

A-Engrossed
Senate Bill 994

Ordered by the Senate June 24
Including Senate Amendments dated June 24

Sponsored by Senator JOHNSON (at the request of Governor Theodore R. Kulongoski)

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.

[Appropriates moneys from General Fund for Oregon Public Broadcasting and Oregon Arts Commission.]

[Declares emergency, effective July 1, 2007.]

Transfers certain moneys from specified funds and accounts to other specified funds, accounts or agencies to be used for certain purposes.

Adjusts specified judicial salaries.

Establishes amounts of certain funds to be distributed by Department of Transportation to counties. Requires counties to match specified percentage of funds if Secure Rural Schools and Community Self-Determination Act of 2000 is reauthorized.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state financial administration; creating new provisions; amending ORS 291.375, 292.405,
3 292.410, 292.415, 292.425, 366.772 and 530.110; appropriating money; and declaring an emergency.

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

5 **SECTION 1. Notwithstanding any other provision of law, the amount of \$2 million is**
6 **transferred from the Problem Gambling Treatment Fund established by ORS 409.435 to the**
7 **Administrative Services Economic Development Fund established by ORS 461.540, to be**
8 **available for the biennium beginning July 1, 2007, for purposes for which moneys in the Ad-**
9 **ministrative Services Economic Development Fund may be used.**

10 **SECTION 2. (1) Notwithstanding ORS 757.612 (3), an electric company that collects a**
11 **public purpose charge from its customers and that has in its service area the Oregon Mu-**
12 **seum of Science and Industry shall transfer \$4.6 million to the State Department of Energy**
13 **for the purposes described in subsection (3) of this section.**

14 **(2) Moneys described in subsection (1) of this section shall be considered to be taken from**
15 **funds collected by the electric company that remain after the allocation to education service**
16 **districts described in ORS 757.612 (3)(e) and the allocation to the Housing and Community**
17 **Services Department described in ORS 757.612 (3)(b)(D) and prior to other allocations de-**
18 **scribed in ORS 757.612 (3).**

19 **(3) Moneys transferred to the State Department of Energy under subsection (1) of this**
20 **section are continuously appropriated to the department so that the department may help**
21 **the Oregon Museum of Science and Industry with repayment of a loan made through the**
22 **Small Scale Local Energy Project Loan Program.**

23 **SECTION 3. Section 2 of this 2007 Act is repealed on June 30, 2009.**

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 **SECTION 4.** Notwithstanding ORS 279A.250 to 279A.290, if the Oregon Department of
2 Administrative Services sells property from the State Capitol that is surplus property be-
3 cause of the State Capitol renovation project, the department shall deposit the net proceeds
4 into the Oregon State Capitol Foundation Fund established by ORS 276.003.

5 **SECTION 5.** Notwithstanding ORS 401.806 and 401.808, the amount of \$9 million is trans-
6 ferred from the Emergency Communications Account established in ORS 401.806 (1) to the
7 General Fund. Moneys transferred under this section may not come from the Enhanced 9-1-1
8 Subaccount or from the Enhanced 9-1-1 Equipment Replacement Subaccount.

9 **SECTION 6.** Notwithstanding any other provision of law, the amount of \$282,473 is
10 transferred from the grant to the small business development centers made by section 3 (7),
11 chapter 795, Oregon Laws 2005, to the Administrative Services Economic Development Fund
12 established by ORS 461.540, to be used for purposes for which moneys in the fund may be
13 used.

14 **SECTION 7.** Notwithstanding any other provision of law, not later than January 1, 2008,
15 the amount of \$3.65 million shall be transferred from the State Forestry Department Ac-
16 count established by ORS 526.060 to the Forest Patrol Fund referred to in ORS 293.110 to be
17 available for forest fire protection administration expenses.

18 **SECTION 8.** ORS 530.110 is amended to read:

19 530.110. (1) All revenues derived from lands acquired without cost to the state, or acquired from
20 counties pursuant to ORS 530.030, shall be paid into the State Treasury and credited to the State
21 Forestry Department Account and shall be used exclusively for the purposes stated in subsection (3)
22 of this section, and in accordance with the following distribution:

23 (a) Fifteen percent shall be credited to the State Forests Protection Subaccount of the State
24 Forestry Department Account until the amount in such subaccount shall reach \$475,000. Thereafter,
25 the revenues shall be disposed of as stated in paragraphs (b) and (c) of this subsection, unless needed
26 to maintain the \$475,000 level. All moneys in the State Forests Protection Subaccount are appro-
27 priated continuously to the State Forester who may use such money under the following priorities:

28 (A) First, in addition to or in lieu of other moneys available, to pay the cost of protection, as
29 determined under ORS 477.270, for lands acquired under ORS 530.010 to 530.040.

30 (B) Second, to provide moneys needed for activities authorized by subsection (3) of this section.

31 (C) From remaining moneys, to pay costs incurred in the suppression of fire originating on or
32 spreading from an operation area, as defined in ORS 477.001, on state-owned forestland acquired
33 under ORS 530.010 to 530.040. The State Forester shall make payments with approval of the State
34 Board of Forestry for such fire suppression costs; except that no payments shall be made for such
35 costs or portion thereof when other parties are responsible under law or contracts for the payment
36 of such costs.

37 (b) Seventy-five percent of all such revenues remaining after the percentage disposed of as
38 stated in paragraph (a) of this subsection, shall be disposed of as provided in ORS 530.115.

39 (c) Twenty-five percent of all such revenues remaining after the percentage disposed of as stated
40 in paragraph (a) of this subsection, shall be used for the purposes set out in subsection (3) of this
41 section.

42 (2) All revenues from lands other than lands designated in subsection (1) of this section, ac-
43 quired under ORS 530.010 to 530.040, shall be paid into the State Treasury and credited to the State
44 Forestry Department Account and shall be used exclusively for the purposes stated in subsection (3)
45 of this section, and in accordance with the following distribution:

1 (a) Until each legal subdivision of the lands has been credited with an amount equal to the
2 purchase price thereof, the revenues shall reimburse the State Forestry Department Account. If
3 sufficient revenue to reimburse the State Forestry Department Account is not generated from the
4 purchased parcels within five years from the date of acquisition, the State Forester, with the consent
5 of the affected county, shall deduct all or portions of the unreimbursed purchase costs from the re-
6 venue distributed to that county in accordance with ORS 530.115 (1). Thereafter paragraphs (b), (c)
7 and (d) of this subsection apply.

8 (b) The percentage required under subsection (1)(a) of this section shall be credited to the State
9 Forests Protection Subaccount, thereafter, the revenues shall be disposed of as stated in paragraphs
10 (c) and (d) of this subsection.

11 (c) Seventy-five percent of all such revenues remaining after paragraphs (a) and (b) of this sub-
12 section have been complied with, shall be disposed of as provided in ORS 530.115.

13 (d) Twenty-five percent of all such revenues remaining after the percentage disposed of as stated
14 in paragraphs (a) and (b) of this subsection, shall be used for the purposes set out in subsection (3)
15 of this section.

16 (3) **Unless otherwise consented to in advance and in writing by the counties from which**
17 **the state has acquired lands without cost to the state or pursuant to ORS 530.130**, the moneys
18 in the State Forestry Department Account derived from those percentages of revenues set out in
19 subsections (1)(c) and (2)(d) of this section shall be used **exclusively** for the redemption of Oregon
20 forest development revenue bonds and payment of interest thereon, for the acquisition, development
21 and management of forestlands and for such other purposes as are necessary in carrying out ORS
22 530.010 to 530.110.

23 **SECTION 9.** ORS 291.375 is amended to read:

24 291.375. (1) Prior to the submission of any application for financial assistance or grants from the
25 United States or any agency thereof by or on behalf of any agency of this state, the application must
26 be submitted for legislative review in the following manner:

27 (a) If the application is to be submitted to the federal government when the Legislative Assem-
28 bly is in session, the application shall be submitted to the Joint Committee on Ways and Means for
29 review.

30 (b) If the application is to be submitted to the federal government when the Legislative Assem-
31 bly is not in session, the application shall be submitted to the Emergency Board **or to the interim**
32 **Joint Committee on Ways and Means** for review.

33 (2) If the legislative agency authorized under subsection (1) of this section to review applications
34 described therein approves the application, it may be submitted to the appropriate federal agency.
35 If the legislative agency disapproves of the application, it shall not be submitted to any federal
36 agency unless it is or can be modified to meet the objections of the legislative agency.

37 (3) Notwithstanding subsection (1) of this section, the Joint Committee on Ways and Means and
38 the Emergency Board may exempt any state agency from the requirements of this section. Project
39 grants for departmental research, organized activities related to instruction, sponsored research or
40 other sponsored programs carried on within the Department of Higher Education, for which no
41 biennial expenditure limitations have been established, are exempt from the requirements of this
42 section.

43 (4) The review required by this section is in addition to and not in lieu of the requirements of
44 ORS 293.550.

45 **SECTION 10.** ORS 292.405 is amended to read:

1 292.405. (1) The annual salary of the Chief Judge of the Court of Appeals shall be [*\$99,200 for*
2 *the year beginning July 1, 2001, and ending June 30, 2002, and \$105,200 for the year beginning July*
3 *1, 2002, and ending June 30, 2003, and*] **\$122,028 for the year beginning July 1, 2007, and \$125,688**
4 for each year thereafter.

5 (2) The annual salary of each other judge of the Court of Appeals shall be [*\$97,000 for the year*
6 *beginning July 1, 2001, and ending June 30, 2002, and \$102,800 for the year beginning July 1, 2002,*
7 *and ending June 30, 2003, and*] **\$119,244 for the year beginning July 1, 2007, and \$122,820** for each
8 year thereafter.

9 **SECTION 11.** ORS 292.410 is amended to read:

10 292.410. (1) The annual salary of the Chief Justice of the Supreme Court shall be [*\$101,500 for*
11 *the year beginning July 1, 2001, and ending June 30, 2002, and \$107,600 for the year beginning July*
12 *1, 2002, and ending June 30, 2003, and*] **\$124,812 for the year beginning July 1, 2007, and \$128,556**
13 for each year thereafter.

14 (2) The annual salary of each other judge of the Supreme Court shall be [*\$99,200 for the year*
15 *beginning July 1, 2001, and ending June 30, 2002, and \$105,200 for the year beginning July 1, 2002,*
16 *and ending June 30, 2003, and*] **\$122,028 for the year beginning July 1, 2007, and \$125,688** for each
17 year thereafter.

18 **SECTION 12.** ORS 292.415 is amended to read:

19 292.415. The annual salary of each judge of a circuit court shall be [*\$90,400 for the year begin-*
20 *ning July 1, 2001, and ending June 30, 2002, and \$95,800 for the year beginning July 1, 2002, and*
21 *ending June 30, 2003, and*] **\$111,132 for the year beginning July 1, 2007, and \$114,468** for each year
22 thereafter.

23 **SECTION 13.** ORS 292.425 is amended to read:

24 292.425. The annual salary of the judge of the Oregon Tax Court shall be [*\$93,300 for the year*
25 *beginning July 1, 2001, and ending June 30, 2002, and \$98,900 for the year beginning July 1, 2002,*
26 *and ending June 30, 2003, and*] **\$114,720 for the year beginning July 1, 2007, and \$118,164** for each
27 year thereafter.

28 **SECTION 14.** ORS 366.772, as amended by section 20, chapter 618, Oregon Laws 2003, is
29 amended to read:

30 366.772. (1) Not later than July 31 in each calendar year, the sum of \$500,000 shall be withdrawn
31 from the appropriation specified in ORS 366.762, and the sum of \$250,000 shall be withdrawn from
32 moneys available to the Department of Transportation from the State Highway Fund. The sums
33 withdrawn shall be set up in a separate account to be administered by the Department of Trans-
34 portation.

35 (2) Not later than July 31 in each calendar year, the sum of \$750,000 shall be withdrawn from
36 the separate account described in subsection (1) of this section and distributed to counties that had
37 a county road base funding deficit in the prior fiscal year. A county's share of the \$750,000 shall
38 be based on the ratio of the amount of the county's road base funding deficit to the total amount
39 of county road base funding deficits of all counties.

40 (3) Moneys allocated as provided in this section may be used only for maintenance, repair and
41 improvement of existing roads.

42 (4) As used in this section:

43 (a) "Arterial highway" has the meaning given that term in ORS 801.127.

44 (b) "Collector highway" has the meaning given that term in ORS 801.197.

45 [(a)] (c) "County road base funding deficit" means the amount of a county's minimum county

1 road base funding minus the amount of that county's dedicated county road funding. A county has
 2 a county road base funding deficit only if the amount of the dedicated county road funding is less
 3 than the amount of the minimum county road base funding.

4 [(b)] (d) "Dedicated county road funding" for a county means:

5 (A) Moneys received from federal forest reserves and apportioned to the county road fund in
 6 accordance with ORS 294.060;

7 (B) State Highway Fund moneys distributed to the county, other than moneys distributed under
 8 this section **and not including moneys allocated under section 15 of this 2007 Act**; and

9 (C) Federal Highway Administration revenues allocated by formula to the county annually under
 10 the federal-aid highway program authorized by 23 U.S.C. chapter 1. These moneys do not include
 11 federal funds received by the county through a competitive grant process.

12 [(c)] (e) "Minimum county road base funding" means [*\$1 million*] **\$4,500 per mile of county**
 13 **roads that are arterial and collector highways** beginning on July 1, [2003] **2008**, and thereafter
 14 means [*\$1 million*] **\$4,500 per mile of county roads that are arterial and collector highways** as
 15 adjusted annually on the basis of the Portland-Salem, OR-WA, Consumer Price Index for All Urban
 16 Consumers for All Items, as published by the Bureau of Labor Statistics of the United States De-
 17 partment of Labor.

18 **SECTION 15. Notwithstanding ORS 366.739, the Department of Transportation shall dis-**
 19 **tribute moneys to each county no later than November 1, 2008, in the following amounts:**

20	Baker County	\$517,514
21	Benton County	\$400,000
22	Clackamas County	\$2,241,837
23	Clatsop County	\$400,000
24	Columbia County	\$400,000
25	Coos County	\$400,000
26	Crook County	\$1,215,064
27	Curry County	\$1,624,789
28	Deschutes County	\$1,230,565
29	Douglas County	\$7,353,554
30	Gilliam County	\$751,404
31	Grant County	\$3,249,760
32	Harney County	\$1,935,370
33	Hood River County	\$867,549
34	Jackson County	\$2,078,126
35	Jefferson County	\$400,000
36	Josephine County	\$897,122
37	Klamath County	\$5,043,802
38	Lake County	\$1,816,679
39	Lane County	\$9,897,402
40	Lincoln County	\$1,651,353
41	Linn County	\$3,268,797
42	Malheur County	\$681,559
43	Marion County	\$1,232,345
44	Morrow County	\$490,013
45	Multnomah County	\$400,000

1	Polk County	\$400,000
2	Sherman County	\$761,973
3	Tillamook County	\$883,590
4	Umatilla County	\$400,000
5	Union County	\$400,000
6	Wallowa County	\$437,299
7	Wasco County	\$928,268
8	Washington County	\$400,000
9	Wheeler County	\$794,260
10	Yamhill County	\$400,000

11 **SECTION 16.** (1) If the Secure Rural Schools and Community Self-Determination Act of
12 2000 (P.L. 106-393) is reauthorized for the federal fiscal year beginning October 1, 2008, each
13 county shall match 10.89 percent of the funds the county receives from the Department of
14 Transportation under section 15 of this 2007 Act.

15 (2) If the department determines that the federal government has not reauthorized the
16 Secure Rural Schools and Community Self-Determination Act of 2000 or approved another
17 source of funding for the counties for the federal fiscal year beginning October 1, 2008, the
18 Oregon Transportation Commission may determine how the counties may match an amount
19 not to exceed 10.89 percent of the funds the counties receive from the department under
20 section 15 of this 2007 Act.

21 **SECTION 17.** (1) Prior to selecting transportation projects using funds distributed to the
22 counties by the Department of Transportation pursuant to section 15 of this 2007 Act, each
23 county shall consult with and solicit comments and recommendations from the cities within
24 the county and any appropriate advisory group.

25 (2) The Association of Oregon Counties shall provide a report to the Joint Committee on
26 Ways and Means of the Seventy-fifth Legislative Assembly no later than April 1, 2009. The
27 report must identify the projects funded with moneys distributed under section 15 of this
28 2007 Act, the budget for each project and amount of state and local moneys expended on each
29 project, and the start and completion dates for the projects.

30 **SECTION 18.** Notwithstanding ORS 366.507, the Department of Transportation may de-
31 crease the amount of moneys spent on modernization required by ORS 366.507 by 25 percent.

32 **SECTION 19.** (1) Sections 15 to 17 of this 2007 Act are repealed on June 30, 2009.

33 (2) Section 18 of this 2007 Act is repealed on June 30, 2011.

34 **SECTION 20.** Sections 15 to 18 of this 2007 Act become operative July 1, 2008.

35 **SECTION 21.** This 2007 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
37 on its passage.

38