

House Bill 2685

Sponsored by Representative CAMERON (at the request of Marion County Sheriff Jason Myers) (Pre-session filed.)

SUMMARY

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

Authorizes temporary release of inmates conveyed to another jurisdiction on same terms as inmates confined in Department of Corrections institution.

Modifies Department of Corrections work release program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Department of Corrections; amending ORS 144.430, 144.460, 421.068, 421.210, 443.405
3 and 701.005; appropriating money; and declaring an emergency.

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

5 **SECTION 1.** ORS 421.210 is amended to read:

6 421.210. After *[the making of]* **entering into** a contract under ORS 421.205, **the Department**
7 **of Corrections may convey** persons convicted of a felony in the courts of this state and sentenced
8 to the legal and physical custody of the department *[of Corrections, including those who, at the date*
9 *of entering into the contract, are in the legal and physical custody of the Department of Corrections,*
10 *may be conveyed, as provided by law, by the Department of Corrections]* to the jurisdiction named in
11 the contract. They shall be delivered to the authorities of *[said]* **the contracting** jurisdiction, *there*
12 *to be]* **and, unless they are eligible for any form of temporary or transitional leave from**
13 **custody, work release or a program of conditional or supervised release, that is authorized**
14 **by the department, shall remain** confined until their respective sentences have expired or until
15 they are otherwise discharged by law.

16 **SECTION 2.** ORS 144.460 is amended to read:

17 144.460. The Department of Corrections may contract with the governing bodies of political
18 subdivisions in this state, with the federal government and with any private agencies approved by
19 the department for the quartering in suitable local facilities of persons enrolled in work release
20 programs. *[Each such facility having six or more residents must be licensed under ORS 443.400 to*
21 *443.455 and must satisfy standards established by the Department of Corrections to ensure adequate*
22 *supervision, custody, health and safety of persons quartered therein.]*

23 **SECTION 3.** ORS 144.430 is amended to read:

24 144.430. (1) The Department of Corrections shall administer the work release program by means
25 of such staff organization and personnel as the director considers necessary. In addition to other
26 duties, the department shall:

27 (a) Locate employment for qualified applicants;

28 (b) Effect placement of persons under the work release program;

29 *[(c) Provide security training approved by the department to persons responsible for supervising*
30 *persons participating in an inmate work program;]*

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

1 [(d)] (c) Collect, account for and make disbursements from earnings, if any, of persons under the
 2 work release program;

3 [(e)] (d) Generally promote public understanding and acceptance of the work release program;
 4 and

5 [(f)] (e) Establish and maintain community centers.

6 (2) The Department of Corrections may enter into agreements with other public or private
 7 agencies or persons for providing services relating to work release programs.

8 (3) In carrying out the provisions of this section, the Department of Corrections may enter into
 9 agreements with the Department of Human Services to provide such services as determined by the
 10 Department of Corrections and as the Department of Human Services is authorized to provide under
 11 ORS 344.511 to 344.550.

12 **SECTION 4.** ORS 421.068 is amended to read:

13 421.068. (1) Revenues, less operating expenses, from the following sources shall be deposited into
 14 an account established by the Department of Corrections [*to provide money to enhance inmate activ-*
 15 *ities and programs including education programs*]:

16 (a) Operation of correctional institution canteens;

17 (b) Operation of the vending machines in the inmate visiting area of correctional institutions;

18 (c) Operation of inmate telephones in correctional institutions;

19 (d) Funds confiscated from the inmates under existing disciplinary procedures; and

20 (e) Funds donated under administrative rules promulgated by the Director of the Department
 21 of Corrections.

22 (2) **Moneys in the account are continuously appropriated to** the Department of Corrections
 23 [*shall limit use of the fund to*] **for** uses benefiting the general inmate population [*and*], enhancing
 24 inmate activities and programs including education programs **and providing for offender reentry**
 25 **programs and support.**

26 **SECTION 5.** ORS 443.405 is amended to read:

27 443.405. For purposes of ORS 443.400 to 443.455 and 443.991, “residential facility” does not in-
 28 clude:

29 (1) A residential school;

30 (2) A state or local correctional facility[, *other than a local facility for persons enrolled in work*
 31 *release programs maintained under ORS 144.460*];

32 (3) A youth correction facility as defined in ORS 420.005;

33 (4) A youth care center operated by a county juvenile department under administrative control
 34 of a juvenile court pursuant to ORS 420.855 to 420.885;

35 (5) A juvenile detention facility as defined in ORS 419A.004;

36 (6) A nursing home;

37 (7) A hospital;

38 (8) A place primarily engaged in recreational activities;

39 (9) A foster home; or

40 (10) A place providing care and treatment on less than a 24-hour basis.

41 **SECTION 6.** ORS 701.005 is amended to read:

42 701.005. As used in this chapter:

43 (1) “Board” means the Construction Contractors Board.

44 (2) “Commercial contractor” means a licensed contractor that holds an endorsement as a:

45 (a) Commercial general contractor level 1;

- 1 (b) Commercial specialty contractor level 1;
- 2 (c) Commercial general contractor level 2;
- 3 (d) Commercial specialty contractor level 2; or
- 4 (e) Commercial developer.

5 (3) "Commercial developer" means a developer of property that is zoned for or intended for use
6 compatible with a small commercial or large commercial structure.

7 (4) "Construction debt" means an amount owed under:

- 8 (a) An order or arbitration award issued by the board that has become final by operation of law;
- 9 (b) A judgment, arbitration award or civil penalty that has become final by operation of law
10 arising from construction activities within the United States; or

11 (c) A judgment or civil penalty that has become final by operation of law arising from a failure
12 to comply with ORS 656.017.

13 (5) "Contractor" means any of the following:

14 (a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
15 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
16 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
17 structure, project, development or improvement attached to real estate, or to do any part thereof.

18 (b) A person that purchases or owns property and constructs or for compensation arranges for
19 the construction of one or more residential structures or small commercial structures with the in-
20 tent of selling the structures.

21 (c) A school district, as defined in ORS 332.002, that permits students to construct a residential
22 structure or small commercial structure as an educational experience to learn building techniques
23 and sells the completed structure.

24 (d) A community college district, as defined in ORS 341.005, that permits students to construct
25 a residential structure or small commercial structure as an educational experience to learn building
26 techniques and sells the completed structure.

27 (e) A person except a landscape contracting business, nurseryman, gardener or person engaged
28 in the commercial harvest of forest products, that is engaged as an independent contractor to re-
29 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

30 (f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
31 cross-connection inspector and backflow assembly tester certified under ORS 448.279.

32 (g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
33 to clean or service chimneys.

34 (6) "Developer" means a contractor that owns property or an interest in property and engages
35 in the business of arranging for construction work or performing other activities associated with the
36 improvement of real property, with the intent to sell the property.

37 (7)(a) "General contractor" means a contractor whose business operations require the use of
38 more than two unrelated building trades or crafts that the contractor supervises or performs in
39 whole or part, whenever the sum of all contracts on any single property, including materials and
40 labor, exceeds an amount established by rule by the board.

41 (b) "General contractor" does not mean a specialty contractor or a residential limited contrac-
42 tor.

43 (8)(a) "Home improvement" means a renovation, remodel, repair or alteration by a residential
44 contractor to an existing owner-occupied:

45 (A) Residence that is a site-built home;

1 (B) Condominium, rental residential unit or other residential dwelling unit that is part of a
2 larger structure, if the property interest in the unit is separate from the property interest in the
3 larger structure;

4 (C) Modular home constructed off-site;

5 (D) Manufactured dwelling; or

6 (E) Floating home, as defined in ORS 830.700.

7 (b) "Home improvement" does not include a renovation, remodel, repair or alteration by a resi-
8 dential contractor:

9 (A) To a structure that contains one or more dwelling units and is four stories or less above
10 grade; or

11 (B) That the residential contractor performed in the course of constructing a new residential
12 structure.

13 (9)(a) "Home inspector" means a person who, for a fee, inspects and provides written reports
14 on the overall physical condition of a residential structure.

15 (b) "Home inspector" does not include persons certified under ORS chapter 455 to inspect new,
16 repaired or altered structures for compliance with the state building code.

17 (10) "Key employee" means an employee or owner of a contractor who is a corporate officer,
18 manager, superintendent, foreperson or lead person or any other employee the board identifies by
19 rule.

20 (11) "Large commercial structure" means a structure that is not a residential structure or small
21 commercial structure.

22 (12) "Officer" means any of the following persons:

23 (a) A president, vice president, secretary, treasurer or director of a corporation.

24 (b) A general partner in a limited partnership.

25 (c) A manager in a manager-managed limited liability company.

26 (d) A member of a member-managed limited liability company.

27 (e) A trustee.

28 (f) A person the board defines by rule as an officer. The definition of officer adopted by board
29 rule may include persons not listed in this subsection who may exercise substantial control over a
30 business.

31 (13) "Residential contractor" means a licensed contractor that holds an endorsement as a:

32 (a) Residential general contractor;

33 (b) Residential specialty contractor;

34 (c) Residential limited contractor; or

35 (d) Residential developer.

36 (14) "Residential developer" means a developer of property that is zoned for or intended for use
37 compatible with a residential or small commercial structure.

38 (15)(a) "Residential structure" means:

39 (A) A residence that is a site-built home;

40 (B) A structure that contains one or more dwelling units and is four stories or less above grade;

41 (C) A condominium, rental residential unit or other residential dwelling unit that is part of a
42 larger structure, if the property interest in the unit is separate from the property interest in the
43 larger structure;

44 (D) A modular home constructed off-site;

45 (E) A manufactured dwelling;

- 1 (F) A floating home as defined in ORS 830.700; or
2 (G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
3 (F) of this paragraph.
- 4 (b) “Residential structure” does not mean:
- 5 (A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential and
6 nonresidential units;
- 7 (B) Transient lodging;
- 8 (C) A residential school or residence hall;
- 9 (D) A state or local correctional facility [*other than a local facility for persons enrolled in work*
10 *release programs maintained under ORS 144.460*];
- 11 (E) A youth correction facility as defined in ORS 420.005;
- 12 (F) A youth care center operated by a county juvenile department under administrative control
13 of a juvenile court pursuant to ORS 420.855 to 420.885;
- 14 (G) A detention facility as defined in ORS 419A.004;
- 15 (H) A nursing home;
- 16 (I) A hospital; or
- 17 (J) A place constructed primarily for recreational activities.
- 18 (16) “Responsible managing individual” means an individual who:
- 19 (a) Is an owner described in ORS 701.094 or an employee of the business;
- 20 (b) Exercises management or supervisory authority, as defined by the board by rule, over the
21 construction activities of the business; and
- 22 (c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
23 within a period the board identifies by rule;
- 24 (B) Demonstrated experience the board requires by rule; or
- 25 (C) Complied with the licensing requirements of ORS 446.395.
- 26 (17) “Small commercial structure” means:
- 27 (a) A nonresidential structure that has a ground area of 10,000 square feet or less, including
28 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
29 the highest interior overhead finish of the structure;
- 30 (b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
31 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not
32 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
33 of the unit;
- 34 (c) A nonresidential structure of any size for which the contract price of all construction con-
35 tractor work to be performed on the structure as part of a construction project does not total more
36 than \$250,000; or
- 37 (d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.
- 38 (18) “Specialty contractor” means a contractor who performs work on a structure, project, de-
39 velopment or improvement and whose operations as such do not fall within the definition of “general
40 contractor.” “Specialty contractor” includes a person who performs work regulated under ORS
41 446.395.
- 42 (19) “Zero-lot-line dwelling” means a single-family dwelling unit constructed in a group of at-
43 tached units in which:
- 44 (a) Each attached unit extends from foundation to roof with open space on two sides; and
45 (b) Each dwelling unit is separated by a property line.

1 **SECTION 7.** ORS 701.005, as amended by section 59, chapter 630, Oregon Laws 2011, is
 2 amended to read:

3 701.005. As used in this chapter:

4 (1) “Board” means the Construction Contractors Board.

5 (2) “Commercial contractor” means a licensed contractor that holds an endorsement as a:

6 (a) Commercial general contractor level 1;

7 (b) Commercial specialty contractor level 1;

8 (c) Commercial general contractor level 2;

9 (d) Commercial specialty contractor level 2; or

10 (e) Commercial developer.

11 (3) “Commercial developer” means a developer of property that is zoned for or intended for use
 12 compatible with a small commercial or large commercial structure.

13 (4) “Construction debt” means an amount owed under:

14 (a) An order or arbitration award issued by the board that has become final by operation of law;

15 (b) A judgment or civil penalty that has become final by operation of law arising from con-
 16 struction activities within the United States; or

17 (c) A judgment or civil penalty that has become final by operation of law arising from a failure
 18 to comply with ORS 656.017.

19 (5) “Contractor” means any of the following:

20 (a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
 21 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
 22 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
 23 structure, project, development or improvement attached to real estate, or to do any part thereof.

24 (b) A person that purchases or owns property and constructs or for compensation arranges for
 25 the construction of one or more residential structures or small commercial structures with the in-
 26 tent of selling the structures.

27 (c) A school district, as defined in ORS 332.002, that permits students to construct a residential
 28 structure or small commercial structure as an educational experience to learn building techniques
 29 and sells the completed structure.

30 (d) A community college district, as defined in ORS 341.005, that permits students to construct
 31 a residential structure or small commercial structure as an educational experience to learn building
 32 techniques and sells the completed structure.

33 (e) A person except a landscape contracting business, nurseryman, gardener or person engaged
 34 in the commercial harvest of forest products, that is engaged as an independent contractor to re-
 35 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

36 (f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
 37 cross-connection inspector and backflow assembly tester certified under ORS 448.279.

38 (g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
 39 to clean or service chimneys.

40 (6) “Developer” means a contractor that owns property or an interest in property and engages
 41 in the business of arranging for construction work or performing other activities associated with the
 42 improvement of real property, with the intent to sell the property.

43 (7)(a) “General contractor” means a contractor whose business operations require the use of
 44 more than two unrelated building trades or crafts that the contractor supervises or performs in
 45 whole or part, whenever the sum of all contracts on any single property, including materials and

1 labor, exceeds an amount established by rule by the board.

2 (b) "General contractor" does not mean a specialty contractor or a residential limited contrac-
3 tor.

4 (8)(a) "Home improvement" means a renovation, remodel, repair or alteration by a residential
5 contractor to an existing owner-occupied:

6 (A) Residence that is a site-built home;

7 (B) Condominium, rental residential unit or other residential dwelling unit that is part of a
8 larger structure, if the property interest in the unit is separate from the property interest in the
9 larger structure;

10 (C) Modular home constructed off-site;

11 (D) Manufactured dwelling; or

12 (E) Floating home, as defined in ORS 830.700.

13 (b) "Home improvement" does not include a renovation, remodel, repair or alteration by a resi-
14 dential contractor:

15 (A) To a structure that contains one or more dwelling units and is four stories or less above
16 grade; or

17 (B) That the residential contractor performed in the course of constructing a new residential
18 structure.

19 (9)(a) "Home inspector" means a person who, for a fee, inspects and provides written reports
20 on the overall physical condition of a residential structure.

21 (b) "Home inspector" does not include persons certified under ORS chapter 455 to inspect new,
22 repaired or altered structures for compliance with the state building code.

23 (10) "Key employee" means an employee or owner of a contractor who is a corporate officer,
24 manager, superintendent, foreperson or lead person or any other employee the board identifies by
25 rule.

26 (11) "Large commercial structure" means a structure that is not a residential structure or small
27 commercial structure.

28 (12) "Officer" means any of the following persons:

29 (a) A president, vice president, secretary, treasurer or director of a corporation.

30 (b) A general partner in a limited partnership.

31 (c) A manager in a manager-managed limited liability company.

32 (d) A member of a member-managed limited liability company.

33 (e) A trustee.

34 (f) A person the board defines by rule as an officer. The definition of officer adopted by board
35 rule may include persons not listed in this subsection who may exercise substantial control over a
36 business.

37 (13) "Residential contractor" means a licensed contractor that holds an endorsement as a:

38 (a) Residential general contractor;

39 (b) Residential specialty contractor;

40 (c) Residential limited contractor; or

41 (d) Residential developer.

42 (14) "Residential developer" means a developer of property that is zoned for or intended for use
43 compatible with a residential or small commercial structure.

44 (15)(a) "Residential structure" means:

45 (A) A residence that is a site-built home;

- 1 (B) A structure that contains one or more dwelling units and is four stories or less above grade;
 2 (C) A condominium, rental residential unit or other residential dwelling unit that is part of a
 3 larger structure, if the property interest in the unit is separate from the property interest in the
 4 larger structure;
 5 (D) A modular home constructed off-site;
 6 (E) A manufactured dwelling;
 7 (F) A floating home as defined in ORS 830.700; or
 8 (G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
 9 (F) of this paragraph.
- 10 (b) “Residential structure” does not mean:
 11 (A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential and
 12 nonresidential units;
 13 (B) Transient lodging;
 14 (C) A residential school or residence hall;
 15 (D) A state or local correctional facility [*other than a local facility for persons enrolled in work*
 16 *release programs maintained under ORS 144.460*];
 17 (E) A youth correction facility as defined in ORS 420.005;
 18 (F) A youth care center operated by a county juvenile department under administrative control
 19 of a juvenile court pursuant to ORS 420.855 to 420.885;
 20 (G) A detention facility as defined in ORS 419A.004;
 21 (H) A nursing home;
 22 (I) A hospital; or
 23 (J) A place constructed primarily for recreational activities.
- 24 (16) “Responsible managing individual” means an individual who:
 25 (a) Is an owner described in ORS 701.094 or an employee of the business;
 26 (b) Exercises management or supervisory authority, as defined by the board by rule, over the
 27 construction activities of the business; and
 28 (c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
 29 within a period the board identifies by rule;
 30 (B) Demonstrated experience the board requires by rule; or
 31 (C) Complied with the licensing requirements of ORS 446.395.
- 32 (17) “Small commercial structure” means:
 33 (a) A nonresidential structure that has a ground area of 10,000 square feet or less, including
 34 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
 35 the highest interior overhead finish of the structure;
 36 (b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
 37 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not
 38 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
 39 of the unit;
 40 (c) A nonresidential structure of any size for which the contract price of all construction con-
 41 tractor work to be performed on the structure as part of a construction project does not total more
 42 than \$250,000; or
 43 (d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.
- 44 (18) “Specialty contractor” means a contractor who performs work on a structure, project, de-
 45 velopment or improvement and whose operations as such do not fall within the definition of “general

1 contractor.” “Specialty contractor” includes a person who performs work regulated under ORS
2 446.395.

3 (19) “Zero-lot-line dwelling” means a single-family dwelling unit constructed in a group of at-
4 tached units in which:

5 (a) Each attached unit extends from foundation to roof with open space on two sides; and

6 (b) Each dwelling unit is separated by a property line.

7 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
9 **on its passage.**

10