

# Senate Bill 921

Sponsored by Senator JOHNSON

## 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**.

Moves Office of Economic Analysis from Oregon Department of Administrative Services to Portland State University. Transfers statutory responsibilities for forecasting from Oregon Department of Administrative Services to Office of Economic Analysis. Transfers responsibility for analysis of amount of motor vehicle fuel used for motor boats from Oregon Department of Administrative Services to Department of Transportation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to economic analysis; creating new provisions; amending ORS 118.525, 184.351, 195.034,  
3 291.342, 291.348, 291.349, 291.357, 314.840, 314.865, 319.415, 366.506, 412.094 and 813.602; and de-  
4 claring an emergency.

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

6 **SECTION 1. The duties, functions and powers of the Oregon Department of Administra-**  
7 **tive Services relating to its functions under ORS 184.351, 291.342, 291.348, 291.349, 291.357,**  
8 **314.840 and 366.506 are imposed upon, transferred to and vested in the Oregon University**  
9 **System at Portland State University.**

10 **SECTION 2. (1) The Director of the Oregon Department of Administrative Services shall:**  
11 **(a) Deliver to the Oregon University System all records and property within the juris-**  
12 **isdiction of the director that relate to the duties, functions and powers transferred by section**  
13 **1 of this 2011 Act; and**

14 **(b) Transfer to the Oregon University System those employees engaged primarily in the**  
15 **exercise of the duties, functions and powers transferred by section 1 of this 2011 Act.**

16 **(2) The President of Portland State University shall take possession of the records and**  
17 **property, and shall take charge of the employees and employ them in the exercise of the**  
18 **duties, functions and powers transferred by section 1 of this 2011 Act, without reduction of**  
19 **compensation but subject to change or termination of employment or compensation as pro-**  
20 **vided by law.**

21 **(3) The Governor shall resolve any dispute between the Oregon Department of Adminis-**  
22 **trative Services and the Oregon University System relating to transfers of records, property**  
23 **and employees under this section, and the Governor's decision is final.**

24 **SECTION 3. (1) The unexpended balances of amounts authorized to be expended by the**  
25 **Oregon Department of Administrative Services for the biennium beginning July 1, 2011, from**  
26 **revenues dedicated, continuously appropriated, appropriated or otherwise made available for**  
27 **the purpose of administering and enforcing the duties, functions and powers transferred by**  
28 **section 1 of this 2011 Act are transferred to and are available for expenditure by the Oregon**  
29 **University System for the biennium beginning July 1, 2011, for the purpose of administering**

**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 and enforcing the duties, functions and powers transferred by section 1 of this 2011 Act.

2 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
3 expenditures by the Oregon Department of Administrative Services remain applicable to  
4 expenditures by the Oregon University System under this section.

5 **SECTION 4.** The transfer of duties, functions and powers to the Oregon University Sys-  
6 tem by section 1 of this 2011 Act does not affect any action, proceeding or prosecution in-  
7 volving or with respect to such duties, functions and powers begun before and pending at the  
8 time of the transfer, except that the Oregon University System is substituted for the Oregon  
9 Department of Administrative Services in the action, proceeding or prosecution.

10 **SECTION 5.** (1) Nothing in sections 1 to 7 of this 2011 Act relieves a person of a liability,  
11 duty or obligation accruing under or with respect to the duties, functions and powers  
12 transferred by section 1 of this 2011 Act. The Oregon University System may undertake the  
13 collection or enforcement of any such liability, duty or obligation.

14 (2) The rights and obligations of the Oregon Department of Administrative Services le-  
15 gally incurred under contracts, leases and business transactions executed, entered into or  
16 begun before the operative date of section 1 of this 2011 Act accruing under or with respect  
17 to the duties, functions and powers transferred by section 1 of this 2011 Act are transferred  
18 to the Oregon University System. For the purpose of succession to these rights and obli-  
19 gations, the Oregon University System is a continuation of the Oregon Department of Ad-  
20 ministrative and not a new authority.

21 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1  
22 of this 2011 Act, the rules of the Oregon Department of Administrative Services with respect  
23 to such duties, functions or powers that are in effect on the operative date of section 1 of  
24 this 2011 Act continue in effect until superseded or repealed by rules of the Oregon Univer-  
25 sity System. References in such rules of the Oregon Department of Administrative Services  
26 to the department or an officer or employee of the department are considered to be refer-  
27 ences to the Oregon University System or an officer or employee of the system.

28 **SECTION 7.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
29 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
30 the context of the duties, functions and powers transferred by section 1 of this 2011 Act,  
31 reference is made to the Oregon Department of Administrative Services, or an officer or  
32 employee of the department, whose duties, functions or powers are transferred by section 1  
33 of this 2011 Act, the reference is considered to be a reference to the Oregon University  
34 System or an officer or employee of the system who by this 2011 Act is charged with carrying  
35 out such duties, functions and powers.

36 **SECTION 8.** (1) Pursuant to ORS 351.870, there is established within the Oregon Univer-  
37 sity System the Office of Economic Analysis, to be administered by Portland State Univer-  
38 sity.

39 (2) The Office of Economic Analysis shall provide objective forecasts of this state's  
40 economy, revenue, population, corrections population and youth authority population and  
41 shall conduct highway cost allocation studies pursuant to ORS 366.506.

42 **SECTION 9.** ORS 184.351 is amended to read:

43 184.351. (1) The [*Oregon Department of Administrative Services*] **Office of Economic Analysis**  
44 shall issue state corrections population forecasts including, but not limited to, expected populations  
45 of prisons and jails and community corrections caseloads, to be used by:

1 (a) The Department of Corrections in preparing budget requests;

2 (b) The Oregon Criminal Justice Commission in considering amendments to sentencing guide-  
3 lines; and

4 (c) Any other state agency concerned with the effect of offender populations or policy develop-  
5 ments on budgeting.

6 (2) The [*Oregon Department of Administrative Services*] **Office of Economic Analysis** shall issue  
7 state corrections population forecasts on April 1 and October 1 of each year.

8 **SECTION 10.** ORS 291.342 is amended to read:

9 291.342. (1) By August 15 of each year, but not earlier than 90 days from the end of the regular  
10 session, if any, of the Legislative Assembly held in that calendar year, the [*Oregon Department of*  
11 *Administrative Services*] **Office of Economic Analysis**, with the assistance of the Department of  
12 Revenue, shall:

13 (a) Ascertain by computation and estimate the total amount of revenue available for state pur-  
14 poses for the current fiscal year; and

15 (b) Apportion the state tax levy on property, if any, among the several counties in the manner  
16 provided in ORS 291.445.

17 (2) In addition to the requirement in subsection (1) of this section, the [*Oregon Department of*  
18 *Administrative Services*] **Office of Economic Analysis** with the assistance of the Department of  
19 Revenue shall for each calendar quarter of the year ascertain by computation and estimate the total  
20 amount of revenue available for state purposes for the current fiscal year, as well as the amount  
21 of revenue received quarterly, cumulated throughout the biennium, and report its estimate to the  
22 Legislative Revenue Officer and to the Emergency Board, or if the Legislative Assembly is in ses-  
23 sion, to the Joint Committee on Ways and Means.

24 (3) In carrying out its duties under subsection (2) of this section, the [*Oregon Department of*  
25 *Administrative Services*] **Office of Economic Analysis** shall issue quarterly a statement setting  
26 forth the methodology and assumptions used in making the revenue estimate. Nothing in this sub-  
27 section requires the statement to set forth procedures used or methods used to determine either the  
28 methodology or the assumptions.

29 **SECTION 11.** ORS 291.348 is amended to read:

30 291.348. (1) The [*Oregon Department of Administrative Services*] **Office of Economic Analysis**,  
31 with the assistance of the Secretary of State, as soon as possible after June 30, 1966, and each  
32 even-numbered year thereafter, shall ascertain the total of General Fund revenues obtained from all  
33 sources during the preceding fiscal year, so far as is practicable.

34 (2) The [*Director of the Oregon Department of Administrative Services*] **Office of Economic**  
35 **Analysis** shall certify to the total of General Fund and State Lottery Fund revenues during the  
36 preceding fiscal year as determined under subsection (1) of this section.

37 (3) As used in this section:

38 (a) "General Fund revenues" means all payments of money credited to the State Treasury that  
39 are placed or to be placed by the State Treasurer to the credit of the General Fund of the State of  
40 Oregon for general governmental purposes.

41 (b) "State Lottery Fund revenues" means the net proceeds of the state lottery authorized by  
42 section 4, Article XV of the Oregon Constitution.

43 **SECTION 12.** ORS 291.349 is amended to read:

44 291.349. (1) As soon as practicable after adjournment sine die of the regular session of the  
45 Legislative Assembly, the [*Oregon Department of Administrative Services*] **Office of Economic**

1 **Analysis** shall report to the Emergency Board the estimate as of July 1 of the first year of the  
2 biennium of General Fund and State Lottery Fund revenues that will be received by the state during  
3 that biennium. The [*Oregon Department of Administrative Services*] **Office of Economic Analysis**  
4 shall base its estimate on the last [*forecast*] **quarterly economic and revenue forecast for a**  
5 **biennium** given to the Legislative Assembly before adjournment sine die of the regular session on  
6 which the printed, adopted budget prepared in the Oregon Department of Administrative Services  
7 is based, adjusted only insofar as necessary to reflect changes in laws adopted at that session. The  
8 report shall contain the estimated revenues from corporate income and excise taxes separately from  
9 the estimated revenues from other General Fund sources. The [*Oregon Department of Administrative*  
10 *Services*] **Office of Economic Analysis** may revise the [*estimate*] **revenue estimates** if necessary  
11 following adjournment sine die of any special or emergency session of the Legislative Assembly but  
12 any revision does not affect the basis of the computation described in subsection (3) or (4) of this  
13 section.

14 (2) As soon as practicable after the end of the biennium, the [*Oregon Department of Adminis-*  
15 *trative Services*] **Office of Economic Analysis** shall report to the Emergency Board, or the Legis-  
16 lative Assembly if it is in session, the amount of General Fund revenues collected as of the last June  
17 30 of the preceding biennium. The report shall contain the collections from corporate income and  
18 excise taxes separately from collections from other sources.

19 (3) If the revenues received from the corporate income and excise taxes during the biennium  
20 exceed the amounts estimated to be received from such taxes for the biennium, as estimated after  
21 adjournment sine die of the regular session, by two percent or more, the total amount of that excess  
22 shall be credited to corporate income and excise taxpayers in a percentage amount of prior year  
23 corporate excise and income tax liability as determined under subsection (5) of this section. How-  
24 ever, no credit shall be allowed against tax liability imposed by ORS 317.090.

25 (4) If the revenues received from General Fund revenue sources, exclusive of those described in  
26 subsection (3) of this section, during the biennium exceed the amounts estimated to be received from  
27 such sources for the biennium, as estimated after adjournment sine die of the regular session, by two  
28 percent or more, there shall be refunded from personal income tax revenues an amount equal to the  
29 total amount of that excess, reduced by the cost certified by the Department of Revenue under ORS  
30 291.351 as being allocable to payments described under this subsection. The excess amount to be  
31 refunded shall be paid to personal income taxpayers in a percentage amount of prior year personal  
32 income tax liability as determined under subsection (6) of this section.

33 (5)(a) If there is an excess to be credited under subsection (3) of this section, on or before Oc-  
34 tober 1, following the end of each biennium, the [*Oregon Department of Administrative Services*]  
35 **Office of Economic Analysis** shall determine and certify to the Department of Revenue the per-  
36 centage amount of credit for purposes of subsection (3) of this section. The percentage amount de-  
37 termined shall be a percentage amount to the nearest one-tenth of a percent that will distribute the  
38 excess to be credited to corporate excise and income taxpayers.

39 (b) The percentage amount shall equal the amount distributed under subsection (3) of this sec-  
40 tion divided by the estimated total corporate income and excise tax liability for all corporate income  
41 and excise taxpayers for tax years beginning in the calendar year immediately preceding the calen-  
42 dar year in which the excess is determined.

43 (c) The amount of the surplus credit is determined by multiplying the percentage amount de-  
44 termined under paragraph (b) of this subsection by the total amount of a corporate income or excise  
45 taxpayer's tax liability for the tax year beginning in the calendar year immediately preceding the

1 calendar year in which the excess is determined in order to calculate the amount to be credited to  
2 the taxpayer.

3 (d) The credit shall be determined based on the tax liability as shown on the return of the tax-  
4 payer or as corrected by the Department of Revenue.

5 (e) The credit shall be computed after the allowance of a credit provided under ORS 316.082,  
6 316.131 or 316.292, but before the allowance of any other credit or offset against tax liability allowed  
7 or allowable under any provision of law of this state, and before the application of estimated tax  
8 payments, withholding or other advance tax payments.

9 (f) If a credit applied against tax liability as described in paragraph (e) of this subsection re-  
10 duces tax liability to zero and an amount of the credit remains unused, the remaining unused amount  
11 shall be carried forward and applied against tax liability as prescribed in paragraph (e) of this sub-  
12 section in the succeeding tax year. Following application of the credit against tax liability in a  
13 succeeding tax year, any amount continuing to remain unused shall be carried forward and applied  
14 against tax liability in a succeeding tax year until all remaining amounts of unused credit are offset  
15 against tax liability.

16 (g) Notwithstanding paragraph (e) of this subsection, if an excess is credited under subsection  
17 (3) of this section for a tax year and an unused credit amount from a prior tax year is carried for-  
18 ward to the tax year as prescribed under paragraph (f) of this subsection, the amount of the  
19 carryforward credit shall be applied against tax liability prior to applying the new credit.

20 (h) The Department of Revenue may prescribe by rule the manner of calculating and claiming  
21 a credit if the filing status of a corporation changes between the tax year described in paragraph  
22 (b) of this subsection and the succeeding tax year.

23 (6)(a) If there is an excess to be refunded under subsection (4) of this section, on or before  
24 September 15, following the end of each biennium, the [*Oregon Department of Administrative*  
25 *Services*] **Office of Economic Analysis** shall determine and certify to the Department of Revenue  
26 the percentage amount of refund payment for purposes of subsection (4) of this section. The per-  
27 centage amount so determined shall be a percentage amount to the nearest one-hundredth of a per-  
28 cent that will distribute the excess to be refunded to personal income taxpayers under subsection  
29 (4) of this section. The percentage amount shall equal the amount distributed under subsection (4)  
30 of this section divided by the estimated total personal income tax liability for all personal income  
31 taxpayers for tax years beginning in the calendar year immediately preceding the calendar year in  
32 which the excess is determined.

33 (b) The Department of Revenue shall multiply the percentage amount determined under para-  
34 graph (a) of this subsection by the total amount of a personal income taxpayer's tax liability for the  
35 tax year beginning in the calendar year immediately preceding the calendar year in which the ex-  
36 cess is determined in order to calculate the amount of the refund to be made to the taxpayer. For  
37 purposes of this paragraph, the taxpayer's tax liability is the amount as shown on the return of the  
38 taxpayer or as corrected by the Department of Revenue, and is determined:

39 (A) After the allowance of a credit provided under ORS 316.082, 316.131 or 316.292;

40 (B) Before the allowance of any other credit or offset against tax liability allowed or allowable  
41 on the return for the tax year; and

42 (C) Before the application of estimated tax payments, withholding or other advance tax pay-  
43 ments.

44 (c) The refund described under this subsection shall be mailed by the Department of Revenue  
45 to personal income taxpayers eligible for the payment on or before December 15 following the end

1 of the biennium for which the payment described under this subsection is being made.

2 (d) Notwithstanding paragraph (c) of this subsection, the Department of Revenue shall mail the  
3 refund at the earliest date of practicable convenience in the case of a return:

4 (A) For a tax year beginning in the calendar year immediately preceding the calendar year in  
5 which the excess is determined for which refund is being made; and

6 (B) That is first filed on or after August 15 after the end of the biennium.

7 (7) No refund shall be made to a taxpayer if, after making the calculation described under sub-  
8 section (6) of this section, the amount calculated is less than \$1.

9 (8) For purposes of ORS chapters 305 and 314 to 318, refunds issued under subsection (6) of this  
10 section are refunds of an overpayment of tax imposed under ORS chapter 316, but do not bear in-  
11 terest.

12 **SECTION 13.** ORS 291.357 is amended to read:

13 291.357. (1) As used in this section, "general governmental purposes" means:

14 (a) Those activities defined as governmental activities under the accounting standards  
15 promulgated by the Governmental Accounting Standards Board of the Financial Accounting Foun-  
16 dation that are in effect on August 10, 2001; and

17 (b) Post-secondary educational activities that are partially funded by student tuition and fees.

18 (2) Each biennium, state governmental appropriations for general governmental purposes shall  
19 be no greater than eight percent of projected personal income in Oregon for the same biennium.  
20 Projected personal income shall be based on the United States Department of Commerce projections  
21 used by the [*Oregon Department of Administrative Services*] **Office of Economic Analysis** in the last  
22 [*forecast*] **quarterly revenue estimate** given to the Legislative Assembly before adjournment sine  
23 die of the regular session on which the printed, adopted budget is based.

24 (3) For purposes of this section, the following are considered to be appropriations:

25 (a) An authorization, given by law, to expend moneys in a biennium;

26 (b) A limitation, imposed by law, on the expenditure in a biennium of moneys that are contin-  
27 uously appropriated; and

28 (c) An estimate of amounts of moneys that are continuously appropriated that will be spent in  
29 a biennium without limitation.

30 (4) The following appropriations are not subject to the limitation on appropriations contained  
31 in this section:

32 (a) Appropriations for the construction or acquisition of assets that are financed by state bonds,  
33 certificates of participation or other forms of borrowing.

34 (b) Appropriations of moneys received directly or indirectly from the federal government.

35 (c) Appropriations for fee remission programs of the Oregon University System.

36 (d) Appropriations of moneys voluntarily donated to a state agency.

37 (e) Appropriations of moneys from revenue increases or new revenue sources if the increases  
38 or sources result from approval of a measure by the people at an election held on or after August  
39 10, 2001.

40 (f) Appropriations to fund new programs or to increase funding for existing programs if the need  
41 for new or increased funding results from approval of a measure by the people at an election held  
42 on or after August 10, 2001.

43 (5) The limitation on appropriations established by this section may be exceeded for a biennium  
44 if the Governor declares an emergency and three-fifths of the members serving in each house of the  
45 Legislative Assembly affirmatively vote to exceed the limitation for the biennium.

1        **SECTION 14.** ORS 314.840 is amended to read:

2        314.840. (1) The Department of Revenue may:

3            (a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.230  
4 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, represen-  
5 tative or designee, with a copy of the taxpayer's income tax return filed with the department for  
6 any year, or with a copy of any report filed by the taxpayer in connection with the return, or with  
7 any other information the department considers necessary.

8            (b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

9            (c) Publish statistics so classified as to prevent the identification of income or any particulars  
10 contained in any report or return.

11            (d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social  
12 Security number, employer identification number or other taxpayer identification number to the ex-  
13 tent necessary in connection with collection activities or the processing and mailing of correspond-  
14 ence or of forms for any report, return or claim required in the administration of ORS 310.630 to  
15 310.706, any local tax under ORS 305.620, or any law imposing a tax upon or measured by net in-  
16 come.

17        (2) The department also may disclose and give access to information described in ORS 314.835  
18 [to]:

19            (a) **To** the Governor of the State of Oregon or the authorized representative of the Governor[:]  
20 [(A)] with respect to an individual who is designated as being under consideration for appoint-  
21 ment or reappointment to an office or for employment in the office of the Governor. The information  
22 disclosed shall be confined to whether the individual:

23            [(i)] **(A)** Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of  
24 not more than the three immediately preceding years for which the individual was required to file  
25 an Oregon individual income tax return.

26            [(ii)] **(B)** Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice  
27 or otherwise respond to a deficiency notice within 30 days of its mailing.

28            [(iii)] **(C)** Has been assessed any penalty under the Oregon personal income tax laws and the  
29 nature of the penalty.

30            [(iv)] **(D)** Has been or is under investigation for possible criminal offenses under the Oregon  
31 personal income tax laws. Information disclosed pursuant to this paragraph shall be used only for  
32 the purpose of making the appointment, reappointment or decision to employ or not to employ the  
33 individual in the office of the Governor.

34            [(B)] **(b)** For use by an officer or employee of the Oregon Department of Administrative Services  
35 **or Office of Economic Analysis** duly authorized or employed to prepare revenue estimates, or a  
36 person contracting with the Oregon Department of Administrative Services **or Office of Economic**  
37 **Analysis** to prepare revenue estimates, in the preparation of revenue estimates required for the  
38 Governor's budget under ORS 291.201 to 291.226, or required for submission to the Emergency  
39 Board, or if the Legislative Assembly is in session, to the Joint Committee on Ways and Means, and  
40 to the Legislative Revenue Officer under ORS 291.342, 291.348 and 291.445. The Department of Re-  
41 venue shall disclose and give access to the information described in ORS 314.835 for the purposes  
42 of this subparagraph only if:

43            [(i)] **(A)** The request for information is made in writing, specifies the purposes for which the  
44 request is made and is signed by an authorized representative of the Oregon Department of Admin-  
45 istrative Services **or Office of Economic Analysis**. The form for request for information shall be

1 prescribed by the Oregon Department of Administrative Services and approved by the Director of  
2 the Department of Revenue.

3 [(ii)] **(B)** The officer, employee or person receiving the information does not remove from the  
4 premises of the Department of Revenue any materials that would reveal the identity of a personal  
5 or corporate taxpayer.

6 [(b)] **(c)** **To** the Commissioner of Internal Revenue or authorized representative, for tax admin-  
7 istration and compliance purposes only.

8 [(c)] **(d)** For **purposes of** tax administration and compliance [*purposes*], **to** the proper officer or  
9 authorized representative of any of the following entities that has or is governed by a provision of  
10 law that meets the requirements of any applicable provision of the Internal Revenue Code as to  
11 confidentiality:

12 (A) A state;

13 (B) A city, county or other political subdivision of a state;

14 (C) The District of Columbia; or

15 (D) An association established exclusively to provide services to federal, state or local taxing  
16 authorities.

17 [(d)] **(e)** **To** the Multistate Tax Commission or its authorized representatives, for tax adminis-  
18 tration and compliance purposes only. The Multistate Tax Commission may make the information  
19 available to the Commissioner of Internal Revenue or the proper officer or authorized representative  
20 of any governmental entity described in and meeting the qualifications of paragraph (c) of this sub-  
21 section.

22 [(e)] **(f)** **To** the Attorney General, assistants and employees in the Department of Justice, or  
23 other legal representative of the State of Oregon, to the extent the department deems disclosure or  
24 access necessary for the performance of the duties of advising or representing the department pur-  
25 suant to ORS 180.010 to 180.240 and the tax laws of this state.

26 [(f)] **(g)** **To** employees of the State of Oregon, other than of the Department of Revenue or De-  
27 partment of Justice, to the extent the department deems disclosure or access necessary for such  
28 employees to perform their duties under contracts or agreements between the department and any  
29 other department, agency or subdivision of the State of Oregon, in the department's administration  
30 of the tax laws.

31 [(g)] **(h)** **To** other persons, partnerships, corporations and other legal entities, and their em-  
32 ployees, to the extent the department deems disclosure or access necessary for the performance of  
33 such others' duties under contracts or agreements between the department and such legal entities,  
34 in the department's administration of the tax laws.

35 [(h)] **(i)** **To** the Legislative Revenue Officer or authorized representatives upon compliance with  
36 ORS 173.850. Such officer or representative shall not remove from the premises of the department  
37 any materials that would reveal the identity of any taxpayer or any other person.

38 [(i)] **(j)** **To** the Department of Consumer and Business Services, to the extent the department  
39 requires such information to determine whether it is appropriate to adjust those workers' compen-  
40 sation benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages  
41 or earned income received by an individual.

42 [(j)] **(k)** **To** any agency of the State of Oregon, or any person, or any officer or employee of such  
43 agency or person to whom disclosure or access is given by state law and not otherwise referred to  
44 in this section, including but not limited to the Secretary of State as Auditor of Public Accounts  
45 under section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant



1 to ORS 314.860 and 412.094; the Division of Child Support of the Department of Justice and district  
 2 attorney regarding cases for which they are providing support enforcement services under ORS  
 3 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of  
 4 Accountancy, pursuant to ORS 673.415.

5 [(k)] **(L) To** the Director of the Department of Consumer and Business Services to determine  
 6 that a person complies with ORS chapter 656 and the Director of the Employment Department to  
 7 determine that a person complies with ORS chapter 657, the following employer information:

8 (A) Identification numbers.

9 (B) Names and addresses.

10 (C) Inception date as employer.

11 (D) Nature of business.

12 (E) Entity changes.

13 (F) Date of last payroll.

14 [(L)] **(m) To** the Director of Human Services to determine that a person has the ability to pay  
 15 for care that includes services provided by the Eastern Oregon Training Center or the Department  
 16 of Human Services to collect any unpaid cost of care as provided by ORS chapter 179.

17 [(m)] **(n) To** the Director of the Oregon Health Authority to determine that a person has the  
 18 ability to pay for care that includes services provided by the Blue Mountain Recovery Center or the  
 19 Oregon State Hospital or the Oregon Health Authority to collect any unpaid cost of care as pro-  
 20 vided by ORS chapter 179.

21 [(n)] **(o) To** employees of the Employment Department to the extent the Department of Revenue  
 22 deems disclosure or access to information on a combined tax report filed under ORS 316.168 is  
 23 necessary to performance of their duties in administering the tax imposed by ORS chapter 657.

24 [(o)] **(p) To** the State Fire Marshal to assist the State Fire Marshal in carrying out duties,  
 25 functions and powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone  
 26 number and standard industrial classification, if available.

27 [(p)] **(q) To** employees of the Department of State Lands for the purposes of identifying, locating  
 28 and publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of  
 29 chapter 694, Oregon Laws 1993. The information shall be limited to the taxpayer's name, address  
 30 and the refund amount.

31 [(q)] **(r) In** addition to the disclosure allowed under ORS 305.225, **to** state or local law enforce-  
 32 ment agencies to assist in the investigation or prosecution of the following criminal activities:

33 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
 34 to the stolen document, the name, address and taxpayer identification number of the payee, the  
 35 amount of the check and the date printed on the check.

36 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department  
 37 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information  
 38 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-  
 39 dress and taxpayer identification number of the payee, the amount of the check, the date printed  
 40 on the check and the altered name and address.

41 [(r)] **(s) To** the United States Postal Inspection Service or a federal law enforcement agency,  
 42 including but not limited to the United States Department of Justice, to assist in the investigation  
 43 of the following criminal activities:

44 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
 45 to the stolen document, the name, address and taxpayer identification number of the payee, the

1 amount of the check and the date printed on the check.

2 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department  
3 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information  
4 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-  
5 dress and taxpayer identification number of the payee, the amount of the check, the date printed  
6 on the check and the altered name and address.

7 [(s)] (t) To the United States Financial Management Service, for purposes of facilitating the  
8 reciprocal offsets described in ORS 305.612.

9 [(t)] (u) To a municipal corporation of this state for purposes of assisting the municipal corpo-  
10 ration in the administration of a tax of the municipal corporation that is imposed on or measured  
11 by income, wages or net earnings from self-employment. Any disclosure under this paragraph may  
12 be made only pursuant to a written agreement between the Department of Revenue and the munic-  
13 ipal corporation that ensures the confidentiality of the information disclosed.

14 [(u)] (v) To a consumer reporting agency, to the extent necessary to carry out the purposes of  
15 ORS 314.843.

16 (3)(a) Each officer or employee of the department and each person described or referred to in  
17 subsection (2)(a), (b), (f) to (L) or (o) to (r) [(e) to (k) or (n) to (q)] of this section to whom disclosure  
18 or access to the tax information is given under subsection (2) of this section or any other provision  
19 of state law, prior to beginning employment or the performance of duties involving such disclosure  
20 or access, shall be advised in writing of the provisions of ORS 314.835 and 314.991, relating to pen-  
21 alties for the violation of ORS 314.835, and shall as a condition of employment or performance of  
22 duties execute a certificate for the department, in a form prescribed by the department, stating in  
23 substance that the person has read these provisions of law, that the person has had them explained  
24 and that the person is aware of the penalties for the violation of ORS 314.835.

25 (b) The disclosure authorized in subsection [(2)(r)] (2)(s) of this section shall be made only after  
26 a written agreement has been entered into between the Department of Revenue and the person de-  
27 scribed in subsection [(2)(r)] (2)(s) of this section to whom disclosure or access to the tax informa-  
28 tion is given, providing that:

29 (A) Any information described in ORS 314.835 that is received by the person pursuant to sub-  
30 section [(2)(r)] (2)(s) of this section is confidential information that may not be disclosed, except to  
31 the extent necessary to investigate or prosecute the criminal activities described in subsection  
32 [(2)(r)] (2)(s) of this section;

33 (B) The information shall be protected as confidential under applicable federal and state laws;  
34 and

35 (C) The United States Postal Inspection Service or the federal law enforcement agency shall  
36 give notice to the Department of Revenue of any request received under the federal Freedom of In-  
37 formation Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

38 (4) The Department of Revenue may recover the costs of furnishing the information described  
39 in subsection [(2)(k) to (m) and (o) to (q)] (2)(L) to (n) and (p) to (r) of this section from the re-  
40 spective agencies.

41 **SECTION 15.** ORS 319.415 is amended to read:

42 319.415. (1) On or before July 15 of each year, the [Oregon Department of Administrative  
43 Services] **Department of Transportation**, after consultation with the [Department of Transportation  
44 and the] State Marine Board, shall determine the amount of the motor vehicle fuel tax imposed un-  
45 der ORS 319.010 to 319.430 during the preceding fiscal year with respect to fuel purchased and used

1 to operate or propel motor boats. The amount determined shall be reduced by the amount of any  
 2 refunds for motor boats used for commercial purposes actually paid during the preceding year on  
 3 account of ORS 319.280 (1)(a).

4 (2)(a) The [*Oregon Department of Administrative Services*] **department** shall estimate the amount  
 5 of fuel described in subsection (1) of this section that is used to operate or propel motor boats by  
 6 conducting a statistically valid, unbiased, independent survey of boat owners. The survey shall be  
 7 conducted once every four years and shall be designed to estimate the average daily fuel consump-  
 8 tion by motor boats and the total days of motor boat use per year. The survey shall be used to de-  
 9 termine the amount of the transfer required by subsection (3) of this section for the first transfer  
 10 that occurs after the survey is completed. If the tax rate changes during the fiscal year, the amount  
 11 of tax to be transferred shall be prorated based on the percentage of total motor boat use taking  
 12 place during each tax period.

13 (b) In years when no survey is conducted, the amount to be transferred under subsection (3) of  
 14 this section shall be calculated by multiplying the per boat fuel consumption factors from the pre-  
 15 ceding survey by the number of motor boats as shown by the annual actual count of boat registra-  
 16 tions. The resulting amount, in gallons per year, shall be the basis for the determination of the  
 17 amount to be transferred.

18 (c) The survey required by paragraph (a) of this subsection shall be developed by a research  
 19 department within the Oregon University System, in consultation with the State Marine Board [*and*  
 20 *the Department of Transportation*]. The [*Oregon Department of Administrative Services*] **department**  
 21 shall contract for the development and conduct of the survey[, *and the costs shall be paid by the*  
 22 *Department of Transportation*] **and shall pay for the costs**. Costs paid by the department [*of*  
 23 *Transportation*] may be deducted from the amount transferred to the State Marine Board under  
 24 subsection (3) of this section.

25 (3) The [*Oregon Department of Administrative Services*] **department** shall certify the amount of  
 26 the estimate made under subsection (1) of this section, as reduced by refunds, to the [*Department*  
 27 *of Transportation, to the*] State Marine Board and to the State Treasurer. Thereupon, that amount  
 28 shall be transferred from the Department of Transportation Driver and Motor Vehicle Suspense  
 29 Account to the Boating Safety, Law Enforcement and Facility Account created under ORS 830.140,  
 30 and is continuously appropriated to the State Marine Board for the purposes for which the moneys  
 31 in the Boating Safety, Law Enforcement and Facility Account are appropriated.

32 **SECTION 16.** ORS 366.506 is amended to read:

33 366.506. (1) Once every two years, the [*Oregon Department of Administrative Services*] **Office of**  
 34 **Economic Analysis** shall conduct either a full highway cost allocation study or an examination of  
 35 data collected since the previous study. The purposes of the study or examination of data are to  
 36 determine:

37 (a) The proportionate share that the users of each class of vehicle should pay for the costs of  
 38 maintenance, operation and improvement of the highways, roads and streets in the state; and

39 (b) Whether the users of each class are paying that share.

40 (2) The [*department*] **office** may use any study design [*it*] **the office** determines will best ac-  
 41 complish the purposes stated in subsection (1) of this section. In designing the study the  
 42 [*department*] **office** may make decisions that include, but are not limited to, the methodology to be  
 43 used for the study, what constitutes a class of vehicle for purposes of collection of data under sub-  
 44 sections (1) to (4) of this section and the nature and scope of costs that will be included in the study.

45 (3) The [*department*] **office** may appoint a study review team to participate in the study or ex-

1 amination of data required by subsection (1) of this section. The team may perform any functions  
2 assigned by the [*department*] **office**, including but not limited to consulting on the design of the  
3 study.

4 (4) **The office shall submit** a report on the results of the study or examination of data [*shall*  
5 *be submitted*] to the legislative revenue committees and the legislative committees with primary re-  
6 sponsibility for transportation by January 31 of each odd-numbered year.

7 (5) The Legislative Assembly shall use the report described in subsections (1) to (4) of this sec-  
8 tion to determine whether adjustments to revenue sources described in section 3a (3), Article IX of  
9 the Oregon Constitution, are needed in order to carry out the purposes of section 3a (3), Article IX  
10 of the Oregon Constitution. If such adjustments are needed, the Legislative Assembly shall enact  
11 whatever measures are necessary to make the adjustments.

12 **SECTION 17.** ORS 813.602 is amended to read:

13 813.602. (1) When a person is convicted of driving while under the influence of intoxicants in  
14 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition  
15 to any other requirement, shall require that an approved ignition interlock device be installed and  
16 used in any vehicle operated by the person:

17 (a) Before the person is eligible for a hardship permit. The requirement is a condition of the  
18 hardship permit for the duration of the hardship permit.

19 (b) For a first conviction, for one year after the ending date of the suspension or revocation  
20 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A  
21 traffic violation.

22 (c) For a second or subsequent conviction, for two years after the ending date of the suspension  
23 or revocation caused by the conviction. Violation of the condition imposed under this paragraph is  
24 a Class A traffic violation.

25 (2) If the court determines that approved ignition interlock devices are reasonably available, the  
26 court may require as a condition of a driving while under the influence of intoxicants diversion  
27 agreement that an approved ignition interlock device be installed in any vehicle operated by the  
28 person. Courts may not exercise authority under this subsection during any period the courts have  
29 notice from [*the Office of Economic Analysis of*] the Oregon Department of Administrative Services  
30 that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs under  
31 subsection (4) of this section. The [*Office of Economic Analysis of the*] Oregon Department of Ad-  
32 ministrative Services may not issue any notice under this subsection if federal funds are available  
33 to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock  
34 devices.

35 (3) Except as provided in subsection (4) of this section, if an ignition interlock system is ordered  
36 or required under subsection (1) or (2) of this section, the person so ordered or required shall pay  
37 to the provider the reasonable costs of leasing, installing and maintaining the device. A payment  
38 schedule may be established for the person by the Department **of Transportation**.

39 (4) The Department **of Transportation** may waive, in whole or in part, or defer the defendant's  
40 responsibility to pay all or part of the costs under subsection (3) of this section if the defendant  
41 meets the criteria for indigence established for waiving or deferring such costs under subsection (5)  
42 of this section. If the defendant's responsibility for costs is waived, then notwithstanding ORS  
43 813.270, the costs described in subsection (3) of this section must be paid from the Intoxicated Driver  
44 Program Fund.

45 (5) The department, by rule, shall establish criteria and procedures it will use for qualification

1 to waive or defer costs described under subsection (3) of this section for indigence. The criteria must  
2 be consistent with the standards for indigence adopted by the federal government for purposes of  
3 the Supplemental Nutrition Assistance Program.

4 (6) At the end of the suspension or revocation resulting from the conviction, the department  
5 shall suspend the driving privileges or right to apply for driving privileges of a person who has not  
6 submitted proof to the department that an ignition interlock device has been installed or who  
7 tampers with an ignition interlock device after it has been installed. If the suspension is for failing  
8 to submit proof of installation, the suspension continues until the department receives proof that the  
9 ignition interlock device has been installed or until one year after the ending date of the suspension  
10 resulting from the first conviction or two years after the ending date of the suspension resulting  
11 from a second or subsequent conviction, whichever comes first. If the suspension is for tampering  
12 with an ignition interlock device, the suspension continues until one year after the ending date of  
13 the suspension resulting from the first conviction or two years after the ending date of the suspen-  
14 sion resulting from a second or subsequent conviction. A person whose driving privileges or right  
15 to apply for privileges is suspended under this subsection is entitled to administrative review, as  
16 described in ORS 809.440, of the action.

17 (7) The department shall adopt rules permitting medical exemptions from the requirements of  
18 installation and use of an ignition interlock device under subsection (1) of this section.

19 **SECTION 18.** ORS 118.525 is amended to read:

20 118.525. (1) It shall be unlawful for the Department of Revenue or any of its officers or em-  
21 ployees to divulge or make known in any manner any particulars disclosed in any return or sup-  
22 porting data required under this chapter. Except for executors or beneficiaries and their authorized  
23 representatives, it shall be unlawful for any person or entity who has acquired information pursuant  
24 to subsections (3) and (4) of this section to divulge or make known such information for any purpose  
25 other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or  
26 judicial order shall be issued compelling the department, or its officers or employees, or persons  
27 described in subsections (3) and (4) of this section, to divulge or make known any particulars dis-  
28 closed in any such return or supporting data except where the liability for inheritance taxes is to  
29 be adjudicated by the Oregon Tax Court. Nothing in this section shall prohibit the publication of  
30 statistics so classified as to prevent the identification of particulars in any return or supporting data  
31 covered by this section.

32 (2) As used in this section:

33 (a) "Officer," "employee" or "person" includes an authorized representative of the officer, em-  
34 ployee or person, or former officer, employee or person, or an authorized representative of such  
35 former officer, employee or person.

36 (b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number,  
37 Social Security number and the amount of refund claimed by or granted to a taxpayer.

38 (3) Notwithstanding subsection (1) of this section, the department may permit, for tax purposes  
39 only, the Commissioner of Internal Revenue or authorized representatives, or an officer or employee  
40 of any state or the District of Columbia which has a provision of law which meets the requirements  
41 of any applicable provision of the Internal Revenue Code as to confidentiality to inspect any return  
42 or supporting data referred to in subsection (1) of this section. The department may disclose to the  
43 executor or beneficiary of any estate, or an authorized representative thereof, any information or  
44 particulars otherwise made confidential by this section, if the department determines that the exec-  
45 utor or beneficiary has a material interest which will be affected by such information or particulars.

1 (4) The department may disclose a taxpayer's name, address, telephone number, Social Security  
 2 number, refund amount or tax due to the extent necessary in connection with collection activities  
 3 or the processing or mailing of returns, correspondence or forms with respect to the tax imposed  
 4 under this chapter.

5 (5) The department also may disclose and give access to information described in subsection (1)  
 6 of this section to those persons, agencies or entities, described in ORS 314.840 [(2)(e), (f), (g) and  
 7 (h)] **(2)(f), (g), (h) and (i)** to the extent authorized by said paragraphs; and to any agency of the  
 8 State of Oregon or any person, or any officer or employee of such agency or person to whom dis-  
 9 closure or access is given by state law and not otherwise referred to in this section, including but  
 10 not limited to the Secretary of State and the officers and employees thereof, for the uses and pur-  
 11 poses described in ORS 297.060.

12 (6) Each officer or employee of the department and each person described or referred to in  
 13 subsection (5) of this section to whom disclosure or access to tax information is given, prior to be-  
 14 ginning employment or the performance of duties involving such disclosure or access, shall be ad-  
 15 vised in writing of the provisions of subsection (1) of this section and ORS 118.990 (3), and shall as  
 16 a condition of employment or performance of duties execute a certificate for the department, stating  
 17 in substance that the person has read these provisions of law, that the person has had them ex-  
 18 plained and that the person is aware of the penalties for the violation of subsection (1) of this sec-  
 19 tion.

20 **SECTION 19.** ORS 195.034 is amended to read:

21 195.034. (1) If the coordinating body under ORS 195.025 (1) has adopted, within 10 years before  
 22 a city initiates an evaluation or amendment of the city's urban growth boundary, a population  
 23 forecast as required by ORS 195.036 that no longer provides a 20-year forecast for an urban area,  
 24 a city may propose a revised 20-year forecast for its urban area by extending the coordinating body's  
 25 current urban area forecast to a 20-year period using the same growth trend for the urban area  
 26 assumed in the coordinating body's current adopted forecast.

27 (2) If the coordinating body has not adopted a forecast as required by ORS 195.036 or if the  
 28 current forecast was adopted more than 10 years before the city initiates an evaluation or amend-  
 29 ment of the city's urban growth boundary, a city may propose a 20-year forecast for its urban area  
 30 by:

31 (a) Basing the proposed forecast on the population forecast prepared by the Office of Economic  
 32 Analysis for the county for a 20-year period that commences when the city initiates the evaluation  
 33 or amendment of the city's urban growth boundary; and

34 (b) Assuming that the urban area's share for the forecasted county population determined in  
 35 paragraph (a) of this subsection will be the same as the urban area's current share of the county  
 36 population based on the most recent certified population estimates from Portland State University  
 37 **Population Research Center** and the most recent data for the urban area published by the United  
 38 States Census Bureau.

39 (3)(a) If the coordinating body does not take action on the city's proposed forecast for the urban  
 40 area under subsection (1) or (2) of this section within six months after the city's written request for  
 41 adoption of the forecast, the city may adopt the extended forecast if:

42 (A) The city provides notice to the other local governments in the county; and

43 (B) The city includes the adopted forecast in the comprehensive plan, or a document included  
 44 in the plan by reference, in compliance with the applicable requirements of ORS 197.610 to 197.650.

45 (b) If the extended forecast is adopted under paragraph (a) of this subsection consistent with the

1 requirements of subsection (1) or (2) of this section:

2 (A) The forecast is deemed to satisfy the requirements of a statewide land use planning goal  
3 relating to urbanization to establish a coordinated 20-year population forecast for the urban area;  
4 and

5 (B) The city may rely on the population forecast as an appropriate basis upon which the city  
6 and county may conduct the evaluation or amendment of the city's urban growth boundary.

7 (4) The process for establishing a population forecast provided in this section is in addition to  
8 and not in lieu of a process established by goal and rule of the Land Conservation and Development  
9 Commission.

10 **SECTION 20.** ORS 314.865 is amended to read:

11 314.865. A person granted access to information described in ORS 314.835 under ORS 314.840  
12 [(2)(a)(B)] (2)(b) for the purpose of preparing revenue estimates shall not knowingly or intentionally  
13 use the information disclosed or the information to which access is given for any purpose if the ef-  
14 fect of the use is private pecuniary benefit for the person or for a member of the person's household.

15 **SECTION 21.** ORS 412.094 is amended to read:

16 412.094. (1) All state, county and city agencies, officers and employees shall cooperate in the  
17 location of parents who have abandoned or deserted, or are failing to support, children receiving  
18 or applying to receive public assistance and shall on request supply the Department of Human Ser-  
19 vices, the Division of Child Support of the Department of Justice or the district attorney of any  
20 county in the state with all information on hand relative to the location, income and property of  
21 such parents, including information disclosed to the Division of Child Support under ORS 314.840  
22 [(2)(j)] (2)(k). The granting of aid to the applicant shall not be delayed or contingent upon receipt  
23 of the answer to such requests by the Department of Human Services, the Division of Child Support  
24 or the district attorney. The Department of Human Services shall use such information only for the  
25 purposes of administration of public assistance to such children, and the district attorney and the  
26 Division of Child Support shall use such information only for the purpose of enforcing the liability  
27 of such parents to support such children, and neither shall use the information or disclose it for any  
28 other purpose. Any person who violates this prohibition against disclosure, upon conviction, is  
29 punishable as provided in ORS 314.991 (2).

30 (2) The Department of Human Services shall cooperate with the Division of Child Support or the  
31 district attorney prosecuting or considering the prosecution of such parent for nonsupport and shall  
32 report to the Division of Child Support or the district attorney all information contained in the case  
33 record which concerns the question of nonsupport and the suitability of prosecution as a method of  
34 obtaining support for the child in each case.

35 **SECTION 22.** (1) Sections 1 to 8 of this 2011 Act and the amendments to ORS 118.525,  
36 184.351, 195.034, 291.342, 291.348, 291.349, 291.357, 314.840, 314.865, 319.415, 366.506, 412.094 and  
37 813.602 by sections 9 to 21 of this 2011 Act become operative July 1, 2011.

38 (2) The Oregon University System may take any action necessary before the operative  
39 date specified in subsection (1) of this section that is necessary to enable the system to ex-  
40 ercise, on and after the operative date specified in subsection (1) of this section, all the du-  
41 ties, functions and powers conferred on the system by sections 1 to 8 of this 2011 Act and  
42 the amendments to ORS 118.525, 184.351, 195.034, 291.342, 291.348, 291.349, 291.357, 314.840,  
43 314.865, 319.415, 366.506, 412.094 and 813.602 by sections 9 to 21 of this 2011 Act.

44 **SECTION 23.** This 2011 Act being necessary for the immediate preservation of the public  
45 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect

1 **on its passage.**

2