.
- 3 (g) Understand that the board or supervisory authority may, at its discretion, punish violations
- 4 of post-prison supervision.
- 5 (h) Attend a victim impact treatment session in a county that has a victim impact program. If
- 6 the board or supervisory authority requires attendance under this paragraph, the board or supervi-
- 7 sory authority may require the person, as an additional condition of post-prison supervision, to pay
- 8 a reasonable fee to the victim impact program to offset the cost of the person's participation. The
- 9 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-
- 10 agraph.
- 11 (i) If required to report as a sex offender under ORS 181.595, report with the Department of
- 12 State Police, a city police department, a county sheriff's office or the supervising agency:
- 13 (A) When supervision begins;
- 14 (B) Within 10 days of a change in residence;
- 15 (C) Once each year within 10 days of the person's date of birth;
- 16 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
- 17 institution of higher education; and
- 18 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
- 19 education.
- 20 (3)(a) The board or supervisory authority may establish special conditions as the board or su-
- 21 pervisory authority determines necessary because of the individual circumstances of the person on
- 22 post-prison supervision.
- 23 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in
- 24 ORS 181.594, the board or supervisory authority shall include all of the following as special condi-
- 25 tions of the person's post-prison supervision:
- 26 (A) Agreement to comply with any curfew set by the board, the supervisory authority or the
- 27 supervising officer.
- 28 (B) A prohibition against contacting a person under 18 years of age without the prior written
- 29 approval of the board, supervisory authority or supervising officer.
- 30 (C) A prohibition against being present more than one time, without the prior written approval
- 31 of the board, supervisory authority or supervising officer, at a place where persons under 18 years
- 32 of age regularly congregate.
- 33 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
- 34 against being present, without the prior written approval of the board, supervisory authority or
- 35 supervising officer, at, or on property adjacent to, a school, child care center, playground or other
- 36 place intended for use primarily by persons under 18 years of age.
- 37 (E) A prohibition against working or volunteering at a school, child care center, park, play-
- 38 ground or other place where persons under 18 years of age regularly congregate.
- 39 (F) Entry into and completion of or successful discharge from a sex offender treatment program
- 40 approved by the board, supervisory authority or supervising officer. The program may include
- 41 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-
- 42 gram.
- 43 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved
- 44 by the victim, the person's treatment provider and the board, supervisory authority or supervising
- 45 officer.

1 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
2 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating
3 visual or auditory materials that are relevant to the person's deviant behavior.

4 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
5 upon the request of a representative of the board or supervisory authority if the representative has
6 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision
7 will be found.

8 (J) Participation in random polygraph examinations to obtain information for risk management
9 and treatment. The person is responsible for paying the expenses of the examinations. The results
10 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
11 prove a violation of post-prison supervision.

12 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
13 approved by the board, supervisory authority or supervising officer.

14 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-
15 thority or supervising officer.

16 (M) A prohibition against residing in any dwelling in which another sex offender who is on
17 probation, parole or post-prison supervision resides unless approved by the board, supervisory au-
18 thority or supervising officer, or in which more than one other sex offender who is on probation,
19 parole or post-prison supervision resides unless approved by the board or the director of the super-
20 visory authority, or a designee of the board or director. As soon as practicable, the supervising of-
21 ficer of a person subject to the requirements of this subparagraph shall review the person's living
22 arrangement with the person's sex offender treatment provider to ensure that the arrangement
23 supports the goals of offender rehabilitation and community safety. As used in this subparagraph:

24 (i) "Dwelling" has the meaning given that term in ORS 469.160.

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

26 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-
27 cility that provides rehabilitative care and treatment for sex offenders.

28 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined
29 in ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
30 years of age, the board or supervisory authority, if requested by the victim, shall include as a special
31 condition of the person's post-prison supervision that the person not reside within three miles of the
32 victim unless:

33 (i) The victim resides in a county having a population of less than 130,000 and the person is
34 required to reside in that county under subsection (6) of this section;

35 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the
36 evidence that no mental intimidation or pressure was brought to bear during the commission of the
37 crime;

38 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the
39 evidence that imposition of the condition will deprive the person of a residence that would be
40 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
41 supervision; or

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

45 (B) A victim may request imposition of the special condition of post-prison supervision described

1 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's
2 request may be included in the judgment document.

3 (C) If the board or supervisory authority imposes the special condition of post-prison supervision
4 described in this paragraph and if at any time during the period of post-prison supervision the victim
5 moves to within three miles of the person's residence, the board or supervisory authority may not
6 require the person to change the person's residence in order to comply with the special condition
7 of post-prison supervision.

8 (4)(a) The board or supervisory authority may require the person to pay, as a condition of
9 post-prison supervision, any compensatory fines, restitution or attorney fees:

10 (A) As determined, imposed or required by the sentencing court; or

11 (B) When previously required as a condition of any type of supervision that is later revoked.

12 (b) The board may require a person to pay restitution as a condition of post-prison supervision
13 imposed for an offense other than the offense for which the restitution was ordered if the person:

14 (A) Was ordered to pay restitution as a result of another conviction; and

15 (B) Has not fully paid the restitution by the time the person has completed the period of post-
16 prison supervision imposed for the offense for which the restitution was ordered.

17 (5) A person's failure to apply for or accept employment at any workplace where there is a labor
18 dispute in progress does not constitute a violation of the conditions of post-prison supervision. As
19 used in this subsection, "labor dispute" has the meaning given that term in ORS 662.010.

20 (6)(a) When a person is released from imprisonment on post-prison supervision, the board shall
21 order, as a condition of post-prison supervision, that the person reside for the first six months after
22 release in the county where the person resided at the time of the offense that resulted in the
23 imprisonment.

24 (b) Upon motion of the board, the person, a victim or a district attorney, the board may waive
25 the residency requirement only after making a finding that one of the following conditions has been
26 met:

27 (A) The person provides proof of employment with no set ending date in a county other than the
28 established county of residence;

29 (B) The person is found to pose a significant danger to a victim of the person's crime, or a vic-
30 tim or victim's family is found to pose a significant danger to the person residing in the established
31 county of residence;

32 (C) The person has a spouse or biological or adoptive family residing in a county other than the
33 established county of residence who will be materially significant in aiding in the rehabilitation of
34 the person and in the success of the post-prison supervision;

35 (D) As another condition of post-prison supervision, the person is required to participate in a
36 treatment program that is not available in the established county of residence;

37 (E) The person desires to be released to another state; or

38 (F) The board finds other good cause, of a nature similar to the other conditions listed in this
39 paragraph, for the waiver.

40 (c)(A) The board shall determine the county where the person resided at the time of the offense
41 by establishing the person's last address at the time of the offense. In making its determination, the
42 board shall examine all of the following:

43 (i) An Oregon driver license, regardless of its validity, **except that a driver license issued**
44 **under section 2 of this 2011 Act may not be used;**

45 (ii) Records maintained by the Department of Revenue;

- 1 (iii) Records maintained by the Department of State Police bureau of criminal identification;
- 2 (iv) Records maintained by the Department of Human Services;
- 3 (v) Records maintained by the Department of Corrections; and
- 4 (vi) Records maintained by the Oregon Health Authority.

5 (B) When the person did not have an identifiable address of record at the time of the offense,
6 the person is considered to have resided in the county where the offense occurred.

7 (C) If the person is serving multiple sentences, the county of residence shall be determined ac-
8 cording to the date of the last arrest resulting in a conviction.

9 (D) In determining the person’s county of residence for purposes of this subsection, the board
10 may not consider offenses committed by the person while the person was incarcerated in a Depart-
11 ment of Corrections facility.

12 (7) As used in this section, “attends,” “institution of higher education,” “works” and “carries
13 on a vocation” have the meanings given those terms in ORS 181.594.

14 **SECTION 13.** ORS 144.270 is amended to read:

15 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on
16 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be
17 given to the person paroled.

18 (2) The board shall determine, and may at any time modify, the conditions of parole, which may
19 include, among other conditions, that the parolee shall:

20 (a) Accept the parole granted subject to all terms and conditions specified by the board.

21 (b) Be under the supervision of the Department of Corrections and its representatives and abide
22 by their direction and counsel.

23 (c) Answer all reasonable inquiries of the board or the parole officer.

24 (d) Report to the parole officer as directed by the board or parole officer.

25 (e) Not own, possess or be in control of any weapon.

26 (f) Respect and obey all municipal, county, state and federal laws.

27 (g) Understand that the board may, in its discretion, suspend or revoke parole if it determines
28 that the parole is not in the best interest of the parolee, or in the best interest of society.

29 (3)(a) The board may establish such special conditions as it determines are necessary because
30 of the individual circumstances of the parolee.

31 (b) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594, the
32 board shall include all of the following as special conditions of the person’s parole:

33 (A) Agreement to comply with any curfew set by the board or the supervising officer.

34 (B) A prohibition against contacting a person under 18 years of age without the prior written
35 approval of the board or supervising officer.

36 (C) A prohibition against being present more than one time, without the prior written approval
37 of the board or supervising officer, at a place where persons under 18 years of age regularly con-
38 gregate.

39 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
40 against being present, without the prior written approval of the board or supervising officer, at, or
41 on property adjacent to, a school, child care center, playground or other place intended for use
42 primarily by persons under 18 years of age.

43 (E) A prohibition against working or volunteering at a school, child care center, park, play-
44 ground or other place where persons under 18 years of age regularly congregate.

45 (F) Entry into and completion of or successful discharge from a sex offender treatment program

1 approved by the board or supervising officer. The program may include polygraph and
2 plethysmograph testing. The person is responsible for paying for the treatment program.

3 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved
4 by the victim, the person's treatment provider and the board or supervising officer.

5 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
6 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating
7 visual or auditory materials that are relevant to the person's deviant behavior.

8 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
9 upon the request of a representative of the board if the representative has reasonable grounds to
10 believe that evidence of a violation of a condition of parole will be found.

11 (J) Participation in random polygraph examinations to obtain information for risk management
12 and treatment. The person is responsible for paying the expenses of the examinations. The results
13 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
14 prove a violation of parole.

15 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
16 approved by the board or supervising officer.

17 (L) A prohibition against using a post-office box unless approved by the board or supervising
18 officer.

19 (M) A prohibition against residing in any dwelling in which another sex offender who is on
20 probation, parole or post-prison supervision resides unless approved by the board or supervising of-
21 ficer, or in which more than one other sex offender who is on probation, parole or post-prison
22 supervision resides unless approved by the board or a designee of the board. As soon as practicable,
23 the supervising officer of a person subject to the requirements of this subparagraph shall review the
24 person's living arrangement with the person's sex offender treatment provider to ensure that the
25 arrangement supports the goals of offender rehabilitation and community safety. As used in this
26 subparagraph:

27 (i) "Dwelling" has the meaning given that term in ORS 469.160.

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

29 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-
30 cility that provides rehabilitative care and treatment for sex offenders.

31 (c)(A) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594,
32 or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the
33 board, if requested by the victim, shall include as a special condition of the person's parole that the
34 person not reside within three miles of the victim unless:

35 (i) The victim resides in a county having a population of less than 130,000 and the person is
36 required to reside in that county under subsection (5) of this section;

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

39 (iii) The person demonstrates to the board by a preponderance of the evidence that imposition
40 of the condition will deprive the person of a residence that would be materially significant in aiding
41 in the rehabilitation of the person or in the success of the parole; or

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

45 (B) A victim may request imposition of the special condition of parole described in this para-

1 graph at the time of sentencing in person or through the prosecuting attorney. A victim's request
2 may be included in the judgment document.

3 (C) If the board imposes the special condition of parole described in this paragraph and if at any
4 time during the period of parole the victim moves to within three miles of the parolee's residence,
5 the board may not require the parolee to change the parolee's residence in order to comply with the
6 special condition of parole.

7 (4) It is not a cause for revocation of parole that the parolee failed to apply for or accept em-
8 ployment at any workplace where there is a labor dispute in progress. As used in this subsection,
9 "labor dispute" has the meaning given that term in ORS 662.010.

10 (5)(a) When the board grants an inmate parole from the custody of the Department of Cor-
11 rections, the board shall order, as a condition of parole, that the inmate reside for the first six
12 months in the county where the inmate resided at the time of the offense that resulted in the
13 imprisonment.

14 (b) Upon motion of the board, an inmate, a victim or a district attorney, the board may waive
15 the residency requirement only after making a finding that one of the following conditions has been
16 met:

17 (A) The inmate provides proof of a job with no set ending date in a county other than the es-
18 tablished county of residence;

19 (B) The inmate is found to pose a significant danger to the victim of the offender's crime, or the
20 victim or victim's family is found to pose a significant danger to the inmate residing in the county
21 of residence;

22 (C) The inmate has a spouse or biological or adoptive family residing in other than the county
23 of residence who will be materially significant in aiding in the rehabilitation of the offender and in
24 the success of the parole;

25 (D) As another condition of parole, the inmate is required to participate in a treatment program
26 that is not available or located in the county of residence;

27 (E) The inmate desires to be paroled to another state; or

28 (F) The board finds other good cause, of a nature similar to the other conditions listed in this
29 paragraph, for the waiver.

30 (c)(A) For purposes of this subsection, "residency" means the last address at the time of the
31 offense, as established by an examination of all of the following:

32 (i) An Oregon driver license, regardless of its validity, **except that a driver license issued**
33 **under section 2 of this 2011 Act may not be used;**

34 (ii) Records maintained by the Department of Revenue;

35 (iii) Records maintained by the Department of State Police bureau of criminal identification;

36 (iv) Records maintained by the Department of Human Services;

37 (v) Records maintained by the Department of Corrections; and

38 (vi) Records maintained by the Oregon Health Authority.

39 (B) When an inmate did not have one identifiable address of record at the time of the offense,
40 the inmate shall be considered to have resided in the county where the offense occurred.

41 (C) If the inmate is serving multiple sentences, the county of residence shall be determined ac-
42 cording to the date of the last arrest resulting in a conviction.

43 (D) If the inmate is being rereleased after revocation of parole, the county of residence shall
44 be determined according to the date of the arrest resulting in a conviction of the underlying offense.

45 (E) In determining the inmate's county of residence, a conviction for an offense that the inmate

1 committed while incarcerated in a state corrections institution may not be considered.

2 (6) When the board grants an inmate parole from the custody of the Department of Corrections
3 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-
4 tion of parole, shall order the inmate to report with the Department of State Police, a city police
5 department, a county sheriff's office or the supervising agency:

6 (a) When supervision begins;

7 (b) Within 10 days of a change in residence;

8 (c) Once each year within 10 days of the inmate's date of birth;

9 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an
10 institution of higher education; and

11 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher
12 education.

13 (7) As used in this section, "attends," "institution of higher education," "works" and "carries
14 on a vocation" have the meanings given those terms in ORS 181.594.

15 **SECTION 14.** ORS 165.107, as amended by section 5, chapter 56, Oregon Laws 2010, is amended
16 to read:

17 165.107. (1) Before completing a transaction, a scrap metal business engaged in business in this
18 state shall:

19 (a) Create a metal property record for the transaction at the time and in the location where the
20 transaction occurs. The record must:

21 (A) Be accurate and written clearly and legibly in English;

22 (B) Be entered onto a standardized printed form or an electronic form that is securely stored
23 and is capable of ready retrieval and printing; and

24 (C) Contain all of the following information:

25 (i) The signature of the individual with whom the scrap metal business conducts the transaction.

26 (ii) The time, date, location and monetary amount or other value of the transaction.

27 (iii) The name of the employee who conducts the transaction on behalf of the scrap metal busi-
28 ness.

29 (iv) The name, street address and telephone number of the individual with whom the scrap metal
30 business conducts the transaction. The metal property record may contain an address other than a
31 street address if the address is listed on the government-issued photo identification described in
32 sub-subparagraph (vi) of this subparagraph.

33 (v) A description of, and the license number and issuing state shown on the license plate affixed
34 to, the motor vehicle, if any, used to transport the individual who conducts, or the nonferrous metal
35 property or private metal property that is the subject of, the transaction.

36 (vi) **Subject to subsection (8) of this section,** a photocopy of a current, valid driver license
37 or other government-issued photo identification belonging to the individual with whom the scrap
38 metal business conducts the transaction.

39 (vii) A photograph of, or video surveillance recording depicting, a recognizable facial image of
40 the individual with whom the scrap metal business conducts the transaction.

41 (viii) A general description of the nonferrous metal property or private metal property that
42 constitutes the predominant part of the transaction. The description must include any identifiable
43 marks on the property, if readily discernible, and must specify the weight, quantity or volume of the
44 nonferrous metal property or private metal property.

45 (b) Require the individual with whom the scrap metal business conducts a transaction to sign

1 and date a declaration printed in conspicuous type, either on the record described in this subsection
 2 or on a receipt issued to the individual with whom the scrap metal business conducts the trans-
 3 action, that states:

4 _____
 5
 6 I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM
 7 SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN
 8 PROPERTY.
 9 _____

10
 11 (c) Require the employee of the scrap metal business who conducts the transaction on behalf
 12 of the scrap metal business to witness the individual sign the declaration, and also to sign and date
 13 the declaration in a space provided for that purpose.

14 (d) For one year following the date of the transaction, keep a copy of the record and the signed
 15 and dated declaration described in this subsection. If the scrap metal business uses a video surveil-
 16 lance recording as part of the record kept in accordance with this subsection, the scrap metal
 17 business need not keep the video surveillance recording for one year, but shall retain the video
 18 surveillance recording for a minimum of 30 days following the date of the transaction. The scrap
 19 metal business shall at all times keep the copies at the current place of business for the scrap metal
 20 business.

21 (2) A scrap metal business engaged in business in this state may not do any of the following:

22 (a) Purchase or receive kegs or similar metallic containers used to store or dispense alcoholic
 23 beverages, except from a person that manufactures the kegs or containers or from a person licensed
 24 by the Oregon Liquor Control Commission under ORS 471.155.

25 (b) Conduct a transaction with an individual if the individual does not at the time of the trans-
 26 action consent to the creation of the record described in subsection (1) of this section and produce
 27 for inspection a valid driver license or other government-issued photo identification that belongs to
 28 the individual.

29 (c) Conduct a transaction with an individual in which the scrap metal business pays the indi-
 30 vidual other than by mailing a nontransferable check for the amount of the transaction to the ad-
 31 dress the individual provided under subsection (1)(a)(C)(iv) of this section not earlier than three
 32 business days after the date of the transaction. The check must be drawn on an account that the
 33 scrap metal business maintains with a financial institution, as defined in ORS 706.008.

34 (d) Cash a check issued in payment for a transaction or release a check issued in payment for
 35 a transaction other than as provided in paragraph (c) of this subsection. If a check is returned as
 36 undelivered or undeliverable, the scrap metal business shall retain the check until the individual
 37 with whom the scrap metal business conducted the transaction provides a valid address in accord-
 38 ance with subsection (1)(a)(C)(iv) of this section. If after 30 days following the date of the transaction
 39 the individual fails to provide a valid address, the scrap metal business may cancel the check and
 40 the individual shall forfeit to the scrap metal business the amount due as payment.

41 (3) Before purchasing or receiving metal property from a commercial seller, a scrap metal busi-
 42 ness shall:

43 (a) Create and maintain a commercial account with the commercial seller. As part of the com-
 44 mercial account, the scrap metal business shall enter accurately, clearly and legibly in English onto
 45 a standardized printed form, or an electronic form that is securely stored and is capable of ready

1 retrieval and printing, the following information:

2 (A) The full name of the commercial seller;

3 (B) The business address and telephone number of the commercial seller; and

4 (C) The full name of each employee, agent or other individual the commercial seller authorizes
5 to deliver metal property to the scrap metal business.

6 (b) Record as part of the commercial account at the time the scrap metal business purchases
7 or receives metal property from a commercial seller the following information:

8 (A) The time, date and location at which the commercial seller delivered the metal property for
9 purchase or receipt;

10 (B) The monetary amount or other value of the metal property;

11 (C) A description of the type of metal property that constitutes the predominant part of the
12 purchase or receipt; and

13 (D) The signature of the individual who delivered the metal property to the scrap metal busi-
14 ness.

15 (4) A scrap metal business may require an individual from whom the business obtains metal
16 property to provide the individual's thumbprint to the scrap metal business.

17 (5) A scrap metal business shall make all records and accounts required to be maintained under
18 this section available to any peace officer on demand.

19 (6)(a) A scrap metal business that violates a provision of subsections (1) to (3) of this section
20 shall pay a fine of \$1,000.

21 (b) Notwithstanding paragraph (a) of this subsection, a scrap metal business that violates a
22 provision of subsections (1) to (3) of this section shall pay a fine of \$5,000 if the scrap metal business
23 has at least three previous convictions for violations of a provision of subsections (1) to (3) of this
24 section.

25 (7) The definitions in ORS 165.116 apply to this section.

26 **(8) For the purposes of this section, a driver license or driver permit issued under section**
27 **2 of this 2011 Act may not be used for the purposes of identification.**

28 **SECTION 15.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is
29 amended to read:

30 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
31 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
32 out in this section, shall issue the person a concealed handgun license if the person:

33 (a)(A) Is a citizen of the United States; or

34 (B) Is a legal resident alien who can document continuous residency in the county for at least
35 six months and has declared in writing to the United States Citizenship and Immigration Services
36 the intent to acquire citizenship status and can present proof of the written declaration to the
37 sheriff at the time of application for the license;

38 (b) Is at least 21 years of age;

39 (c) Is a resident of the county;

40 (d) Has no outstanding warrants for arrest;

41 (e) Is not free on any form of pretrial release;

42 (f) Demonstrates competence with a handgun by any one of the following:

43 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
44 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
45 of the course;

1 (B) Completion of any National Rifle Association firearms safety or training course if handgun
2 safety was a component of the course;

3 (C) Completion of any firearms safety or training course or class available to the general public
4 offered by law enforcement, community college, or private or public institution or organization or
5 firearms training school utilizing instructors certified by the National Rifle Association or a law
6 enforcement agency if handgun safety was a component of the course;

7 (D) Completion of any law enforcement firearms safety or training course or class offered for
8 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
9 cers if handgun safety was a component of the course;

10 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
11 ized shooting competition or military service;

12 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
13 revoked; or

14 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
15 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
16 was a component of the course;

17 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
18 of a felony;

19 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
20 161.295, of a misdemeanor within the four years prior to the application;

21 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

22 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
23 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

24 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
25 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
26 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
27 volving violence, as defined in ORS 166.470;

28 (L) Has not been convicted of an offense involving controlled substances or participated in a
29 court-supervised drug diversion program, except this disability does not operate to exclude a person
30 if:

31 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
32 a court-supervised drug diversion program under ORS 135.907; or

33 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
34 has not been convicted of violating ORS 475.864 (3);

35 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
36 107.700 to 107.735 or 163.738;

37 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

38 (o) Is not required to register as a sex offender in any state.

39 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,
40 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of
41 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
42 (1)(g) to (L) of this section.

43 (3) Before the sheriff may issue a license:

44 (a) The application must state the applicant's legal name, current address and telephone number,
45 date and place of birth, hair and eye color and height and weight. The application must also list the

1 applicant's residence address or addresses for the previous three years. The application must contain
 2 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
 3 section. The application may include the Social Security number of the applicant if the applicant
 4 voluntarily provides this number. The application must be signed by the applicant.

5 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 6 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 7 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 8 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 9 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 10 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 11 check and may not keep any record of the fingerprints. The Department of State Police shall report
 12 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 13 Police shall also furnish the sheriff with any information about the applicant that the Department
 14 of State Police may have in its possession from its central bureau of criminal identification includ-
 15 ing, but not limited to, manual or computerized criminal offender information.

16 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
 17 quest. The forms shall be uniform throughout the state in substantially the following form:

18
 19
 20 APPLICATION FOR LICENSE TO CARRY
 21 CONCEALED HANDGUN

22 Date _____

23 I hereby declare as follows:

24 I am a citizen of the United States or a legal resident alien who can document continuous resi-
 25 dency in the county for at least six months and have declared in writing to the United States Cit-
 26 izenship and Immigration Services my intention to become a citizen and can present proof of the
 27 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 28 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 29 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 30 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 31 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 32 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 33 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 34 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 35 volving controlled substances or completed a court-supervised drug diversion program. There are
 36 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 37 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
 38 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
 39 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
 40 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
 41 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-
 42 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738.
 43 I have never received a dishonorable discharge from the Armed Forces of the United States. I am
 44 not required to register as a sex offender in any state. I understand I will be fingerprinted and
 45 photographed.

1 Legal name _____
2 Age _____ Date of birth _____
3 Place of birth _____
4 Social Security number _____

5 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
6 thorized under ORS 166.291. It will be used only as a means of identification.)

7
8 Proof of identification (Two pieces of current identification are required, one of which must bear a
9 photograph of the applicant. **A driver license or driver permit issued under section 2 of this**
10 **2011 Act may not be used as identification.** The type of identification and the number on the
11 identification are to be filled in by the sheriff.):

12 1. _____
13 2. _____

14
15 Height _____ Weight _____
16 Hair color _____ Eye color _____

17
18 Current address _____

(List residence addresses for the
past three years on the back.)

19
20
21
22 City _____ County _____ Zip _____
23 Phone _____

24
25 I have read the entire text of this application, and the statements therein are correct and true.
26 (Making false statements on this application is a misdemeanor.)

27 _____
28 (Signature of Applicant)

29
30 Character references.

31 _____
32 Name Address
33 _____
34 Name Address

35
36 Approved _____ Disapproved _____ by _____

37
38 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

39 Date _____ Fee Paid _____

40 License No. _____
41 _____

42
43 (5)(a) Fees for concealed handgun licenses are:
44 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
45 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

1 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

2 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
3 the concealed handgun license.

4 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
5 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
6 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
7 performance of duties under those sections.

8 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
9 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
10 is an applicant for a concealed handgun license or is a license holder.

11 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
12 for a resident of a contiguous state who has a compelling business interest or other legitimate
13 demonstrated need.

14 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
15 person:

16 (a) Has a current Oregon driver license issued to the person showing a residence address in the
17 county, **except that a driver license or driver permit issued under section 2 of this 2011 Act**
18 **may not be used to establish residency;**

19 (b) Is registered to vote in the county and has a memorandum card issued to the person under
20 ORS 247.181 showing a residence address in the county;

21 (c) Has documentation showing that the person currently leases or owns real property in the
22 county; or

23 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
24 tax year showing a residence address in the county.

25 **SECTION 16.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009,
26 is amended to read:

27 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
28 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
29 out in this section, shall issue the person a concealed handgun license if the person:

30 (a)(A) Is a citizen of the United States; or

31 (B) Is a legal resident alien who can document continuous residency in the county for at least
32 six months and has declared in writing to the United States Citizenship and Immigration Services
33 the intent to acquire citizenship status and can present proof of the written declaration to the
34 sheriff at the time of application for the license;

35 (b) Is at least 21 years of age;

36 (c) Is a resident of the county;

37 (d) Has no outstanding warrants for arrest;

38 (e) Is not free on any form of pretrial release;

39 (f) Demonstrates competence with a handgun by any one of the following:

40 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
41 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
42 of the course;

43 (B) Completion of any National Rifle Association firearms safety or training course if handgun
44 safety was a component of the course;

45 (C) Completion of any firearms safety or training course or class available to the general public

1 offered by law enforcement, community college, or private or public institution or organization or
2 firearms training school utilizing instructors certified by the National Rifle Association or a law
3 enforcement agency if handgun safety was a component of the course;

4 (D) Completion of any law enforcement firearms safety or training course or class offered for
5 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
6 cers if handgun safety was a component of the course;

7 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
8 ized shooting competition or military service;

9 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
10 revoked; or

11 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
12 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
13 was a component of the course;

14 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
15 of a felony;

16 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
17 161.295, of a misdemeanor within the four years prior to the application;

18 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

19 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
20 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

21 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
22 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
23 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
24 volving violence, as defined in ORS 166.470;

25 (L) Has not been convicted of an offense involving controlled substances or participated in a
26 court-supervised drug diversion program, except this disability does not operate to exclude a person
27 if:

28 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
29 a court-supervised drug diversion program under ORS 135.907; or

30 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
31 has not been convicted of violating ORS 475.864 (3);

32 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
33 107.700 to 107.735 or 163.738;

34 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

35 (o) Is not required to register as a sex offender in any state.

36 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
37 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
38 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

39 (3) Before the sheriff may issue a license:

40 (a) The application must state the applicant's legal name, current address and telephone number,
41 date and place of birth, hair and eye color and height and weight. The application must also list the
42 applicant's residence address or addresses for the previous three years. The application must contain
43 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
44 section. The application may include the Social Security number of the applicant if the applicant
45 voluntarily provides this number. The application must be signed by the applicant.

1 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
2 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
3 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
4 records check is necessary, the sheriff shall request the Department of State Police to conduct the
5 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
6 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
7 check and may not keep any record of the fingerprints. The Department of State Police shall report
8 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
9 Police shall also furnish the sheriff with any information about the applicant that the Department
10 of State Police may have in its possession from its central bureau of criminal identification includ-
11 ing, but not limited to, manual or computerized criminal offender information.

12 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
13 quest. The forms shall be uniform throughout the state in substantially the following form:

14

15

16

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

17

18

Date _____

19

I hereby declare as follows:

20

21

22

23

24

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28

29

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32

33

34

35

36

37

38

39

40

41

Legal name _____

42

43

Age _____ Date of birth _____

44

Place of birth _____

45

Social Security number _____

1 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
2 thorized under ORS 166.291. It will be used only as a means of identification.)

3
4 Proof of identification (Two pieces of current identification are required, one of which must bear a
5 photograph of the applicant. **A driver license or driver permit issued under section 2 of this**
6 **2011 Act may not be used as identification.** The type of identification and the number on the
7 identification are to be filled in by the sheriff.):

8 1. _____

9 2. _____

10
11 Height _____ Weight _____

12 Hair color _____ Eye color _____

13
14 Current address _____

(List residence addresses for the
past three years on the back.)

15
16
17
18 City _____ County _____ Zip _____

19 Phone _____

20
21 I have read the entire text of this application, and the statements therein are correct and true.
22 (Making false statements on this application is a misdemeanor.)

23 _____
24 (Signature of Applicant)

25
26 Character references.

27 _____	
28 Name	28 Address
29 _____	29 _____
30 Name	30 Address

31
32 Approved _____ Disapproved _____ by _____

33
34 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

35 Date _____ Fee Paid _____

36 License No. _____
37 _____

38
39 (5)(a) Fees for concealed handgun licenses are:

40 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

41 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

42 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

43 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
44 the concealed handgun license.

45 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-

1 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
 2 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
 3 performance of duties under those sections.

4 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
 5 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
 6 is an applicant for a concealed handgun license or is a license holder.

7 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
 8 for a resident of a contiguous state who has a compelling business interest or other legitimate
 9 demonstrated need.

10 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
 11 person:

12 (a) Has a current Oregon driver license issued to the person showing a residence address in the
 13 county, **except that a driver license or driver permit issued under section 2 of this 2011 Act**
 14 **may not be used to establish residency;**

15 (b) Is registered to vote in the county and has a memorandum card issued to the person under
 16 ORS 247.181 showing a residence address in the county;

17 (c) Has documentation showing that the person currently leases or owns real property in the
 18 county; or

19 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
 20 tax year showing a residence address in the county.

21 **SECTION 17.** ORS 166.412 is amended to read:

22 166.412. (1) As used in this section:

23 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

24 (b) "Department" means the Department of State Police;

25 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
 26 an antique firearm;

27 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
 28 921 to 929;

29 (e) "Firearms transaction thumbprint form" means a form provided by the department under
 30 subsection (11) of this section;

31 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
 32 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
 33 otherwise;

34 (g) "Handgun" has the meaning given that term in ORS 166.210; and

35 (h) "Purchaser" means a person who buys, leases or otherwise receives a firearm from a gun
 36 dealer.

37 (2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply
 38 with the following before a handgun is delivered to a purchaser:

39 (a) The purchaser shall present to the dealer current identification meeting the requirements
 40 of subsection (4) of this section.

41 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
 42 the purchaser on the record.

43 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction
 44 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
 45 be filed with that copy.

1 (d) The gun dealer shall request by telephone that the department conduct a criminal history
2 record check on the purchaser and shall provide the following information to the department:

3 (A) The federal firearms license number of the gun dealer;

4 (B) The business name of the gun dealer;

5 (C) The place of transfer;

6 (D) The name of the person making the transfer;

7 (E) The make, model, caliber and manufacturer's number of the handgun being transferred;

8 (F) The name and date of birth of the purchaser;

9 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
10 number to the gun dealer; and

11 (H) The type, issuer and identification number of the identification presented by the purchaser.

12 (e) The gun dealer shall receive a unique approval number for the transfer from the department
13 and record the approval number on the firearms transaction record and on the firearms transaction
14 thumbprint form.

15 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
16 completion of the firearms transaction thumbprint form.

17 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
18 partment shall immediately, during the gun dealer's telephone call or by return call:

19 (A) Determine, from criminal records and other information available to it, whether the pur-
20 chaser is disqualified under ORS 166.470 from completing the purchase; and

21 (B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide
22 the dealer with a unique approval number indicating that the purchaser is qualified to complete the
23 transfer.

24 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
25 completing the transfer within 30 minutes, the department shall notify the dealer and provide the
26 dealer with an estimate of the time when the department will provide the requested information.

27 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
28 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close
29 of the gun dealer's next business day following the request by the dealer for a criminal history re-
30 cord check, the dealer may deliver the handgun to the purchaser.

31 (4)(a) **Except as provided in paragraph (d) of this subsection**, identification required of the
32 purchaser under subsection (2) of this section shall include one piece of current identification
33 bearing a photograph and the date of birth of the purchaser that:

34 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
35 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
36 tional governmental organization or an international quasi-governmental organization; and

37 (B) Is intended to be used for identification of an individual or is commonly accepted for the
38 purpose of identification of an individual.

39 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
40 not include the current address of the purchaser, the purchaser shall present a second piece of
41 current identification that contains the current address of the purchaser. The Superintendent of
42 State Police may specify by rule the type of identification that may be presented under this para-
43 graph.

44 (c) The department may require that the dealer verify the identification of the purchaser if that
45 identity is in question by sending the thumbprints of the purchaser to the department.

1 **(d) A gun dealer may not accept a driver license or driver permit issued under section 2**
2 **of this 2011 Act as identification.**

3 (5) The department shall establish a telephone number that shall be operational seven days a
4 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from
5 dealers for a criminal history record check under this section.

6 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
7 the investigations required by this section provided the employee, official or agency acts in good
8 faith and without malice.

9 (7)(a) The department may retain a record of the information obtained during a request for a
10 criminal records check for no more than five years.

11 (b) The record of the information obtained during a request for a criminal records check by a
12 gun dealer is exempt from disclosure under public records law.

13 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of
14 handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal
15 investigation or under the authority of a properly authorized subpoena or search warrant.

16 (9) When a handgun is delivered, it shall be unloaded.

17 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State
18 Police may adopt rules necessary for:

19 (a) The design of the firearms transaction thumbprint form;

20 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

21 (c) The provision of a security system to identify dealers who request a criminal history record
22 check under subsection (2) of this section; and

23 (d) The creation and maintenance of a database of the business hours of gun dealers.

24 (11) The department shall publish the firearms transaction thumbprint form and shall furnish the
25 form to gun dealers on application at cost.

26 (12) This section does not apply to transactions between persons licensed as dealers under 18
27 U.S.C. 923.

28 **SECTION 18.** ORS 194.515 is amended to read:

29 194.515. (1) In taking an acknowledgment, the notarial officer must determine, either from per-
30 sonal knowledge or from satisfactory evidence, that the person appearing before the officer and
31 making the acknowledgment is the person whose true signature is on the instrument.

32 (2) In taking a verification upon oath or affirmation, the notarial officer must determine, either
33 from personal knowledge or from satisfactory evidence, that the person appearing before the officer
34 and making the verification is the person whose true signature is on the statement verified.

35 (3) In witnessing or attesting a signature the notarial officer must determine, either from per-
36 sonal knowledge or from satisfactory evidence, that the signature is that of the person appearing
37 before the officer and named therein.

38 (4) In certifying or attesting a copy of a document or other item, the notarial officer must de-
39 termine that the proffered copy is a full, true and accurate transcription or reproduction of that
40 which was copied.

41 (5) In making or noting a protest of a negotiable instrument a notarial officer must determine
42 the matters set forth in ORS 73.0505.

43 (6) A notarial officer has satisfactory evidence that a person is the person whose true signature
44 is on a document if that person:

45 (a) Is personally known to the notarial officer;

1 (b) Is identified upon the oath or affirmation of a credible witness personally known to the
2 notarial officer; or

3 (c) Is identified on the basis of identification documents.

4 (7) For purposes of this section, “personally known” means familiarity with a person resulting
5 from interactions with that person over a period of time sufficient to eliminate every reasonable
6 doubt that the person has the identity claimed.

7 (8) For purposes of subsection (6)(c) of this section, a notarial officer has satisfactory evidence
8 upon which to identify a person if the person:

9 (a) Produces a current driver license or current identity card issued by any state, **except that**
10 **a driver license or driver permit issued under section 2 of this 2011 Act may not be used to**
11 **establish identity;**

12 (b) Produces a current United States passport or a current officially recognized passport of a
13 foreign country;

14 (c) Produces a current United States military identification card;

15 (d) Produces a current identity card issued by a federally recognized Indian tribe;

16 (e) Produces at least one current document, other than a document described in paragraphs (a)
17 to (d) of this subsection, issued by the federal government or a state, county, municipal or other
18 local government and containing the person’s photograph, signature and physical description; or

19 (f) Is confined in a correctional facility and has been positively identified through examination
20 or comparison of official government documents or records.

21 **SECTION 19.** ORS 247.019 is amended to read:

22 247.019. (1) **Except as provided in subsection (5) of this section,** the Secretary of State by
23 rule shall adopt an electronic voter registration system to be used by qualified persons who have a
24 valid:

25 (a) Oregon driver license, as defined in ORS 801.245;

26 (b) Oregon driver permit, as defined in ORS 801.250; or

27 (c) State identification card, issued under ORS 807.400.

28 (2) The electronic voter registration system shall allow a qualified person to complete and de-
29 liver a registration card electronically. A registration card delivered under this section is considered
30 delivered to the Secretary of State for purposes of this chapter.

31 (3) A person who completes a registration card electronically under this section consents to the
32 use of the person’s driver license, driver permit or state identification card signature for voter reg-
33 istration purposes.

34 (4) The Department of Transportation shall provide to the Secretary of State a digital copy of
35 the driver license, driver permit or state identification card signature of each person who completes
36 a registration card under this section.

37 **(5) The Secretary of State may not accept a driver license or driver permit issued under**
38 **section 2 of this 2011 Act for the purpose of electronic voter registration.**

39 **SECTION 20.** ORS 462.195 is amended to read:

40 462.195. (1) **Except as provided in subsection (4) of this section,** a licensee conducting a race
41 meet, before selling a mutuel wagering ticket or receipt to any person about whom there is any
42 reasonable doubt of the person having reached the age of 18 years, shall require such person to
43 make a written statement of age and furnish evidence of the true age and identity of the person.
44 The written statement of age shall be on a form furnished by the Oregon Racing Commission, sub-
45 stantially as follows:

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45

Date _____

I am 18 years of age or over.

Signature

Evidence in support of age and identity:

Driver's License No. _____ (_____)

State

Military Record No. _____

Liquor Permit No. _____

Other _____

(Fill in license or card number of any one or more of above)

(2) A licensee who, in good faith and with reasonable cause to believe in its truth, accepts a written statement of age, as provided in subsection (1) of this section, may rely on the truth of the statement as conclusive evidence of the age of the person by whom it is signed.

(3) *[No person shall]* **A person may not** make a statement of age, as provided in subsections (1) and (2) of this section, that is false in whole or in part, or produce any evidence that would falsely indicate his or her age.

(4) A licensee may not accept a driver license or driver permit issued under section 2 of this 2011 Act as evidence of a person's true age and identity.

SECTION 21. ORS 471.130 is amended to read:

471.130. (1) **Except as provided in subsection (4) of this section,** all licensees and permittees of the Oregon Liquor Control Commission, before selling or serving alcoholic liquor to any person about whom there is any reasonable doubt of the person's having reached 21 years of age, shall require such person to produce one of the following pieces of identification:

- (a) The person's passport.
- (b) The person's *[motor vehicle operator's]* **driver** license, whether issued in this state or by any other state, so long as the license has a picture of the person.
- (c) An identification card issued under ORS 807.400.
- (d) A United States military identification card.
- (e) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

(2) If a person does not have identification as described in subsection (1) of this section, the permittee or licensee shall require such person to make a written statement of age and furnish evidence of the person's true age and identity. The written statement of age shall be on a form furnished or approved by the commission, including but not limited to the following information:

Date _____

I am 21 years of age or over.

_____ Signature

1 Description of evidence in support of age and identity:

2 _____ Identification No. (if any) _____

3 _____ Identification No. (if any) _____

4 (Fill in information pertaining to any two or more pieces of evidence submitted by the person.)

5 I hereby certify that I have accurately recorded identification of the evidence submitted to
6 complete this form.

7 _____
8 Signature of permittee or licensee

9 ORS 165.805 provides as follows:

10 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

11 (a) Being less than a certain, specified age, the person knowingly purports to be of any age other
12 than the person’s true age with the intent of securing a right, benefit or privilege which by law is
13 denied to persons under that certain, specified age; or

14 (b) (Not applicable.)

15 (2) Misrepresentation of age by a minor is a Class C misdemeanor.

16 _____
17
18 **(4) A licensee or permittee may not accept a driver license or driver permit issued under
19 section 2 of this 2011 Act as evidence that a person has reached 21 years of age.**

20 **SECTION 22.** ORS 471.186 is amended to read:

21 471.186. (1) The holder of an off-premises sales license may sell factory-sealed containers of wine,
22 malt beverages and cider. Containers of malt beverages sold under the license may not hold more
23 than two and one-quarter gallons.

24 (2) The holder of an off-premises sales license may provide sample tasting of alcoholic beverages
25 on the licensed premises if the licensee makes written application to the Oregon Liquor Control
26 Commission and receives approval from the commission to conduct tastings on the premises.
27 Tastings must be limited to the alcoholic beverages that may be sold under the privileges of the li-
28 cense.

29 (3) An off-premises sales license may not be issued for use at a premises that is mobile.

30 (4) Except as provided in ORS 471.402, a manufacturer or wholesaler may not provide or pay for
31 sample tastings of alcoholic beverages for the public on premises licensed under an off-premises
32 sales license.

33 (5) The holder of an off-premises sales license may deliver wine or cider that is sold under the
34 privileges of the license to retail customers in this state without a direct shipper permit issued un-
35 der ORS 471.282. Any deliveries by the holder of an off-premises sales license are subject to any
36 rules adopted by the commission relating to deliveries made under this subsection. Deliveries under
37 this subsection:

38 (a) May be made only to a person who is at least 21 years of age;

39 (b) May be made only for personal use and not for the purpose of resale; and

40 (c) Must be made in containers that are conspicuously labeled with the words: “CONTAINS
41 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
42 DELIVERY.”

43 (6) The holder of an off-premises sales license that makes deliveries of wine or cider under
44 subsection (5) of this section must take all actions necessary to ensure that a carrier used by the
45 licensee does not deliver any wine or cider unless the carrier:

1 (a) Obtains the signature of the recipient of the wine or cider upon delivery;

2 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
3 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
4 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and

5 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

6 (7) Any person who knowingly or negligently delivers wine or cider under the provisions of this
7 section to a person under 21 years of age, or who knowingly or negligently delivers wine or cider
8 under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.

9 (8) If a court determines that deliveries of wine or cider under subsection (5) of this section
10 cannot be restricted to holders of off-premises sales licenses, and the decision is a final judgment
11 that is no longer subject to appeal, the holder of an off-premises sales license may not make deliv-
12 eries of wine or cider under the provisions of subsection (5) of this section after entry of the final
13 judgment.

14 **SECTION 23.** ORS 471.242 is amended to read:

15 471.242. (1) A warehouse license shall allow the licensee to store, import, bottle, produce, blend,
16 transport and export nontax paid, bonded wine or wine on which the tax is paid and to store, import
17 and export nontax paid malt beverages and cider, or malt beverages and cider on which the tax is
18 paid. Wine, cider and malt beverages may be removed from the licensed premises only for:

19 (a) Sale for export;

20 (b) Sale or shipment to a wholesale malt beverage and wine licensee;

21 (c) Sale or shipment to another warehouse licensee;

22 (d) Sale or shipment to a winery licensee;

23 (e) Shipment of wine or cider produced by a winery licensee to a licensee of the Oregon Liquor
24 Control Commission authorized to sell wine or cider at retail if the shipment is made pursuant to
25 a sale to the retail licensee by the holder of a winery license issued under ORS 471.223, a grower
26 sales privilege license issued under ORS 471.227 or a wholesale malt beverage and wine license is-
27 sued under ORS 471.235; or

28 (f) Shipment of wine or cider to a person for personal use, as described in subsection (7) of this
29 section.

30 (2) A license applicant must hold an approved registration for a bonded wine cellar or winery
31 under federal law.

32 (3) For the purposes of tax reporting, payment and record keeping, the provisions that shall
33 apply to a manufacturer under ORS chapter 473 shall apply to a warehouse licensee.

34 (4) A warehouse must be physically secure in an area zoned for the intended use and be phys-
35 ically separated from any other use.

36 (5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall be considered a man-
37 ufacturer.

38 (6) For purposes of ORS 473.045, a warehouse licensee shall be considered a winery licensee.

39 (7) Wine or cider may be removed from the premises licensed under this section for shipment
40 pursuant to a sale under ORS 471.282. The warehouse licensee shall take reasonable steps to ensure
41 that shipments are made in containers that are conspicuously labeled with the words: "CONTAINS
42 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
43 DELIVERY." In addition, the warehouse licensee shall take reasonable steps to ensure that any
44 carrier used by the licensee does not deliver any wine or cider unless the carrier:

45 (a) Obtains the signature of the recipient of the wine or cider upon delivery;

1 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
2 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
3 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and

4 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

5 **SECTION 24.** ORS 471.282 is amended to read:

6 471.282. (1) Notwithstanding any other provision of this chapter and except as provided by ORS
7 471.186 (5), a person may sell and ship wine or cider directly to a resident of Oregon only if the
8 person holds a direct shipper permit. The Oregon Liquor Control Commission shall issue a direct
9 shipper permit only to:

10 (a) A person that holds a license issued by this state or another state that authorizes the man-
11 ufacture of wine or cider;

12 (b) A person that holds a license issued by this state or another state that authorizes the sale
13 of wine or cider produced only from grapes or other fruit grown under the control of the person;

14 (c) A person that holds a license authorizing the sale of wine or cider at retail; or

15 (d) A nonprofit trade association that holds a temporary sales license under ORS 471.190 and
16 that has a membership primarily composed of persons holding winery licenses issued under ORS
17 471.223 or grower sales privilege licenses issued under ORS 471.227.

18 (2) A person may apply for a direct shipper permit by filing an application with the commission.
19 The application must be made in such form as may be prescribed by the commission. The person
20 must include in the application the number of the license issued to the person by the commission,
21 or a true copy of the license issued to the person by another state. If the application is based on a
22 license issued by another state, or the application is by a nonprofit trade association described in
23 subsection (1)(d) of this section, the person or association must pay a \$50 registration fee and
24 maintain a bond or other security described in ORS 471.155 in the minimum amount of \$1,000.

25 (3) Sales and shipments under a direct shipper permit:

26 (a) May be made only to a person who is at least 21 years of age;

27 (b) May be made only for personal use and not for the purpose of resale; and

28 (c) May not exceed two cases, containing not more than nine liters per case, to any resident per
29 month.

30 (4) Sales and shipments under a direct shipper permit must be made directly to a resident of this
31 state in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIG-
32 NATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

33 (5) A person holding a direct shipper permit must take all actions necessary to ensure that a
34 carrier used by the permit holder does not deliver any wine or cider unless the carrier:

35 (a) Obtains the signature of the recipient of the wine or cider upon delivery;

36 (b) Verifies by inspecting government-issued photo identification that the recipient is at least
37 21 years of age, **except that a carrier may not use a driver license or driver permit issued**
38 **under section 2 of this 2011 Act to verify that the recipient is at least 21 years of age;** and

39 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

40 (6)(a) A person holding a direct shipper permit must report to the commission all shipments of
41 wine or cider made to Oregon residents under the permit as required by ORS chapter 473. The re-
42 port must be made in a form prescribed by the commission.

43 (b) A person holding a direct shipper permit must allow the commission to audit the permit
44 holder's records upon request and shall make those records available to the commission in this state.

45 (c) A person holding a direct shipper permit consents to the jurisdiction of the commission and

1 the courts of this state for the purpose of enforcing the provisions of this section and any related
2 laws or rules.

3 (7)(a) A person holding a direct shipper permit must timely pay to the commission all taxes im-
4 posed under ORS chapter 473 on wine and cider sold and shipped under the permit. For the purpose
5 of the privilege tax imposed under ORS chapter 473, all wine or cider sold and shipped pursuant to
6 a direct shipper permit is sold in this state.

7 (b) A person holding a direct shipper permit based on a license issued by another state must
8 timely pay to the commission all taxes imposed under ORS chapter 473 on all wine or cider sold and
9 shipped directly to Oregon residents under the permit. The permit holder, not the purchaser, is re-
10 sponsible for the tax.

11 (8) A direct shipper permit must be renewed annually. If the person holds the permit based on
12 an annual license issued by another state, the permit may be renewed by paying a \$50 renewal fee
13 and providing the commission with a true copy of a current license issued to the person by the other
14 state. If the person holds the permit based on an annual license issued by this state, the permit may
15 be renewed at the same time that the license is renewed.

16 (9) The commission may refuse to issue or may suspend or revoke a direct shipper permit if the
17 permit holder fails to comply with the provisions of this section. A person may sell and ship wine
18 or cider under a direct shipper permit only for as long as the person has the license issued by this
19 state or another state that authorizes the person to hold a direct shipper permit.

20 (10) Any person who knowingly or negligently delivers wine or cider under the provisions of this
21 section to a person under 21 years of age, or who knowingly or negligently delivers wine or cider
22 under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.

23 (11) A person may not make sales and shipments of wine or cider directly to Oregon residents
24 unless the person holds a direct shipper permit issued under this section. Any person who knowingly
25 makes, participates in, transports, imports or receives a shipment of wine or cider that is in vio-
26 lation of this section commits a misdemeanor as provided in ORS 471.990 (1).

27 **SECTION 25.** ORS 471.478 is amended to read:

28 471.478. On and after January 1, 1978:

29 (1) The Oregon Liquor Control Commission by rule shall require the identification of kegs of
30 malt beverages sold directly to consumers who are not licensees of the commission and the signing
31 of a receipt therefor by the purchaser in order to allow the kegs to be traced if the contents are
32 consumed in violation of the Liquor Control Act. The keg identification shall be in the form of a
33 numbered label prescribed and supplied by the commission which identifies the seller and which is
34 removable or obliterated when the keg is processed for refilling. The receipt shall be on a form
35 prescribed and supplied by the commission and shall include the name and address of the purchaser;
36 [*motor vehicle operator's*] **the driver** license number, if any, **except for the number of a driver**
37 **license or driver permit issued under section 2 of this 2011 Act**; the automobile registration of
38 the motor vehicle in which the keg was removed from the seller's premises, if any; and such other
39 identification as the commission by rule may require. The receipt shall contain a statement that
40 must be signed by the purchaser that, under penalty of false swearing, the purchaser will not allow
41 consumption of any malt beverage in the keg in violation of ORS 471.410. A copy of the receipt shall
42 be given to the purchaser and the seller shall retain the original receipt for such period as the
43 commission by rule may require.

44 (2) Possession of a keg containing malt beverages which is not identified as required by sub-
45 section (1) of this section is a Class A misdemeanor.

1 (3) A person who signs a receipt described in subsection (1) of this section in order to obtain a
2 keg, knowing the receipt to be false, or who falsifies any information required on the receipt, is
3 guilty of false swearing as prescribed by ORS 162.075.

4 (4) As used in this section, "keg" means any brewery-sealed, individual container of malt
5 beverage having a liquid capacity of more than seven gallons.

6 **SECTION 26.** ORS 480.235 is amended to read:

7 480.235. (1) A certificate of possession shall be issued or denied within 45 days after the date
8 of the application or the conclusion of the investigation conducted by the issuing authority pursuant
9 to subsection (2) of this section.

10 (2) The issuing authority shall conduct an investigation to ensure that the applicant meets the
11 requirements listed in ORS 480.225 and 480.230. The issuing authority shall include fingerprinting
12 and photographic identification in the investigation. **The issuing authority may not accept a**
13 **driver license or driver permit issued under section 2 of this 2011 Act.** The issuing authority
14 may use fingerprints obtained under this subsection for the purpose of requesting a state or na-
15 tionwide criminal records check under ORS 181.534. Unless the issuing authority finds that the ap-
16 plicant is ineligible under ORS 480.225 or 480.230, the authority shall issue a certificate of
17 possession to the applicant. If the issuing authority finds that the applicant is ineligible under ORS
18 480.225 or 480.230, the authority shall issue a notification of denial. The denial is subject to the
19 provisions of ORS 480.275.

20 (3) A certificate of possession is valid for three years from the date of issuance unless suspended
21 or revoked pursuant to ORS 480.270.

22 (4) A certificate of possession may not be assigned or transferred.

23 (5) The holder of a certificate of possession shall maintain a record of the type and quantity of
24 all explosives possessed during the certificate period. The record shall be made available upon de-
25 mand of the issuing authority, a magistrate or a law enforcement agency, public fire department or
26 fire protection agency of this state.

27 (6) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain in
28 the department's files fingerprint cards submitted to it for purposes of conducting a state or na-
29 tionwide criminal records check under ORS 181.534 on applicants for a certificate of possession.

30 **SECTION 27.** ORS 609.510 is amended to read:

31 609.510. (1) Every animal dealer shall establish and maintain records on each dog or cat and the
32 dog's or cat's offspring in the dealer's possession or control, including:

33 (a) The species, gender, approximate age, color and distinctive markings and breed of the dog
34 or cat;

35 (b) A photograph of the dog or cat made within 24 hours of acquisition or birth;

36 (c) The name, address and driver license number, **except for the number of a driver license**
37 **or driver permit issued under section 2 of this 2011 Act,** or other official state identification
38 number of the person providing the dog or cat;

39 (d) The date of acquisition or birth of the dog or cat;

40 (e) The date and nature of disposition of the dog or cat; and

41 (f) The intended destination of the dog or cat at release.

42 (2) Within 24 hours of the acquisition or birth of a dog or cat in the possession of any animal
43 dealer, the dealer shall forward, by first class mail or any more expeditious method, the information
44 required by subsection (1) of this section to the State Department of Agriculture and a fee of \$1 for
45 each dog or cat reported.

1 (3) The department shall maintain the reports and provide for public inspection of, and telephone
2 inquiries concerning, the reports during normal business hours.

3 **SECTION 28.** ORS 646A.210 is amended to read:

4 646A.210. (1) A person [*shall*] **may** not require as a condition of acceptance of a check or share
5 draft, or as a means of identification, that the person presenting the check or share draft provide
6 a credit card number or expiration date, or both, unless the credit is issued by the person requiring
7 the information.

8 (2) Subsection (1) of this section shall not prohibit a person from:

9 (a) Requesting a person presenting a check or share draft to display a credit card as indicia of
10 creditworthiness and financial responsibility or as a source of additional identification;

11 (b) Recording the type of credit card and the issuer of the credit card displayed by the person
12 under paragraph (a) of this subsection;

13 (c) Requesting or receiving a credit card number or expiration date, or both, and recording the
14 number or date, or both, in lieu of a security deposit to assure payment in event of default, loss,
15 damage or other occurrence;

16 (d) Recording a credit card number or expiration date, or both, as a condition for acceptance
17 of a check or share draft where the card issuer guarantees checks or share drafts presented by the
18 cardholder upon the condition that the person to whom the check is presented records the card
19 number or expiration date, or both, on the check or share draft;

20 (e) Requesting and recording the name, address, [*motor vehicle operator*] **driver** license number,
21 **except for the number of a driver license or driver permit issued under section 2 of this 2011**
22 **Act**, or state identification card number and telephone number of a person offering payment by
23 check; or

24 (f) Verifying the signature, name and expiration date on a credit card.

25 (3) This section does not require acceptance of a check or share draft whether or not a credit
26 card is presented.

27 (4) For purposes of this section, "person" means any individual, corporation, partnership or as-
28 sociation.

29 **SECTION 29.** ORS 697.520 is amended to read:

30 697.520. (1) A check-cashing business may not charge or collect, directly or indirectly, an ex-
31 cessive fee, service charge or other consideration for cashing a payment instrument. A fee, service
32 charge or other consideration is excessive if the total amount charged is more than the following
33 amounts:

34 (a) For a payment instrument issued by the federal government or an agency of the federal
35 government, by this state or an agency of this state or by the government of the municipality in
36 which a person is cashing the payment instrument:

37 (A) \$5 or two percent of the face value of the payment instrument, whichever is greater, if the
38 person cashing the payment instrument provides valid and current government-issued photo iden-
39 tification; or

40 (B) \$5 or 2-1/2 percent of the face value of the payment instrument, whichever is greater, if the
41 person cashing the payment instrument does not provide valid and current government-issued photo
42 identification.

43 (b) For a payment instrument issued by any other state or political subdivision thereof or for a
44 payment instrument that is a payroll check:

45 (A) \$5 or three percent of the face value of the payment instrument, whichever is greater, if the

1 person cashing the payment instrument provides valid and current government-issued photo iden-
2 tification; or

3 (B) \$5 or 3-1/2 percent of the face value of the payment instrument, whichever is greater, if the
4 person cashing the payment instrument does not provide valid and current government-issued photo
5 identification.

6 (c) For any other payment instrument, \$5 or 10 percent of the face value of the payment in-
7 strument, whichever is greater.

8 (2) Notwithstanding the provisions of subsection (1) of this section, a fee, service charge or other
9 consideration is excessive if the total amount charged is more than \$100.

10 (3) This section does not affect fees, statutory damages or other charges a person may collect
11 under ORS 30.701 in connection with dishonored payment instruments.

12 **(4) For the purposes of this section, a driver license or driver permit issued under section**
13 **2 of this 2011 Act may not be used for the purposes of identification.**

14 **SECTION 30.** ORS 723.152 is amended to read:

15 723.152. In addition to the powers conferred by the general corporation law a credit union may,
16 subject to the restrictions and limitations contained in this chapter and the credit union's bylaws:

17 (1) Make contracts.

18 (2) Sue and be sued.

19 (3) Adopt, use and alter a common seal.

20 (4) Acquire, lease, hold and dispose of property, either in whole or in part, necessary or inci-
21 dental to the credit union's operations.

22 (5) At the discretion of the board of directors, require any person admitted to membership to
23 pay an entrance fee or annual membership fee, or both.

24 (6) Receive savings from members of the credit union in the form of various classes of shares,
25 deposits or deposit certificates, deposit accounts or special-purpose thrift accounts.

26 (7) Receive from members of the credit union or from another credit union deposits or deposit
27 certificates, deposit accounts or various classes of shares payable on nonnegotiable request.

28 (8) Lend the credit union's funds to members of the credit union and to other credit unions as
29 provided in this chapter.

30 (9) Acquire and lease personal property at the request of a member of the credit union who
31 wishes to lease the property on terms requiring payment, during the term of the lease, of rents that
32 exceed the total expenditures made by the credit union for the acquisition, ownership, financing and
33 protection of the property. Rents may include residual value payments that are the obligation of a
34 responsible third party.

35 (10) Borrow from any source in accordance with policy established by the board of directors and
36 issue debentures pursuant to a plan approved by the Director of the Department of Consumer and
37 Business Services. The debentures shall be subordinate to the shares and deposits of the credit un-
38 ion.

39 (11) Discount and sell any eligible obligations, subject to rules adopted by the Director of the
40 Department of Consumer and Business Services.

41 (12) Sell all or substantially all of the credit union's assets or purchase all or substantially all
42 of the assets of another credit union, subject to the approval of the Director of the Department of
43 Consumer and Business Services.

44 (13) Invest surplus funds as provided in this chapter.

45 (14) Make deposits in legally chartered banks, savings banks, savings and loan associations,

1 trust companies and credit unions.

2 (15) Assess charges to a member of the credit union in accordance with the credit union's by-
3 laws for the member's failure to meet the member's obligations to the credit union promptly.

4 (16) Hold membership in other credit unions organized under this chapter or other state or
5 federal laws, and in other associations and organizations composed of credit unions.

6 (17) Declare dividends, pay interest on deposit and deposit certificate accounts and pay interest
7 refunds to borrowers as provided in this chapter.

8 (18) Offer products and services reasonably related to the purposes of a credit union as set forth
9 in ORS 723.006.

10 (19) Receive deposits from the federal government or this state, or any agency or political sub-
11 division thereof.

12 (20) Make donations or contributions to any civic, charitable, political or community organiza-
13 tion as authorized by the board of directors.

14 (21) Act as a custodian of qualified pension funds of members of the credit union if permitted
15 by federal law.

16 (22) Purchase or make available insurance for the credit union's directors, officers, agents, em-
17 ployees and members.

18 (23) Allow members of the credit union to use share accounts, deposit accounts or deposit cer-
19 tificate accounts as share draft accounts as provided in ORS 723.434.

20 (24) Provide digital signature verification or other electronic authentication services to members
21 of the credit union.

22 (25) Act as trustee or custodian for members of the credit union under any written trust in-
23 strument or custodial agreement in connection with a tax-advantaged savings plan authorized under
24 the Internal Revenue Code, including but not limited to individual retirement, deferred compen-
25 sation, education savings and health savings accounts, provided that the trust instrument or custo-
26 dial agreement requires all funds subject to the instrument or agreement to be invested exclusively
27 in share or deposit accounts in the credit union. The State of Oregon, or the applicable
28 instrumentality or municipality, is considered to be a member of the credit union with respect to
29 such deposits, except that the state or other instrumentality or municipality is not entitled to vote,
30 hold office or otherwise participate in the management or operation of the credit union.

31 (26) Indemnify the directors, officers, employees and committee members or other volunteers of
32 the credit union in accordance with the provisions of the credit union's articles, bylaws and the
33 indemnification provisions of ORS chapter 60.

34 (27) Sell negotiable checks, including traveler's checks, money orders and other money transfer
35 instruments, including domestic and international electronic funds transfers, to persons eligible for
36 credit union membership under ORS 723.172, whether or not such persons are members of the credit
37 union.

38 (28) For a fee, cash checks and money orders and send or receive domestic and international
39 electronic funds transfers for persons eligible for credit union membership under ORS 723.172,
40 whether or not such persons are members of the credit union. The fee a credit union may charge
41 for cashing checks or money orders in accordance with this subsection may not exceed the following
42 amounts, as appropriate:

43 (a) For a check or money order issued by the federal government or an agency of the federal
44 government, by this state or an agency of this state, by any other state or political subdivision
45 thereof or by the government of the municipality in which a person is cashing the check or money

1 order, or for a check that is a payroll check drawn against an account held in a financial institution
2 in this state:

3 (A) \$5 or two percent of the face value of the check or money order, whichever is greater, if the
4 person cashing the check or money order provides valid and current government-issued photo iden-
5 tification; or

6 (B) \$5 or 2-1/2 percent of the face value of the check or money order, whichever is greater, if
7 the person cashing the check or money order does not provide valid and current government-issued
8 photo identification.

9 (b) For a check or money order not described in paragraph (a) of this subsection:

10 (A) \$5 or three percent of the face value of the check or money order, whichever is greater, if
11 the person cashing the check or money order provides valid and current government-issued photo
12 identification; or

13 (B) \$5 or 3-1/2 percent of the face value of the check or money order, whichever is greater, if
14 the person cashing the check or money order does not provide valid and current government-issued
15 photo identification.

16 (29) Exercise other powers that are necessary to carry out the credit union's purpose.

17 **(30) For the purposes of this section, a driver license or driver permit issued under sec-**
18 **tion 2 of this 2011 Act may not be used for the purposes of identification.**

19 **SECTION 31.** ORS 801.250 is amended to read:

20 801.250. "Driver permit" means a grant of driving privileges by this state or another jurisdiction
21 that is more limited than those available under a license or that is only available under special or
22 limited circumstances. The term may also refer to a document issued as evidence of a grant of
23 driving privileges under a driver permit. Driver permits issued by this state include the following:

24 (1) Applicant temporary driver permit described under ORS 807.310.

25 (2) Court issued temporary driver permit described under ORS 807.320.

26 (3) Disability golf cart driver permit described under ORS 807.210.

27 (4) Emergency driver permit described under ORS 807.220.

28 (5) Instruction driver permit described under ORS 807.280.

29 (6) Hardship driver permit described under ORS 807.240.

30 (7) Probationary driver permit described under ORS 807.270.

31 (8) Special student driver permit described under ORS 807.230.

32 (9) Special temporary instruction driver permit described under ORS 807.290.

33 (10) Court bail driver permit described under ORS 807.330.

34 (11) Temporary driver permit described under ORS 813.110.

35 **(12) A driver permit described under section 2 of this 2011 Act.**

36 **SECTION 32.** ORS 807.750 is amended to read:

37 807.750. (1) As used in this section:

38 (a) "Driver license" means a license or permit issued by this state or any other jurisdiction as
39 evidence of a grant of driving privileges, **except for a license or permit issued under section 2**
40 **of this 2011 Act.**

41 (b) "Identification card" means the card issued under ORS 807.400 or a comparable provision in
42 another state.

43 (c) "Personal information" means an individual's name, address, date of birth, photograph, fin-
44 gerprint, biometric data, driver license number, identification card number or any other unique
45 personal identifier or number.

1 (d) "Private entity" means any nongovernmental entity, such as a corporation, partnership,
2 company or nonprofit organization, any other legal entity or any natural person.

3 (e) "Swipe" means the act of passing a driver license or identification card through a device that
4 is capable of deciphering, in an electronically readable format, the information electronically en-
5 coded in a magnetic strip or bar code on the driver license or identification card.

6 (2) Except as provided in subsection (6) of this section, a private entity may not swipe an
7 individual's driver license or identification card, except for the following purposes:

8 (a) To verify the authenticity of a driver license or identification card or to verify the identity
9 of the individual if the individual pays for a good or service with a method other than cash, returns
10 an item or requests a refund.

11 (b) To verify the individual's age when providing an age-restricted good or service to any person
12 about whom there is any reasonable doubt of the person's having reached 21 years of age.

13 (c) To prevent fraud or other criminal activity if an individual returns an item or requests a
14 refund and the private entity uses a fraud prevention service company or system.

15 (d) To transmit information to a check services company for the purpose of approving negotiable
16 instruments, electronic funds transfers or similar methods of payment.

17 (3) A private entity that swipes an individual's driver license or identification card under sub-
18 section (2)(a) or (b) of this section may not store, sell or share personal information collected from
19 swiping the driver license or identification card.

20 (4) A private entity that swipes an individual's driver license or identification card under sub-
21 section (2)(c) or (d) of this section may store or share the following information collected from
22 swiping an individual's driver license or identification card for the purpose of preventing fraud or
23 other criminal activity against the private entity:

24 (a) Name;

25 (b) Address;

26 (c) Date of birth; and

27 (d) Driver license number or identification card number.

28 (5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15
29 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) of
30 this section may use the personal information received only to prevent fraud or other criminal ac-
31 tivity against the private entity that provided the personal information.

32 (b) A person who is regulated by the federal Fair Credit Reporting Act and who receives per-
33 sonal information from a private entity under subsection (4) of this section may use or provide the
34 personal information received only to effect, administer or enforce a transaction or prevent fraud
35 or other criminal activity, if the person provides or receives personal information under contract
36 from the private entity.

37 (6)(a) Subject to the provisions of this subsection, a private entity that is a commercial radio
38 service provider that provides service nationally and that is subject to the Telephone Records and
39 Privacy Protection Act of 2006 (18 U.S.C. 1039) may swipe an individual's driver license or identifi-
40 cation card if the entity obtains permission from the individual to swipe the individual's driver li-
41 cense or identification card.

42 (b) The private entity may swipe the individual's driver license or identification card only for
43 the purpose of establishing or maintaining a contract between the private entity and the individual.
44 Information collected by swiping an individual's driver license or identification card for the estab-
45 lishment or maintenance of a contract shall be limited to the following information from the indi-

1 individual:

- 2 (A) Name;
- 3 (B) Address;
- 4 (C) Date of birth; and
- 5 (D) Driver license number or identification card number.

6 (c) If the individual does not want the private entity to swipe the individual’s driver license or
 7 identification card, the private entity may manually collect the following information from the indi-
 8 vidual:

- 9 (A) Name;
- 10 (B) Address;
- 11 (C) Date of birth; and
- 12 (D) Driver license number or identification card number.

13 (d) The private entity may not withhold the provision of goods or services solely as a result of
 14 the individual requesting the collection of the following information from the individual through
 15 manual means:

- 16 (A) Name;
- 17 (B) Address;
- 18 (C) Date of birth; and
- 19 (D) Driver license number or identification card number.

20 (7) A governmental entity may swipe an individual’s driver license or identification card only
 21 if:

- 22 (a) The individual knowingly makes the driver license or identification card available to the
 23 governmental entity;
- 24 (b) The governmental entity lawfully confiscates the driver license or identification card;
- 25 (c) The governmental entity is providing emergency assistance to the individual who is uncon-
 26 scious or otherwise unable to make the driver license or identification card available; or
- 27 (d) A court rule requires swiping of the driver license or identification card to facilitate accu-
 28 rate linking of court records pertaining to the individual.

29 (8) In addition to any other remedy provided by law, an individual may bring an action to re-
 30 cover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if equitable
 31 relief is available, against an entity that swipes, stores, shares, sells or otherwise uses the
 32 individual’s personal information in violation of this section. A court shall award a prevailing
 33 plaintiff reasonable costs and attorney fees. If a court finds that a violation of this section was
 34 willful or knowing, the court may increase the amount of the award to no more than three times the
 35 amount otherwise available.

36 (9) Any waiver of a provision of this section is contrary to public policy and is void and
 37 unenforceable.

38 **SECTION 33. Sections 2 and 3 of this 2011 Act and the amendments to ORS 807.021,**
 39 **807.040, 807.050, 807.110, 807.130 and 807.310 by sections 4 to 9 of this 2011 Act apply to appli-**
 40 **cations for driver licenses and driver permits submitted to the Department of Transportation**
 41 **on or after the effective date of this 2011 Act.**

House Bill 3167

Sponsored by COMMITTEE ON REVENUE

SUMMARY

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

Eliminates discounts for partial or full payment of property taxes on or before November 15. Requires payment of one-half of taxes and other charges due on or before November 15 and remaining one-half on or before May 15 next following.

Applies to property tax years beginning on or after July 1, 2011.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to payment of property taxes; creating new provisions; amending ORS 86.260, 92.095,
3 294.361, 294.381, 307.244, 308.260, 308.640, 311.250, 311.356, 311.392, 311.395, 311.415, 311.465,
4 311.505, 311.508, 311.510, 311.531, 311.812, 315.119, 496.340 and 757.883; repealing ORS 311.507;
5 and prescribing an effective date.

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

7 **SECTION 1.** ORS 311.505 is amended to read:

8 311.505. (1) Except as provided in subsection [(6)] (5) of this section, the first [*one-third*] **one-half**
9 of all taxes and other charges due from the taxpayer or property, levied or imposed and charged on
10 the latest tax roll, shall be paid on or before November 15[, *the second one-third on or before Feb-*
11 *ruary 15,*] and the remaining [*one-third*] **one-half** on or before May 15 next following.

12 (2) Interest shall be charged and collected on any taxes on property, other charges, and on any
13 additional taxes or penalty imposed for disqualification of property for special assessment or ex-
14 emption, or installment thereof not paid when due, at the rate of one and one-third percent per
15 month, or fraction of a month until paid.

16 [(3) *Discounts shall be allowed on partial or full payments of such taxes, made on or before No-*
17 *vember 15 as follows:*]

18 [(a) *Two percent on two-thirds of such taxes so paid.*]

19 [(b) *Three percent where all of such taxes are so paid.*]

20 [(4)] (3) For purposes of this section, "taxes" includes all taxes on property as defined in ORS
21 310.140 and certified to the assessor under ORS 310.060 except taxes assessed on any other property
22 which have by any means become a lien against the property for which the payment was made.

23 [(5)] (4) All interest collected [*and all discounts allowed*] shall be prorated to the several mu-
24 nicipal corporations, taxing districts and governmental agencies sharing in the taxes or assessments.

25 [(6)] (5) If the total property tax is less than \$40, no installment payment of taxes shall be al-
26 lowed.

27 **SECTION 2.** ORS 311.250 is amended to read:

28 311.250. (1) Except as to real property assessed to "unknown owners" pursuant to ORS 308.240
29 (2), on or before October 25 in each year, the tax collector shall deliver or mail to each person (as
30 defined in ORS 311.605) shown on the tax roll as an owner of real or personal property, or to an

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

1 agent or representative authorized in writing pursuant to ORS 308.215 by such person, a written
 2 statement of property taxes payable on the following November 15.

3 (2) The failure of a taxpayer to receive the statement described in this section shall not invali-
 4 date any assessment, levy, tax, or proceeding to collect tax.

5 (3) The tax collector shall not be liable for failure to deliver or mail the tax statements by Oc-
 6 tober 25 as provided in subsection (1) of this section if such failure was caused by not receiving the
 7 tax roll from the assessor by the time provided by law or by reason of any other circumstance be-
 8 yond the control of the tax collector. In such case the tax collector shall deliver or mail the state-
 9 ments as soon as possible.

10 (4) Where, for any reason the taxes due on any property on the assessment roll in any year
 11 cannot be ascertained from the tax roll by November 5 of that year, within 15 days thereafter the
 12 owner or other person liable for or desiring to pay the taxes on such property may tender to the
 13 tax collector, and the tax collector may collect, a payment of all or part of the taxes estimated by
 14 the tax collector to be due on such property. Immediately after the taxes are actually extended on
 15 the tax roll, the tax collector shall credit the amount paid as provided by law[, *allowing the discount*
 16 *under ORS 311.505 and not*] **without** charging interest for the amount of taxes satisfied by such
 17 payment. Where there has been an underpayment, additional taxes shall be collected, and where
 18 there has been an overpayment, refund shall be made as otherwise provided by law.

19 (5) The tax statement described in this section shall be designed by the Department of Revenue
 20 and shall contain such information as the department shall prescribe by rule including:

21 (a) The real market value of the property for which the tax statement is being prepared (or the
 22 property's specially assessed value if the property is subject to special assessment) for the current
 23 and prior tax year;

24 (b) The property's assessed value for the current and prior tax year; and

25 (c) The total amount of taxes due on the property.

26 **SECTION 3.** ORS 311.356 is amended to read:

27 311.356. (1) After receipt of the tax roll each year the tax collector shall receive and receipt for
 28 all moneys received for taxes and other amounts charged on such roll, and for each payment, shall
 29 note on the tax roll at the appropriate property assessment the following:

30 (a) The date payment was received.

31 (b) The amount of the payment.

32 [(c) *The discount allowed, if any.*]

33 [(d)] (c) The interest charged, if any.

34 [(e)] (d) The number of the receipt issued for such payment.

35 (2) Except as provided under subsection (3)(a) and (c) of this section, the tax collector shall
 36 credit all payments of property taxes as follows:

37 (a) First, to the payment of any taxes assessed against and due on the property for which the
 38 payment was made, paying first the earliest such taxes due on that property; and

39 (b) Second, to the payment of taxes assessed on any other property which have by any means
 40 become a lien against the property for which the payment was made.

41 (3)(a) Payments of property taxes made by the state on behalf of tax-deferred homestead property
 42 under ORS 311.666 to 311.701 shall be credited to the current tax year.

43 (b) At the election of the taxpayer, payments of property taxes made by the taxpayer on behalf
 44 of tax-deferred homestead property under ORS 311.666 to 311.701 shall be credited as provided in
 45 subsection (2) of this section, except that the payments shall be credited first to the payment of

1 taxes that are not qualified to be deferred under ORS 311.688 (1) or 311.689 (1), paying first the
 2 earliest of such taxes due on that property.

3 (c) Notwithstanding any contrary direction from the taxpayer, the tax collector shall credit
 4 payments of property taxes to the latest year for which taxes are due on the property for which
 5 payment is made if:

6 (A) The payment is made by a payer who is a mortgagee, beneficiary under a deed of trust or
 7 vendor under a land sales contract and who pays taxes on behalf of any taxpayer; and

8 (B) The mortgagee, beneficiary or vendor directs that the payment be credited to the latest year
 9 for which taxes are due on the property; and

10 (C) The mortgagee, beneficiary or vendor includes in the payment submitted with the direction
 11 given under subparagraph (B) of this paragraph only the amounts for the payment of taxes on one
 12 or more properties for which delinquent taxes are owed and does not include in that payment taxes
 13 on property for which no delinquent taxes are owed.

14 (d) If the mortgagee, beneficiary or vendor does not direct the tax collector as to the application
 15 of taxes being paid, then the tax collector shall apply all payments as provided under subsection (2)
 16 of this section.

17 (4) The tax collector may, for convenience, divide the tax roll, as payments are made, into two
 18 portions, and file each separately, one portion containing the paid accounts and another portion
 19 containing the unpaid accounts. From time to time, and no later than the receipt of the next year's
 20 tax roll, the tax collector shall compute and indicate on the tax roll the unpaid balance of taxes for
 21 each property assessment.

22 **SECTION 4.** ORS 311.392 is amended to read:

23 311.392. [(1)] If, in the discretion of the county court, it is more economical to advance to those
 24 municipalities from the general fund of the county the total amount of taxes, assessments or other
 25 charges levied against property in the county, the county court may advance from the general fund
 26 of the county the full amount of the taxes, assessments and charges levied by those subdivisions and
 27 the county court may order the county tax collector to revise the tax distribution schedule provided
 28 by ORS 311.390 so that all taxes, assessments and charges advanced by the county will be allocated
 29 to the county. If the county makes the payments provided in this section, it shall have no recourse
 30 against the political subdivision for recovery of the shrinkage in collections from that anticipated
 31 at the time the payment was made.

32 [(2) *If the county advances taxes under this subsection, before December 1 of each year, it may*
 33 *deduct from the levy the three percent discount which would have been given by the district had all*
 34 *of the taxes been paid by November 15 and turned over to the district on or before December 1 of each*
 35 *year. If the payment is made after December 1, no discount shall be taken by the county.*]

36 **SECTION 5.** ORS 311.415 is amended to read:

37 311.415. (1) Before any judgment or final order shall be entered or become operative in any court
 38 in this state in any of the causes listed in subsection (3) of this section, it shall first be shown to
 39 the satisfaction of the court that all taxes due or owing from the defendant, judgment debtor, heir,
 40 devisee, executor, administrator, trustee, agent, conservator or guardian, or which may be collected
 41 by virtue of the assessment and taxation laws of this state, have been paid.

42 (2)(a) If the judgment or final order is to be taken and entered after January 1, while the as-
 43 sessment roll is in the possession of the assessor, and pertains to an assessment to be made as of
 44 January 1, the receipt for the taxes shall be given by the assessor upon an assessment made as
 45 follows:

1 [(a)] (A) If the exact amount of taxes, special assessments, fees and charges are able to be
 2 computed by the assessor, such amount shall be paid to the tax collector. The assessor is authorized
 3 to levy and the tax collector is authorized to collect such amount.

4 [(b)] (B) If the assessor is unable to compute the exact amount at the time[, either]:

5 [(A)] (i) There shall be paid the amount estimated by the assessor to be needed to pay the taxes,
 6 special assessments, fees and other charges to become due[.]; or

7 [(B)] (ii) There shall be deposited with the tax collector a bond with good and sufficient under-
 8 taking in the amount that the assessor considers adequate to [insure] **ensure** payment of the taxes
 9 to become due.

10 (b) In no event shall the [bond] amount **deposited pursuant to paragraph (a)(B)(ii) of this**
 11 **subsection** exceed twice the amount of the previous year's taxes, special assessments, fees and
 12 other charges computed under this subsection. [*Taxes paid or bonded for under this section shall be*
 13 *entitled to any discount provided by ORS 311.505.*]

14 (c) ORS 311.370 [*shall apply*] **applies** to amounts assessed and collected under this subsection.

15 (3) This section applies to the following causes:

16 (a) An assignment for the benefit of creditors.

17 (b) The estate of a deceased person or any other proceeding in probate involving the distribution
 18 of personal property.

19 (c) Any proceeding to enforce the payment of a debt where the property involved is assessable
 20 personal property.

21 **SECTION 6.** ORS 311.465 is amended to read:

22 311.465. (1) Subsection (2) of this section applies if:

23 (a) The county assessor discovers personal property subject to assessment for taxation in any
 24 year and taxes imposed on the property in a prior year are delinquent; or

25 (b) In the opinion of the assessor it seems probable that personal property may be removed from
 26 the county, sold, dissipated or destroyed before the taxes on the property otherwise become due and
 27 payable and it further appears that the owner or person liable for the taxes had no property subject
 28 to taxation in the county during either of the two preceding tax years, or was delinquent in the
 29 payment of any tax imposed during the two preceding tax years in respect to property in any ju-
 30 risdiction, whether within or without the state, or is not financially responsible or intends to depart
 31 from the state before the taxes become due.

32 (2) The assessor may, immediately after listing and valuing the personal property for assessment
 33 and taxation, levy, demand and collect for remittance to the tax collector, or the tax collector may
 34 collect, the taxes on the property as follows:

35 (a) If the assessor is able to compute the exact amount of taxes, special assessments, fees and
 36 charges, such amount shall be paid to the assessor for remittance to the tax collector or directly
 37 to the tax collector; or

38 (b) If the assessor is unable to compute the exact amount at the time, either:

39 (A) There shall be paid the amount that the assessor estimates is needed to pay the taxes, spe-
 40 cial assessments, fees and other charges to become due; or

41 (B) There shall be deposited with the tax collector a bond with a good and sufficient undertak-
 42 ing in the amount that the assessor considers adequate to ensure payment of the taxes to become
 43 due. In no event shall the bond amount exceed twice the amount of the taxes, special assessments,
 44 fees and other charges computed by the assessor under this paragraph.

45 (3) [*Taxes paid or bonded for under subsection (2) of this section shall be entitled to the discount*]

1 *provided by ORS 311.505.*] ORS 311.370 [*shall apply*] **applies** to the amounts assessed and collected
 2 under subsection (2) of this section. Any taxes collected under subsection (2) of this section, and
 3 subject to refund on order of the tax court under ORS 311.467, shall be held in the special account
 4 mentioned in ORS 311.370 by the county treasurer until the period for petitioning for review of the
 5 assessor's action has expired, or, when a review is had, until the review is determined. If the tax
 6 court, upon review, orders a refund, the county treasurer shall make the refund from the special
 7 account within three days after entry of the department's order.

8 (4) If the owner or person liable for the taxes on the personal property fails to pay the tax on
 9 demand by the assessor, the assessor shall certify the assessment and tax levies made under this
 10 section to the tax collector of the county. The taxes thereupon shall be collected by the tax collec-
 11 tor in the manner of collecting delinquent taxes on personal property. The taxes when so certified
 12 by the assessor are delinquent and subject to the provisions of law for the collection of delinquent
 13 taxes on personal property.

14 **SECTION 7.** ORS 311.508 is amended to read:

15 311.508. (1) Except as provided under subsection (2) of this section and notwithstanding ORS
 16 311.505 [~~(5)~~] (4):

17 (a) Twenty-five percent of the interest charged and collected under ORS 311.505 shall be de-
 18 posited and credited to the County Assessment and Taxation Fund created under ORS 294.187; and

19 (b) An additional 25 percent of the interest charged and collected under ORS 311.505 shall be
 20 deposited and credited to the County Assessment and Taxation Fund created under ORS 294.187 to
 21 the extent the interest would otherwise be distributed to cities or other taxing districts that are not
 22 counties or districts within the public school system.

23 (2) On or before June 15 of each year, the Department of Revenue shall estimate the amount
 24 of interest that will be deposited and credited to the County Assessment Function Funding Assist-
 25 ance Account created under ORS 294.184 for the ensuing fiscal year. If the estimate is less than \$13
 26 million, the department shall certify to each county treasurer an increase in the percentage specified
 27 under subsection (1)(a) of this section to the end that the estimate reaches \$13 million. However,
 28 no increase in percentage shall be certified that will raise and make available for deposit and credit
 29 to the County Assessment Function Funding Assistance Account for the ensuing fiscal year an
 30 amount that is in excess of \$3 million over the amount estimated under this subsection to be re-
 31 ceived under subsection (1)(a) of this section for the ensuing fiscal year.

32 (3) Upon receipt of certification from the department under subsection (2) of this section, the
 33 county treasurer shall deposit and credit to the County Assessment and Taxation Fund for the fiscal
 34 year to which the certification applies the percentage of the interest charged and collected under
 35 ORS 311.505 so certified.

36 (4) The percentage of the interest on unpaid taxes and penalties required to be deposited and
 37 credited to the County Assessment and Taxation Fund under this section shall be deposited and
 38 credited in the same manner that the remaining interest is deposited and credited under ORS
 39 311.385.

40 **SECTION 8.** ORS 311.510 is amended to read:

41 311.510. Taxes on real property not paid on or before May 15 shall be delinquent. Taxes on
 42 personal property shall become delinquent whenever any [*third thereof, or other*] specified
 43 installment[,] is not paid on or before its due date, as provided in ORS 311.505.

44 **SECTION 9.** ORS 311.531 is amended to read:

45 311.531. (1) On or before August 1 of each year the tax collector shall file with the county clerk

1 a statement, on forms supplied by the Department of Revenue, compiled from the tax rolls, showing
 2 separately for each tax year for the prior seven years the following information as to transactions
 3 during the past fiscal year ending June 30:

4 (a) The total amounts certified under ORS 311.105 (1) to be collected by the tax collector, broken
 5 down among real property, personal property and property assessed pursuant to ORS 308.505 to
 6 308.665.

7 (b) The total amount of all adjustments made by the tax collector, in dollars, increasing the total
 8 amount to be collected, and a like figure for the decreases.

9 (c) The total amount collected, exclusive of interest and penalties, **and** the total amount re-
 10 maining uncollected, broken down among real property, personal property and property assessed
 11 pursuant to ORS 308.505 to 308.665.

12 (d) The total amount of interest and penalties collected, and the total amount of [*discounts or*]
 13 rebates allowed.

14 (e) Other matters affecting the statement of the tax collector, striking a balance between the
 15 total of the tax roll and the total of collections.

16 (2) The tax collector then shall make a certificate over the official signature of the collector,
 17 to be annexed to the statement, that the facts set forth therein are correct. A copy of the statement
 18 shall be filed with the county clerk, a copy filed with the county court and a copy filed with the
 19 Department of Revenue. A copy of the statement and also of the certificate shall be retained by the
 20 tax collector as a public record.

21 **SECTION 10.** ORS 311.812 is amended to read:

22 311.812. (1) Except as provided in subsection (2) of this section, interest may not be paid upon
 23 any tax refunds made under ORS 311.806.

24 (2) Interest as provided in subsection (3) of this section shall be paid on the following refunds:

25 (a) A refund resulting from the correction under ORS 308.242 (2) or (3) or 311.205 of an error
 26 made by the assessor, Department of Revenue or tax collector.

27 (b) A refund resulting from a written stipulation of the county assessor or the county tax col-
 28 lector if the written stipulation constitutes a final determination that is not subject to appeal.

29 (c) Any refund ordered by the Department of Revenue if no appeal is taken or can be taken from
 30 the department's order.

31 (d) Refunds ordered by the Oregon Tax Court or the Supreme Court if the order constitutes a
 32 final determination of the matter.

33 (e) Refunds of taxes collected against real or personal property not within the jurisdiction of the
 34 tax levying body.

35 (f) Refunds due to reductions in value ordered by a county board of property tax appeals where
 36 no appeal is taken.

37 (g) Refunds due to reductions in value made pursuant to ORS 309.115.

38 (h) Refunds due to a claim for a veteran's exemption for a prior tax year that is filed pursuant
 39 to ORS 307.262.

40 (3)(a) The interest provided by subsection (2) of this section shall be paid at the rate of one
 41 percent per month, or fraction of a month, computed from the time the tax was paid or from the time
 42 the first installment thereof was due, whichever is the later. [*If a discount is given at the time the*
 43 *taxes are paid, interest shall be computed only on the net amount of taxes to be refunded.*] If any por-
 44 tion of a refund described in subsection (2) of this section results from an assessment based on in-
 45 accurate information contained in a report filed by a taxpayer, interest shall be computed on only

1 the portion of the refund that is not attributable to the inaccurate information contained in the
 2 taxpayer report.

3 (b) As used in this subsection, “report” means a return, statement or any other information
 4 provided by a taxpayer in writing to the department or county assessor.

5 **SECTION 11.** ORS 86.260 is amended to read:

6 86.260. (1) If a lender has a requirement that the borrower pay funds into a lender’s security
 7 protection provision for the payment of property taxes on property that is the security for the real
 8 estate loan agreement, insurance premiums, and similar charges, and there are funds in the account,
 9 the lender shall pay the taxes or the amount in the account if less than the taxes due[, *in time to*
 10 *take advantage of any discount authorized by ORS 311.505,*] and all other charges on or before the
 11 due dates for payments.

12 (2)(a) If the lender fails to pay the taxes in accordance with subsection (1) of this section [*re-*
 13 *sulting in a loss of discount to the borrower*], the lender shall credit the lender’s security protection
 14 provision in an amount equal to the amount of [*discount denied on account of such failure, together*
 15 *with any*] interest that has accrued on the unpaid property taxes to the date the property taxes are
 16 finally paid.

17 (b) If the failure of the lender to comply with subsection (1) of this section is willful [*and results*
 18 *in the loss to the borrower of the discount*], or if the failure to comply was not willful but upon dis-
 19 covery of the failure to comply [*and the loss of discount*], the lender fails to credit the lender’s se-
 20 curity protection provision **as** required by paragraph (a) of this subsection, the borrower shall have
 21 a cause of action against the lender to recover an amount equal to 15 times the amount of [*discount*
 22 *the borrower would have received, together with any*] interest that accrued on the unpaid property
 23 taxes to the date of recovery. The court may award reasonable attorney fees to the prevailing party
 24 in an action under this section.

25 **SECTION 12.** ORS 92.095 is amended to read:

26 92.095. (1) A subdivision or partition plat may not be recorded unless all ad valorem taxes have
 27 been paid, including additional taxes, interest and penalties imposed on land disqualified for any
 28 special assessment and all special assessments, fees or other charges required by law to be placed
 29 upon the tax roll that have become a lien upon the land or that will become a lien during the tax
 30 year.

31 (2) After July 1, and before the certification under ORS 311.105 of any year, the subdivider or
 32 partitioner shall:

33 (a) If the exact amount of taxes, penalties, special assessments, fees and charges can be com-
 34 puted by the assessor, pay the amount to the tax collector. The assessor is authorized to levy and
 35 the tax collector is authorized to collect the amount.

36 (b) If the assessor is unable to compute the amount at the time, either:

37 (A) Pay the amount estimated by the assessor to be needed to pay the taxes, penalties, special
 38 assessments, fees and other charges to become due; or

39 (B) Deposit with the tax collector a bond or irrevocable letter of credit with a good and suffi-
 40 cient undertaking in an amount the assessor considers adequate to ensure payment of the taxes to
 41 become due. The bond or irrevocable letter of credit amount may not exceed twice the amount of
 42 the previous year’s taxes, special assessments, fees and other charges upon the land.

43 [(3) *Taxes paid or for which security is given under subsection (2)(a) or (b) of this section are en-*
 44 *titled to the discount provided by ORS 311.505.*]

45 [(4)] (3) ORS 311.370 applies to all taxes levied and collected under subsection (2) of this section,

1 except that any deficiency constitutes a personal debt against the person subdividing or partitioning
 2 the land and not a lien against the land and must be collected as provided by law for the collection
 3 of personal property taxes.

4 [(5)] (4) If a subdivision or partition plat is recorded, any additional taxes, interest or penalties
 5 imposed upon land disqualified for any special assessment become a lien upon the land on the day
 6 before the plat was recorded.

7 **SECTION 13.** ORS 294.361 is amended to read:

8 294.361. (1) Each municipal corporation shall estimate in detail its budget resources for the en-
 9 suing year or ensuing budget period by funds and sources.

10 (2) Budget resources include but are not limited to:

11 (a) The balance of cash, cash equivalents and investments (in the case of a municipal corpo-
 12 ration on the cash basis) or the net working capital (in the case of a municipal corporation on the
 13 accrual or modified accrual basis of accounting) that will remain in each fund on the last day of the
 14 current year or current budget period;

15 (b) Taxes;

16 (c) Fees;

17 (d) Licenses;

18 (e) Fines;

19 (f) Interest on deposits or on securities of any kind;

20 (g) Endowments;

21 (h) Annuities;

22 (i) Penalties;

23 (j) Sales of property or other assets or products of any kind;

24 (k) Delinquent taxes;

25 (L) Judgments;

26 (m) Damages;

27 (n) Rent;

28 (o) Premiums on sales of bonds;

29 (p) Reimbursement for services, road or other work performed for others;

30 (q) Transfer or reverter of unused balances of any kind;

31 (r) Reimbursement for services provided other funds;

32 (s) Rebates;

33 (t) Refunds of moneys heretofore paid on any account;

34 (u) Apportionment, grant, contribution, payment or allocation from the federal government, state
 35 government or any other governmental units;

36 (v) Taxes for the ensuing year or ensuing budget period;

37 (w) Interfund revenue transfers; and

38 (x) Revenues from any and all other sources of whatsoever kind or character.

39 (3) Budget resources do not include:

40 [(a)] *The estimate for the ensuing year or ensuing budget period of discounts under ORS 311.505.*

41 [(b)] (a) The estimate of uncollectible amounts of taxes, fees or charges for the ensuing year or
 42 ensuing budget period.

43 [(c)] (b) Moneys accumulated under an approved employee deferred compensation plan and in-
 44 terest or investment returns earned on such moneys.

45 [(d)] (c) Grants, gifts, bequests or devises transferred to a municipal corporation in trust for

1 specific uses in the year of transfer. However, such grants, gifts, bequests or devises shall be in-
 2 cluded as budget resources if, by the time the budget committee approves the budget, the amount
 3 thereof that will be received in the ensuing year or ensuing budget period can be reasonably esti-
 4 mated. Such grants, gifts, bequests or devises may be placed in a trust and agency fund, to then be
 5 appropriated from such fund or funds.

6 [(e)] (d) Amounts deducted from taxes pursuant to ORS 294.632.

7 **SECTION 14.** ORS 294.381 is amended to read:

8 294.381. (1) Each municipal corporation that has the power to levy an ad valorem property tax
 9 shall estimate, in the manner provided in this section, the amount of revenues that will be received
 10 in the ensuing year or ensuing budget period through the imposition of taxes upon the taxable
 11 property within the municipal corporation.

12 (2) Subject to the additional adjustments required under subsection (4) of this section, the esti-
 13 mated ad valorem taxes that will be received in the ensuing year or ensuing budget period shall not
 14 exceed the following:

15 (a) The amount derived by multiplying the estimated assessed value for the ensuing year or each
 16 fiscal year of the ensuing budget period of the taxable property within the municipal corporation,
 17 after boundary changes have been filed in final approved form with the county assessor and the
 18 Department of Revenue as provided in ORS 308.225, by whichever of the following is applicable to
 19 the municipal corporation:

20 (A) The municipal corporation's permanent rate limit on operating taxes, as defined in ORS
 21 310.202 (7); or

22 (B) The municipal corporation's statutory rate limit on operating taxes, as defined in ORS
 23 310.202 (10).

24 (b) If the municipal corporation is authorized to levy a local option tax that was authorized by
 25 the electors as a dollar amount, the dollar amount of such local option tax that is authorized to be
 26 levied in the ensuing year or ensuing budget period.

27 (c) If the municipal corporation is authorized to levy a local option tax that was authorized by
 28 the electors as a tax rate, the amount derived by multiplying the authorized rate of such local option
 29 tax for the ensuing year or ensuing budget period by the estimated assessed value for the ensuing
 30 year or each fiscal year of the ensuing budget period of the taxable property within the municipal
 31 corporation.

32 (d) Subject to subsection (3) of this section, the municipal corporation's estimate of the amount
 33 required to pay the principal and interest on bonded indebtedness that is not subject to limitation
 34 under section 11 (11) or section 11b, Article XI of the Oregon Constitution.

35 (e) The municipal corporation's estimate of the amount required to repay taxing district bond
 36 obligations or pension and disability plan obligations described in section 11 (5), Article XI of the
 37 Oregon Constitution.

38 (3)(a) The estimate described in subsection (2)(d) of this section may include:

39 (A) An amount equal to the total of the payments on the principal and interest on bonded
 40 indebtedness that are due and payable in the fiscal period following the fiscal period for which the
 41 budget is being prepared and before a sufficient amount of property taxes to pay the bonded
 42 indebtedness are collected in that fiscal period, pursuant to ORS 294.371.

43 (B) Amounts to reimburse the municipal corporation for the payment of principal and interest
 44 on exempt bonded indebtedness that the municipal corporation made from other moneys because
 45 collections of taxes levied for exempt bonded indebtedness were not sufficient to pay the exempt

1 bonded indebtedness.

2 (b) If the bonded indebtedness is a tax credit bond or other bond that bears interest that is
 3 includable in gross income under the Internal Revenue Code, as amended and in effect on June 25,
 4 2009, the payments described in paragraph (a) of this subsection may include deposits that the mu-
 5 nicipal corporation has agreed to make in a sinking fund that is dedicated to pay the bonded
 6 indebtedness.

7 (4) The amounts determined under subsection (2)(a), (b) and (c) of this section shall be reduced
 8 by an amount equal to the estimated amount of such taxes that will not be collected as a result of:

9 *[(a) The discounts allowed under ORS 311.505;]*

10 *[(b)] (a) The limits imposed under ORS 310.150 (3); and*

11 *[(c)] (b) The failure of taxpayers to pay such taxes in the year for which they are levied.*

12 (5)(a) The estimated ad valorem taxes determined in accordance with subsection (2)(a), (b) and
 13 (c) of this section, prior to adjustment by subsection (4) of this section, shall be used by the munic-
 14 ipal corporation for purposes of complying with the requirements of ORS 310.060 (1).

15 (b) The amounts determined under subsection (2)(d) and (e) of this section shall, for purposes of
 16 complying with the requirements of ORS 310.060 (1), be increased by an amount equal to the esti-
 17 mated amount of taxes that will not be collected as a result of:

18 *[(A) The discounts allowed under ORS 311.505;]*

19 *[(B)] (A) The limits imposed under ORS 310.150 (3); or*

20 *[(C)] (B) The failure of taxpayers to pay taxes in the year for which they are levied.*

21 **SECTION 15.** ORS 307.244 is amended to read:

22 307.244. (1) The assessor shall compute and list the value and compute and list the amount of
 23 tax which would have been charged on each property receiving an exemption under ORS 307.242
 24 had the property not received an exemption. On or before October 15, the county assessor shall
 25 certify the total amounts so computed for each county to the Department of Revenue and to the
 26 county treasurer.

27 (2) Not later than November 15, the Department of Revenue shall pay to each county treasurer
 28 the amount certified under subsection (1) of this section[, *less any discount provided in ORS*
 29 *311.505*]. The payments made by the department under this section shall be made from the suspense
 30 account referred to in ORS 310.692. If necessary, the payments may be prorated as provided in ORS
 31 310.692.

32 (3) Payments made by the department to the various county treasurers under this section shall
 33 be distributed to the taxing units of the county in accordance with the schedule of percentages
 34 computed under ORS 311.390.

35 **SECTION 16.** ORS 308.260 is amended to read:

36 308.260. (1) Any ship, vessel or other watercraft shall be assessed and taxed in the manner
 37 provided in this section if:

38 (a) On or after January 1 of any assessment year, the ship, vessel or other watercraft is docked
 39 or moored in any waters subject to the jurisdiction of the State of Oregon; and

40 (b) The ship, vessel or other watercraft is employed or used as a plant for the reduction or
 41 processing, but excluding canning, of deep-sea fish.

42 (2) Immediately on docking or mooring, the owner or person in charge of a ship, vessel or other
 43 watercraft described in subsection (1) of this section shall notify the county assessor. The county
 44 assessor shall assess it, together with all machinery and equipment thereon, at its assessed value
 45 determined under ORS 308.146 and 308.232. Upon determination of value, the owner or person in

1 charge shall:

2 (a) Pay the exact amount of taxes, special assessments, fees and charges, if the assessor is able
3 to compute the exact amount; or

4 (b) If the assessor is unable to compute the exact amount at the time the property is assessed,
5 either pay to the tax collector the amount estimated by the assessor to be needed to pay the taxes,
6 special assessments, fees and other charges to become due, or deposit with the tax collector a bond
7 with a good and sufficient undertaking in the amount that the assessor considers adequate to ensure
8 payment of the taxes to become due. The bond amount may not exceed twice the amount of the
9 taxes, special assessments, fees and other charges computed by the assessor under this subsection.

10 (3) It shall be unlawful to operate a floating reduction or processing plant until the county
11 assessor has been notified and the tax paid as provided in this section. If the owner or person in
12 charge fails to notify the assessor, or proceeds to operate the plant before full payment of the tax,
13 the owner or person in charge shall forfeit to the county, for the use of the several taxing juris-
14 dictions interested, a sum equal to twice the amount of the tax. The forfeiture may be recovered by
15 the assessor in an action brought in the name of the county in any court having jurisdiction over
16 the action. In the action, the penalty shall be preferred before all other debts or claims.

17 (4) No mistake in the name of the owner of any floating reduction or processing plant shall af-
18 fect the right to collect the tax or to recover the penalty under this section.

19 (5) The county assessor is authorized to levy, collect and remit to the tax collector, or the tax
20 collector is authorized to collect, taxes under conditions described in this section. Either the
21 assessor or tax collector is authorized to allow any [*discount or*] rebate otherwise provided by law
22 for payment of taxes before the regular due date or dates. ORS 311.370 shall apply to all taxes col-
23 lected before the regular due date or dates.

24 (6) Appeals of assessments of floating reduction or processing plants shall:

25 (a) Be heard by the county board of property tax appeals in the same manner as assessments
26 of other properties are appealed; and

27 (b) Be made as provided in ORS 308.146 and 308.232.

28 **SECTION 17.** ORS 308.640 is amended to read:

29 308.640. (1) The Department of Revenue shall determine the assessed value of the personal
30 property of each small private railcar company by multiplying the real market value of the
31 company's personal property by the average ratio of assessed value to real market value of all
32 property of large private railcar companies.

33 (2) The department shall determine the tax to be imposed on small private railcar companies as
34 follows:

35 (a) Taxes to be credited to the county school funds shall be calculated by applying to the as-
36 sessed value of the property the average school tax rate in the state for the immediately prior tax
37 year, applying to the assessed values of large private railcar companies as determined by the de-
38 partment for the year.

39 (b) Taxes to be credited to the county general funds shall be calculated by applying to the as-
40 sessed value thereof the average nonschool tax rate in the state for the immediately prior tax year,
41 applying to the assessed values of large private railcar companies as determined by the department
42 for the year.

43 (c) The taxes determined under this subsection may not be imposed in an amount that exceeds
44 the limits established in ORS 310.150 for any year.

45 (3) The department may charge, levy and collect the tax so determined on the personal property

1 of any small private railcar company having a taxable situs in this state. Each tax so charged and
 2 levied constitutes a lien as of July 1 of the tax year on all the personal property of the company
 3 within this state and shall be payable in the same manner, at the same due dates and with the same
 4 rates of [*discount or*] interest provided by law in respect to taxes on personal property payable in
 5 the several counties. In collecting such taxes, the Department of Revenue may pursue any or all of
 6 the rights, remedies or processes provided by law for the collection of delinquent taxes on personal
 7 property and, in connection therewith, the department shall have, in any county, the power and
 8 authority of the sheriff and tax collector thereof.

9 (4) Moneys collected by the department under this section shall be apportioned to each county
 10 in the proportion that the portion of the assessed value of cars of large private railcar companies
 11 that is attributable to the county bears to the total assessed value of cars of large private railcar
 12 companies. Moneys so distributed to each county treasurer shall be credited to the county school
 13 fund and general fund of the county as directed by the department.

14 (5) Real property of large private railcar companies and small private railcar companies shall
 15 be apportioned to the several counties according to the location of the real property.

16 **SECTION 18.** ORS 315.119 is amended to read:

17 315.119. (1) As used in this section:

18 (a) "Effective property tax rate" means:

19 (A) The ratio of the total amount of property taxes imposed on the account that contains the
 20 machinery and equipment for which a credit is being claimed (after application of ORS 310.150 [*but*
 21 *prior to discount under ORS 311.505*]) over the assessed value of the property tax account; and

22 (B) The ratio determined under subparagraph (A) of this paragraph for the property tax year
 23 that begins in the income tax year for which the credit is claimed.

24 (b) "Farm operator" means a person that operates a farming business as defined in section 263A
 25 of the Internal Revenue Code.

26 (c) "Machinery and equipment" means machinery and equipment that meets the definition of
 27 section 1245 property in section 1245 of the Internal Revenue Code.

28 (d) "Processing":

29 (A) Means any activity that is directly related and necessary to clean, sort, grade, produce,
 30 prepare, manufacture, handle, package, store or ship a farm crop or livestock product after the point
 31 of harvest and before the point of sale, in a modified state or altered form.

32 (B) Does not include an activity primarily associated with the promotion or retail sale of a
 33 product for personal or household use that is normally sold through consumer retail distribution.

34 (e) "Qualified machinery and equipment" means machinery and equipment used in processing
 35 that meets the requirements of subsections (3) and (4) of this section for the tax year.

36 (2) A taxpayer who is a farm operator may claim a credit against the taxes that are otherwise
 37 due under ORS chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318 for
 38 ad valorem property taxes paid or incurred on qualified machinery and equipment.

39 (3) A credit under this section may be claimed only if:

40 (a) The machinery and equipment is owned by the farm operator or by a person who is related
 41 to the farm operator under section 267 of the Internal Revenue Code;

42 (b) The machinery and equipment is used for processing primarily occurring on land described
 43 in subsection (4) of this section; and

44 (c)(A) The farm operator has grown or raised at least one-half of the total volume of farm crop
 45 or livestock products processed with the machinery and equipment for which the credit is being

1 claimed in three of the five previous income tax years; or

2 (B)(i) The farm operator has grown or raised at least one-tenth of the total volume of farm crop
3 or livestock products processed with the machinery and equipment for which the credit is being
4 claimed in three of the five previous income tax years; and

5 (ii) The farm operator has used the machinery and equipment to process at least one-half of the
6 volume of the applicable farm crop or livestock products grown or raised by the farm operator in
7 three of the five previous income tax years.

8 (4) In addition to the requirements under subsection (3) of this section, a credit under this sec-
9 tion may be claimed only if:

10 (a) The machinery and equipment is located on land that is specially assessed for farm use under
11 ORS 308A.050 to 308A.128 and the machinery and equipment is owned or otherwise controlled by
12 the farm operator; or

13 (b) The machinery and equipment is located on land that is contiguous to land that is specially
14 assessed for farm use under ORS 308A.050 to 308A.128 and the machinery and equipment is owned
15 or otherwise controlled by the farm operator.

16 (5) A credit may be claimed under this section only for qualified machinery and equipment that
17 was subject to assessment and property taxation for the property tax year beginning in the income
18 tax year for which the credit is being claimed.

19 (6) The amount of the credit shall be the lesser of:

20 (a) The effective property tax rate multiplied by the adjusted basis of the qualified machinery
21 and equipment; or

22 (b) \$30,000.

23 (7) The adjusted basis of the qualified machinery and equipment shall be the adjusted basis of
24 the qualified machinery and equipment for personal income or corporate excise or income tax pur-
25 poses as of the last day of the income tax year for which the credit is being claimed, except that
26 the adjusted basis shall be increased by the cost of any qualified machinery and equipment that the
27 taxpayer elected to expense under section 179 of the Internal Revenue Code, until the qualified
28 machinery and equipment is fully depreciated for personal income or corporate excise or income tax
29 purposes. The adjusted basis shall reflect any depreciation allowable for the current tax year. A
30 credit under this section may not be allowed for a tax year in which the qualified machinery and
31 equipment is fully depreciated for personal income or corporate excise or income tax purposes.

32 (8) The credit allowed under this section for any one tax year may not exceed the tax liability
33 of the taxpayer.

34 (9) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
35 particular year may be carried forward and offset against the taxpayer's tax liability for the next
36 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried
37 forward and used in the second succeeding tax year, and likewise, any credit not used in that second
38 succeeding tax year may be carried forward and used in the third succeeding tax year, and any
39 credit not used in that third succeeding tax year may be carried forward and used in the fourth
40 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried
41 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year
42 thereafter.

43 (10) The credit allowed under this section is not in lieu of any depreciation or amortization de-
44 duction to which the taxpayer otherwise may be entitled under ORS chapter 316, 317 or 318 for the
45 tax year.

1 (11) The taxpayer's adjusted basis for determining gain or loss may not be further decreased by
2 any amount of credit allowed under this section.

3 (12) A nonresident shall be allowed the credit under this section in the proportion provided in
4 ORS 316.117.

5 (13) If a change in the status of a taxpayer from resident to nonresident or from nonresident to
6 resident occurs, the credit allowed under this section shall be determined in a manner consistent
7 with ORS 316.117.

8 (14) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the
9 Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit al-
10 lowed under this section shall be prorated or computed in a manner consistent with ORS 314.085.

11 **SECTION 19.** ORS 496.340 is amended to read:

12 496.340. (1) Except as provided in subsection (3) of this section, whenever real property owned
13 by the State Fish and Wildlife Commission is exempt from taxation on January 1 of any year by
14 reason of its ownership by the state, the commission shall pay to the county in which the property
15 is situated an amount equal to the ad valorem taxes that would have been charged against the
16 property if it had been assessed to a taxable owner as of January 1 of such year as provided in
17 subsection (2) of this section. The county assessor shall determine the value of such property and
18 shall notify the commission of the determination of the county assessor. Upon request of the com-
19 mission, the Department of Revenue shall review the determination of value and shall redetermine
20 the value if it concludes the value initially determined was substantially incorrect.

21 (2)(a) Except as provided in paragraph (b) or (c) of this subsection, the value of the property
22 shall be computed at its assessed value under ORS 308A.107 or for forestland use, whichever is ap-
23 plicable.

24 (b) Paragraph (a) of this subsection shall not apply to any property upon which open field
25 burning takes place. If open field burning takes place on any property described in this section, the
26 property shall be valued at its highest and best use rather than the values authorized in paragraph
27 (a) of this subsection on the January 1 following the date of the open field burning. If in the next
28 year, the open field burning is discontinued, paragraph (a) of this subsection shall apply the next
29 January 1 and each year thereafter as long as no open field burning occurs.

30 (c) Paragraph (a) of this subsection shall not apply to any property acquired by the commission
31 after September 9, 1971, if such property was valued under farm use or forestland use special as-
32 sessment provisions, at the time the property was acquired by the commission. However, no pay-
33 ments in lieu of taxes made to a county pursuant to this section prior to January 1, 1974, shall be
34 refunded to the commission.

35 (3) This section does not apply to real property used for bird farms, fish hatcheries, office
36 quarters, fishing access sites or impoundments, capital improvements or real property acquired
37 pursuant to the Act of May 19, 1948 (62 Stat. 240), Public Law 80-537.

38 (4) The amount prescribed in subsection (1) of this section shall be determined annually by the
39 assessor of the county in which the property is situated and certified by the assessor to the county
40 court or the board of county commissioners. A notice of the determination, signed by the county
41 judge or the chairperson of the board of county commissioners, shall be mailed to the principal office
42 of the commission not later than October 15. The notice shall contain a statement of the value of
43 the property and a complete explanation of the method used in computing the amount claimed pur-
44 suant to subsection (1) of this section. Not later than November 15, the commission shall pay each
45 amount[, *less a discount equivalent to that which is provided in ORS 311.505*]. Payment shall be made

1 to the county treasurer, who shall distribute the payment to the taxing districts of the county in
2 accordance with the schedule of percentages computed under ORS 311.390.

3 (5) Notwithstanding any other provision of the wildlife laws, the commission shall make the
4 payments to counties required by this section annually from the moneys in the State Wildlife Fund
5 established by ORS 496.300.

6 **SECTION 20.** ORS 757.883 is amended to read:

7 757.883. (1) Oregon Community Power shall make payments in lieu of property taxes on all
8 property that would otherwise be subject to assessment under ORS 308.505 to 308.665 if owned by
9 a taxable owner. Oregon Community Power shall pay to each county in which property of Oregon
10 Community Power is located an amount equal to the ad valorem property taxes that would have
11 been charged by the county if Oregon Community Power property had been assessed to a taxable
12 owner as of January 1 of the assessment year for which payment is being made.

13 (2) The Department of Revenue shall determine the assessed value of Oregon Community Power
14 property as if the property were subject to assessment under ORS 308.505 to 308.665, and shall
15 transmit the value information as provided in ORS 308.505 to 308.665 to the appropriate county
16 assessor. Oregon Community Power shall comply with property reporting requirements under ORS
17 308.505 to 308.665 as if the property were subject to assessment under ORS 308.505 to 308.665.

18 (3) The amount of the in lieu payment to be made to each county under this section shall be
19 determined and certified annually by the county assessor of the county. A notice of the determi-
20 nation and certification shall be mailed to Oregon Community Power not later than October 15. The
21 notice shall contain a statement of the value of the property and a complete explanation of the
22 method used in computing the amount of the in lieu payment due under this section. Not later than
23 November 15, Oregon Community Power shall pay the amount due to each county under this
24 section[, *less a discount equivalent to that which is provided in ORS 311.505*]. Payment shall be made
25 to the county treasurer. The county treasurer shall distribute the payment to the taxing districts
26 of the county in accordance with the schedule of percentages computed under ORS 311.390.

27 **SECTION 21. ORS 311.507 is repealed.**

28 **SECTION 22.** ORS 311.395 is amended to read:

29 311.395. (1) The tax collector shall make statements of the exact amounts of property tax moneys
30 in cash and warrants collected as follows:

31 (a) For the period beginning on the first Monday following the last Friday in October through
32 the last Friday in November, the tax collector shall make weekly statements of those taxes that are
33 collected for the current tax year.

34 (b) For the period beginning the first Monday following the last Friday of November through the
35 last Friday of October of the ensuing year, the tax collector shall make quarterly statements of
36 those taxes that are collected for the current tax year.

37 (c) The tax collector shall make quarterly statements of taxes collected for prior years.

38 (d) Notwithstanding paragraph (b) or (c) of this subsection, if the balance in the unsegregated
39 tax collection account as of the close of any month for any tax year (the current tax year or any
40 prior tax year) exceeds \$10,000 or if requested by any taxing district, and if weekly statements are
41 not required, then the tax collector shall make a statement for the period since the last statement
42 for the tax year.

43 (e) If the processing of tax payments for the current tax year received or postmarked on or be-
44 fore the November 15 due date [(or if the due date is extended under ORS 311.507, the due date pur-
45 suant to the extension)] is not substantially completed as of the last Friday in November, the tax

1 collector shall continue to make weekly statements until the end of a week when the processing is
 2 substantially completed.

3 (2)(a) Each statement shall be of taxes collected during the weekly, monthly, quarterly or other
 4 period for which the statement is required.

5 (b) The statements prepared under subsection (1) of this section shall specify the tax years for
 6 which the payments of taxes were made.

7 (c) A copy of each statement shall be filed with the county clerk and a copy shall be filed with
 8 the county treasurer no later than the fifth business day after the last business day of the period
 9 for which the statement is prepared. A copy of each statement shall be retained in the office of the
 10 tax collector.

11 (3) For the purposes of this section, property tax moneys are collected when:

12 (a) Payment is made in person at the office of the tax collector;

13 (b) The tax collector receives tax moneys or notice of tax moneys collected by a financial in-
 14 stitution or other collection agency;

15 (c) The tax collector receives payment or notice of payment of tax moneys by the state; or

16 (d) The tax collector has posted a payment that arrived by mail in the county mail receptacle.

17 (4) Each statement required under subsections (1) and (2) of this section shall separately state
 18 the amount deposited into the property tax bankruptcy account under ORS 311.484 for the period
 19 covered by the statement.

20 (5) The statements required under subsections (1) and (2) of this section may be made more often
 21 and for shorter periods if the tax collector so desires but one of the statements so filed shall cover
 22 a period coinciding with the last business day of the particular calendar month or quarter during
 23 the period.

24 (6) The county treasurer shall credit the total amount of moneys set out in the statements pre-
 25 pared under subsections (1) and (2) of this section, except for the amount deposited into the property
 26 tax bankruptcy account under ORS 311.484, to the several funds for which the moneys were re-
 27 spectively received in accordance with the schedule provided in ORS 311.390. The county treasurer
 28 shall keep the moneys and warrants received from the tax collector in their respective funds.

29 (7) Within five business days of receiving a statement required by subsection (1) or (2) of this
 30 section, the county treasurer shall distribute the amount of money set out in the statement, except
 31 for the amount deposited into the property tax bankruptcy account under ORS 311.484, to the se-
 32 veral taxing units according to the ratios provided in ORS 311.390. The county treasurer shall dis-
 33 tribute interest earned on moneys in the unsegregated tax collections account at least as often as
 34 the treasurer receives a statement from the tax collector under subsection (1)(b) or (d) of this sec-
 35 tion. When statements are received under subsection (1)(a) of this section, the county treasurer shall
 36 distribute interest at least once a calendar month.

37 **SECTION 23. The amendments to ORS 86.260, 92.095, 294.361, 294.381, 307.244, 308.260,**
 38 **308.640, 311.250, 311.356, 311.392, 311.395, 311.415, 311.465, 311.505, 311.508, 311.510, 311.531,**
 39 **311.812, 315.119, 496.340 and 757.883 by sections 1 to 20 and 22 of this 2011 Act and the repeal**
 40 **of ORS 311.507 by section 21 of this 2011 Act apply to property tax years beginning on or after**
 41 **July 1, 2011.**

42 **SECTION 24. This 2011 Act takes effect on the 91st day after the date on which the 2011**
 43 **regular session of the Seventy-sixth Legislative Assembly adjourns sine die.**