

Inmates, copyright, patent, sale of products

A c. 210  
SB 191

Allows inmates of state penal or correctional institutions to patent, copyright, publish, sell or otherwise dispose of compositions, manuscripts or inventions produced while in prison and to receive proceeds earned from them.

\_\_\_\_\_ , county jails, temporary leave

A c. 499  
SB 85

Authorizes temporary leave for county jail prisoners not to exceed 10 days for designated purposes, and establishes procedures therefor.

\_\_\_\_\_ , disciplinary procedures

N c. 621  
SB 467

Requires Corrections Division to adopt procedures to be utilized in disciplining persons committed to physical and legal custody of division, subject to approval of Governor. Requires that such procedures provide an inmate with assistance and representation under terms and conditions established by division. Permits evidence to be received at disciplinary hearing even though inadmissible under rules of evidence applicable to court procedure. Exempts certain disciplinary actions of Corrections Division from rule making and contested case provisions of Administrative Procedure Act. Provides that contested case provisions of Administrative Procedure Act do not apply to orders issued to persons committed to custody of Corrections Division pursuant to designated provision. Makes certain orders and proceedings underlying such orders subject to review by Court of Appeals. Appropriates from General Fund to Corrections Division for biennium \$181,959 for purpose of Act. Eff. 21 July 73.

\_\_\_\_\_ , medical and psychiatric experimentation prohibited

A c. 371  
SB 383

Prohibits medical, psychiatric or psychological experimentation or research with inmates in penal or correctional institutions of this state. Defines "medical experimentation or research." Permits inmate

Inmates, medical and psychiatric experimentation prohibited (cont.)

to maintain an action to restrain violation of Act or an action to recover damages caused by violation of Act.

\_\_\_\_\_ , transfers, males

A c. 444  
SB 450

Authorizes Corrections Division to contract with Federal Government, other states or counties for confinement of male prisoners transferred from or to other jurisdictions in same manner as now done with female prisoners. Repeals provision relating to contracts for detention and transfer of male prisoners.

\_\_\_\_\_ , work release programs

A c. 242  
HB 2563

Permits any misdemeanant or felon to participate in work release program of Corrections Division. Authorizes Corrections Division to house parolees in work release facility under jurisdiction of State Board of Parole and Probation.

Local correctional facilities, standards

A c. 740  
HB 2966

Establishes mandatory standards for local correctional facilities, including 24-hour supervision, hourly inspection, three meals per day and no physical punishment. Authorizes correctional facilities to include use of electronic monitoring equipment for purpose of 24-hour supervision when approved by Corrections Division and governing body of area in which facility is located. Gives Corrections Division responsibility for providing and coordinating state service to local correctional facilities, including provisions for initiating legal action by Attorney General when standards are not met. Provides for semiannual inspection of facilities by county health officer. Requires Administrator of Corrections Division to publish and distribute manual of recommended guidelines for operation of local correctional facilities and lockups as developed by jail standards committee appointed by administrator. Eff. 1 July 74.

1973

CORRECTIONS

Educational programs, state

c. 789  
SB 867

Creates State Corrections Education Commission, consisting of seven members appointed by State Board of Education. Prescribes powers and duties of commission relating to academic, vocational, employment and related counseling needs of persons committed to Corrections Division and educational needs of division employes. Requires commission and division to submit report on educational programs to legislature at 1974 special session. Appropriates \$27,385 from General Fund to Education Department for biennial expenses to carry out Act. Repeals Act 30 Sep. 74. Eff. 22 July 73.

1973

CORRECTIONS (cont.)

Parole and probation, parole procedure

A c. 694  
SB 379

Revises provisions relating to parole. Removes general exemption of State Board of Parole and Probation from Administrative Procedures Act, but exempts state board from certain provisions of Administrative Procedures Act. Declares policy of State Board of Parole for parole of prisoners. Provides for considerations in determining parole. Authorizes board to obtain certain information prior to determination. Modifies provisions relating to conditions of parole; specifies certain conditions board may impose; permits board to modify conditions and establish special conditions. Authorizes board to suspend parole for violations and to order arrest and detention of parolee. Requires Corrections Division, rather than Director of Parole and Probation, to investigate violations in certain instances; requires board to suspend parole upon issuance of order for arrest and detention by Corrections Division. Requires hearing following arrest and detention of parolee and when parolee is returned to custody. Requires written notice and summary of board's action to be given to parolee; specifies contents of such notice and summary. Authorizes board to reinstate, continue, revoke or deny further consideration for parole in prescribed manner. Authorizes board to issue subpoenas. Requires board to issue subpoenas upon request of any party at hearings. Makes other provisions relating to subpoenas and hearings. Removes restrictions against discharge of person convicted of murder in first degree in cases where paroled prisoner has performed obligations of parole to satisfaction of board. Authorizes superintendent, rather than State Board of Parole, to allow for deduction from term of sentence of parolee who violates any condition of parole. Eff. 22 July 73.

Parole and probation, parole procedure

N c. 489  
SB 844

Adopts hearing procedure for alleged violation of parole or probation by person from another state.

Parole and probation, violation hearings, out-of-state supervision (cont.)

Requires notification to other state after hearing. Requires that hearing include notice and right of confrontation to alleged violator and permits him to present proof. Permits another state to conduct hearing on alleged parole or probation violation by person from this state.

Sentences, computation

A c. 631  
SB 835

Requires that sheriff compute time person is confined after arrest and prior to delivery to penitentiary or correction institution and that such time be considered part of sentence actually served. Provides that same rule apply to county jail terms.

Reduction, educational activity

A c. 562  
SB 381

Authorizes reduction in term of sentence for enrollment in educational activity as certified by educational director of institution.

Reduction, pre-1972 crimes

A SJR 41

Expresses legislative opinion and petitions Governor to exercise his power to grant reprieves, commutations and pardons to discharge or reduce sentences of persons convicted of crimes committed before January 1, 1972, and sentenced to term exceeding maximum prescribed in Oregon Criminal Code of 1971 for same crime.

1973

**CRIMES AND CRIMINAL PROCEDURE**

See also CONSTITUTION; CORRECTIONS

Detainers, return of out-of-state prisoners, procedure A c. 632 SB 845

Requires district attorney to notify Governor when prisoner in another state requests to be returned to Oregon for trial. Specifies information to be included in notice to Governor. Requires Governor to send written direction to district attorney within 10 days either to have Oregon case dismissed or to proceed with prosecution. Requires district attorney to act as directed. Requires officer of jurisdiction in which untried accusatory instrument is pending against prisoner in another state and who desires to have prisoner returned for trial to give notice and summary of evidence against prisoner to Governor in designated manner. Requires Governor to send written direction within 10 days approving or disapproving return of prisoner. Eff. 21 July 73.

Extradition A c. 32 SB 338

Permits Governor to appoint member of his legal staff to perform extradition functions during absence of Governor from state. Requires appointment to be in writing and filed with Secretary of State. Eff. 25 Apr. 73.

Fines, bail forfeiture, police standards and training A c. 346 SB 125

Requires Police Standards and Training Account payments due from court fines and bail forfeitures to be paid to Department of Revenue rather than State Treasurer.

Gambling, social games N c. 788 SB 803

Exempts social games from defini-

Gambling, social games (cont.)

tion of gambling. Permits cities and counties to prohibit, regulate, limit or license playing or conducting of social games.

Hay, unlawful transportation A c. 445 SB 451

Allows persons to transport 20 or fewer bales of hay without having to obtain transportation certificate.

Hunting in cemeteries A c. 468 SB 602

Prohibits hunting in cemeteries.

Hypnotism, exhibition. A c. 316 HB 2724

Prohibits exhibiting, for purpose of entertainment, person in trance, sleep or entire or partial unconsciousness which was induced by hypnotism, mesmerism or any other form of exertion of will power or suggestion of another person over such subject. Provides penalties.

Law enforcement agencies, reporting A c. 130 SB 613

Requires all law enforcement agencies to report statistics concerning crimes to Executive Department as directed by department and Governor. Requires Executive Department to prepare quarterly and annual reports, and special reports as directed by Governor. Creates Law Enforcement Data System Account in General Fund to replace police network system account and appropriates funds necessary to the account from the Motor Vehicle Division Account. Eff. 1 July 73.

Livestock, theft c. 405 HB 2194

Adds theft of livestock animal to categories included in crime of theft in first degree.

Marijuana, felony conviction set-aside c. 689 SB 48

Authorizes setting aside of certain convictions for possession of marijuana when that crime was punishable as felony only. Eff. 22 July 73.

Marijuana, penalties, conviction set-aside (cont.) N c. 680 HB 2936

Reduces classification of crime of possession of less than one avoirdupois ounce of marijuana to violation punishable by fine of not more than \$100. Reduces crime of criminal use of drugs, where use is of marijuana, to violation punishable by fine of not more than \$100. Expands provision permitting records to be sealed and conviction set aside to include a conviction of violation.

Mental disease or defect, acquittal, supervised release A c. 137 HB 2114

Authorizes court, upon acquittal in criminal proceeding of person by reason of mental disease or defect to release such person on supervision and to appoint any person or state, county or local agency court considers capable of supervising such person on release pursuant to direction of court.

Mistreatment, criminal A c. 627 SB 780

Creates crimes of criminal mistreatment in first and second degree for violation of legal duty to provide care for another person.

Obscenity, live public shows, material dissemination, prostitution A c. 699 SB 708

Prohibits persons from knowingly engaging in sadomasochistic abuse or sexual conduct in live public show. Prohibits persons from knowingly directing, managing, financing or presenting live public show in which participants engage in sadomasochistic abuse or sexual conduct. Prohibits persons from disseminating obscene material. Expands definition of prostitute to include male or female who engages in sexual contact for fee. Provides that person commits crime of prostitution by engaging in or offering to engage in sexual contact for fee or by offering or agreeing to pay fee to engage in sexual conduct or sexual contact.

Ocean shore recreation areas, discharging firearms A c. 196 SB 397

Prohibits discharge of firearm or other weapon upon or across ocean shore within state recreation area. Exempts military personnel within confines of military reservation as well as peace officers in performance of their duty.

Pretrial hearing A c. 550 HB 2528

Provides for pretrial omnibus hearing for determination of specified matters in circuit court criminal prosecution.

Procedure code N c. 836 SB 80

Enacts criminal procedure code. Adopts new provisions relating to time limitations, jurisdiction and venue. Adopts compulsory joinder test for former jeopardy and provides for raising former jeopardy defense by motion instead of by plea. Establishes statutory standards for stopping and investigating suspicious persons by peace officers. Revises arrest and search and seizure procedures. Amends Uniform Criminal Extradition Act. Repeals existing bail statutes and enacts new criteria for release on recognizance, conditional release and security release of defendants. Provides for plea of no contest. Adopts provisions relating to plea discussion and agreement and sets standards for negotiated pleas. Adopts new provisions relating to pre-trial discovery of evidence. Adopts new provisions relating to grand jury and criminal trial jury. Amends existing statutes relating to parole, probation, work release and executive clemency. Makes other substantive and topical changes in criminal law and procedure. Amends and conforms related statutes. Provides penalties. Eff. 1 Jan. 74.

Prostitution A c. 52 SB 148

Provides that person commits crime of prostitution if he pays or offers or agrees to pay fee to engage in sexual conduct.

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CRIMES AND CRIMINAL PROCEDURE  
(cont.)

Railroad trains, discharging fire-  
arms, throwing objects A c. 139  
HB 2151

Prohibits throwing of objects or discharging of bow and arrow or fire-arms at railroad trains. Provides penalties.

Sound recordings, reproduction,  
sale A c. 747  
HB 3160

Prohibits reproduction for sale, advertising for sale, offering for sale and sale of any sound recording without written consent of owner of master recording.

Telephone solicitations A c. 473  
SB 636

Prohibits telephone solicitation of money or other thing of value for charitable purpose unless parties to call are personally known to each other or person making call meets specified criteria. Exempts solicitations on behalf of hospitals or certain other nonprofit organizations. Allows city or county to enact ordinances that are more strict.

Theft of services, fraudulent com-  
munications devices, criminal mis-  
chief, credit cards A c. 133  
HB 2677

Modifies provision prohibiting theft of services to make crime Class C felony if aggregate total amount of services person obtains or attempts to obtain is \$200 or more or Class A misdemeanor if such total amount is under \$200. Creates new provisions relating to theft of services. Creates new crime prohibiting possession of fraudulent communications device and provides penalty. Expands existing provisions relating to criminal mischief and fraudulent use of credit card. Eff. 1 July 73.

Weapons, slugging, stabbing, sap  
gloves A c. 746  
HB 3142

Includes sap glove in prohibition against manufacturing, selling, carrying or possessing certain slugging or stabbing weapons. Revises penalties to make crime Class A misdemeanor. Provides that provision relating to sale or manufacture of sap gloves not

4.  
Weapons, slugging, stabbing, sap  
gloves (cont.)

apply to persons manufacturing sap gloves on May 1, 1973, for export out of state. Deletes authority of persons assisting peace officers under certain circumstances to use black-jack or billy. Restricts use of sap gloves by peace officers.

ELECTIONS (cont.)

Petitions, verification and number of signatures (cont.)

to verify signatures on initiative, referendum or recall petitions. Prescribes procedures for filing of such petitions. Prohibits acceptance of initiative, referendum or recall petitions for filing unless they contain at least 105 percent of required number of signatures. Requires that each signature sheet of initiative or referendum petition be verified by signed statement instead of affidavit.

Precincts, size A c. 662  
HB 3076

Requires county clerk, not later than January preceding primary election, to divide precincts having more than 750, rather than 500, registered voters residing therein. Prohibits precinct from including territory from more than one representative district. Limits size of certain election precincts combined for purpose of using voting machines or vote tally systems to 1,500 registered voters.

Publications, identification of source, date A c. 483  
SB 773

Requires that copies of previously published campaign material be clearly identified as to source and date of publication. Requires that date of publication, as well as name and address of publisher, be included in published campaign material.

Recounts N c. 657  
HB 3017

Requires Secretary of State to order recount of any primary or general election to public office or on measure when specified election official reports that difference in votes cast for or against candidate or measure is not more than one-fifth of one percent of total votes cast, or if outcome of the election was within 25 votes. Requires elections official of county or city to notify Secretary of State of any election subject to recount provisions. Requires that city, county or state pay costs of such recount dependent upon public office involved and unit of government proposing measure.

Referendum, petitions, ballot titles A c. 481  
SB 761

Deletes requirement that Secretary of State transmit referendum petition to Attorney General for preparation of ballot title. Requires Secretary of State to allow circulation of referendum petition with title supplied by legislative body or person or organization presenting petition. Requires use of official title on ballot and in voters' pamphlet.

Registration, independent candidates, voters A c. 841  
SB 162

Requires candidate who runs for office as independent to be registered as not affiliated with any political party during at least 180 days prior to date petition or certificate of nomination is filed. Adds requirement that elector requesting registration supply precinct and county of his previous registration in this state.

voters between 18 and 21 A c. 125  
HB 3008

Eliminates requirement for separate registration and separate registration lists for voters between ages of 18 and 21.

voters, national elections, residency A c. 150  
HB 2723

Reduces from six months to 30 days maximum period of time for residency within state, immediately preceding nomination or election of persons for President and Vice President of the United States, which entitles elector to vote in election for candidates for nomination or election as President and Vice President by means of special registration certificate.

School districts, voter challenges, contests A c. 467  
SB 579

Requires that challenge to person's right to vote in school election be conducted in same manner as provided in general election laws. Revises procedure for the contest of school district election.

Special and school districts, dates, procedure A c. 796  
HB 2037

Establishes first Tuesday in May, or date of special election for tax levy in excess of limitation, as date for regular election of school board members (except Portland School District No. 1, Multnomah County Intermediate Education District and certain community college district boards) and members of other special district boards; fixes six specific dates during year for school or special district special elections. Makes county clerk election officer for all special and school district elections. Changes residency requirement for voters in school board elections from six months to 30 days. Makes uniform provisions on nominations, voter qualifications and election administration procedure for special district elections apply to all elections of school boards and two additional kinds of special districts. Requires districts holding elections on same day to use precincts established by county clerk for state-wide elections. Provides for annual instead of biennial election of board members in certain community college districts. Prohibits election of more than two school board members at annual election in school district which conducts annual elections, except for requirements for filling vacancies in unexpired terms; establishes procedure. Eff. 1 Sep. 73.

Voters' pamphlets, candidates, city offices A c. 284  
HB 3018

Defines "city office" for purposes of voters' pamphlet.

candidates, district and legislative offices A c. 658  
HB 3020

Eliminates from voters' pamphlet candidate statements for district offices. Authorizes inclusion in voters' pamphlet of statements and portrait cuts of candidates for legislative office.

candidates, portrait cuts, standards A c. 155  
HB 3015

Prescribes standards for portrait cuts submitted by candidates for inclusion in voters' pamphlet. Pro-

Voters' pamphlets, candidates, portrait cuts, standards (cont.)

hibits candidate from submitting portrait cut which was taken more than one year before submission. Provides penalties.

general voting information A c. 400  
HB 2810

Authorizes Secretary of State to include certain information relating to senatorial and representative district boundaries and rights of voters in every voters' pamphlet. Requires that location of addressee's polling place be printed on mailing label of voters' pamphlet, if possible.

measures, explanation, arguments A c. 712  
HB 3007

Provides for five-member committee to prepare explanatory statement, supporting argument and opposing argument for any measure to be submitted to people by initiative or referendum. Changes deadline from 120 to 130 days prior to election day for Secretary of State to appoint four members. Changes deadline from 100 to 120 days prior to election day for four members to choose fifth member. Requires that sponsor of measure be included as member. Changes deadline from 90 to 110 days before election day for committee to file explanatory statement of measure with Secretary of State. Provides for Secretary of State hearing in Salem between 105 and 100 days before election day for purpose of receiving from public suggested changes for statements. Requires any revised statement be submitted by committee not later than 95 days before election day. Provides for Supreme Court review of statement in certain cases. Eliminates provision for submission for inclusion in voters' pamphlet of arguments for and against measure prepared by persons other than members of committee.

ELECTIONS

See also CONSTITUTION

Ballots, write-in candidate c. 154  
HB 3012

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Prohibits use of stickers and

Ballots, write-in candidate (cont.)

other devices, except writing or printing, for purpose of voting for write-in candidate. Provides that ballots on which stickers or other devices are used shall not be counted.

Candidates, filing fees A c. 152  
HB 2755

Increases filing fee for declaration of candidacy for State Senator or Representative from \$10 to \$25 and certain county offices from \$20 to \$50. Increases filing fee for declaration of candidacy for certain district offices within county from \$5 to \$10.

U. S. Representative, nomination vacancy N c. 527  
SB 784

Establishes procedure to fill vacancy in nomination of candidate for, in election of, or office of Representative in Congress. Provides for special primary and special general election, and for convention to fill vacancy in certain instances: Eliminates authority of congressional committee to fill vacancy in nomination or to nominate person to fill vacancy in office of Representative in Congress.

Clerks, compensation N c. 588  
HB 2994

Increases minimum compensation for election board clerks from \$1 to \$1.60 per hour and from \$6 to \$9 per day.

Election offenses, financing, conduct A c. 744  
HB 3077

Revises provisions relating to election campaign financing and election offenses. Makes candidates personally responsible for filing and accuracy of financial statements. Eliminates dual filing of certain statements. Permits political committees and individuals to make expenditures in support of or opposition to candidates only with consent of candidate; or opposing candidate provides for treatment of

Election offenses, financing, conduct (cont.)

contributions received and expenditures made and allocation thereof in certain cases. Authorizes Secretary of State to adopt rules for determining and reporting expenditure limitations. Requires that name and address of publisher appear on campaign publication and makes candidates responsible for publication of false political statements. Removes criminal penalty for false political statements and substitutes civil action by aggrieved candidate or political committee. Retains potential forfeiture of nomination or election by candidate who makes false political statement. Provides that Attorney General or other prosecutor determine whether to prosecute election law violation. Authorizes Secretary of State to impose civil penalty up to five percent of total contributions or expenditures per day for late filing of financial statement. Provides penalties. Eff. 1 Sep. 73.

financing, limitations N c. 623  
SB 541

Limits contributions and expenditures for campaigns for designated political offices. Repeals provision prescribing limitations on contributions and expenditures by candidates. Exempts certain contributions made prior to effective date of Act from gift tax.

Petitions, signature sheets, requirements A c. 283  
HB 3021

Requires Secretary of State to design signature sheets used in circulation of petition of nomination, initiative, referendum, recall and nonpartisan petitions. Authorizes printed, as well as written name, on petitions of nomination, initiative, referendum and recall and petitions under District Boundary Procedure Act.

verification and number of signatures c. 392  
HB 2753

Requires that Secretary of State use statistical sampling techniques

Excused

Artificial light, game, livestock  
(cont.)

with which game mammal or livestock could be killed. Exempts casting light on game mammal or livestock from headlights of motor vehicle operated on highway in usual manner where there is no attempt to kill game mammal or livestock. Exempts possession of weapons that are disassembled or stored in trunk or storage compartment of motor vehicle. Exempts casting light by person on land owned or lawfully occupied by such person or on publicly owned land when such person has agreement with public body to use property.

Commercial fishing, administration, recreation consideration, commission members

c. 271  
SB 409

Revises definition of conservation in commercial fishing laws to include recreational and esthetic benefits. Modifies duties of fisheries director to include consideration of recreational angling interests. Makes Governor's appointments to Fish Commission subject to Senate confirmation.

licenses, fees

c. 768  
HB 5078

Increases and revises certain commercial fishing license fees, charges for special licenses, lost licenses, stickers or plates and certain food fish or shellfish fees. Repeals provisions relating to gillnet, setline and setnet licenses. Modifies provisions relating to albacore tuna landing license. Eff. 1 Jan. 74.

restaurants, food fish records

c. 437  
HB 3184

Requires licensed restaurants to keep records of all food fish received and bought while such fish are in restaurant's possession.

✓ FISH AND GAME

Artificial light, game, livestock

c. 542  
HB 2359

Prohibits casting from motor vehicle or from within 500 feet of a motor vehicle artificial light on game mammal or livestock when person has in his possession or immediate physical presence a weapon

Commercial fishing, striped bass  
(cont.)

taking of stiped bass lawful and provides for disposition of stiped bass so taken. Requires Fish Commission to take reasonable means to minimize commercial taking of striped bass consistent with continuing an optimum shad fishery.

Game law revision **ABSENT** c. 723

HB 2010

Revises and reorganizes laws relating to management of wildlife. Eliminates obsolete and redundant provisions and standardizes and modernizes terminology. Establishes wildlife management policy for guidance in administration of wildlife laws. Changes name of State Game Commission to State Wildlife Commission and title of State Game Director to State Wildlife Director. Consolidates certain provisions prescribing fees for angling, hunting, trapping and wildlife related occupational licenses, tags and permits. Authorizes use of administrative rules to provide certain management, conservation and utilization restrictions and procedures formerly prescribed by statute. Prohibits condemnation proceeding to acquire land devoted to farm use on effective date of Act unless commission first obtains approval from Joint Committee on Ways and Means or Emergency Board. Permits condemnation without legislative approval upon change in use of such land from farm use. Authorizes use of parks and certain other publicly owned lands for hunting and trapping under conditions as will not adversely affect public safety or unreasonably interfere with other authorized uses of parks or lands. Prohibits possession of live game fish that originated outside this state unless they have been certified to be disease-free. Specifies requirement for screening of water diversions in terms of volume of flow of diversion rather than physical dimensions. Provides exception to screening requirement when commission and person diverting water make other adequate fish protection arrangements. Revises prohibitions relating to hunting of wildlife with aid of artificial light; from motor-propelled vehicle; within two hours after having been transported to or

Game law revision (cont.)

from a location by helicopter; within boundaries of any city, public park or on any school land; and prohibition of person to permit any dog he owns to unlawfully hunt, run or track any game mammal or game bird. Provides penalties. Eff. 1 Jan. 74.

Hatcheries, private, salmon c. 356  
SB 265

Authorizes Fish Commission to issue permits, under certain conditions, to construct privately operated chinook salmon and silver salmon hatcheries. Prohibits commission from issuing more than four permits to construct chinook salmon and silver salmon hatcheries during biennium beginning July 1, 1973.

Hunting, black bear, license, tag

c. 95  
HB 2882

Requires residents and nonresidents desiring to hunt for black bear to first secure the appropriate hunting license and a black bear tag. Prescribes fees. Eff. 1 Jan. 74.

Wild animals, endangered species, skins, hides

c. 425  
HB 2811

Prohibits transportation, importation or sale of certain endangered wildlife species, their skins or hides or any articles made from their skins or hides. Provides exception for transactions in accordance with permits issued by State Game Commission or involving resale of used skins, hides or other parts of endangered species or article made in whole or part thereof if seller acquired item sold prior to effective date of Act.

Excused

Child custody jurisdiction, generally  
(cont.)

state. Authorizes courts to decline jurisdiction and to stay or dismiss proceedings upon finding of inappropriate forum on motion of party or court's own motion. Allows imposition of costs, attorney fees and travel expenses upon party who initiates proceedings in designated dismissals or finding of inappropriate forum. Authorizes dismissal or refusal of jurisdiction for reprehensible conduct, such as abduction from custodial parent. Requires affidavit or information in first pleading regarding addresses of interested persons, pendency of other proceedings and other relevant matters. Imposes continuing duty to inform court of relevant matters. Authorizes order of joinder of other interested persons. Establishes procedure for filing of sister state decrees and provides such decrees entitled to same effect and enforcement as decrees of this state. Makes other related and interstate cooperation changes. Declares Act applies with regard to other nations if they provide reasonable notice and opportunity to be heard.

Dissolution of marriage, summons, publication

c. 529  
SB 880

Provides for service of summons by publication in suits for dissolution of marriage.

Marriage, validation

c. 530  
SB 881

Validates any marriage in all other respects legal and regular, made prior to January 1, 1973, and before expiration of 60 days from date of decree declaring previous marriage of one or both of contracting parties void or dissolved.

Separation, generally

c. 502  
SB 24

Replaces present separation proceeding provisions with separation provisions similar to those for annulment or dissolution of marriage. Establishes grounds for separation. Fixes minimum period of separation at one year. Eliminates concept of fault from separation procedures. Authorizes court to convert separation suit to dissolution or annulment suit upon motion, or if requested by either party within two years after entry of separation decree, to supplemental proceeding

Separation, generally (cont.)

for dissolution of marriage. Requires court to fix duration of separation. Establishes effect of separation decree upon expiration. Authorizes court, upon petition, to renew or extend separation decree or modify or vacate decree for unlimited separation, and to assess against either party reasonable attorney fees for benefit of other party. Makes transitional provisions.

Support, judgments, orders, transfer

c. 524  
SB 697

Permits party in whose favor certain order or decree for payment of money has been made to transfer, for purpose of enforcement, certified copies of files, records and transcripts of testimony in original proceeding to county clerk of county in which defaulting party resides or defaulting party's property is located. Grants jurisdiction to modify certain orders and decrees to circuit court of county where moving party or defaulting party resides if that court has received certified copies of original proceeding.

reciprocal enforcement

c. 280  
HB 2911

Amends definition of "state" to include Commonwealth of Puerto Rico and any foreign jurisdiction, for purposes of Uniform Reciprocal Enforcement of Support Act.

✓  
FAMILY LAW

See also AGE; JUVENILES

Child custody jurisdiction, generally

c. 375  
HB 2051

Adopts Uniform Child Custody Jurisdiction Act. Confers jurisdiction to make child custody determination when Oregon is home state of child or was home state within six months of commencement of proceedings or when exercise of jurisdiction is found to be in best interests of child because of significant connection of child and at least one parent with state, and for other specified reasons. Defines and requires reasonable notice to parent or person with custodial interest in or out of



Apprenticeship and training  
(cont.)

instruction to meet objectives of such courses. Authorizes State Board of Education to adopt rules, standards, policies or programs for development and operation of such courses.

Employe benefit funds, payments  
to c. 140  
HB 2224

Extends provision requiring employer to make agreed payments to employe funds to include dental, pension, vacation, apprenticeship and industry funds. Increases penalty, upon conviction, of any person who fails to make agreed payments for benefit of employes and requires such person to make immediate restitution of delinquent payments. Eff. 1 July 73.

Employment agencies, charges, administration rules c. 138  
HB 2124

Increases from 14 to 90 minimum number of calendar days individual must remain employed or be entitled to refund of part of his employment agency fee. Allows employment agency to receive 1/90th of service fee for each day that individual is employed and compensated. Authorizes Labor Commissioner to adopt rules and regulations for administration of designated provisions relating to employment agencies.

\_\_\_\_\_, generally. c. 678  
HB 2629

Revises law relating to employment agencies. Creates Employment Agency Advisory Board within Bureau of Labor consisting of eight members appointed by Labor Commissioner. Prescribes powers and duties of board. Permits Labor Commissioner to issue employment agency licenses only as specified. Redefines "employment agency." Specifies exemptions from licensure. Prescribes additional qualifications for licensees including requirement that applicants pass certain examination. Increases surety bond of licensee from \$1,000 to \$2,000 and extends existing liability of bond. Provides for fee schedule. Requires employment agencies to maintain certain records and to furnish such

Employment agencies, generally  
(cont.)

records pertaining to placement and to make such reports relating to complaints of applicants or employes as Labor Commissioner requires. Authorizes Labor Commissioner to promulgate rules and regulations. Authorizes commissioner to seek injunctive relief for violations. Requires contracts and job referrals to be in writing; requires form and content of contracts to be submitted to commissioner for approval. Requires that contract between employment agency and applicant for employment and job referral document contain specified provisions. Requires disclosure to applicant for employment of terms and conditions of prospective employment. Prohibits wage assignments to secure employment agency fees. Provides for reduction of employment agency fee in certain situations. Makes other provisions relating to fees and charges. Prescribes prohibited acts. Eff. 22 July 73.

Farm labor contractors, wages, surety bond or deposit c. 401  
HB 3051

Requires Labor Commissioner to take appropriate action to establish liability or lack thereof of farm labor contractor for wages of his employes. Modifies provision requiring farm labor contractor to maintain proof of financial ability to promptly pay wages of his employes and other specified obligations in form of corporate surety bond or cash deposit. Requires corporate surety bond to be executed to cover liability for period of one year and prohibits cancellation or termination of such bond during period for which executed. Provides for liability of persons using farm labor contractor who has not complied with bond or deposit requirements. Grants person suffering wage loss right of action upon bond or against deposit with commissioner. Prescribes manner for handling and payment of claims. Eff. 20 July 73.

Places of employment, occupational safety and health c. 833  
SB 44

Revises law relating to occupational safety and health. Enacts

Places of employment, occupational safety and health (cont.)

Oregon Safe Employment Act. Authorizes Workmen's Compensation Board and its designees to set reasonable, mandatory occupational safety and health standards for conditions and places of employment. Requires employers to provide healthful place of employment. Authorizes inspection and investigation of place of employment by board in order to determine that occupational safety and health laws are being complied with. Requires board to issue citation and notice of civil penalty, if any, to employer with reasonable promptness. Requires board to consider prescribed criteria in fixing time for correction of violation and payment of civil penalties. Permits one state of facts or conditions which violate certain rules, standards or orders to constitute basis of only one citation, proceeding or penalty. Requires review and report of laws and rules, standards or orders of board and other agencies that are contradictory, inconsistent or duplicitous. Prohibits discharge of employe who discloses forbidden occupational or health practice and requires board to keep such disclosures confidential. Authorizes Labor Commissioner or circuit court to order appropriate for affected employe. Permits board to grant variance from particular safety or health regulation, rule or standard to employer under specified conditions. Authorizes board to publish and distribute training and accident prevention materials and to provide consultative services for employers on safety and health matters. Requires that board and employers maintain specified records. Designates Occupational Health Section of Health Division as board's designee to act concurrently with and for board in matters relating to occupational health. Provides penalties. Transfers certain functions of Department of Commerce to Motor Vehicles Division. Eff. 22 July 73.

Retirement plans, reporting and disclosure c. 564  
SB 660

Establishes reporting procedures and disclosure requirements for private retirement systems. Authorizes

LABOR

See also UNEMPLOYMENT COMPENSATION;  
WORKMEN'S COMPENSATION

Apprenticeship and training c. 648  
SB 767

Permits implementation of certain courses of study for instruction of apprentices or trainees. Requires approval of such courses by state joint committee and State Board of Education. Requires operation of such courses to be responsibility of recognized local employe organization. Requires district school boards to cooperate with Department of Education and local joint committees or trade committees in providing

JUVENILES

Courts, appeals pending, custody orders A c. 649 SB 852

Permits juvenile court, after notice and hearing and while appeal from its order is pending, to enter further temporary order relating to child's custody, if such order is necessitated by matters transpiring subsequent to order which is being appealed.

attorney fees A c. 455 SB 500

Authorizes court to require parent or guardian to pay fees of court-appointed attorney in certain juvenile proceedings.

custodial care, treatment plan A c. 495 SB 10

Requires Children's Services Division to submit care or treatment plan, within specified time, to juvenile court placing child in need of medical care or other special treatment by reason of physical, mental or emotional condition in custody of division. Authorizes court to indicate type of care it regards initially appropriate and to request progress reports on implementation of treatment plan. Requires division to keep court advised of progress of child and notify court if treatment plan is revised. Provides for continuing jurisdiction of juvenile court after commitment of child to division.

Courts, fingerprints, photographs A c. 453 SB 496

Deletes authority to fingerprint and photograph juveniles in custody of Children's Services Division.

parental rights termination, Attorney General A c. 202 SB 28

Authorizes juvenile court or children's Services Division to request assistance of Attorney General in action to terminate parental rights.

parental rights termination, generally A c. 804 HB 2797

Modifies provisions relating to termination of parental rights of parents of child within jurisdiction of juvenile court. Provides that rights of parent may be terminated if court finds parent unfit by reason of conduct or condition seriously detrimental to child and integration of child into home of parent is improbable in foreseeable future due to pattern not likely to change. Establishes factors court is required to consider in determining such conduct and conditions.

Deceased, state guardianship, disposition A c. 842 SB 549

Authorizes burial, cremation or disposition for medical instruction or research of body of deceased child under guardianship of Children's Services Division at time of death where body unclaimed.

✓ LANDLORD AND TENANT

Generally

N

c. 559  
SB 159

Enacts Residential Landlord and Tenant Act. Prohibits rental agreements from including certain provisions. Allows award of attorney fees and costs to prevailing party in any action on rental agreement. Prescribes certain provisions for receipt and disposition of security deposits. Prescribes obligations of landlord, including but not limited to keeping premises in habitable condition; maintaining in good working order certain facilities; and providing essential services. Prescribes obligations of tenant, including but not limited to keeping

Generally (cont.)

premises in clean and safe condition; using facilities in reasonable manner; refraining from harming or removing any part of premises; and conducting himself in manner consistent with his neighbors' peaceful enjoyment of premises. Provides certain tenant remedies in event of landlord non-compliance. Provides certain landlord remedies in event of tenant noncompliance. Requires that certain actions be commenced within one year. Prohibits landlord's lien on tenant's household goods. Prohibits certain retaliatory conduct by landlord. Allows tenant certain defenses in action for possession of premises. Directs Housing Division of Department of Commerce to prepare Residential Rental Agreement which conforms to designated provisions of Act and which shall serve as model for other forms of written rental agreements. Requires division to submit Residential Rental Agreement to Fifty-eighth Legislative Assembly.

Retirement plans, reporting and disclosure (cont.)

Insurance Commissioner to enforce procedures and requirements. Authorizes injunctive relief against violations.

Wages and hours, interstate commerce employees

A c. 383  
HB 2237

Subjects to employment regulation of Wage and Hour Commission certain persons subject to regulation by Interstate Commerce Commission Act.

, minimum wages, agricultural employees

N c. 403  
HB 2079

Requires employers to pay individuals under 18 years of age employed in agricultural labor at same rate for work produced or services rendered as paid to individuals over 18 years of age. Increases minimum wage level from \$1.25 to \$1.60 per hour for calendar year 1974 and \$1.75 per hour for years after 1974. Authorizes Wage and Hour Commission to establish wages below minimum wage level for certain persons, including minors and persons over 65 years of age employed in agricultural labor. Eff. 1 Jan. 74.

Administration, Division personnel, appointment, discharge (cont.)

subordinates within Mental Health Division by administrator. Eff. 22 July 73.

institutional supplies, services, claim approval c. 248  
A HB 3067

Permits Administrator of Mental Health Division to delegate authority to other persons to approve claims for supplies or materials furnished or services rendered to institutions. Eff. 6 Jul 73.

Community programs, generally c. 639  
SB 448

Redesignates community mental health clinics as community mental health programs. Adds mentally or emotionally disturbed, developmentally disabled and drug-dependent persons to those persons required to be served by community mental health programs. Redefines basic services required of community mental health programs. Requires community health programs to submit an annual plan and progress report and maintain records and submit other data as required by division. Changes matching fund formula for financing community mental health programs to require that matching formula be 50 percent state funds to 50 percent county funds. Authorizes Mental Health Division to contract with counties and provide up to 100 percent funding for defined alternatives to state hospital care. Requires counties receiving state funding for alternatives to state hospital care to insure that their contribution to community mental health programs will not be reduced because of such payments. Requires that any county funds derived from federal revenue sharing moneys and expended by county for community mental health purposes be considered portion of county's contribution for purpose of determining net amount of county funds expended for purposes of state reimbursement under designated provision. Eff. 21 July 73.

A/SP

**MENTAL HEALTH**

Administration, Division Administrator, appointment c. 247  
A HB 3049

Deletes reference to provision which has been repealed and substitutes designated provision as authority for appointment of an Administrator of Mental Health Division.

Division personnel, appointment, discharge c. 807  
HB 3048

Excused

Confers authority on Administrator of Mental Health Division or his designees to appoint, suspend or discharge employes of division, and to appoint chief medical officers for division institutions. Repeals provision relating to appointment of

Competency determinations, state facility patients c. 585  
HB 2814

Establishes hearing procedure for determining competency or in-

A

LEGISLATURE

See also APPROPRIATIONS, CONSTITUTION; STATE AGENCIES

Lobbying, regulation

N c. 802  
HB 2530

Establishes procedures to regulate lobbying. Requires registration of lobbyist with Secretary of State. Requires reports on lobbying activities. Establishes exemptions. Prohibits prescribed conduct. Specifies duties of Secretary of State. Repeals present lobbying regulation law. Creates Lobby Administration Account. Requires all moneys received by Secretary of State under Act to be credited to account. Appropriates moneys in account to Secretary of State

Records, sound recordings

A c. 555  
HB 2611

Requires sound recordings to be made and retained as records of every meeting of Legislative Assembly and of every legislative committee meeting and hearing. Authorizes copying of such recordings. Requires Emergency Board, Legislative Administration Committee, Legislative Counsel Committee and Joint Committee on Ways and Means to cause sound recordings of hearings or meetings to be retained, or if not retained, to be delivered to State Archivist who shall be custodian of sound recordings so delivered. Deletes Senate Committee on Interstate Cooperation and House Committee on Interstate Cooperation from provisions relating to disposition of certain legislative records.

MOTOR VEHICLES

Habitual offenders c. 301  
 HB 2258 A/SP.  
 Enacts Habitual Traffic Offenders Act whereby person having specified number of certain kinds of convictions involving motor vehicles, within five-year period, may be declared to be "habitual offender" and ordered

Liquor, drinking, open containers c. 191  
 HB 2728 A  
 Prohibits person when on highway from drinking any alcoholic liquor in motor vehicle, having an opened container of alcoholic liquor on person in motor vehicle and storing an alcoholic liquor container opened or partially used, except in trunk or similar place in motor vehicle. Excepts common carriers or public transit systems used to carry passengers for hire.

intoxication, evidence c. 465  
 SB 563 A  
 Instructs courts not to construe implied consent law as limiting introduction of other evidence in civil and criminal proceedings.

Parking, disabled persons, definition c. 219  
 SB 521 A  
 Extends definition of disabled person for purposes of parking marked motor vehicles in restricted areas.

disabled persons, places, definitions c. 302  
 HB 2311 A/SP.  
 Adds near end of block, alley or curb ramp to places where disabled persons may park without incurring the penalties imposed for overtime parking. Redefines "disabled person" under motor vehicle law to include persons who, due to loss of function of their legs, are unable to cross curbs or walk further than 100 feet and persons who are missing one or both legs.

Liquor, intoxication, .15 percent or more, penalties c. 798  
 HB 2275 EXCUSED/SP.  
 Requires courts to impose sentence of imprisonment upon conviction of any person for driving with .15 percent or more by weight of alcohol in his blood with certain exceptions. Provides for enhanced penalty for each subsequent conviction. Permits imposition of fine of not more than \$2,000 in addition to imprisonment. Prohibits court from suspending imposition or execution of sentence or from granting probation or parole. Includes within definition of "major traffic offense" driving with .15 percent or more by weight of alcohol in one's blood. Eff. 22 July 73.

MENTAL HEALTH (cont.)

Competency determinations, state facility patients (cont.)

competency of persons being treated for mental deficiency in state treatment facilities. Eff. 21 July 73.

Cost of care, liability, procedure

A c. 806  
HB 2979

Changes method of determination and review of liability for cost of care of persons in state institutions. Removes review of initial determination from probate court to Department of Revenue and establishes hearing procedure. Provides for review of hearing order by circuit court. Establishes warrant and judgment procedure for collection of unpaid charges. Places responsibility for establishing reimbursement rates in Mental Health Division. Eff. 22 July 73.

\_\_\_\_\_, liability, relatives eliminated

A c. 546  
HB 2430

Eliminates relatives' responsibility for cost of care of institutionalized relatives. Provides for continued liability for amounts due prior to effective date of Act.

Mentally deficient, day, respite, crisis, part-time care

A c. 262  
HB 2649

Entitles mentally deficient persons to admission at Mental Health Division facility for day care, respite care, crisis intervention and part-time care upon application to division pursuant to its rules and regulations. Prescribes manner for establishing, charging, and collecting cost of such care. Eff. 12 July 73.

\_\_\_\_\_, voluntary treatment

A c. 277  
HB 2815

Permits Mental Health Division to accept mentally deficient persons who are over 21 years of age, as well as mentally deficient minors, for treatment as voluntary patients in its treatment facilities. Establishes admission procedures for mentally deficient persons.

Mentally ill, involuntary commitment

A c. 838  
SB 510

Modifies provisions relating to involuntary commitment of mentally ill persons. Provides for commitment to Mental Health Division rather than specific state hospital. Requires probable cause investigation prior to issuing citation. Defines conditions for treatment of persons detained for hearing. Establishes new hearing procedures and expands existing hearing procedures relating to involuntary commitment. Permits courts to allow mentally ill persons to participate in treatment programs on voluntary basis. Places time limitations on length of commitment. Provides for periodic hearings, upon petition of patient, to determine whether or not person should remain patient in facility. Requires that patient committed to division be given statement of rights guaranteed to him and that such statement be posted in certain rooms frequented by patients. Eff. 1 July 74.

Patient records, state and local facilities

A c. 736  
HB 2816

Limits inspection of medical records of patients of any Mental Health Division facility or community mental health program and medical records of inmates of any state correctional institution. Provides penalties. Eff. 22 July 73.

Retarded and disabled persons, rights

HCR 8

A/SR

Declares rights of mentally retarded and other developmentally disabled persons concerning opportunities for normalization.

Sexually dangerous persons, commitment, admission

A c. 443  
SB 447

Requires that person be advised of his right to legal counsel prior to proceedings for his commitment as sexually dangerous person. Requires that person committed as sexually dangerous be advised of his right to be reexamined and to hearing once every 12 months after original commitment. Authorizes superintendent of facility to file petition for reexamination and hearing

Sexually dangerous persons, commitment, admission (cont.)

for discharge any time he deems patient no longer sexually dangerous. Lowers age for voluntary admission without parental consent from 21 years to 18 years for treatment of person in need of treatment as sexually dangerous. Authorizes superintendent of facility to grant trial visit to patient. Repeals provisions relating to parole of sexually dangerous persons from state institutions.



NATURAL RESOURCES (cont.)

Energy, study, reports (cont.)

January 1, 1975, recommending comprehensive energy policy for this state, and if warranted, proposing energy related legislation. Requires studies to include consideration of specified subjects. Requires specified departments and agencies to be notified of all advisory committee meetings and consulted with as deemed desirable. Appropriates \$153,505 from General Fund to Public Utility Commissioner for biennial expenses of an energy study. Eff. 22 July 73.

Forests, fire protection, costs, interest charges, attorney fees

c. 66  
HB 2185

Authorizes State Forester or fire protection agency to add interest to actual costs of controlling and extinguishing certain forest fires. Authorizes additional interest in action to recover costs or to foreclose lien, and authorizes payment of attorney fees to prevailing party.

Liability of landowner, fire protection

c. 46  
HB 2026

Modifies liability of landowner or operator of forest or rangeland for cost of fire suppression. Requires notice to State Forester of commencement of operations on land. Requires forester to make determination if additional fire hazards exist and to notify landowner or operator of such hazard with instructions for offsetting it. Deletes requirement for annual burning of slashing. Eff. 1 Jan. 74.

Forestry Board, membership

c. 230  
HB 2076

Increases membership of State Board of Forestry from 14 to 16. Provides for appointment by Governor of two voting members to represent public's interest in forest policy and management. Adds North West Timber Association to list of groups which may recommend persons for positions on board. Permits board to meet at places designated by chairman or State Forester.

log patrols

c. 800  
HB 2494

Reduces surety bond requirement

Forests, log patrols (cont.)

for persons acting as log patrols from \$10,000 to \$5,000. Reduces log patrol license application fee and annual license renewal fee from \$100 to \$50. Removes exemptions of boom companies from provision prohibiting persons from taking possession or control of certain forest products or booming equipment. Exempts certain log patrol or salvage companies as well as railroads and licensed persons engaged in log patrol activities from such prohibition.

stray logs, boomsticks, disposition

c. 45  
SB 35

Authorizes person not licensed to act as log patrol and who owns, operates, controls or is using waterway structure, to catch and hold stray log or boomsticks when necessary to prevent damage to waterway structure. Provides for notification of owner of log or boomstick and for disposition of log or boomstick if unclaimed by owner. Permits extension of notification period and owner's recovery period in certain emergency situations. Eff. 27 Apr. 73.

Western States Task Force

SJR 44

Directs President of Senate and Speaker of House to appoint two senators and two representatives to serve on Western States Forest Industries Task Force.

Geothermal resources

c. 388  
HB 2504

Redefines "wells" to include "prospect wells." Requires permits for geothermal wells to be obtained from State Geologist and notification to be given to State Department of Environmental Quality prior to issuance. Allows persons to appeal orders of Governing Board of Department of Geology and Mineral Industries in accordance with provisions of Administrative Procedures Act. Requires bonding to cover proper sealing after production of geothermal resources as well as for sealing after drilling of dry hole. Repeals designated provisions relating to appeal procedure. Eff. 20 July 73.

Mining, surface

c. 709  
HD 2190

Modifies permit exemption of certain surface mining operations to provide that exemption not apply to existing contracts upon expiration or in instances where fiduciary relationship exists between contracting parties. Requires separate permit from Department of Geology and Mineral Industries for each surface mining operation. Increases application fee for operating permit from \$100 to \$150 and annual renewal fee from \$25 to \$50. Requires department to charge \$100 fee if it determines that site inspection is necessary in processing operating permit application or renewal. Eff. 21 July 73.

Natural area preserves

c. 532  
HB 2232

Authorizes State Land Board to establish natural area preserves for educational and scientific use of natural areas. Defines "natural area." Provides that no land be included within natural area unless it is in public ownership or is acquired by method requiring no expenditure of public funds for acquisition. Prohibits condemnation to acquire lands or interests therein for natural area preserves. Prescribes procedures for establishment of natural areas under jurisdiction of board or by agreement with other public agency. Creates Natural Area Preserves Advisory Committee to assist board. Provides for composition, term, and compensation of committee members. Establishes Natural Area Preserves Account for administrations.

Oil and gas conservation, wells

c. 276  
HB 2770

Excludes seismic test wells from definition of well for purposes of laws relating to conservation of gas and oil. Requires permits for drilling of oil and gas wells and increases fee to be paid board from \$25 to \$100. Expands grounds upon which bond for drilling of wells may be conditioned. Authorizes State Department of Geology and Mineral Industries to require filing of notice of intention to drill core test wells, seismic test wells or wells drilled only for information and to require that wells drilled for oil or gas be logged to identify geologic formations penetrated.

Water, fills, removals, permits

c. 330  
SB 39

Transfers from State Water Resources Board to Director of Division of State Lands power to revoke permits for fill or removal operations in waters of this state and power to institute civil proceeding to abate public nuisance created by noncomplying operation or operation without permit. Provides for appeal from director's action by aggrieved party to circuit court of county in which property affected by such action is situated. Authorizes applicant for permit whose application has been denied or who objects to conditions imposed on permit to request hearing from director and to appeal from director's action to Court of Appeals. Authorizes director to seek and court to award sum of money sufficient to compensate public for certain damages resulting from noncomplying operation or operation without permit. Permits court to award double or treble damages in certain situations.

fills, removals, permits

c. 674  
HB 2142

Extends scope of "fills" and "removals" subject to permit requirements. Provides for fee schedule. Requires hearing before Director of Division of State Lands, in accordance with prescribed administrative procedures, where there are objections to director's grant or denial of permit. Authorizes appeal to Court of Appeals from director's final order. Requires issuance of temporary fill permit if decision on application for fill permit is delayed beyond 90 days from date of application. Increases from 30 to 45 days period of time after which temporary removal permit must be issued because of delay in decision on application. Transfers from State Water Resources Board to Director of Division of State Lands power to revoke permits for fill or operations and power to institute civil proceedings to abate public nuisance created by noncomplying operation or operation without permit. Authorizes director to seek money damages to compensate public for certain damages resulting from noncomplying operation or operation without permit. Permits court to award double or treble damages in certain situations. Eff. 22 July 73.

24.



POLLUTION CONTROL (cont.)

Sewage systems, alternate, regulation *Excused* c. 424  
HB 2786

Requires Environmental Quality Commission to adopt rules relating to alternate sewage disposal systems. Provides for issuance of permits by Department of Environmental Quality for installation, operation and maintenance of such systems.

\_\_\_\_\_, county authority *N* c. 494  
SB 876

Grants counties general authority to construct, reconstruct, repair or acquire sewage disposal systems. Prohibits, in areas subject to local government boundary commissions, counties from exercising such authority without approval of boundary commission. Prescribes review procedures for proposed sewage disposal systems in areas subject to local government boundary commissions. Expands definition of "municipality" authorized to construct or acquire sewerage facilities to include county.

\_\_\_\_\_, municipalities, bonds to finance *A* c. 213  
SB 294

Repeals existing provisions relating to construction and financing of sewer systems. Authorizes municipalities to construct, equip, operate and maintain sewage disposal systems. Authorizes municipalities to issue bonds for acquisition and construction of sewage disposal systems upon voter approval. Requires municipalities to hold election, within one year, on question of bond issue when Environmental Quality Commission issues an order which requires acquisition and construction of disposal system. Authorizes commission to institute certain proceedings against municipalities which fail to hold required elections. Prescribes procedures.

\_\_\_\_\_, municipalities, user charges *A* c. 101  
HB 2437

Authorizes municipalities to adopt charges and rates sufficient to assure that each recipient of services pays a proportionate share of operating costs. Authorizes requiring industrial users to pay their share of construction, operation and maintenance costs for service by

Sewage systems, municipalities, user charges (cont.)

municipal sewage treatment works. Requires all users of such treatment works to comply with specified requirements of Federal Water Pollution Control Act. Eff. 1 June 73.

Solid waste, beverage containers, certification *A* c. 693  
SB 481

Permits, rather than requires, Liquor Control Commission to certify beverage containers. Permits commission to establish by rule appropriate liquid capacities and shapes for beverage containers to be certified or decertified.

\_\_\_\_\_, beverage containers, refunds *A* c. 758  
HB 3278

Revises provisions relating to return for refund of certain empty beverage containers. Substitutes "person" for "consumer."

\_\_\_\_\_, recycling, state agencies *A* HJR 53

Requires state agencies, under direction of Executive Department, to emphasize recycling, procurement and use of recycled materials.

Water, discharge permits, effluent limits, penalties *A* c. 92  
HB 2436

Authorizes Director of Department of Environmental Quality to issue, deny, modify or revoke permits for discharge of wastes into waters of the state. Requires that the permit be of less than five years duration and contain effluent limitations. Authorizes the Environmental Quality Commission to amend or cancel rules relating to effluent limitations as defined in federal law. Increases penalties for wilful or negligent violation of certain rules or regulations promulgated by the commission and increases the maximum daily civil penalty for certain violations of final orders of the commission from \$500 to \$10,000. Eff. 30 May 73.

POLLUTION CONTROL (cont.)

Administration, Environmental Quality Department, employees from Columbia Willamette Air Pollution Authority

c. 619  
SB 445

Requires that persons employed by the Columbia Willamette Air Pollution Authority at the time of its dissolution and who become employees of the Department of Environmental Quality be credited with vacation and sick leave accrued while with the former agency. Eff. 21 July 73.

Bonds, state, amount, use of proceeds

c. 839  
HB 2438

Increases from \$100 to \$160 million amount of state pollution control bonds that may be outstanding at any one time. Authorizes state grants and loans for planning and construction of sewerage systems in addition to sewage treatment plants. Permits state-federal matching grant program and increases from \$30 to \$55 million total amount of grants that may be made. Eff. 22 July 73.

Enforcement proceedings

c. 826  
SB 387

Authorizes Environmental Quality Commission to initiate proceedings at law to enforce any provisions relating to water and air pollution control and rules, standards and orders adopted or entered pursuant to such provisions. Authorizes regional air quality control authorities to exercise same functions as are vested in commission in so far as such functions relate to air pollution control. Authorizes commission to institute enforcement proceedings in designated manner to enforce compliance with or restrain violation of laws relating to solid waste control and noise control and rules or orders made thereunder. Repeals designated provisions relating to authority of commission to initiate such proceedings to enforce compliance with separate portions of such provisions.

Environmentally hazardous wastes

c. 778  
SB 293

Authorizes Department of Environmental Quality to declassify environmentally hazardous wastes after notice and public hearing pursuant to designated administrative procedures. Prohibits disposal of

Environmentally hazardous wastes (cont.)

wastes by storage in or upon any real property in state other than real property owned by state. Requires, as condition of license, licensee to deed to state that portion of disposal site in or upon which wastes are disposed of by storage; provides that if state is required to pay licensee just compensation for such property, licensee shall pay annual fee sufficient to make such property self-supporting and self-liquidating. Authorizes Environmental Quality Commission to acquire real property for disposal of wastes by condemnation proceedings. Authorizes department to use Pollution Control Fund for disposition of wastes and for acquisition of real property for storage of wastes. Imposes liability for damages to person or property caused by disposition of waste or substance in violation of law or otherwise than as reasonably intended for normal use or handling of waste or substance. Requires person to collect, remove or treat waste or substance as directed by department; requires person to pay expenses incurred by department when he fails to collect, remove or treat waste or substance. Eff. 22 July 73.

Field burning, committee

c. 578  
HB 2205

Extends date of abolishment of committee on field burning from January 1, 1975 to July 1, 1975. Requires Executive Department to pay designated amounts to committee for smoke management and development and demonstration of alternatives to agricultural open field burning. Prescribes time and manner of such payment. Appropriates from General Fund to Executive Department \$520,000 for required payment. Eff. 21 July 73.

fee

c. 577  
HB 2204

Increases maximum acreage fee from 50 cents to \$1. Prohibits collection of such fee where efficient burning of stubble is accomplished with certain equipment using auxiliary fuel or mobile filled sanitizer. Increases smoke management program allotment from five to 10 cents of acreage fee. Eff. 21 July 73.

Generally, law revision

c. 835  
SB 77

Revises and reorganizes environment law provisions related to general administration, enforcement, pollution control facilities tax credit, pollution control bonds, air pollution control, motor vehicle pollution control, field burning regulation, regional air quality control authorities, water pollution control, solid waste disposal regulation, environmentally hazardous waste regulation and noise control. Expands provisions regulating community and public water supply systems and water purity. Transfers jurisdiction over subsurface sewage from Board of Health to Department of Environmental Quality; establishes time limit on issuance of subsurface sewage permits; requires designation of county official to issue permits; effective January 1, 1974. Requires reports and information of investigation or hearing be made available to public unless classified by director as confidential or showing is made such items are trade secrets. Prohibits use of such confidential records unless circuit court determines evidence thereof is necessary to determination of an issue being decided at public hearing. Permits fees collected by regional air quality authorities to be retained if authorities comply with state standards. Authorizes Environmental Quality Commission to adopt administrative rules and procedures in performing its functions. Authorizes commission to provide for implementation of Federal Water Pollution Control Act of 1972. Specifies conditions under which municipality violating certain prohibited acts relating to dumping of polluting substances may be eligible for grants or loans from Pollution Control Fund. Substitutes Health Division for State Board of Health in solid waste disposal law. Provides penalties.

Noise, measurement

c. 107  
SB 295

Requires Environmental Quality Commission to establish method of measuring level of noise emission of each category of noise emission sources for which permissible levels of noise emissions are established.

*a/n = original final  
Voted for original bill, but  
not voted against  
the final one*

POLLUTION CONTROL

See also TAXATION

Administration, Environmental Quality Department, deputy officer

c. 291  
HB 3230

Authorizes appointment of Deputy Director of Department of Environmental Quality by director with approval of Environmental Quality Commission. Eff. 19 July 73.

*25.  
1973*

PUBLIC HEALTH AND SAFETY (cont.)

Administration, generally (cont.)

Transfers rule-making authority over venereal diseases from State Board of Health to Health Division. Modifies venereal disease reporting requirements. Deletes prohibition of venereal disease infected persons working in places where dairy products or other foodstuffs are prepared, manufactured or sold. Modifies requirement that State Health Officer perform or supervise sterilizations for noninstitutionalized persons ordered by Board of Social Protection. Permits sterilization by physician deemed competent by Board of Social Protection. Modifies law relating to employees working in food establishments and refrigerated locker plants while affected with communicable or infectious diseases. Transfers rule-making authority to designate an institution as nursing home from State Board of Health to Health Division. Establishes continuing education requirement, reexamination and maximum provisional license fee for nursing home administrators. Changes fee for original nursing home administrator licenses from fixed amount to maximum amount. Deletes provisions relative to establishment of county tuberculosis hospitals and certain prohibitions relative to tuberculosis control. Deletes bonding requirement for executive secretary of health-related licensing boards in Health Division. Deletes requirement of annual report to Governor by Board of Optometry, Board of Pharmacy and Veterinary Medical Examining Board. Permits Naturopathic Board to employ or appoint secretary to their board.

State Health Commission

c. 358  
SB 314

Creates State Health Commission. Prescribes powers and duties of commission. Abolishes State Board of Health and Comprehensive Health Planning Authority. Transfers all duties, powers and functions of State Board of Health and Comprehensive Health Planning Authority to Commission. Transfers certain rights and obligations of State Board of Health and Comprehensive Health Planning Authority to Health Division.

Aged, homes for, licensing c. 754  
HB 3238

Revises provisions providing for regulation and licensing of homes for aged. Renames and redefines "home" to "home for aged" or "shelter care home" or "home." Defines "personal services" and "nursing care." Requires transfer to an appropriate facility of resident of shelter care home who has required nursing care for eight consecutive days and licensed physician or registered nurse certifies such resident requires further nursing care. Prescribes procedures for denial, suspension, or revocation of license of shelter care home.

Alcoholism, drunken driver treatment program

c. 340  
SB 105

Authorizes Mental Health Division to establish treatment program, for eligible persons convicted of driving under influence of alcohol, which involves medical and mental treatment to include at least supplying of agent which causes violent, nauseous physical reaction in human body upon introduction of alcohol into system. Requires division to adopt rules for administration of program. Authorizes division to accept gifts or grants available to program. Eff. 20 July 73.

Alcoholism and drug dependency, local treatment programs c. 582  
HB 3044

Revises definitions for certain provisions relating to alcoholics and drug-dependent persons. Permits Mental Health Division to grant funds under specified conditions to cities and counties, or any combination thereof, for alcoholism treatment and rehabilitation programs, including but not limited to approved detoxification centers and halfway houses. Grants rule making authority to division. Provides that grants be made under matching fund agreements. Permits cities and counties to contract with private nonprofit agencies for alcoholism treatment and rehabilitation or to jointly provide such services by agreement. Requires division to recommend fee schedules. Provides that fee schedules as approved by division delimit liability of persons admitted to approved detoxification

Alcoholism and drug dependency, local treatment programs (cont.)

centers and halfway houses. Appropriates from General Fund for fiscal year beginning July 1, 1973, \$697,000 for purpose of state matching funds to defray costs of detoxification centers and halfway houses. Eff. 22 July 73.

prevention programs c. 582  
HB 2745

Declares policy to prevent alcoholism and drug dependency and prescribes duties of Mental Health Division to carry out objectives of Act. Requires division to award and distribute moneys for prevention programs. Establishes procedures for grants. Appropriates from General Fund to Emergency Board for biennium beginning July 1, 1973, \$250,000 for allocation to division for implementing programs. Eff. 21 July 73.

Ambulance service, licensing, regulation c. 407  
HB 2257

Requires, with exceptions, licensing of ambulances and certification of emergency medical technicians within state. Authorizes Health Division to promulgate rules relating to warning devices, construction, maintenance, capacity, sanitation, emergency medical supplies, equipment, inspection of ambulances and other related, necessary and proper matters. Requires proof of financial responsibility for owners of ambulances and certain qualifications for emergency medical technicians. Establishes 14-member advisory council on ambulances and emergency medical technicians, to be appointed by division. Prohibits specified acts by any person or governmental unit. Provides that designated licensing requirements become operative 1 July 74. Appropriates \$56,872 from General Fund to Health Division for designated biennial expenditures. Authorizes receipt and disbursement of federal funds available for designated purpose. Eff. 20 July 73.

Bakeries, domestic kitchens c. 243  
HB 2658

Authorizes licensing and operation of bakery in areas that are part of domestic kitchen if Department of Agriculture determines that such bakery is constructed and maintained in clean, healthful and sanitary condition.

Boilers and pressure vessels c. 830  
SB 527

Removes from boiler and pressure vessel law exemption applicable to boilers and pressure vessels used in single family residences and apartment houses of six or less units. Requires that boilers or pressure vessels used in single private residence have an installation inspection and be provided with permit to operate. Exempts such boilers or pressure vessels from certain subsequent inspections. Provides that boiler and pressure vessel law not apply to air tanks used in operation of brakes on certain self-propelled vehicles and trailers. Deletes 12-month mandatory rule for adoption of amended minimum safety standards. Requires that pressure piping beyond second valve from boiler be inspected on installation only. Provides for licensing of person engaged in business of installing, repairing or altering boilers or pressure vessels and for certification of employee of such business. Prohibits person, except in case of emergency and where person not subject to certification or licensing requirements, from installing, altering or repairing boiler or pressure vessel without permit issued by boiler section of Safety Division of Department of Commerce. Deletes certain fee schedule and increases fees. Authorizes Board of Boiler Rules to establish different special permit fee for quantity of pressure vessels inspected at same location. Allows Department of Commerce to collect fees for inspector examination and annual renewal of inspector certification. Requires that department be awarded attorney fees and court costs if it prevails in action to recover certain fees. Eff. 21 July 73.

Building codes

c. 834  
SB 73

Authorizes Director of Commerce, with approval of appropriate advisory boards, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Establishes procedure for adoption and amendment of codes. Requires director to appoint State Structural Code Advisory

**PUBLIC HEALTH AND SAFETY**

Acupuncture

A c. 451  
SB 489

Allows practice of acupuncture for purpose of demonstration, therapy or induction of analgesia by unlicensed person, provided that it is performed under supervision and control of physician. Requires Board of Medical Examiners to determine qualifications of persons authorized to perform acupuncture. Requires maintenance of certain records and submission upon request to Oregon Medical Association or University of Oregon Medical School for study.

Administration, fees, increases

A c. 182  
HB 3039

Increases certain fees for license or certificate issued to an operator of restaurant, temporary restaurant, commissary or mobile unit, an optometrist, naturopath and hearing aid dealer. Requires Health Division to charge an annual registration fee not to exceed \$10 for dental x-ray machine and those machines used for nonmedical scientific teaching purposes and not to exceed \$25 for all other classes. Increases annual license fee for certain specific license from not to exceed \$50 to not to exceed \$250 as determined by rule of division and approved by Executive Department. Makes other changes.

finances, account, emergency or revolving fund

A c. 427  
HB 3028

Eliminates State Board of Health Account and establishes Health Division Account in General Fund. Transfers all moneys collected by Health Division programs dealing in sewage cesspool work, hearing aid dealers, furniture and bedding, swimming facilities, shellfish and food services from Board of Health Account

Administration, finances, account, emergency or revolving fund (cont.)

to Health Division Account. Transfers all moneys collected by Board of Medical Examiners, Board of Examiners for Nursing Home Administrators, Board of Dental Examiners, Board of Podiatry Examiners, Board of Optometry, Board of Chiropractic Examiners, Naturopathic Board, Veterinary Medical Examining Board, Board of Masseurs, Physical Therapy Licensing Board, Board of Pharmacy and Sanitarians Registration Board to Health Division Account. Requires Health Division to keep records of all moneys deposited in Health Division Account. Authorizes Administrator of Health Division to establish emergency or revolving fund not to exceed \$20,000 to pay advances for salaries, travel expenses or any other proper claim against, or expense of, division.

generally

A c. 829  
HB 2336

Authorizes Administrator of Health Division to delegate his powers, duties and functions to officers and employes of division. Permits local health administrators to deal with emergencies under certain conditions. Prescribes conditions for confidentiality of birth and death certificates. Transfers authority over district or county health boards from State Board of Health to Health Division. Requires county or district health board to appoint public health administrator to supervise health department and provides that administrator may be physician or nonmedical person. Requires nonmedical administrator to employ or contract with physician for responsibilities of medical or paramedical nature. Permits Administrator of Health Division to remove county or district administrator subject to right of hearing before State Board of Health. Authorizes county or district health board, with permission of county governing body, to adopt fee schedules for immunization and home health services. Eliminates city governing bodies as ex officio health boards. Transfers authority to appoint State Registrar of Vital Statistics from State Board of Health to Administrator of Health Division. Modifies birth and death certificate abstract requirements.

PUBLIC HEALTH AND SAFETY (cont.)

Drugs, treatment and prevention programs (cont.)

least 12 members. Prescribes membership qualifications, powers and duties of committees.

Elevator safety

A c. 528  
SB 827

Requires plans for installing or altering of elevator to be submitted in triplicate to Department of Commerce for approval. Expands department authority to issue rules relating to elevator safety standards. Increases or adds certain processing, license and inspection fees. Grants costs and disbursements to department, including attorney fees, if department prevails in action for such processing, license or inspection fees. Eff. 21 July 73.

Family planning services

A c. 253  
SB 172

Requires, rather than permits, county health departments to provide family planning and birth control services. Deletes family income specification. Requires that Department of Human Resources through its divisions furnish consultation and assistance to county health departments. Requires department rather than Public Welfare Division to offer family planning and birth control services. Authorizes Director of Human Resources to designate which divisions shall conduct discussions of family planning with certain persons. Authorizes county health department, with consent of governing body, to adopt fee schedule and charge for services provided on basis of ability to pay. Permits county health department to use such fees to meet expenses of providing services.

Firearms, concealable, licensing

A c. 391  
HB 2717

Limits authority to issue licenses to carry concealed weapons to county sheriffs. Authorizes county governing bodies to establish fees, not to exceed specified maximums, for issuance and renewal of licenses to carry concealed weapon. Requires fingerprinting of all applicants for issuance or renewal of such licenses. Provides

Firearms, concealable, licensing (cont.)

that sheriff or authorized representative shall not incur civil or criminal liability as result of lawful functions in such licensing or renewals. Declares that current licenses remain valid for their terms, but that all licenses or renewals after effective date of Act must comply with changes described above. Requires licensing authorities, other than county sheriffs, to forward all records of such licenses and renewals to county sheriff. Requires sheriff to review received records, transmit current records to county clerk and destroy remainder of such received records. Eff. 20 July 73.

Food, labeling, adulteration, containers, generally

A c. 227  
HB 2016

Revises food laws. Prohibits sale of certain commodities in packages with labels that fail to conform to law. Prohibits certain unauthorized disclosures of information that is trade secret. Authorizes Department of Agriculture to prohibit movement or sale of adulterated or misbranded commodities. Authorizes establishment of standards of identity, quality and fill of container for foods. Provides certain exceptions to adulteration restrictions for pesticides. Adds to definition of foods that are adulterated, certain foods bearing nonnutritive substances. Adds to definition of misbranded foods those foods with package labels that fail to indicate noncompliance with standards of container fill, presence of pesticides or compliance with regulations on color additives. Authorizes department to inspect and engage in other enforcement activities. Prescribes standards for labels of certain commodities. Provides penalties.

open dating, retail sales

A c. 173  
SB 415

Enacts Open Date Labeling Law. Requires labels on packages of perishable food articles sold at retail to contain information to indicate to retail consumers freshness of food. Authorizes Department of Agriculture to promulgate rules specifying size, content and

Food, open dating, retail sales (cont.)

form of required information. Exempts alcoholic beverages from application of Act. Requires department or interim committee on Agriculture and Natural Resources, if such committee is appointed by Fifty-seventh Legislative Assembly, to conduct specified study relating to marking of frozen food packages. Requires report to Fifty-eighth Legislative Assembly. Provides penalties. Eff. 1 Jan. 74.

salvaged, labeling

A c. 563  
SB 474

Requires food to be considered misbranded if it has been salvaged, unless it bears labeling or notification stating that fact. Defines "salvaged."

Food establishments, licensing

A c. 423  
HB 2736

Requires food establishments to obtain license for each business activity they participate in that normally requires license.

Food service facilities, administration

A c. 825  
SB 318

Transfers authority for licensing, inspection and regulation of restaurants, temporary restaurants, commissaries and vending operations from State Board of Health, State Health Officer, county, city and district health officers to Health Division and administrator of division. Requires that administrator contract with counties for performance of certain functions of administrator by counties which have sufficient qualified personnel. Permits disbursement by administrator to counties of all or part of any fee charged to perform function subject to such contract. Authorizes division to define, by rule, certain communicable diseases which may be spread to public by employees of restaurant or temporary restaurant. Requires division to prescribe rules and regulations for cleanliness and grooming of food workers and exclusion of unauthorized persons from food preparation and storage areas. Deletes certain inspection fees. Requires restaurant licensee to pay certain inspection fee to division

Food service facilities, administration (cont.)

rather than counties. Repeals designated provisions relating to food service facilities. Repeals restaurant inspection fee, effective December 31, 1973. Eff. 20 July 73.

temporary restaurants

A c. 824  
SB 41

Requires Health Division to issue three-day license to operate temporary restaurant to "benevolent organizations" without license or inspection fee upon notice to division. Provides that suspension, denial or revocation of temporary restaurant license be in accordance with certain administrative procedures. Transfers certain duties from county, city or district health officers to Health Division or administrator of division. Increases temporary restaurant fee from \$7.50 to \$15.

Furniture upholstery and bedding, sanitation

A c. 779  
SB 316

Modifies provisions relating to sanitation of upholstered furniture and bedding. Transfers authority for licensing, regulation and inspection from State Board of Health to Health Division and administrator of division. Expands definition of "upholstered furniture" and "bedding" to include upholstered furniture or bedding in mobile home, travel trailer, camper or similar structure. Authorizes Health Division to adopt rules; to issue, deny, revoke or suspend certificates; and to issue fumigator's permits to fumigate "off site." Exempts certain personal belongings. Exempts persons selling certain upholstered furniture or bedding from certification requirements when furniture or bedding has been manufactured by certain certified persons and conforms to federal flammability standards. Exempts persons selling used upholstered furniture or bedding contained in mobile home, travel trailer, camper or similar structure as incident of sale of mobile home, travel trailer, camper or similar structure from certain certification requirements. Requires that upholstery facilities meet certain requirements before certificate issued.

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PUBLIC HEALTH AND SAFETY (cont.)

Building codes (cont.)

Board, consisting of representatives of industries and professions involved in development and construction of buildings and representation from certain agencies, associations, trades, industries, local government governing bodies and general public; prescribes duties and functions. Grants director authority to coordinate administration of building codes. Provides for revision or elimination of duplicitious, contradictory or inconsistent rules or standards; requires director to submit report of such rules or standards to Governor and recommendations for elimination of such rules or standards. Provides that state building code be applicable and uniform throughout state; prohibits municipalities from enacting or enforcing any ordinance or rule in conflict therewith; provides that Act does not limit authority of municipalities to enact certain regulations. Designates operative dates for designated codes; provides that state structural code be operative July 1, 1974. Provides for building officials, inspectors and other administrative officers, for review and appeal of decisions under building code regulations, and for permit fees and collection procedures therefor. Establishes qualifications, certification and training programs for building officials and inspectors. Establishes surcharge on permit fees to defray cost of training and other educational programs. Provides for issuance of ruling with respect to material or construction upon request. Prohibits certain conduct. Provides penalties. Transfers certain functions of State Fire Marshal to director. Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Limits designated biennial expenditures from Building Code Account to \$192,898. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. Eff. 22 July 73.

Death investigations, medical examiners c. 408  
HB 2279  
*Excused*

Revises provisions relating to organization of state and county death investigation programs. Cre-

Death investigations, medical examiners (cont.)

ates State Medical Examiner Advisory Board. Provides for composition, term, compensation and chairman of board. Prescribes powers and duties of board. Establishes State Medical Examiner's office within Health Division. Provides for appointment of State Medical Examiner. Prescribes powers and duties of State Medical Examiner. Establishes new provisions relating to district medical examiners, including but not limited to setting forth duties, responsibilities and authority of such medical examiners. Establishes new procedures relating to inquests. Provides penalties.

Disease control, generally c. 259  
HB 2334 *A*

Revises certain provisions relating to disease control and sanitation. Transfers certain powers and duties relating to disease control and sanitation from State Health Officer and State Board of Health to Administrator of Health Division and Health Division. Repeals designated provisions relating to quarantine of persons, houses and areas, control of communicable diseases on vessels and public conveyances and control of communicable diseases in schools. Enacts provision to require any person attending an individual who has a reportable disease to report case to local health officer and provision to permit administrator of health division or any local, county or district health officer to isolate or quarantine people, animals, inanimate objects, vessels and public conveyances or institute other preventive medical measures in order to prevent spread of communicable diseases of threat to community. Requires state and local police officers to cooperate with any officer authorized to impose isolation or quarantine in enforcement thereof. Permits administrator to detain public or private conveyance for inspection or investigation in certain situations.

immunization, children c. 566  
HB 2042 *A*

Requires immunization of every child five through 14 years of age prior to initial enrollment in any public, private or parochial school

Disease control, immunization, children (cont.)

for certain communicable diseases specified by Health Division. Exempts child where medical certification indicates such immunization would endanger health, or parent or guardian certifies it is against religious beliefs or parent submits statement that he will arrange for necessary immunization within 30 days. Requires exclusion of children who fail to comply. Requires local health departments to provide immunizations in areas convenient to students. Requires Health Division to promulgate rules for implementation and control. Appropriates \$70,000 from General Fund to Health Division for biennium beginning July 1, 1973. Eff. 21 July 73.

Dogs, impoundment, licenses, fines, livestock killing c. 655  
HB 2783 *A*

Designates certain dogs as public nuisances and requires police officers to impound them. Increases maximum allowable dog license fee from \$5 to \$10 for nonspayed female or nonneutered male dog and maximum allowable penalty for dog control violation from \$1 to \$5 for first impoundment and to \$10 for each subsequent impoundment. Increases maximum fee for release of unredeemed dogs from \$1 to \$5. Increases maximum penalty for failure to procure dog license from \$2 per dog to \$25 per dog. Increases maximum fines for violation of designated provisions relating to control and regulation of dogs. Authorizes county court to determine financial requirements of Dog License Fund and place excess in general fund of county. Authorizes owner of livestock killed by dog to maintain action against owner of dog for double amount of damages. Eff. 21 July 73.

Drugs, prescriptions, labels c. 533  
HB 2243 *A*

Requires that pharmacists dispensing prescriptions label prescriptions. Requires that prescription label contain directions for use of drug or medicine, name of physician, name and place of business of pharmacy or pharmacist, name of patient or owner of animal and, if applicable, expiration date. Requires that label contain name of drug or medicine and

Drugs, prescriptions, labels (cont.)

its quantity per unit unless physician otherwise directs. Provides that if drug or medicine is compound, quantity per unit need not be stated. Requires State Board of Pharmacy to determine drugs and medicines which must bear expiration date.

treatment programs, liquor dispensers c. 795  
HB 2001 *A*

Revises definitions for certain provisions relating to alcoholics and drug-dependent persons. Declares drug dependence an illness and that drug-dependent person is ill and should be afforded treatment. Provides for procedure in treatment of person under influence of dangerous or narcotic drugs. Provides for treatment facilities. Requires Mental Health Division to direct, promote and coordinate activities and services for alcoholic and drug-dependent persons. Authorizes division to provide treatment facilities for care of drug-dependent persons and conduct certain other activities related to drug dependence. Adds to prohibitions against adoption of certain local laws, imposition of sanctions or penalties for certain activities involving use of drugs. Modifies provisions relating to sale of alcohol and dispensers' licenses; effective on approval of constitutional amendment proposed by SJR 11.

treatment and prevention programs c. 697  
SB 544  
*A/SP*

Declares drug dependence to be illness. Directs Mental Health Division to provide program for prevention of drug abuse and early identification, treatment and rehabilitation of drug-dependent persons. Provides procedures for treatment of drug-dependent persons; requires arresting officer or person to inform arrestee of his right to and possible consequences of examination for drug use; makes treatment an alternative to criminal prosecution in certain cases; operative July 1, 1974. Replaces Alcohol and Drug Education Committee with Council on Alcohol and Drug Problems. Divides council into Committee on Alcohol Problems and Committee on Drug Problems, each composed of at

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PUBLIC HEALTH AND SAFETY (cont.)

Mobile home and tourist facilities, organizational camps, sanitation (cont.)

such facilities. Defines organizational camps and provides for Health Division certification. Requires administrator to make certain inspections every six months. Requires operators of seasonal facilities to notify administrator of their intention to reopen. Modifies requirements relative to play areas in mobile home parks. Eff. 21 July 73.

Nuclear accident, evacuation plans

Requires Health Division in cooperation with Nuclear and Thermal Energy Council and Emergency Services Division to establish rules for protection of health and procedures for evacuation of people in event of accident in operation of thermal nuclear power plant or nuclear installation. Requires Health Division to establish such rules and procedures prior to July 1, 1974. Requires that public utility operating such plant or installation disseminate information approved by Health Division which explains rules or procedures.

Nuclear and Thermal Energy Council, fees

Requires holders of site certificates to pay share of annual fee to Nuclear and Thermal Energy Council. Increases annual share of electric utilities from \$100,000 to \$140,000.

Nursing homes, license applicants, ownership information

Requires nursing home license applicant to disclose ownership interests of 10 percent or more on initial license application and renewals. Eff. 25 Apr. 73.

Plumbing, regulation

Revises plumbing law. Requires Director of Commerce to adopt rules in conformance with designated administrative procedures, establish

Plumbing, regulation (cont.)

inspection fee schedule for inspections by department, employ staff to enforce rules adopted by director and appoint advisory board on plumbing. Authorizes inspections for other governmental units in accordance with prescribed manner. Creates advisory board on plumbing. Prescribes functions and duties of advisory board and qualifications of board members. Increases registration fee for plumbing contractor from \$50 to \$100. Increases certificate fee for journeyman plumber from \$10 to \$20. Creates Plumbing Regulation Account. Provides penalties. Increases designated biennial expenditure limitations of Department of Commerce by \$477,099. Designated sections eff. 22 July 73.

Psychosurgery Review Board

Creates Psychosurgery Review Board to review, approve or disapprove petition of licensed physician, institution or hospital intending to perform psychosurgery or intracranial brain stimulation. Prescribes membership, powers and duties of board. Requires hearing to determine if patient or legal guardian has given voluntary and informed consent to such operation. Prescribes hearing procedure. Requires board, subsequent to consent hearing and prior to approving or disapproving operation, to determine if treatment consented to has clinical merit and is appropriate for such patient. Requires petitioner and physician performing operation to submit report of operation results to board. Provides for civil liability of person, institution or hospital performing psychosurgery or intracranial brain stimulation without obtaining permission of board. Expands grounds for suspension or revocation of license to practice medicine to include psychosurgery or intracranial brain stimulation performed without permission of Psychosurgery Review Board. Eff. 21 July 73.

Public meetings, smoking prohibited

Prohibits smoking at any meeting of any public body. Defines "meeting" and "public body". Provides penalties. Eff. 27 June 73.

Radiation control, administration

Transfers authority to license radiation sources and to appoint Radiation Advisory Committee from State Board of Health to Administrator of Health Division. Permits administrator access to private or public property to determine compliance with provisions relating to radiation sources. Defines "electronic product" and modifies definition of "radiation." Excludes from definition of "radiation," electromagnetic radiation generated during operation of an electronic product licensed by Federal Communications Commission.

Shellfish, sanitation

Revises provisions relating to shellfish sanitation. Transfers licensing and regulatory authority from State Board of Health and State Health Officer to Health Division and administrator thereof. Increases annual fees for certificate of sanitation as shucker-packer and grower; deletes certain fees. Authorizes administrator to suspend, deny or revoke any certificate of sanitation for violation of shellfish sanitation provisions in accordance with designated administrative procedures.

Sterilization, voluntary, liability

Provides that physician or hospital may not be held liable for performing sterilization without obtaining consent of spouse of person sterilized.

Swimming facilities, licensing, regulation

Revises provisions relating to swimming facilities. Transfers responsibility for licensing and regulating swimming facilities from State Board of Health and local health officers to Health Division of Department of Human Resources. Increases inspection fee to construct certain public swimming pools or bathhouses from \$15 to \$50. Increases annual license fee to operate a public swimming pool or bathhouse from \$15 to \$25. Authorizes license revocation, in addition to

Swimming facilities, licensing, regulation (cont.)

license suspension, of public swimming pool or bathhouse operated or maintained in violation of rules of division in accordance with designated administrative procedures. Requires that Administrator of Health Division contract with counties for performance of certain functions of administrator by counties which have sufficient qualified personnel. Permits disbursement by administrator to counties of all or part of any fee charged to perform function which is subject of such contract.

Toxoplasmosis

Declares state policy to detect toxoplasmosis by testing all pregnant women for such disease and in appropriate cases, testing newborn infants. Requires Health Division to initiate certain education programs and provide examinations for detection of toxoplasmosis free of charge. Requires reporting discovery of cases of toxoplasmosis. Requires Health Division to provide forms for reporting discovery of toxoplasmosis. Exempts women who object or infants whose parents object to such examinations on religious grounds. Appropriates \$131,912 from General Fund to Health Division for designated biennial expenditures. Eff. 20 July 73.

Venereal disease, condoms and similar products, vending machines

Authorizes sale of condoms and such other products as are determined by Health Division to be efficacious in prevention or control of venereal disease in other than pharmacies by vendors licensed in prescribed manner. Establishes licensing procedures and provides that vendor licenses are not transferable. Permits State Board of Pharmacy to inspect licensed vendor stock and premises and to delegate inspection responsibilities. Requires license fee adequate to meet inspection cost.

1973  
PUBLIC HEALTH AND SAFETY (cont.)

Furniture upholstery and bedding sanitation (cont.)

Authorizes charges for laboratory tests in excess of three. Extends date for penalties on delinquent renewal fees. Prohibits sale of unfit and unclean articles. Requires second-hand articles to be identified as such at all times by tags or room or floor separation. Requires Health Division to establish flammability standards which equal or exceed standards of Federal Government. Eff. 22 July 73.

Group care homes, licensing A c. 285  
HB 3056

Revises provisions providing for regulation and licensing of group care homes. Redefines group care home. Establishes fee schedule for group care home licenses. Requires that Health Division cooperate with other divisions of Department of Human Resources and State Department of Education in promulgation of rules for group care homes.

Handicapped persons, curb ramps, city streets A c. 176  
SB 693

Provides that standards for curb construction on city streets, or any connecting street for which curbs and sidewalks have been prescribed by governing body of city having jurisdiction thereover, shall require at least two curb cuts or ramps per lineal block to be located on or near crosswalks at intersections. Requires curb cuts or ramps to be so constructed as to allow reasonable access to crosswalk for physically handicapped persons. Applies only to new curb construction and all replacement curbs constructed at any point in block which gives reasonable access to crosswalk.

government buildings, accessibility, signs A/SP c. 540  
HB 2310

Requires all entrances to government buildings accessible to physically handicapped and which meet certain standards and specifications to be identified by signs showing a uniform, nationally recognized physically handicapped symbol.

Handicapped persons, public buildings accessibility A/SP c. 539  
HB 2308

Requires that construction, renovation, alteration or modification of certain public and government buildings, and related facilities comply with standards and specifications established for the elimination of architectural barriers to use of such buildings by aged, disabled or physically handicapped persons. Defines "public building." Requires Director of Commerce, rather than State Fire Marshal, to establish standards and specifications necessary for elimination of such architectural barriers in public buildings. Permits director, upon application, to waive or modify standards and specifications in certain situations. Transfers certain records, duties, functions and powers of State Fire Marshal to Director of Commerce. Requires renovation of certain government or public buildings and related facilities to meet standards and specifications of director relating to access to such buildings and facilities by physically handicapped. Deletes references to certain dates in existing provisions. Eff. 1 Jan. 75.

Hazardous substances, delivery to residence c. 456  
SB 512 N

Prohibits delivery of certain hazardous substances to residential premises without prior consent of occupant of such premises.

Health care facilities, Cost Review Commission c. 837  
SB 131 A

Declares policy of state regarding costs of hospitals and other health care facilities. Creates Health Facilities Cost Review Commission in Department of Human Resources to conduct analysis, study and regulation of health care facilities. Provides for composition, status, term, expenses and chairman of commission. Requires commission to appoint executive secretary and permits executive secretary to employ necessary staff, prescribe their duties and fix their compensation. Authorizes commission to adopt rules, hold public hearings, conduct investigations,

Health care facilities, Cost Review Commission (cont.)

require filing of certain information, subpoena certain witnesses, papers, records and documents, and apply for, receive and accept grants and gifts. Requires health care facilities to adopt uniform systems of accounting and financial reporting for fiscal periods beginning July 1, 1974. Authorizes commission to initiate certain reviews or investigations. Prescribes factors for commission to consider when determining whether rate charged by health care facility is reasonable. Appropriates \$60,000 from General Fund to Health Commission for purposes of Act. Eff. 22 July 73.

regulation N c. 840  
HB 3005

Modifies provisions relating to health care facilities. Extends coverage of certificate of need process to long-term care facilities and special inpatient care facilities. Requires health care facilities to obtain certificate of need from State Health Commission prior to construction, expansion or alteration of facilities. Increases maximum filing fee for certificate of need from \$500 to \$3,000 for hospitals and \$2,000 for long-term care facilities and special inpatient care facilities; provides for additional fee in event of public hearing held pursuant to designated administrative procedures.

Hospitals, facilities, podiatrists A c. 279  
HB 2888

Requires hospital rules to allow podiatrists to use hospital facilities subject to regulation by staff.

revenue bonds, public authorities N c. 153  
HB 2866

Authorizes cities, counties and hospital districts by establishment of public authorities to sell revenue bonds to finance hospital facilities but not to operate them. Exempts bonds from state taxes. Eff. 26 June 73.

Ice manufacturing, sanitation c. 360  
SB 620-320

Repeals existing provisions relating to the manufacture of ice.

Ice manufacturing, sanitation (cont.)

Requires Administrator of Health Division conduct investigations and surveys to assure production and distribution of sanitary ice. Provides for access to ice plants, sample taking, exclusion of employees affected with certain communicable diseases and closure of ice plants. Requires Health Division of Department of Human Resources to promulgate rules for enforcement of provisions relating to manufacture of ice. Provides penalties.

Medical services, disadvantaged areas A c. 644  
SB 654

Requires University of Oregon Medical School to establish preceptor program to enable medical students to work with licensed physicians practicing in medically disadvantaged areas. Establishes monthly student stipend for period of participation in program. Allows deduction for person licensed as a physician on or after January 1, 1974, as expense from income earned amount equal to annual expense incurred for each year in attending medical school, but not to exceed \$10,000. Provides that deduction be applicable to no more than four tax years, or so long as person remains qualified, whichever is less. Appropriates \$70,000 from General Fund to State Board of Higher Education for designated expenditures. Eff. 21 July 73.

Mobile home and tourist facilities, organizational camps, sanitation A c. 560  
SB 317

Transfers authority to regulate and to issue and revoke certificates of sanitation for recreation parks, mobile homes and other tourist facilities to Health Division and administrator thereof. Requires that administrator contract with counties for performance of certain functions of administrator by counties which have sufficient qualified personnel. Permits disbursement by administrator to counties of all or part of any fee charged to perform function which is subject of such contract. Revises existing fee schedule for Health Division certification of

PUBLIC UTILITIES

Mass transit, generally c. 675  
HB 2276

N

Provides funding assistance for public transportation projects of cities, counties and mass transit districts. Requires Department of Transportation or other state agency, commission, division or officers designated by Governor, to prepare public transportation program. Directs Governor, after consideration of proposed projects of other state agencies and units of local government, to submit program to Legislative Assembly for approval or modification. Requires establishment of standards for evaluating public transportation projects and preparation of priority list of public transportation projects submitted by state agencies and units of local government. Appropriates annually designated funds from State Highway Fund, not to exceed eight percent thereof or amount collected by Motor Vehicles Division from vehicle registrations and transferred to fund, to local units of government for approved projects, subject to specified limitations on projects that may be funded. Prohibits accumulation of such state funds for more than two years except for projects approved by state agency. Authorizes mass transit districts to accept contributions from state for district purposes. Permits State Highway Commission to assist in development and implementation of public transportation program and specific projects, and to expend funds therefor. Permits statutory authority for highways to be used for such public transportation purposes. Eff. 1 July 74, unless constitutional amendment proposed by HJR 7 is not approved by voters.

PUBLIC WELFARE

Blind, minimum amount c. 394  
HB 2636  
Increases minimum standard of need of blind persons receiving public assistance from \$110 to \$135 per month. Eff. 20 July 73.

A/SP.

Children, abuse reports, teachers, nurses c. 110  
SB 551  
Relates to privileged communications between staff members of

A

PUBLIC WELFARE (cont.)

Children, abuse reports, teachers, nurses (cont.)

schools or nurses, and children. Provides that such privileged communications shall not be grounds for excluding evidence in child abuse cases. Further provides that privileged communications sections do not effect the duty of certain persons to report instances of suspected child abuse.

abuse reports, transfer, confidentiality c. 305  
HB 2367

Authorizes Children's Services Division to forward copy of child abuse report to local law enforcement agency when child moves to another city or county. Provides that confidential records remain confidential when released to law enforcement agency or physician. Prohibits violation of confidentiality rule. Prescribes penalties.

child-caring agencies, health care, records c. 545  
HB 2387

Requires child-caring agency to provide for medical examinations of each child under its care at specified intervals. Requires inoculations and certain tests be provided each child under six years of age. Requires visual and aural acuity tests and complete physical examinations be given to all children in an agency's care within six months prior to transfer of custody to prospective adoptive parents. Requires child-caring agency to keep records of tests and make such records part of child's health record. Requires child-caring agency and persons authorized to arrange adoptions to make child's health record available to natural parents and to prospective foster or adoptive parents. Requires that adoptive or foster parents receive certain explanation of medical factors possible as result of child's birth history, hereditary or congenital defects, or disease or disability experience.

dependent, aid, definition of child c. 464  
SB 550

Modifies definition of "dependent child" for purpose of provisions relating to aid to dependent children to include a child who has been accepted for placement and care by

Children, dependent, aid, definition of child (cont.)

Public Welfare Division or Children's Services Division or both divisions.

dependent residences, placement c. 801  
HB 2499

Authorizes Children's Services Division to establish or license independent residence facilities for certain qualified minors. Authorizes division to make payment grants to minors in such facilities for food, shelter, clothing and incidental expenses. Authorizes division to establish cooperative financial management agreements with certain qualified minors. Provides the designated parental support obligation is not removed or limited by enrollment of qualified minors in an independent living program. Appropriates \$50,000 to Children's Services Division. Eff. 22 July 73.

Public assistance, eligibility, coverage c. 651  
SB 898

Authorizes Public Welfare Division to establish by rule total value of resources that applicant for or recipient of aid to blind, aid to disabled, or old-age assistance may retain without affecting eligibility or amount of payment and to establish by rule certain items that shall not be considered in determining total value of resources of such applicant or recipient. Removes statutory limitations on value of resources held by such applicant or recipient. Removes statutory exemption of certain kinds of resources. Removes requirement that income and resource disregarded conform to federal law and federal rule. Adds to medical services provided by division, intermediate care facility services for individuals 65 years of age or older and inpatient hospital services for individuals under 21 years of age, in certain state institutions. Excludes service for any individual between ages 21 and 65 who is patient in institution for mental diseases. Permits Public Welfare Division to enter into agreements whereby Federal Government may determine eligibility and make public assistance payments on behalf of division. Eff. 21 July 73.

Recovery, illegal transfers of property c. 661  
HB 3066

Authorizes personal representative of estate of deceased recipient of public assistance, as well as Public Welfare Division, to prosecute civil action to set aside illegal transfers of property.

relatives' responsibility, exemptions c. 334  
SB 68

Prohibits recovery from relatives of any sums expended for medical assistance to recipients of assistance payments from the Public Welfare Division under the general assistance program, aid to the blind, aid to the disabled, old age assistance, and medical care of the aged. Eff. 20 July 73.

Work incentive programs c. 222  
SB 54

Permits Public Welfare Division and Children's Services Division to engage in certain work incentive programs and to comply with related federal laws and regulations. Repeals designated provisions relating to work incentive programs. Eff. 6 July 73.

Excused

RECREATION

✓ Scenic waterways, activity permitted c. 756  
HB 3275

Transfers from State Engineer to Director of Division of State Lands authority relating to administration and enforcement of provision relating to bank protection works and dredging facilities on scenic waterways; provides for permits for such activities. Prohibits placer mining on waters within scenic waterways and construction or use of water diversion facility except by previously established right or permit; provides for administration and enforcement of designated provision relating to scenic waterways by State Engineer.

A

✓ Willamette River Greenway c. 558  
HB 2497

Changes name of Willamette River Park System to Willamette River Greenway. Provides new statement prescribing elements of integrated Willamette River Greenway. Establishes maximum area limitation for greenway. Requires State Highway Commission in cooperation with certain units of local government, within one year after effective date, to prepare plan for development and management of lands along Willamette River for purposes of greenway; provides that such plan may be prepared for segments of Willamette River. Requires submission of such plan or segment thereof to State Land Board for approval. Permits such plan or segment thereof to be revised by commission and units of local government if approved by board. Provides for filing and public inspection of such plan or segment thereof. Authorizes commission to acquire by any means scenic easements in lands within 150 feet of river. Prohibits acquisition through exercise of power of eminent domain of scenic easement in such lands devoted to farm use. Authorizes acquisition by eminent domain upon change in use of lands from farm use. Requires elimination of easement restrictions on use if land subject to easement is later devoted to farm use. Defines "farm use." Requires prior consent of commission to change in use of such lands. Prohibits acquisition of public access in scenic easements acquired by condemnation, but allows acquisition of public access without condemnation. Limits condemnation

Excused/SP.

Outdoor clubs, licensing A c. 749  
HB 3218

Prohibits operation of and engagement in promotional plan activities for sale of membership in certain outdoor clubs unless license is first obtained from State Game Commission. Provides exemption for landowner offering to sell recreational access to property he owns. Prescribes application form for licenses. Prescribes fees, procedures and grounds for denial, suspension or revocation of licenses. Provides that information received by commission is public record. Prescribes duties, functions and powers of commission. Authorizes commission to institute proceedings in prescribed manner if certain violations occur. Provides penalties.

✓ Willamette River Park System, historic sites A c. 67  
HB 2175

Provides for preservation and restoration of historical sites, structures, facilities and objects for public education and enjoyment by units of local government in development of Willamette River Park System. Authorizes up to 50 percent funding by Highway Commission for approved projects and precludes disposal or sale without approval of the commission.

REAL PROPERTY

Farm lands, zoning, taxation c. 503  
SB 101

A

Subjects lands within exclusive farm use zones to zoning regulations. Restricts certain powers of state agencies, cities, counties and special districts with respect to such zones. Permits additional nonfarm uses within such zones with approval of governing body. Subjects farm use lands within such zones and receiving special assessment as farm use land to penalty upon disqualification for such special assessment. Increases penalty, from 5 to 10 year roll-back, for disqualification of farm use lands situated outside exclusive farm use zones and receiving special assessment for farm use. Requires assessor to value farm use land receiving special assessment in year preceding decedent's death, for inheritance tax purpose, at assessed value for tax year immediately preceding date of death of decedent. Provides state income tax adjustment for gain upon sale of farm use land receiving such valuation for inheritance tax purposes. Negates intent to affect authority of Nuclear and Thermal Energy Council as to sites of thermal power plants.

Land development sales, regulation c. 421  
HB 2607

A

Enacts Land Development Consumer Protection Act. Authorizes Real Estate Commissioner to administer and regulate Act. Requires registration of certain land developments with commissioner. Prescribes procedures, exemptions, prohibitions and penalties. Requires seller of any interest in land development to furnish prospective purchaser, person to whom sale presentation is made or person to whom certain promotional material is sent with disclosure statement. Specifies information to be contained in such disclosure statement and requires statement be filed with commissioner. Provides for certain purchaser remedies. Eff. 1 Jan. 74.

✓  
partitions, procedure,  
generally c. 696  
SB 487  
Revises provisions on review, approval and recording of subdivisions and partitions. Prohibits subdivision or partition of land that does not comply with prescribed provisions. Requires approval of tentative plans and plats for subdivisions and of tentative plans and maps of major partitions. Requires approval of only tentative plans for minor partition. Defines "major" and "minor" partitions, and "partition land." Allows advertisement for sale of parcels in proposed major and minor

N

TAXATION

See also CONSTITUTION; COURTS AND JUDGES

Administration, generally A c. 402  
HB 2027

Revises certain cross references to statutes. Deletes references to specifically named divisions of Department of Revenue and substitutes general language administrative divisions. Changes title of chief deputy of department to deputy director. Deletes \$2 charge for gift and inheritance tax publications and authorizes department to charge reasonable sum reflecting its costs for publication of laws and rules. Changes test of cancellation of certain taxes. Deletes penalty prohibition against director, officers and employes of department receiving free passes, franks or gratuities. Deletes provision relating to reduction of mobile home exemptions. Revises provisions relating to action of director and department in preparation, examination and review of utility rolls. Revises reference to tax year in county assessor's posted ratio notices and places time limit on extensions for filing petitions to county boards of equalization. Defines duties of county assessor with respect to forms to be supplied, furnished or provided taxpayer at office of county assessor. Revises provision relating to exemption of property changing to exempt ownership or use on or between January 1 and June 30. Deletes deduction from federal taxable income of sums received from Gubernatorial Retirement Fund; modifies provisions relating to accrual basis for federal income tax deduction and inclusions in taxable income of Armed Forces retirement pay; applies to taxable years ending on or after September 9, 1971. Deletes requirement that withholding tax tables be computed to nearest tenth of dollar upon basis of median wage of each wage bracket; applicable on and after January 1, 1973. Provides for taxability of unincorporated entities. Extends definition of net income of domestic insurance companies. Prohibits employes of Department of Revenue from representing taxpayers in controversies pending in department during employes' employment and from aiding in prosecution of such controversies for two years after termination of employment. Provides penalties. Repeals pro-

Administration, generally (cont.)

visions relating to waiver of income taxes, penalties and interest and as to representation before department. Provides that changes and deletions relating to distributed and undistributed net income of electing small business corporations apply to taxable years beginning on or after January 1, 1969. Requires statement in petition for reduction of assessment if petitioner desires to appear at hearing before county board of equalization. Requires that board give such petitioner written notice of time and place to appear at least five days prior to hearing.

, representation, small business corporations c. 681  
HB 2973 A

Authorizes stockholder of certain electing small business corporation to represent such corporation in any proceeding before Oregon Tax Court or Department of Revenue in same manner as if such stockholder were partner and electing small business corporation were partnership.

Corporate excise and income, business trusts c. 115  
HB 2094 A

Subjects certain domestic or foreign business trusts to tax under Corporation Excise Tax Law and Corporation Income Tax Act and requires that amounts distributed by such trusts to shareholders be treated as distributions by corporations for purposes of Personal Income Tax Act, Corporation Excise Tax Law and Corporation Income Tax Act. Extends to real estate investment trusts, same dividends paid deduction for state corporate tax purposes as is allowed such trusts under federal income tax law. Exempts trusts taxed as corporations under corporate income tax law from taxation as individuals.

, dividend exemption c. 233  
HB 2195 A

Provides that "gross income" does not include amount received as dividends from corporation subject to corporate excise tax, by corporation authorized to hold and holding 50 percent or more, rather than 30 percent or more, of voting stock of corporation which paid such dividend.

STATE AGENCIES

Land Conservation and Development  
Department, generally c. 80  
SB 100

A

Creates Department of Land Conservation and Development and Land Conservation and Development Commission. Establishes Joint Legislative Committee on Land Use to advise and assist department in carrying out its duties. Authorizes commission to designate activities of state-wide significance in public transportation, public sewerage systems and public schools and to make recommendations for additional designations, subject to approval of legislature. Requires commission, subject to approval of legislature, to promulgate and implement state-wide planning goals consistent with local concerns for such activities and state-wide planning guidelines for land use planning. Requires state agencies, planning districts, cities, counties and special districts to comply with state-wide planning guidelines. Makes counties responsible for coordinating all land use planning activities within counties, except for cities having population of 300,000 or more. Requires permit from commission for development projects constituting activities of state-wide significance. Provides for enforcement of permit requirements. Authorizes injunction of activities of state-wide significance carried on without permit. Permits association of counties and local governments for planning purposes. Requires, within one year after approval of state-wide planning guidelines, all comprehensive plans and zoning, subdivision or other ordinances or regulations to comply with guidelines. Authorizes commission to perform planning and zoning functions of noncomplying governmental units. Provides, in case of nonpayment by city or county, for reimbursement of commission from city or county share of state liquor and cigarette revenues. Establishes appeal procedures. Provides for review by commission of specified land conservation and development actions and plans. Establishes account in General Fund for use by department.



42  
TAXATION (cont.)

Inheritance, deductions, surviving spouse (cont.)

taxation of assets passing to surviving spouse in lieu of certain other deductions.

returns, failure to file, penalty A c. 332 SB 61

Provides for penalty where inheritance tax return is not filed when due and more than 60 days have passed after written request by Department of Revenue to an executor or personal representative to file such return. Imposes interest on late payments.

Inheritance and gift, administration A c. 254 SB 196

Authorizes Department of Revenue to carry out certain administrative duties formerly assigned to Director. Increases from eight to nine months, after death of decedent, time at which inheritance and gift taxes are due and payable. Revises nomenclature in certain provisions. Increases interest payable on gift taxes that are determined to be deficient, to be past due or when an extension is granted from six percent per year to two-thirds of one percent per month or fraction thereof.

credits, exemptions, nonprofit cemeteries A c. 793 HB 2580

Includes nonprofit cemetery associations within meaning of charitable purpose for purpose of certain inheritance tax credit. Applies to deaths occurring on and after January 1, 1974. Includes nonprofit cemetery associations within meaning of charitable purpose for purpose of certain exemption from gift tax. Applies to gifts made on and after January 1, 1974.

deductions, credits, rates A c. 703 SB 56

Provides that lineal descendants of stepchild receive homestead deduction benefits, inheritance and gift tax rates and previously taxed property benefits, as lineal descendants of child do. Modifies provision relating to deduction of administration expenses in determining taxable estate. Revises def-

Inheritance and gift, deductions, credits, rates (cont.)

inition of "homestead" for purposes of deduction of homestead allowance in determining taxable estate. Permits deduction, in probated estates, from gross value of taxable estate for inheritance tax purposes claims allowed against estate owing at time of death and paid from property value of which is included in taxable estate. Permits deduction, in unprobated estates, from gross value of taxable estate for inheritance purposes debts of decedent owing at time of death that are properly paid or payable from property value of which is included in taxable estate.

limited interests, valuation A c. 498 SB 60

Provides that valuation of limited estates, income, interest or annuities for inheritance and gift tax purposes be by certain tables adopted by Internal Revenue Service, except that rate of interest on computing present values be six percent per year.

rates, adopted persons A c. 344 SB 121

Modifies existing provisions so that preferential inheritance and gift tax rates do not apply to certain transfers to adopted persons 21 years of age or more at time of adoption.

Insurers, race meets, local taxes A c. 583 HB 2765

Subjects race meets and insurers to mass transit district taxes. Authorizes cities, counties, districts or other political subdivisions to levy payroll, excise or income tax upon domestic insurers under certain circumstances. Eff. 1 Jan. 74.

Personal income, deductions and additions, property exchanges, estate expenses A c. 88 HB 2196

Denies deferral of personal income tax upon voluntary or involuntary conversion or otherwise qualified exchange of tangible real or personal property where the property newly acquired has a situs out-

Personal income, deductions and additions, property exchanges, estate expenses (cont.)

side the jurisdiction of the State of Oregon. Allows subtraction of any amount added if the out of state property is later sold by an Oregon resident. Applies to tax years open to audit on the effective date of the Act. Allows taxpayer an election between personal income tax and inheritance tax in claiming certain estate administrative expenses. Applies to tax years beginning on and after January 1, 1972.

deductions and credits, disabled persons A c. 120 HB 2312

Allows certain disabled taxpayers \$50 credit against income taxes owed. Applies to tax years beginning after December 31, 1973.

deductions and credits, political contributions A c. 119 HB 2221

Allows taxpayer to retain deduction taken for political contribution on federal income tax forms for state income tax purposes. Allows taxpayer not claiming a federal tax deduction for political contribution to claim a tax credit on his state tax return. Establishes schedule of allowable tax credit.

federal tax deduction, basic school appropriations A c. 751 HB 3245

Limits federal income tax deduction for personal income tax purposes, to \$3,000 for tax year 1974. Appropriates \$20,092,800 from General Fund to Basic School Support Fund for fiscal year beginning July 1, 1974.

nonresidents, deductions, exemptions, small business corporation shareholders A c. 269 HB 2047

Permits nonresidents to claim itemized or standard deductions and personal exemptions allowable under federal law, and Oregon federal tax deduction, in proportion that adjusted gross income from Oregon sources bears to adjusted gross income from all sources. Applies to taxable years beginning after December 31, 1970. Provides that nonresidents' distributed and undistributed taxable income from electing small business

Personal income, nonresidents, deductions, exemptions, small business corporation shareholders (cont.)

corporation constitutes income derived from sources within this state and is to be included in nonresidents taxable income. Applies to taxable years beginning after December 31, 1972.

Vietnam prisoners of war, missing status A c. 475 SB 653

Exempts from state personal income taxation compensation or gratuity received from any source by reason of civilian or military service on and after February 28, 1961, in missing status during Vietnam conflict. Grants, for state income tax purposes, any relief granted under federal income tax law to prisoners of war, persons in missing status, their spouses, heirs, devisees or executors.

wage withholding, nonresident transportation employees A c. 229 HB 2039

Revises income tax withholding law to permit withholding on nonresident interstate transportation worker who earns over 50 percent of his income in Oregon.

wage withholding reports, penalty A c. 83 HB 2028

Deletes schedule of reduction for \$100 penalty imposed for failure of employer to file annual withholding reports.

Pollution control facilities, exemptions, credits A c. 831 SB 661

Extends period of availability of tax credit relief and ad valorem tax relief to pollution control facilities, as well as to facilities that utilize solid wastes to produce usable source of power or other item of real economic value. End products, other than usable source of power, must be competitive with end products produced in another state and Oregon's solid waste law must impose stricter standards than federal law imposes. Provides that certificate for purpose of tax relief

TAXATION (cont.)

Corporate excise and income, dividend exemption (cont.)

Limits exemption to extent that income of corporation which paid dividend has been included in its measure of tax. Limits exclusion of dividends from "Gross income" of corporation holding 50 percent or more of voting stock of corporations paying dividends, to extent that income of paying corporations has been included in measure of tax of receiving corporation. Applies to tax years beginning on or after January 1, 1973.

\_\_\_\_\_ , estimated liability, payment c. 292  
HB 3242

Requires declaration of estimated tax liability by corporations having expected tax liability of \$500 or more for tax years beginning on and after January 1, 1974. Defines "estimated tax liability." Requires payments in instalments for all corporations. Prescribes conditions under which underpayment of estimated tax will be considered to have occurred. Provides for accrual of interest at specified rate on unpaid instalments of estimated tax.

Fuel, aircraft, increase c. 376  
HB 2068

Increases aviation fuel tax from one cent per gallon to two cents per gallon.

\_\_\_\_\_ , refunds, aircraft c. 575  
HB 2188

Deletes aircraft fuel tax refund allowance for fuel used in aircraft operations from point in Oregon directly to state outside continental limits of United States. Retains tax refund provisions for international flights. Eff. 1 Jan. 74.

\_\_\_\_\_ , refunds, power take-off units c. 135  
HB 2095

Allows fuel tax refund for fuel taxes paid on fuel used to pump aircraft fuel, motor vehicle fuel or other petroleum products by power take-off unit without metering device at rate of refund presently allowed for fuel tax paid on fuel used to pump heating oils.

Income, personal, corporate, deductions, additions c. 753  
HB 3249

Grants deduction, for personal income tax and corporate excise

Income, personal, corporate, deductions, additions (Cont.)

tax purposes, entire cost of renovation project for elimination of physical design features in building existing on effective date of Act that restrict full use of building by physically handicapped persons. Grants deduction, for personal income tax purposes, amount of federal income taxes accrued, rather than paid, by taxpayer during taxable year less amount of refunds of federal taxes previously accrued for which tax benefit was received, rather than paid or credited to taxpayer during taxable year. Adds to personal taxable income amount of federal estate taxes allowable to income as to decedent not taxable by state. Applies to tax years ending on and after effective date of Act.

\_\_\_\_\_ , personal, corporate, increase, school support, referendum c. 326  
HB 2314 A/SR

Revises corporate excise and income tax rates; establishes graduated tax rate table for corporate excise and income tax ranging from four percent to nine percent. Eliminates personal property tax offset for corporation. Revises personal income tax rates; establishes new graduated tax rate table. Limits deduction for federal income taxes to \$3,000 for personal tax purposes. Applies same rate to unmarried individual as rate applied to husband and wife filing joint return and head of household for personal income tax purposes. Replaces existing Basic School Support Fund apportionments with basic, first and second tier apportionments. Includes kindergarten pupils in distribution of Basic School Support Fund moneys. Deletes requirement that school district with fewer than 20,000 children of school age submit question of establishing kindergartens to qualified voters of district for approval. Provides that if any school district receives less moneys from Basic School Support Fund for school year 1975-76 than it received for school year 1974-75, Superintendent of Public Instruction shall pay to district difference between amount district received for school year 1974-75 and amount district receives for school year 1975-76, or pro-rata share if amount ap-

Income, personal, corporate, increase, school support, referendum (cont.)

propriated therefor is insufficient to make such payments. Makes provisions for increasing enrollments on basis of program support level and for declining enrollments on basis of program support level multiplied by three-fourths of decrease. Eliminates equalization function of intermediate education districts and limits their tax bases. Applies to school years beginning July 1, 1975. Appropriates from General Fund to Basic School Support Fund, for biennium beginning July 1, 1975, \$548,445,000 for designated purposes; \$266,235,000 for distribution in 1975-76 and \$282,210,000 for distribution in 1976-77. Provides that if Act is approved by people, designated sections apply to tax years beginning on and after January 1, 1975, and that for prior taxable years, law applicable to such years shall continue to apply; and that designated provisions take effect July 1, 1975. Refers Act to voters at May 1974 primary election.

\_\_\_\_\_ , personal, corporate, increase, school support, referendum, voters' pamphlet c. 733  
HB 2749

Makes special provisions for voters' pamphlet material on chapter 326, Oregon Laws 1973 (HB 2314), relating to income tax increases, submitted to voters at May 1974 primary. Substitutes explanation prepared by legislative committee for fiscal estimate and explanatory statement otherwise required for measures. Requires Secretary of State to set aside six free pages for arguments in support of measure and six free pages for arguments against measure, and makes additional pages available at \$500 per page. Eff. 22 July 73.

\_\_\_\_\_ , personal, corporate, returns, confidentiality c. 106  
SB 87

Modifies income tax confidentiality provision to permit Department of Revenue to allow Multistate Tax Commission to inspect returns or receive copies of returns or information from returns or investigations, for tax purposes only. Permits Multistate Tax Commission to make such information available to Commissioner of

Income, personal, corporate, returns, confidentiality (cont.)

Internal Revenue and other states for tax purposes only. Deletes restriction that allows disclosure only to states which grant substantially similar privileges to this state. Permits department to notify county assessors if corporation is financial institution and not subject to personal property taxes. Permits department to publish lists of taxpayers entitled to unclaimed tax refunds.

Inheritance, administration, depositories, delivery of assets c. 338  
SB 89

Changes time in which depository holding securities or other decedent assets must defer delivery from 60 days after receipt of notice from department to 60 days after date that inheritance tax return is filed.

\_\_\_\_\_ , apportionment, credits c. 268  
SB 124

In provision for apportionment of inheritance tax among distributive shares, changes certain exemption references to credit references.

\_\_\_\_\_ , deductions, administration expenses, homestead c. 299  
HB 2197

Modifies provision relating to deduction of administration expenses in determining taxable estate. Revises definition of "homestead" for purposes of deduction of homestead allowance in determining taxable estate.

\_\_\_\_\_ , deductions, claims against estate c. 132  
HB 2052

Permits deduction, in probated and unprobated estates, from gross value of taxable estate for inheritance tax purposes claims allowed against estate owing at time of death and paid from property value of which is included in taxable estate.

\_\_\_\_\_ , deductions, surviving spouse c. 759  
HB 3256

Allows surviving spouse to claim \$50,000 deduction from inheritance

TAXATION (cont.)

Property, exemptions, farm labor camps, day care centers, nonprofit (cont.)

allocation of moneys received. Prescribes procedures for claiming and maintaining exemption. Provides for appeal by aggrieved taxpayer. Applies to tax years beginning on and after January 1, 1974.

Property, exemptions, literary, charitable, scientific, religious

Exempts from ad valorem taxation property of literary, benevolent, charitable, scientific or religious organization occupied or used by another organization or combination of organizations in literary, benevolent, charitable, scientific or religious work. Provides for refund or abatement of taxes paid or not paid within three years prior to effective date of Act as result of denial of prescribed exemption.

Property, exemptions, mint, assessment cancellation

Provides that assessment of mint being transported to or held in storage on January 1 assessment date be canceled if mint actually transported or shipped to another point before May 1. Exempts mint from taxation when owned or possessed by farmer for use or consumption in his farm operation. Applies to tax years beginning on or after January 1, 1974.

Property, exemptions, parks, recreation, nonprofit corporations

Permits nonprofit corporation, organized to acquire and hold land for public park and recreation purposes, to sell land without losing exemption of that land from property taxes during time it was held by corporation. Permits unrestricted conveyances to such corporation, for purpose of exemption, rather than conveyances restricting use of property to public parks or public recreation purposes. Permits distribution of assets to state upon liquidation of such corporation. Expands reasons for which property tax exemption may be granted to include reservation of land for public parks, recreation or wildlife refuge purpose.

Property, exemptions, railroad cars under repair

Exempts railroad cars owned by private car companies and undergoing major work from ad valorem taxation.

Property, exemptions, religious organizations

Extends exemption from ad valorem taxation of buildings and property of religious organizations to include buildings and property used solely for administration, education, literary, benevolent and charitable purposes. Requires that buildings and property of religious organizations used for any purpose other than those specified be assessed and taxed same as other taxable property.

Property, exemptions, student housing

Exempts certain student housing from all ad valorem taxes levied by school district, intermediate education district or community college district. Defines "student housing."

Property, homeowner and renter relief

Revises provisions relating to property tax relief. Provides for relief in form of refund to homeowners and renters measured by household income of taxpayer, with property tax liability extended against homestead in case of homeowner; amount of rent constituting property tax paid for occupancy of homestead in case of renter; and maximum amount refundable as specified in table. Establishes table for refunds. Provides for and establishes substitute table if certain conditions exist. Provides for situations in which taxpayer owns abode or land and rents abode or land. Provides for standard form of refund for people over 65 who make less than \$5,000 per year. Provides eligibility to residents of nonprofit homes for elderly for property tax refunds. Requires landlord to provide tenant with written statement of net rental rate; provides penalty. Makes other provisions relating to procedure. Appropriates money. Grants jurisdiction over proceedings for refund to small claims division of Oregon Tax Court;

Property, homeowner and renter relief (cont.)

applies to refunds open to audit on effective date of Act. Applies to rent paid on or after January 1, 1973, and property taxes billed for fiscal year 1973.

Property, inventories, farm machinery

Adds farm machinery to definition of inventory for purpose of inventory tax phase-out. Applies to assessment years beginning on and after January 1, 1973.

Property, levy, explanation, word limitation

Provides that required statements of total amounts of money to be raised by proposed tax levies over the amount authorized by the Oregon Constitution are not included in specified limitation on number of words that may be contained in explanation under certain municipal or school district tax levies.

Property, payment, quarterly partial

Precludes payment of ad valorem property taxes in quarterly installments if the total tax is less than \$40. Requires that partial payments of ad valorem taxes be at least \$10.

Property, refunds

Authorizes county court to grant property tax refunds when request is made by Department of Revenue, or with the approval of tax collector, without necessity of taxpayer filing formal claim.

Property, tax base elections

Provides instructions for holding of tax base elections and limits such elections to state-wide primary or general elections.

Timber, Eastern Oregon forest land, back taxes, condemnation

Deletes exemption from payment of back taxes on Eastern Oregon designated forest land taken by eminent domain.

Timber, forest products harvest, increase

Increases forest products harvest tax for Forest Research and Experiment Account continuously appropriated to State Board of Higher Education from five cents to seven cents per thousand feet for fiscal years beginning July 1, 1973, and July 1, 1974.

Timber, reforestation land, administration, classification

Transfers administration of forest fee and yield tax from State Forester to Department of Revenue. Revises amount of payment required when reforestation lands are declassified. Revises payment provisions on declassification. Authorizes application, rather than petition, by owner wishing to have his lands classified as reforestation lands. Eliminates hearings on such classification applications and authorizes department to determine if lands listed on application are eligible for classification as reforestation lands under specified provisions.

Timber, Western Oregon ad valorem, classification

Expands provision providing that land is not being held or used for predominant purpose of growing and harvesting trees of marketable species, for purposes of provisions relating to taxation of forest lands, to include land which does not meet certain minimum stocking or acreage requirements.

EXCUSED

A

1973  
43.

TAXATION (cont.)

Pollution control facilities, exemptions, credits (cont.)

is effective if erection, construction or installation of facility was commenced prior to December 31, 1980. Requires person constructing pollution control facility qualifying for tax credit relief or ad valorem tax relief to file notice of construction with Department of Environmental Quality. Provides for issuance of certificate of approval of construction by department. Extends last date for filing with tax assessor for ad valorem tax exemption from April 1 to July 15 in certain cases.

Property, administration, appraisers, qualifications A c. 236 HB 2301

Revises law pertaining to qualifications of certified appraisers. Provides for designation of Appraiser Trainee and Property Appraiser II and III, as well as Property Appraiser I. Requires Personnel Division to set qualifications and formulate appropriate tests for such positions.

Property, administration, assessors, qualifications A c. 538 HB 2298

Specifies qualifications for candidates for office of assessor. Becomes operative upon voter approval of designated constitutional amendment.

Property, administration, collectors, designation, functions N c. 305 HB 2324

Requires county court or board of county commissioners of each county to designate tax collector thereof. Transfers tax collector's duties, except execution of tax warrants, from sheriff to designated tax collector. Makes other related changes. Prescribes transitional provisions.

Property, assessment, boundary changes A c. 501 SB 82

Changes from May 31 to March 31, date after which boundary changes or proposed boundary changes for that year may be disregarded by county assessor for property tax assessment purposes. Makes boundary change or proposed boundary change effective from date of filing abstract with Secretary of State. Provides for effective

Property, assessment, boundary changes (cont.)

dates for boundary changes occurring between July 1 and March 31 and between April 1 and June 30.

Property, assessment, central, data transmission services A c. 102 SB 81

Expands definition of "communication" for assessment of centrally assessed utility properties to include data transmission services.

Property, assessment, farm lands c. 303 HB 2317 A

Deletes requirement that new owner or transferee by reason of death make application to continue assessment of his property for property tax purposes at its value for farm use within certain time period. Provides for continuation of such assessment so long as land continues to be used exclusively for farm use. Requires new owner to notify assessor if use of land changes. Specifies amount of tax to be added to next general property tax roll when land is disqualified from special farm assessment. Abates difference in property taxes paid by taxpayer who failed to make new application under such circumstances and taxes he would have paid if his property had continued to be assessed for farm use for tax years 1972-1973 and 1973-1974.

Property, collection, disputed assessment c. 345 SB 122 A

Provides procedure to reduce fiscal effects on individual taxing units when value of substantial property in district or county is being questioned before Department of Revenue or courts. Limits tax receipts taxing unit will receive to amount of tax levy certified to by assessor less any amount included in levy for estimated discounts and allowances for certain taxes levied but not collected.

Property, collection, improvements severed, removed c. 343 SB 120 A

Authorizes collection of taxes on certain real property improvements which have been or will be severed from land upon which they are situated and have been or will be re-

Property, collection, improvements severed, removed (cont.)

moved from such land when, in opinion of assessor, it appears taxes would otherwise not be collected. Provides for immediate assessment and personal liability on owner for taxes on such removed improvements.

Property, collection, tax statements, mortgages A c. 82 SB 129

Requires mortgagee, when requesting tax statements from the tax collector, to submit requests by October 1 of each year when the mortgagee is to pay taxes for owner of property.

Property, equalization, local boards, appraisers A c. 336 SB 84

Adds to present designated requirements for appraisers hired by county boards of equalization certification by organizations designated by Department of Revenue rule. Deletes existing authority of American Institute of Real Estate Appraisers and International Society of Real Estate Appraisers to certify such appraisers.

Property, equalization, local boards, membership A c. 372 SB 389

Authorizes county governing body and budget committee or tax supervising and conservation commission, in county governed by county charter, to appoint one nonoffice-holding county resident to serve on board of equalization instead of member of county governing body or member committee or commission.

Property, equalization, ratio deviation A c. 71 HB 2299

Extends effective date of requirement that assessed value of locally assessed property in county be within five percent of true cash value of such property from on and after January 1, 1974, to on and after January 1, 1976, for purposes of equalization ratio to be prepared by county assessors.

Property, exempt water associations, erroneous farm assessment A c. 505 SB 195

Authorizes tax exemption for certain nonprofit mutual or cooperative water associ-

Property, exempt water associations, erroneous farm assessment (cont.)

ations for tax years prior to 1972-73, when exemption was denied because of failure of association to be wholly mutual or cooperative and of articles of incorporation to state purposes of organization were restricted to distributing water; and allows refund of taxes paid upon written application of taxpayer prior to June 30, 1974. Prescribes procedure for correcting erroneously granted farm use assessment, applicable to assessment years beginning on and after January 1, 1973.

Property, exemptions, airport facilities A c. 234 HB 2274

Exempts property owned by and serving municipality or port of less than 300,000 inhabitants, rather than 75,000 inhabitants, from ad valorem taxation if property is located within or contiguous to airport and proceeds of lease or rental are used exclusively for purposes of airport. Eff. 1 July 74.

Property, exemptions, art objects A c. 486 SB 825

Exempts from ad valorem taxation certain art objects on consignment to an art gallery. Applies to tax years beginning after effective date of Act and ending prior to July 1, 1980.

Property, exemptions, claims, late filing, abatement A c. 218 SB 472

Allows property tax to be abated upon recommendation of Director of Department of Revenue and concurrence of assessor and county court when property would have been exempt had an exemption claim been filed on time, where failure to file for exemption is due to just cause. Applies to assessment years beginning on and after January 1, 1972.

Property, exemptions, farm labor camps, day care centers, non-profit A c. 382 HB 2220

Exempts from taxation true cash value of real and personal property of farm labor camps owned or operated by nonprofit corporations and nonprofit day care centers if facilities meet fire safety and health requirements. Requires exempt camps and centers to make designated payment based on income. Provides for

WORKMEN'S COMPENSATION

Benefits, civil defense volunteers  
A c. 466  
SB 574

Raises maximum amount payable for medical, surgical or hospital expenses, compensation and rehabilitation on any one claim from \$7,500 to \$20,000 for civil defense volunteer who may sustain an injury while doing civil defense work.

\_\_\_\_\_, payment, lump sum A c. 221  
SB 524

Deletes provision relating to lump sum payment of permanent disability awards to out-of-state workmen. Permits, with board approval, payment of up to 100 percent of permanent partial disability award to injured workmen in lump sum. Requires any remaining balance to be paid in accordance with designated provision.

\_\_\_\_\_, permanent partial disability A c. 459  
SB 526

Permits compensation for permanent partial disability to be paid monthly at 4.35 times rate per week as provided for compensation for temporary total disability. Defines "average weekly wage." Requires permanent partial disability payments to be at least \$108.75 per month.

\_\_\_\_\_, spouses, children N c. 497  
SB 46

Extends to surviving spouse of female workman certain death benefits presently allowed surviving spouse of male workman under workmen's compensation law. Extends presumption of abandonment to include spouse of female workman who has lived apart from female workman for period of two years and made no attempt to collect support. Allows compensation to man cohabiting with woman who is injured under same circumstances that benefits are not allowed to woman cohabiting with man who is injured. Revises prescribed death benefits payable to surviving spouse of deceased workman and payable to divorced spouse of deceased workman for child in custody of such spouse. Extends prescribed death benefits payable to child if child is enrolled as full-time student in accredited institution of higher education, technical institute or approved on-the-job training or apprenticeship program until child becomes 23 years of age or graduates, whichever is

Benefits, spouses, children (cont.)

earlier. Modifies provision prescribing benefits payable to certain spouse or child where injured workman dies during period of permanent total disability. Eff. 21 July 73.

\_\_\_\_\_, total disability, retro-active reserve c. 614  
SB 233

Increases maximum limitation on workmen's compensation benefits for permanent total disability to 66-2/3 percent of and for temporary total disability to 80 percent of average weekly wage in Oregon. Defines "average weekly wage" for purposes of computing temporary total and permanent total disability payments. Increases minimum benefits to be paid to \$50 per week or 90 percent of weekly wages, whichever is lesser, for permanent total disability. Increases to \$5 per week additional compensation payable for each additional beneficiary of permanent totally disabled. Imposes burden of proof of permanent total disability status upon workman. Requires Workmen's Compensation Board to assess each subject employer three cents per day for each workman employed for each day or part of day; requires moneys received to be placed in Retroactive Reserve; repealed July 1, 1977. Requires that three-fifths, rather than three-fourths, of all receipts from certain moneys retained from subject workmen's wages be placed in Retroactive Reserve. Eff. 21 July 73.

N/A

Claims, death of workman before determination c. 355  
SB 255

Directs State Accident Insurance Fund or direct responsibility employer to request examination of claim for compensation if workman's death occurs prior to determination of claim. Permits designated beneficiaries to file or pursue request for hearing on claim.

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\_\_\_\_\_, disabling and nondisabling injuries, aggravation c. 620  
SB 458

Revises provisions relating to workmen's compensation. Defines "disabling compensable injury" and "nondisabling compensable injury" for purposes of Workmen's Compensation Law. Provides for reporting

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Benefits, disqualification, generally (cont.)

provide that person who separates from employment because of disability or pregnancy is presumed unavailable for work until Administrator of Employment Division determines that such individual is again able to work. Changes existing disqualification provisions and reorganizes material previously included in repealed sections.

\_\_\_\_\_ , disqualification, other payments c. 380  
HB 2214

Deletes reference to an individual's regular rate of pay in determining disqualification from receipt of benefits by reason of dismissal or separation pay, vacation pay or guaranteed wage.

Coverage, agricultural labor c. 260  
HB 2414

Exempts certain commercial agricultural activities from definition of "agricultural labor" for purposes of definition of "employment" under Employment Division Law.

\_\_\_\_\_ , public employes c. 715  
HB 2213

Provides unemployment insurance coverage for employes of all political subdivisions, rather than only for those political subdivisions electing coverage. Provides that political subdivisions may elect to pay on reimbursable basis or pay tax rate. Exempts persons who are employed by school districts as daily substitutes from unemployment insurance coverage. Eff. 1 Jan. 74.

Eligibility, weeks of employment c. 146  
HB 2413

Reduces number of weeks an individual must be employed in his base year to qualify for unemployment insurance benefits from 20 to 18. Eff. 1 July 73.

Generally c. 300  
HB 2215

Modifies provisions of Employment Division Law by deleting certain provisions, changing definitions and substituting terminology. Reduces from 20 to 18 weeks, period of time employing unit must employ an individual in subject employment to be an "employer" for purposes of

Generally (cont.)

Employment Division Law. Adopts uniform language relating to provisions for coverage of workmen within and without State of Oregon. Substitutes current citations to Federal Statutes in exclusions from meaning of wages and in provisions respecting suitable work. Deletes reference to criminal penalties for fraud in obtaining benefits, now part of Criminal Code. Adds requirement that claimant certify with respect to wages earned as well as those received. Modifies duty of appeals referee with respect to action to be taken after hearing. Substitutes leaving for separation in provisions for relief of base-year employer from charges on account of benefits paid to former employe. Modifies certain provisions of Employment Division Law relating to when employers account is charged for benefits paid to certain part-time employes. Provides for extension of time allowed for certain appeals under Employment Division Law. Repeals provision relating to wages and fringe benefits prior to 1951.

Taxes, computation, tables, agricultural activity employers c. 810  
HB 3176

Excludes from "wages" remuneration received by employe in any calendar year after December 31, 1973, in excess of \$5,000. Revises manner of determining payroll and benefit ratio for purposes of administration of Employment Division Law. Provides new table and alternate table for percentage ratios. Provides for reduction of taxes paid by agricultural activity employer under Employment Division Law where such employer is primarily engaged in canning, freezing, first processing or fresh packing of fruits, vegetables, grain and grass seeds and where such employer establishes that 75 percent or more of employer's annual production is shipped in interstate or foreign commerce. Defines "agricultural activity." Provides that alternate table be operative for tax rates assigned for 1974. Provides that designated provisions become effective July 1, 1974, unless United States Secretary of Labor determines such provisions do not meet requirements of Federal Unemployment Tax Act; and in such event provides that such provisions no longer be effective

Taxes, computation, tables, agricultural activity employers (cont.)

\_\_\_\_\_ , nonprofit employing units c. 118  
HB 2211

Modifies terminology in certain provisions of unemployment insurance law. Substitutes term "nonprofit employing unit" for "nonprofit organization." Changes term "payment in lieu of taxes," as applicable to nonprofit employing units, to "reimbursement payments" and provides that such reimbursement payments are taxes for all purposes of employment insurance law. Modifies requirements for timely notice to cancel reimbursement election and specifies tax rate applicable when employing unit cancels such election. Provides for deposits other than money. Modifies bond or deposit requirements.

UNEMPLOYMENT COMPENSATION

Administration, expenses, trust fund c. 24  
HB 2212

Modifies period of time to be used in computing amounts of money received from federal government which may be obligated and requisitioned from Unemployment Trust Fund for payment of administrative expenses incurred by Employment Division in administering unemployment insurance laws.

Benefits, computation, state average wage c. 535  
HB 2262

Excused

Provides that minimum and maximum weekly unemployment insurance benefit be based on specified percentage of state average weekly wage. Eff. 1 Oct. 73.

\_\_\_\_\_ , disqualification, generally c. 398  
HB 2891

Amends Employment Division Law to

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WORKMEN'S COMPENSATION (cont.)

Claims, disabling and nondisabling injuries, aggravation (cont.)

of claims for disabling injuries and certain nondisabling injuries. Specifies content of notice of acceptance and report of claims or accidents. Requires board to determine whether claim is disabling or nondisabling and to mail copy of determination to interested parties. Requires filing application for increased benefits on account of aggravation either with direct responsibility employer, State Accident Insurance Fund or Workmen's Compensation Board. Repeals provision relating to increased compensation for aggravation of disability and provides new provision therefor.

generally, occupational disease, c. 543  
HB 2376

Extends time period for filing of claims with State Accident Insurance Fund or direct responsibility employer for certain occupational disease claims from three to five years. Extends claims for radiation injury from seven to 10 years. Deletes "silicosis" from definition of "occupational disease." Deletes provisions relating to medical board review of occupational disease claim. Modifies provision relating to procedure for processing occupational disease claims.

tussock moth, occupational disease, c. 586  
HB 2906

Provides that certain claim costs for occupational disease resulting from exposure to tussock moth filed after effective date of Act and prior to December 31, 1975, not be included in rate making process and that certain claims for occupational disease from tussock moth exposure filed after effective date of Act and prior to December 31, 1975, be processed and paid in accordance with applicable provisions of Workmen's Compensation Law. Provides that State Accident Insurance Fund or other insurer be entitled to reimbursement out of Administrative Fund for costs incurred in connection with such claims. Repealed December 31, 1975. Eff. 21 July 73.

Claims, vocational rehabilitation before closing A c. 634  
SB 251

Prohibits closing of workmen's compensation claims until workman's condition is medically stationary, and workman has completed any authorized program of vocational rehabilitation; provides for proportionate reduction in temporary disability compensation during vocational rehabilitation period. Provides for cases where workman has failed or refused to cooperate in authorized vocational rehabilitation program. Provides for use of vocational rehabilitation agency or counselor reports in proceedings for determining additional compensation. Deletes provision which permits employer or fund to commence payment of permanent disability award without waiting for designated determination. Requires board to provide, by rule, for reimbursement to direct responsibility employer or State Accident Insurance Fund from Rehabilitation Reserve sums paid as temporary disability compensation after date workman is determined to be medically stationary until program of rehabilitation has been terminated. Eff. 1 Jan. 74.

Coverage, convicted felons N c. 56  
SB 253

Allows person convicted of felony to receive compensation benefits, file claims, request hearings and appeal under workmen's compensation law.

trainees, visually handicapped A c. 429  
HB 3048

Extends workmen's compensation benefits to visually handicapped trainees enrolled in special job training programs of Commission for Blind.

Employe contributions, disposition A c. 55  
SB 238

Increases from two cents to five cents each day amount employer is required to retain from money earned by certain workmen for purpose of payment to Retroactive Reserve and Second Injury Reserve. Revises allocation of money deducted to provide that three-fifths be placed in Retroactive Reserve,

Employe contributions, disposition (cont.)

One-fifth in Second Injury Fund and one-fifth in Administrative Fund for rehabilitation facility. Eff. 1 Jul. 73.

Employers, farming, contributions N c. 669  
HB 3216

Provides that State Accident Insurance Fund or any insurer that provides coverage for workmen's compensation shall charge any employer who employs subject workmen in occupation subject to general farming classification code rate for that classification of payroll of \$8.50 per \$100 of payroll; provides that minimum premium not to exceed \$50 may be charged. Repealed January 1, 1976.

noncompliance, civil penalties A c. 447  
SB 459

Provides civil penalties against subject employers who have not provided workmen's compensation coverage for subject workmen. Prescribes procedures for enforcement and collection of penalties.

Hearings, depositions A c. 652  
HB 2647

Applies designated provision relating to depositions to workmen's compensation cases, except that hearings officer shall make determinations and orders required of court in such provision and attorneys fees shall not be declared as matter of course but only in cases of harassment or hardship.

evidence, vocational experts A c. 581  
HB 2645

Permits reports from vocational consultants to be admitted in evidence at workmen's compensation hearings. Requires Workmen's Compensation Board to establish rules to govern admissibility of reports from vocational experts, including guidelines to establish competency of vocational experts.

referees A c. 774  
SB 54

Changes title of workmen's compensation hearing officer to

Hearings, referees (cont.)

"referee." Deletes requirement that referee complete examination testing his knowledge of state law relating to workmen's compensation. Modifies term of employment and grounds and procedure for removal of referee. Establishes salary. Provides for election and duties of presiding referee. Declares purpose.

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**PUBLIC OFFICERS AND EMPLOYEES**

See also DISCRIMINATION, STATE AGENCIES; specific subjects

**Collective bargaining**

*N* c. 536  
HB 2263  
Revises law relating to collective bargaining for public employes. Exempts from definition of "public employe," elected officials, persons appointed to boards or commissions, confidential employes and supervisory employes. Establishes collective bargaining rights and standard collective bargaining procedures for public employes. Makes collective bargaining mandatory for public employers and public employes. Provides for certification of labor organizations as exclusive representative of public employe groups. Eliminates prohibition against public employe strikes, except for policeman, fireman and guard at correctional institution or mental hospital and in other specified instances. Provides for binding arbitration in cases where right of employes to strike is prohibited by law. Specifies procedures for resolution of labor disputes including procedures for compulsory arbitration and right to equitable relief against strikes which present clear and present danger to public health, safety and welfare. Requires such equitable relief to include order that labor dispute be submitted to binding arbitration. Specifies powers, duties, number and terms of members of Public Employe Relations Board.

**Expenses, state, mileage, other expenses**

*N* c. 224  
SB 618  
Increases mileage allowance for vehicles used on state business from nine to ten cents. Defines "other expenses" for purposes of provision authorizing all members of state boards and commissions to receive actual and necessary travel or other expenses incurred in performance of their official duties. Prohibits members from being reimbursed for expenses of employing substitute in excess of \$25 per day. Eff. 6 July 73.

**state, travel advances, revolving account**

*A* c. 158  
HB 3186  
Eliminates Travel Revolving Account and provides for payment of travel advances by state agency from funds available to such agency for payment of claims. Provides for reversion of all moneys remaining in account to General Fund on effective date of Act. Eff. 1 July 73.

**Insurance, health, state**

*A* c. 225  
SB 619  
Increases contribution of state to health insurance plan for state employes from \$10 to \$15 per month. Eff. 6 July 73.

**life, police and firemen**

*EXCUSED* c. 409  
HB 2283  
Modifies description of insurance for police officers and firemen, required to be paid for by their public employers, covering death caused by or resulting from injury during working hours to delete characterization of insurance as "group term life" insurance. Eff. 20 July 73.

**Overtime, direct labor, local governments**

*A/SP* c. 418  
HB 2523  
Provides for overtime for labor employed directly by public bodies in excess of 10 hours in one day if labor is on 10-hour, four-day work week. Removes population distinction in existing provision relating to overtime; provides for uniform standards.

**Overtime, direct labor, local governments**

*A* c. 460  
SB 530  
Provides an exception to provision requiring overtime pay or compensatory time for hours worked in excess of eight but less than 10 hours in any day where labor is employed directly by public bodies on four-day work week.

**Political activity, notices**

*A* c. 53  
HB 2223  
Requires public employer to post notice informing public employes of their status under state law with regard to engaging in political activity.

**Public meetings, open to public**

*A* c. 172  
SB 15  
Requires governing body of public body to open all meetings to public. Defines "meeting." Permits governing body of public body to hold an executive session to consider specified matters. Defines "executive session." Prohibits holding an executive session for purpose of taking any final action or making any final decision. Exempts deliberations of State Board of Parole and Probation, State Banking Board, Commission on Judicial Fitness, of state agencies and Workmen's Compensation Board conducting hearings on contested cases in accordance with Administrative Procedures Act, or any judicial proceeding from Application of Act. Requires governing body of public body to give public notice of time and place for holding regular meeting and special meeting and, if an executive session will be held, notice stating specific provision of law authorizing such executive session. Requires governing body to provide for taking of written minutes of all its meetings and to make such minutes available to public. Specifies minimum information to be contained in such minutes. Authorizes persons to commence suit in circuit court for purpose of requiring compliance with or prevention of violations of this Act. Eff. 27 June 73.

**Records, public access**

*A/SP* c. 794  
HB 2157  
Revises law relating to public disclosure by public bodies of public records. Requires public bodies to make public records available to any person, subject to rules which public

**Records, public access (cont.)**

bodies may adopt to prevent interference with public duties, unless specifically excepted. Provides for exemption of specified public records from disclosure requirement. Authorizes public bodies to establish fees to reimburse actual cost of making public records available. Authorizes person claiming wrongful withholding of public records to apply, to Attorney General in case of state agency or district attorney in case of any other public body, for order requiring disclosure. Authorizes person claiming wrongful withholding of public records by elected official to institute proceedings for injunctive or declaratory relief in circuit court. Provides that aggrieved applicants or public bodies may obtain court review with early hearing on issue of whether public records should be disclosed. Requires award of attorney fees to successful applicants. Modifies or repeals certain provisions relating to public records and their disclosure. Eff. 22 July 73.

**state, Secretary of State administration**

*A* c. 439  
HB 3205  
Transfers duties, functions and powers granted to Trustees of State Library and State Librarian relating to office of State Archivist to Secretary of State. Makes Secretary of State public records administrator of state. Deletes control and supervision powers of Trustees of State Library over archivist activities. Makes transitional provisions. Appropriates \$294,577 from General Fund to Secretary of State for payment of administrative expenses of office of State Archivist. Reduces appropriation to State Library for State Archives by such amount. Limits biennial expenditures from fees, moneys or other revenues collected by Secretary of State for Archival Services to \$22,000. Includes expenses incurred by Secretary of State in administration of office of State Archivist in governmental service expenses paid by state agencies upon assessment by Executive Department. Continuously appropriates certain fees for payment of expenses incurred by Secretary of State in administration of office of State Archivist. Eff. July 73.

PUBLIC OFFICERS AND EMPLOYEES (cont.)

Retirement, Governor

Initiative Measure

Rapala's Governor's retirement law enacted at 1971 legislative session. Initiative measure enacted by people at general election in Nov. 1972. Eff. 7 Dec. 72.

PERS, Administration, with-  
drawals, retiree employment,  
benefits

Changes title of executive secretary of Public Employees' Retirement Board to director. Extends period for repaying withdrawn accounts from six months to one year. Modifies conditions for employment of retirees. Expands period to select benefit option. Authorizes board to fix salary of director and to set rate of interest to be credited to retiree-ment reserves. Eff. 21 July 73.

Teachers, PERS, benefits, generally

Revises public employee retirement provisions. Increases percentage figure in pension computation formula for police officers, firemen and miscellaneous employees. Provides unreduced benefits for police and firemen at age 55 with 25 years creditable service or age 57 with 20 years creditable service, and for miscellaneous employees at age 60 with 30 years creditable service or age 62 with 25 years creditable service. Increases cost of living adjustment from 1-1/2 percent to 2 percent. Permits employee option of placing up to 75 percent of current contributions in variable annuity program. Allows police and firemen retiring prior to age 60 to receive unit payments before age 60 at actuarially reduced rate. Increases benefits of present retired members. Establishes minimum benefits for retiree with 15 or more years of membership. Makes increased benefits applicable to Teachers' Retirement System. Authorizes variable annuity program under Teachers' Retirement System without school district approval. Eff. 22 July 73.

PERS, benefits, unused sick leave

Permits public employees to be compensated for their unused sick leave in form of increased retirement benefits. Eff. 21 July 73.

Retirement, PERS, Fire Marshal and  
deputies

Includes State Fire Marshal, chief deputy fire marshal and deputy fire marshal within retirement provisions relating to firemen. Eff. 29 Mar. 73.

PERS, legislative employees

Extends benefits of Public Employees' Retirement System to certain legislative employees. Allows such legislative employees credit for previous service upon payment of contributions that would have been made had they been members at start of their employment. Allows legislative employees who are members of retirement system on effective date of Act credit for prior years of service. Eff. 22 July 73.

PERS, legislative security  
police

Permits employment of retired members of system by state police during regular or special session of legislature. Precludes such employees from making contributions to retirement fund and allows them to receive pension or annuity benefits during period of employment. Eff. 18 Apr. 73.

Teachers, Portland school  
district

Increases retirement allowance under Teachers' Retirement Act for persons who retired before July 1, 1959. Deletes authority of school board to classify members and requires school board to pay eligible members specified pension. Authorizes annual cost of living adjustment for all retirement allowances under Teachers' Retirement Act. Eff. 21 July 73.

Salaries, elected state officers

Increases annual salary of certain elected state officials for fiscal year beginning July 1, 1973, and thereafter. Eff. 21 July 73.

Salaries, non-elected state officers

Increases annual salaries of certain non-elected state officials and employees for biennium beginning July 1, 1973, and thereafter. Eff. 22 July 73.

Vacation benefits, state

Increases minimum vacation period for state employees by one day per year. Increases maximum vacation accrual from five work weeks to 250 hours of vacation pay. Eff. 20 July 73.

Youth Corps, Oregon

Establishes Oregon Youth Corps. Fixes duties and programs. Establishes eligibility. Requires designated agencies to communicate personnel requirements to Oregon State Employment Service for assistance in recruitment efforts on state-wide basis. Limits biennial expenditures for purposes of this Act from fees, moneys or other revenues collected, or received by State Forestry Department to \$256,563, by Highway Division to \$450,000; from fees, moneys or other revenues, excluding federal funds, collected or received by Division of State Lands to \$33,088 and by State Game Commission to \$107,500. Eff. 21 July 73.

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