

## SENATE AMENDMENTS TO SENATE BILL 18

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

April 22

1 On page 1 of the printed bill, line 3, after the second “and” insert “section 8, chapter 21, Oregon  
2 Laws 2010.”

3 In line 4, after the first semicolon insert “repealing section 9, chapter 21, Oregon Laws 2010;”.

4 On page 2, line 17, delete “the Oregon Department of Administrative Services and”.

5 In line 18, delete “determine” and insert “determines”.

6 In line 21, after “to” delete the rest of the line.

7 In line 22, delete “Administrative Services for deposit in”.

8 In line 45, delete “Oregon Department of Administrative Services” and insert “Department of  
9 Education”.

10 On page 3, line 17, delete “Oregon Department of Administrative Services” and insert “Depart-  
11 ment of Education”.

12 In line 29, delete “293.701 to 293.820” and insert “286A.025 (2)(g)”.

13 On page 5, after line 38, insert:

14 “**SECTION 12.** Section 8, chapter 21, Oregon Laws 2010, is amended to read:

15 “**Sec. 8.** (1) As used in this section, ‘qualified revenue bonds’ means revenue bonds, as defined  
16 in ORS 287A.001, that:

17 “[*a*] *Are sold during calendar year 2010;*]

18 “[*b*] (a) Meet the definition of ‘qualified school construction bonds,’ as defined in section 1521  
19 of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5) **or the description of**  
20 **‘qualified zone academy bonds,’ in section 54E(a) of the Internal Revenue Code of 1986, as**  
21 **amended;** and

22 “[*c*] (b) Are sold with other revenue bonds under a program that is facilitated by a statewide  
23 organization that represents school boards.

24 “(2) A school district or an education service district may enter into a funds diversion agree-  
25 ment with the Department of Education for the purpose of making debt service payments on quali-  
26 fied revenue bonds.

27 “(3) A funds diversion agreement entered into under this section must contain all of the fol-  
28 lowing provisions:

29 “(a) Moneys payable to the school district or education service district by the department from  
30 the State School Fund will be paid directly to a debt service account in amounts equal to the lesser  
31 of:

32 “(A) The amount available to the district for disbursement from the fund; or

33 “(B) The amount of the debt service owed by the school district or education service district.

34 “(b) The department must pay the amounts required under the funds diversion agreement to the  
35 debt service account specified by the school district or education service district.

1           “(c) The department must pay the amounts required under the funds diversion agreement pur-  
2           suant to the schedule specified in the agreement prior to paying any other amounts to the school  
3           district or education service district, except for any funds claimed pursuant to ORS 238.698 or  
4           328.346.

5           “(d) The agreement may not be revoked by the school district or education service district.

6           “(e) The agreement will remain in effect until all payments for the qualified revenue bonds have  
7           been made.

8           “(4) If the department is not able to pay moneys to a debt service account as required by a funds  
9           diversion agreement, the department shall give notice to the school district or education service  
10          district within 30 days after becoming aware that the moneys will not be paid according to the  
11          agreement. The department is not liable to any holder of qualified revenue bonds, or any trustee of  
12          a holder, or any other party for a failure to pay moneys as required under the funds diversion  
13          agreement.

14          “(5) Nothing in this section or in a funds diversion agreement entered into under this section  
15          obligates the state or the department to pay an amount to a school district or education service  
16          district that is more than amounts the school district or education service district is otherwise en-  
17          titled to receive from the State School Fund or to pay debt service on qualified revenue bonds issued  
18          by the school district or education service district.

19          “**SECTION 13. Section 9, chapter 21, Oregon Laws 2010, is repealed.**”.

20          In line 39, delete “12” and insert “14”.

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