

**SENATE AMENDMENTS TO  
SENATE BILL 1579  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

March 5

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 through  
2 6 and insert “1.177, 1.178, 45.275, 45.285, 135.050, 151.216, 151.225, 151.487, 171.585, 182.460, 184.360,  
3 199.432, 276.390, 278.125, 284.118, 284.375, 286A.160, 291.100, 291.217, 291.342, 291.349, 291.371,  
4 291.373, 291.375, 293.190, 314.840, 353.100, 377.836, 390.124, 390.134, 396.515, 401.536, 411.072, 412.079,  
5 413.072, 419A.170, 419A.211, 419B.198, 419C.203, 419C.535, 421.352, 454.439, 461.120, 468.220, 576.306,  
6 656.612, 656.753, 731.272, 741.002, 741.027, 741.101, 741.105, 741.201, 741.220, 741.222, 741.250, 741.310,  
7 757.552, 757.822 and 774.190 and section 19, chapter 846, Oregon Laws 2007, section 19, chapter 827,  
8 Oregon Laws 2009, section 3, chapter 21, Oregon Laws 2011, section 4, chapter 220, Oregon Laws  
9 2011, section 3, chapter 302, Oregon Laws 2011, section 61a, chapter 597, Oregon Laws 2011, section  
10 1, chapter 604, Oregon Laws 2011, section 83, chapter 630, Oregon Laws 2011, and section 2, chapter  
11 \_\_\_\_, Oregon Laws 2012 (Enrolled House Bill 4082); repealing ORS 291.385 and 391.100 and section  
12 28, chapter 630, Oregon Laws 2011; and declaring an emergency.”.

13 Delete lines 16 through 22 and insert:

14 **“SECTION 3. (1) If the State Treasurer or Director of the Oregon Department of Ad-**  
15 **ministrative Services determines that the treasurer or director will cancel or postpone an**  
16 **issuance of general obligation bonds or lottery bonds that was authorized by law and previ-**  
17 **ously scheduled, the treasurer or director shall provide written notice to the President of the**  
18 **Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer.**

19 **“(2) The treasurer or director shall provide the notice not later than 30 days after the**  
20 **date the issuance of the bonds was scheduled.”.**

21 On page 14, delete lines 30 through 45.

22 On page 15, delete lines 1 and 2.

23 In line 3, delete “21” and insert “20”.

24 In line 18, delete “22” and insert “21”.

25 In line 38, delete “23” and insert “22”.

26 On page 17, line 39, delete “24” and insert “23”.

27 On page 18, line 18, delete “25” and insert “24”.

28 On page 20, line 13, delete “26” and insert “25”.

29 On page 22, delete lines 9 through 15 and insert:

30

31

**“CRIMINAL INJURIES COMPENSATION ACCOUNT**

32

33 **“SECTION 26. Notwithstanding ORS 31.735, 131A.410, 137.183 and 147.225 and section 3,**  
34 **chapter 670, Oregon Laws 2011, the amount of \$56,200,000 is transferred from the Criminal**

1 Injuries Compensation Account to the General Fund for general governmental purposes.

2  
3 "SECRETARY OF STATE

4  
5 "SECTION 27. Notwithstanding ORS 56.041 and in addition to the transfers required by  
6 ORS 56.041 (4), the amount of \$1,057,904 is transferred from the Operating Account to the  
7 General Fund for general governmental purposes.

8  
9 "ECONOMIC DEVELOPMENT

10  
11 "SECTION 28. Notwithstanding section 3, chapter 93, Oregon Laws 2010, the amount of  
12 \$3,692,500 is transferred from the Building Opportunities for Oregon Small Business Today  
13 Account of the Oregon Business Development Fund to the General Fund for general gov-  
14 ernmental purposes.

15  
16 "GOVERNOR'S OFFICE

17  
18 "SECTION 29. The Governor's Office Operating Fund is established in the State Treas-  
19 ury, separate and distinct from the General Fund. Moneys in the Governor's Office Operating  
20 Fund are continuously appropriated to the Office of the Governor for the operating expenses  
21 of the Office of the Governor. The fund shall consist of moneys appropriated or transferred  
22 to the fund and moneys received under section 30 of this 2012 Act.

23 "SECTION 30. The Office of the Governor may receive gifts, grants or contributions from  
24 any source, whether public or private. Moneys received under this section shall be deposited  
25 in the Governor's Office Operating Fund established by section 29 of this 2012 Act.

26  
27 "OREGON HEALTH AUTHORITY

28  
29 "SECTION 31. Notwithstanding ORS 431.832 (2), the amount of \$1,500,000 is transferred  
30 from the Tobacco Use Reduction Account to the General Fund for general governmental  
31 purposes. The transfer shall be made not later than June 30, 2013.

32 "SECTION 32. (1) Notwithstanding ORS 426.506, during the period beginning July 1, 2012,  
33 and ending June 30, 2013, the Oregon Health Authority may transfer from the Community  
34 Housing Trust Account established by ORS 426.506 to the Oregon Health Authority Fund  
35 established by ORS 413.101 an amount not to exceed \$5,726,586.

36 "(2) Moneys transferred from the Community Housing Trust Account under subsection  
37 (1) of this section may be used only for community mental health services provided to chil-  
38 dren and adults with mental illness.

39  
40 "EMPLOYMENT DEPARTMENT

41  
42 "SECTION 33. Notwithstanding ORS 657.822, the amount of \$1,100,000 is transferred from  
43 the Employment Department Special Administrative Fund to the General Fund for general  
44 governmental purposes.

45 "SECTION 34. Notwithstanding ORS 657.783, the amount of \$9,000,000 is transferred from

1 the Supplemental Employment Department Administration Fund to the General Fund for  
2 general governmental purposes.

3  
4 “DEPARTMENT OF REVENUE

5  
6 “**SECTION 35.** Notwithstanding section 7, chapter 710, Oregon Laws 2009, the amount of  
7 \$3,000,000 is transferred from the Tax Amnesty Fund to the General Fund for general gov-  
8 ernmental purposes.

9  
10 “STATE FINANCE

11  
12 “**SECTION 36.** Section 3, chapter 21, Oregon Laws 2011, as amended by section 3, chapter 496,  
13 Oregon Laws 2011, is amended to read:

14 “**Sec. 3.** (1) Based on the findings in section 1, chapter 21, Oregon Laws 2011, and pursuant to  
15 section 4 (6), Article XV of the Oregon Constitution, on [June 1, 2012] **September 1, 2012**, the State  
16 Treasurer shall transfer \$100 million from the Education Stability Fund established under section 4  
17 (4)(d), Article XV of the Oregon Constitution, and ORS 348.696 to the 2011-2012 School Year Sub-  
18 account established by section 2, chapter 21, Oregon Laws 2011.

19 “(2) Moneys transferred under this section may be used in the manner provided by section 5,  
20 chapter 21, Oregon Laws 2011, for moneys in the 2011-2012 School Year Subaccount.

21  
22 “PUBLIC DEFENSE SERVICES ACCOUNT

23  
24 “**SECTION 37.** ORS 151.225 is amended to read:

25 “151.225. (1) [There is created a] **The Public Defense Services Account [in] is established sep-**  
26 **arate and distinct from** the General Fund. The Public Defense Services Account is continuously  
27 appropriated to the Public Defense Services Commission to [pay compensation of counsel and]:

28 “(a) **Reimburse the actual costs and expenses, including personnel expenses, incurred in**  
29 **administration and support of the public defense system;**

30 “(b) **Reimburse the State Court Administrator under ORS 151.216 (1)(i); and**

31 “(c) **Pay** other expenses in connection with the legal representation of persons for which the  
32 commission is responsible by law, **including expenses incurred in the administration of the**  
33 **public defense system.**

34 “[2] *All moneys appropriated to the commission to pay compensation of counsel and other expenses*  
35 *in connection with the legal representation of persons for which the commission is responsible by law*  
36 *shall be deposited in the Public Defense Services Account.*]

37 “[3] (2) All moneys received by the Judicial Department under ORS 135.050 (8), 151.487 (1),  
38 419A.211, 419B.198 (1), [or] 419C.203 (1) **or 419C.535 (2)** shall be deposited in [a separate subaccount  
39 created in] the Public Defense Services Account [to be used by the public defense services executive  
40 director to reimburse the actual costs and expenses, including personnel expenses, incurred in admin-  
41 istration and support of the public defense system].

42 “[4] (3) All gifts, grants or contributions accepted by the commission under ORS 151.216 shall  
43 be deposited in a separate subaccount created in the Public Defense Services Account to be used  
44 by the commission for the purpose for which the gift, grant or contribution was given or granted.

45 “[5] *As used in this section, ‘other expenses in connection with the legal representation of persons*

1 for which the commission is responsible by law' includes expenses incurred in the administration of the  
2 public defense system.]

3 **"SECTION 38. The amendments to ORS 151.225 by section 37 of this 2012 Act are in-**  
4 **tended, in part, to convert the Public Defense Services Account from an account in the**  
5 **General Fund to an account separate and distinct from the General Fund. The account that**  
6 **is separate and distinct from the General Fund shall be considered a continuation of the**  
7 **account that was an account within the General Fund immediately before the operative date**  
8 **of the amendments to ORS 151.225 by section 37 of this 2012 Act, as specified in section 49**  
9 **of this 2012 Act.**

10 **"SECTION 39.** ORS 45.275 is amended to read:

11 "45.275. (1) The court shall appoint a qualified interpreter in a civil or criminal proceeding, and  
12 a hearing officer or the designee of a hearing officer shall appoint a qualified interpreter in an  
13 adjudicatory proceeding, whenever it is necessary:

14 "(a) To interpret the proceedings to a non-English-speaking party;

15 "(b) To interpret the testimony of a non-English-speaking party or witness; or

16 "(c) To assist the court, agency or hearing officer in performing the duties and responsibilities  
17 of the court, agency or hearing officer.

18 "(2) [No fee shall] **A fee may not** be charged to any person for the appointment of an interpreter  
19 to interpret testimony of a non-English-speaking party or witness, or to assist the court, agency or  
20 hearing officer in performing the duties and responsibilities of the court, agency or hearing officer.  
21 [No fee shall] **A fee may not** be charged to a non-English-speaking party who is unable to pay for  
22 the appointment of an interpreter to interpret the proceedings to the non-English-speaking party.  
23 [No fee shall] **A fee may not** be charged to any person for the appointment of an interpreter if ap-  
24 pointment is made to determine whether the person is unable to pay or non-English-speaking for the  
25 purposes of this section.

26 "(3) A non-English-speaking party [shall be] **is** considered unable to pay for an interpreter for  
27 the purposes of this section if:

28 "(a) The party makes a verified statement and provides other information in writing under oath  
29 showing financial inability to pay for a qualified interpreter, and provides any other information  
30 required by the court or agency concerning the inability to pay for such an interpreter; and

31 "(b) It appears to the court or agency that the party is in fact unable to pay for a qualified in-  
32 terpreter.

33 "(4) Fair compensation for the services of an interpreter appointed under this section shall be  
34 paid:

35 "(a) By the county, subject to the approval of the terms of the contract by the governing body  
36 of the county, in a proceeding in a county or justice court.

37 "(b) By the city, subject to the approval of the terms of the contract by the governing body of  
38 the city, in a proceeding in a municipal court.

39 "(c) By the state in a proceeding in a circuit court. Amounts payable by the state [shall be from  
40 funds available to the court other than] **are not payable from** the Public Defense Services Account  
41 established by ORS 151.225[, except that] **or from moneys appropriated to the Public Defense**  
42 **Services Commission.** Fees of an interpreter necessary for the purpose of communication between  
43 appointed counsel and a client or witness in a criminal case [shall be payable from that account] **are**  
44 **payable from the Public Defense Services Account or from moneys appropriated to the Public**  
45 **Defense Services Commission.**

1           “(d) By the agency in an adjudicatory proceeding.

2           “(5) If a party or witness is dissatisfied with the interpreter appointed by the court, the hearing  
3 officer or the designee of the hearing officer, the party or witness may request the appointment of  
4 a different certified interpreter. A request under this subsection must be made in a manner con-  
5 sistent with the policies and notice requirements of the court or agency relating to the appointment  
6 and scheduling of interpreters. If the substitution of another interpreter will delay the proceeding,  
7 the person making the request must show good cause for the substitution. Any party may object to  
8 use of any interpreter for good cause. Unless the court, hearing officer or the designee of the  
9 hearing officer has appointed a different interpreter for cause, the party using any interpreter other  
10 than the interpreter originally appointed by the court, hearing officer or the designee of the hearing  
11 officer shall bear any additional costs beyond the amount required to pay the original interpreter.

12           “(6) A judge or hearing officer, on the judge’s or hearing officer’s own motion, may substitute  
13 a different interpreter for the interpreter initially appointed in a proceeding. A judge or hearing  
14 officer may make a substitution under this subsection at any time and for any reason.

15           “(7) A court may allow as costs reasonable expenses incurred by a party in employing the ser-  
16 vices of an interpreter in civil proceedings in the manner provided by ORCP 68.

17           “(8) A court, a hearing officer or the designee of a hearing officer shall require any person  
18 serving as an interpreter for the court or agency to state the person’s name on the record and  
19 whether the person is certified under ORS 45.291. If the person is certified under ORS 45.291, the  
20 interpreter need not make the oath or affirmation required by ORS 40.325 or submit the interpreter’s  
21 qualifications on the record. If the person is not certified under ORS 45.291, the interpreter must  
22 make the oath or affirmation required by ORS 40.325 and submit the interpreter’s qualifications on  
23 the record.

24           “(9) For the purposes of this section:

25           “(a) ‘Hearing officer’ includes an administrative law judge.

26           “(b) ‘Non-English-speaking person’ means a person who, by reason of place of birth or culture,  
27 speaks a language other than English and does not speak English with adequate ability to commu-  
28 nicate effectively in the proceedings.

29           “(c) ‘Qualified interpreter’ means a person who is readily able to communicate with the non-  
30 English-speaking person and who can orally transfer the meaning of statements to and from English  
31 and the language spoken by the non-English-speaking person. A qualified interpreter must be able  
32 to interpret in a manner that conserves the meaning, tone, level, style and register of the original  
33 statement, without additions or omissions. ‘Qualified interpreter’ does not include any person who  
34 is unable to interpret the dialect, slang or specialized vocabulary used by the party or witness.

35           “**SECTION 40.** ORS 45.285 is amended to read:

36           “45.285. (1) For the purposes of this section:

37           “(a) ‘Assistive communication device’ means any equipment designed to facilitate communication  
38 by a person with a disability.

39           “(b) ‘Hearing officer’ includes an administrative law judge.

40           “(c) ‘Person with a disability’ means a person who cannot readily understand the proceedings  
41 because of deafness or a physical hearing impairment, or cannot communicate in the proceedings  
42 because of a physical speaking impairment.

43           “(d) ‘Qualified interpreter’ means a person who is readily able to communicate with the person  
44 with a disability, interpret the proceedings and accurately repeat and interpret the statements of the  
45 person with a disability to the court.

1 “(2) In any civil action, adjudicatory proceeding or criminal proceeding, including a court-  
2 ordered deposition if no other person is responsible for providing an interpreter, in which a person  
3 with a disability is a party or witness, the court, hearing officer or the designee of the hearing of-  
4 ficer shall appoint a qualified interpreter and make available appropriate assistive communication  
5 devices whenever it is necessary to interpret the proceedings to the person with a disability, or to  
6 interpret the testimony of the person with a disability.

7 “(3) [No fee shall] **A fee may not** be charged to the person with a disability for the appointment  
8 of an interpreter or use of an assistive communication device under this section. [No fee shall] **A**  
9 **fee may not** be charged to any person for the appointment of an interpreter or the use of an  
10 assistive communication device if appointment or use is made to determine whether the person has  
11 a disability for the purposes of this section.

12 “(4) Fair compensation for the services of an interpreter or the cost of an assistive communi-  
13 cation device under this section shall be paid:

14 “(a) By the county, subject to the approval of the terms of the contract by the governing body  
15 of the county, in a proceeding in a county or justice court.

16 “(b) By the city, subject to the approval of the terms of the contract by the governing body of  
17 the city, in a proceeding in a municipal court.

18 “(c) By the state in a proceeding in a circuit court. Amounts payable by the state [shall be from  
19 funds available to the court other than] **are not payable from** the Public Defense Services Account  
20 established by ORS 151.225[, except that] **or from moneys appropriated to the Public Defense**  
21 **Services Commission.** Fees of an interpreter necessary for the purpose of communication between  
22 appointed counsel and a client or witness in a criminal case [shall be payable from that account] **are**  
23 **payable from the Public Defense Services Account or from moneys appropriated to the Public**  
24 **Defense Services Commission.**

25 “(d) By the agency in an adjudicatory proceeding.

26 “**SECTION 41.** ORS 135.050 is amended to read:

27 “135.050. (1) Suitable counsel for a defendant shall be appointed by a municipal, county or jus-  
28 tice court if:

29 “(a) The defendant is before a court on a matter described in subsection (5) of this section;

30 “(b) The defendant requests aid of counsel;

31 “(c) The defendant provides to the court a written and verified financial statement; and

32 “(d) It appears to the court that the defendant is financially unable to retain adequate repre-  
33 sentation without substantial hardship in providing basic economic necessities to the defendant or  
34 the defendant’s dependent family.

35 “(2) Suitable counsel for a defendant shall be appointed by a circuit court if:

36 “(a) The defendant is before the court on a matter described in subsection (5) of this section;

37 “(b) The defendant requests aid of counsel;

38 “(c) The defendant provides to the court a written and verified financial statement; and

39 “(d)(A) The defendant is determined to be financially eligible under ORS 151.485 and the stan-  
40 dards established by the Public Defense Services Commission under ORS 151.216; or

41 “(B) The court finds, on the record, substantial and compelling reasons why the defendant is fi-  
42 nancially unable to retain adequate representation without substantial hardship in providing basic  
43 economic necessities to the defendant or the defendant’s dependent family despite the fact that the  
44 defendant does not meet the financial eligibility standards established by the commission.

45 “(3) Appointed counsel may not be denied to any defendant merely because the defendant’s

1 friends or relatives have resources adequate to retain counsel or because the defendant has depos-  
2 ited or is capable of depositing security for release. However, appointed counsel may be denied to  
3 a defendant if the defendant's spouse has adequate resources which the court determines should be  
4 made available to retain counsel.

5 "(4) The defendant's financial statement under subsection (1) or (2) of this section shall include,  
6 but not be limited to:

7 "(a) A list of bank accounts in the name of defendant or defendant's spouse, and the balance in  
8 each;

9 "(b) A list of defendant's interests in real property and those of defendant's spouse;

10 "(c) A list of automobiles and other personal property of significant value belonging to defendant  
11 or defendant's spouse;

12 "(d) A list of debts in the name of defendant or defendant's spouse, and the total of each; and

13 "(e) A record of earnings and other sources of income in the name of defendant or defendant's  
14 spouse, and the total of each.

15 "(5) Counsel must be appointed for a defendant who meets the requirements of subsection (1)  
16 or (2) of this section and who is before a court on any of the following matters:

17 "(a) Charged with a crime.

18 "(b) For a hearing to determine whether an enhanced sentence should be imposed when such  
19 proceedings may result in the imposition of a felony sentence.

20 "(c) For extradition proceedings under the provisions of the Uniform Criminal Extradition Act.

21 "(d) For any proceeding concerning an order of probation, including but not limited to the re-  
22 voking or amending thereof.

23 "(6) Unless otherwise ordered by the court, the appointment of counsel under this section shall  
24 continue during all criminal proceedings resulting from the defendant's arrest through acquittal or  
25 the imposition of punishment. The court having jurisdiction of the case may not substitute one ap-  
26 pointed counsel for another except pursuant to the policies, procedures, standards and guidelines  
27 of the Public Defense Services Commission under ORS 151.216.

28 "(7) If, at any time after the appointment of counsel, the court having jurisdiction of the case  
29 finds that the defendant is financially able to obtain counsel, the court may terminate the appoint-  
30 ment of counsel. If, at any time during criminal proceedings, the court having jurisdiction of the  
31 case finds that the defendant is financially unable to pay counsel whom the defendant has retained,  
32 the court may appoint counsel as provided in this section.

33 "(8) The court may order the defendant in a circuit court to pay to the Public Defense Services  
34 Account [*in the General Fund*] **established by ORS 151.225**, through the clerk of the court, in full  
35 or in part the administrative costs of determining the eligibility of the defendant for appointed  
36 counsel and the costs of the legal and other services that are related to the provision of appointed  
37 counsel under ORS 151.487[, 151.505 or 161.665].

38 "(9) In addition to any criminal prosecution, a civil proceeding may be initiated by any public  
39 body which has expended moneys for the defendant's legal assistance within two years of judgment  
40 if the defendant was not qualified in accordance with subsection (1) or (2) of this section for legal  
41 assistance.

42 "(10) The civil proceeding shall be subject to the exemptions from execution as provided for by  
43 law.

44 "(11) As used in this section unless the context requires otherwise, 'counsel' includes a legal  
45 advisor appointed under ORS 135.045.

1       “**SECTION 42.** ORS 151.216 is amended to read:  
2       “151.216. (1) The Public Defense Services Commission shall:  
3       “(a) Establish and maintain a public defense system that ensures the provision of public defense  
4 services in the most cost-efficient manner consistent with the Oregon Constitution, the United States  
5 Constitution and Oregon and national standards of justice.  
6       “(b) Establish an office of public defense services and appoint a public defense services execu-  
7 tive director who serves at the pleasure of the commission.  
8       “(c) Submit the budget of the commission and the office of public defense services to the Legis-  
9 lative Assembly after the budget is submitted to the commission by the director and approved by the  
10 commission. The Chief Justice of the Supreme Court and the chairperson of the commission shall  
11 present the budget to the Legislative Assembly.  
12       “(d) Review and approve any public defense services contract negotiated by the director before  
13 the contract can become effective.  
14       “(e) Adopt a compensation plan, classification system and personnel plan for the office of public  
15 defense services that are commensurate with other state agencies.  
16       “(f) Adopt policies, procedures, standards and guidelines regarding:  
17       “(A) The determination of financial eligibility of persons entitled to be represented by appointed  
18 counsel at state expense;  
19       “(B) The appointment of counsel;  
20       “(C) The fair compensation of counsel appointed to represent a person financially eligible for  
21 appointed counsel at state expense;  
22       “(D) Appointed counsel compensation disputes;  
23       “(E) Any other costs associated with the representation of a person by appointed counsel in the  
24 state courts that are required to be paid by the state under ORS 34.355, 135.055, 138.500, 138.590,  
25 161.346, 161.348, 161.365, 419A.211, 419B.201, 419B.208, 419B.518, 419B.908, 419C.206, 419C.209,  
26 419C.408, 419C.535, 426.100, 426.135, 426.250, 426.307, 427.265, 427.295, 436.265 or 436.315 or any  
27 other provision of law that expressly provides for payment of such compensation, costs or expenses  
28 by the commission;  
29       “(F) Professional qualifications for counsel appointed to represent public defense clients;  
30       “(G) Performance for legal representation;  
31       “(H) The contracting of public defense services;  
32       “(I) Contracting with expert witnesses to allow contracting with out-of-state expert witnesses  
33 only if in-state expert witnesses are not available or are more expensive than out-of-state expert  
34 witnesses; and  
35       “(J) Any other matters necessary to carry out the duties of the commission.  
36       “(g) Establish a peer review system for the approval of nonroutine fees and expenses incurred  
37 in cases involving aggravated murder and the crimes listed in ORS 137.700 and 137.707. The review  
38 shall be conducted by a panel of attorneys who practice in the area of criminal defense.  
39       “(h) Establish a complaint process that allows district attorneys, criminal defense counsel and  
40 the public to file complaints concerning the payment from public funds of nonroutine fees and ex-  
41 penses incurred in cases.  
42       “(i) Reimburse the State Court Administrator from funds deposited in the [subaccount] **Public**  
43 **Defense Services Account** established [under] by ORS 151.225 for the costs of personnel and other  
44 costs associated with location of eligibility verification and screening personnel pursuant to ORS  
45 151.489 by the State Court Administrator.



1 “(2) Policies, procedures, standards and guidelines adopted by the commission supersede any  
2 conflicting rules, policies or procedures of the Public Defender Committee, State Court Administra-  
3 tor, circuit courts, the Court of Appeals, the Supreme Court, the Psychiatric Security Review Board  
4 and the Oregon Health Authority related to the exercise of the commission’s administrative re-  
5 sponsibilities under this section and transferred duties, functions and powers as they occur.

6 “(3) The commission may accept gifts, grants or contributions from any source, whether public  
7 or private. However, the commission may not accept a gift, grant or contribution if acceptance  
8 would create a conflict of interest. Moneys accepted under this subsection shall be deposited in the  
9 Public Defense Services Account [*created in*] **established by ORS 151.225** and expended for the  
10 purposes for which given or granted.

11 “(4) The commission may not:

12 “(a) Make any decision regarding the handling of any individual case;

13 “(b) Have access to any case file; or

14 “(c) Interfere with the director or any member of the staff of the director in carrying out pro-  
15 fessional duties involving the legal representation of public defense clients.

16 “**SECTION 43.** ORS 151.487 is amended to read:

17 “151.487. (1) If in determining that a person is financially eligible for appointed counsel under  
18 ORS 151.485, the court finds that the person has financial resources that enable the person to pay  
19 in full or in part the administrative costs of determining the eligibility of the person and the costs  
20 of the legal and other services to be provided at state expense that are related to the provision of  
21 appointed counsel, the court shall enter a limited judgment requiring that the person pay to the  
22 Public Defense Services Account [*in the General Fund*] **established by ORS 151.225**, through the  
23 clerk of the court, the amount that it finds the person is able to pay without creating substantial  
24 hardship in providing basic economic necessities to the person or the person’s dependent family. The  
25 amount that a court may require the person to pay is subject to the guidelines and procedures is-  
26 sued by the Public Defense Services Commission as provided in subsection (4) of this section.

27 “(2) Failure to comply with the requirements of a limited judgment entered under this section  
28 is not grounds for contempt or grounds for withdrawal by the appointed attorney.

29 “(3) Except as authorized in this section, [*no*] a person, organization or governmental agency  
30 may **not** request or accept a payment or promise of payment for assisting in the representation of  
31 a person by appointment.

32 “(4) The commission shall promulgate and issue guidelines and procedures:

33 “(a) For the determination of persons provided with appointed counsel who have some financial  
34 resources to pay in full or in part the administrative, legal and other costs under subsection (1) of  
35 this section; and

36 “(b) Regarding the amounts persons may be required to pay by a court under subsection (1) of  
37 this section.

38 “(5) The determination that a person is able to pay or partially able to pay, or that a person  
39 no longer has the ability to pay the amount ordered in subsection (1) of this section, is subject to  
40 review at any time by the court.

41 “**SECTION 44.** ORS 419A.170 is amended to read:

42 “419A.170. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed  
43 special advocate. The court appointed special advocate is deemed a party in these proceedings, and  
44 in the furtherance thereof, may be represented by counsel, file pleadings and request hearings and  
45 may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is re-

1 presented by counsel, counsel shall be paid from funds available to the Court Appointed Special  
2 Advocate Volunteer Program. [No funds from the Public Defense Services Account or] **Counsel rep-**  
3 **resenting a court appointed special advocate may not be paid from moneys in the Public**  
4 **Defense Services Account established by ORS 151.225, from moneys appropriated to the**  
5 **Public Defense Services Commission or from** Judicial Department operating funds [*may be used*  
6 *for this purpose*].

7 “(2) Subject to the direction of the court, the duties of the court appointed special advocate are  
8 to:

9 “(a) Investigate all relevant information about the case;

10 “(b) Advocate for the child or ward, ensuring that all relevant facts are brought before the  
11 court;

12 “(c) Facilitate and negotiate to ensure that the court, Department of Human Services, if appli-  
13 cable, and the child or ward’s attorney, if any, fulfill their obligations to the child or ward in a  
14 timely fashion; and

15 “(d) Monitor all court orders to ensure compliance and to bring to the court’s attention any  
16 change in circumstances that may require a modification of the court’s order.

17 “(3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient  
18 number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this sec-  
19 tion, appoint a juvenile department employee or other suitable person to represent the child or  
20 ward’s interest in court pursuant to ORS 419A.012 or 419B.195.

21 “(4) Any person appointed as a court appointed special advocate in any judicial proceeding on  
22 behalf of the child or ward is immune from any liability for defamation or statements made in good  
23 faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

24 “(5) Any person appointed as a court appointed special advocate, CASA Volunteer Program di-  
25 rector, CASA Volunteer Program employee or member of the board of directors or trustees of any  
26 CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment  
27 made in good faith in the course or scope of that person’s duties or employment as part of a CASA  
28 Volunteer Program.

29 “(6) Whenever the court appoints a court appointed special advocate or other person under  
30 subsections (1) to (3) of this section to represent the child or ward, it may require a parent, if able,  
31 or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of  
32 CASA services including reasonable attorney fees. The court’s order of payment is enforceable in  
33 the same manner as an order of support under ORS 419B.408.

34 “(7) Upon presentation of the order of appointment by the court appointed special advocate, any  
35 agency, hospital, school organization, division, office or department of the state, doctor, nurse or  
36 other health care provider, psychologist, psychiatrist, police department or mental health clinic shall  
37 permit the court appointed special advocate to inspect and copy, and may consult with the court  
38 appointed special advocate regarding, any records relating to the child or ward involved in the case,  
39 without the consent of the child, ward or parents.

40 “(8) All records and information acquired or reviewed by a court appointed special advocate  
41 during the course of official duties are deemed confidential under ORS 419A.255.

42 “(9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)  
43 grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court  
44 appointed special advocate or other person appointed pursuant to subsections (1) to (3) of this sec-  
45 tion is deemed a guardian ad litem to represent the interests of the child or ward in proceedings

1 before the court.

2 “(10) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund.  
3 The fund consists of all moneys credited to it. Moneys in the Court Appointed Special Advocate  
4 Fund are continuously appropriated to the State Commission on Children and Families and may be  
5 used only to carry out the purposes of this section. The commission may apply for and receive funds  
6 from federal and private sources for carrying out the provisions of this section.

7 “(11) The state commission may expend moneys from the Court Appointed Special Advocate  
8 Fund directly or indirectly through contracts or grants for the creation, supervision and operation  
9 of CASA Volunteer Programs statewide. The commission may also expend moneys from the Court  
10 Appointed Special Advocate Fund to pay the reasonable costs of its administration of the Court  
11 Appointed Special Advocate Fund. The commission shall adopt rules for carrying out its responsi-  
12 bilities under this section.

13 “**SECTION 45.** ORS 419A.211 is amended to read:

14 “419A.211. (1) If the child, ward, youth, youth offender, parent or guardian is determined to be  
15 entitled to, and financially eligible for, appointment of counsel at state expense in an appeal as  
16 provided in ORS 419A.200 and 419A.208, the court, upon request of the person or upon its own mo-  
17 tion, shall appoint suitable counsel to represent the person. Counsel appointed by the court shall  
18 be paid compensation determined by the public defense services executive director as provided in  
19 ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court  
20 of Appeals or the Supreme Court is the appellate court. The court may not substitute one appointed  
21 counsel for another except pursuant to the policies, procedures, standards and guidelines of the  
22 Public Defense Services Commission.

23 “(2)(a) When the court appoints counsel to represent the child, ward, youth or youth offender,  
24 it may order the parent, if able, or guardian of the estate, if the estate is able, to pay to the Public  
25 Defense Services Account [*in the General Fund*] **established by ORS 151.225**, through the clerk of  
26 the court, in full or in part the administrative costs of determining the ability of the parents or es-  
27 tate to pay for legal services and the costs of the legal and other services that are related to the  
28 provision of appointed counsel.

29 “(b) The test of the parent’s or estate’s ability to pay costs under paragraph (a) of this sub-  
30 section is the same test as applied to appointment of counsel for defendants under ORS 151.216. If  
31 counsel is provided at state expense, the court shall apply this test in accordance with the guide-  
32 lines adopted by the Public Defense Services Commission under ORS 151.485.

33 “(c) If counsel is provided at state expense, the court shall determine the amount the parents  
34 or estate is required to pay for the costs of administrative, legal and other services related to the  
35 provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

36 “(d) The court’s order of payment is enforceable in the same manner as an order of support  
37 under ORS 419B.408 and 419C.600.

38 “(3) When the court appoints counsel and the child, ward, youth, youth offender, parent or  
39 guardian has been determined to be entitled to, and financially eligible for, appointed counsel at  
40 state expense, the compensation for counsel and costs and expenses necessary to the appeal shall  
41 be determined and paid as provided in ORS 135.055 if the circuit court is the appellate court or as  
42 provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the appellate court.

43 “**SECTION 46.** ORS 419B.198 is amended to read:

44 “419B.198. (1) When the court appoints counsel to represent a child or ward, it may order the  
45 parent, if able, or guardian of the estate, if the estate is able, to pay to the Public Defense Services

1 Account [*in the General Fund*] **established by ORS 151.225**, through the clerk of the court, in full  
2 or in part the administrative costs of determining the ability of the parents or estate to pay for legal  
3 services and the costs of the legal and other services that are related to the provision of appointed  
4 counsel.

5 “(2) The test of the parent’s or estate’s ability to pay costs under subsection (1) of this section  
6 is the same test as applied to appointment of counsel for defendants under ORS 135.050 or under the  
7 policies, procedures, standards and guidelines adopted under ORS 151.216. If counsel is provided at  
8 state expense, the court shall apply this test in accordance with the guidelines adopted by the Public  
9 Defense Services Commission under ORS 151.485.

10 “(3) If counsel is provided at state expense, the court shall determine the amount the parents  
11 or estate is required to pay for the costs of administrative, legal and other services related to the  
12 provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

13 “(4) The court’s order of payment is enforceable in the same manner as an order of support  
14 under ORS 419B.408.

15 “**SECTION 47.** ORS 419C.203 is amended to read:

16 “419C.203. (1) When the court appoints counsel to represent a youth, it may order the youth, if  
17 able, parent, if able, or guardian of the estate, if the estate is able, to pay to the Public Defense  
18 Services Account [*in the General Fund*] **established by ORS 151.225**, through the clerk of the court,  
19 in full or in part the administrative costs of determining the ability of the youth, parents or estate  
20 to pay for legal services and the costs of the legal and other services that are related to the pro-  
21 vision of appointed counsel.

22 “(2) The test of the youth’s, parent’s or estate’s ability to pay costs under subsection (1) of this  
23 section is the same test as applied to appointment of counsel for defendants under ORS 135.050 or  
24 under the policies, procedures, standards and guidelines adopted under ORS 151.216. If counsel is  
25 provided at state expense, the court shall apply this test in accordance with the guidelines adopted  
26 by the Public Defense Services Commission under ORS 151.485.

27 “(3) If counsel is provided at state expense, the court shall determine the amount the youth,  
28 parents or estate is required to pay for the costs of administrative, legal and other services related  
29 to the provision of appointed counsel in the same manner as this amount is determined under ORS  
30 151.487.

31 “(4) In determining whether to order the youth to pay costs under subsection (1) of this section,  
32 the court shall also consider the reformatory effect of having the youth pay. The court may order  
33 that a portion of any moneys earned by the youth in juvenile work projects be used to pay costs  
34 ordered under subsection (1) of this section.

35 “(5) The court’s order of payment is enforceable in the same manner as an order of support  
36 under ORS 419C.600.

37 “**SECTION 48.** ORS 419C.535 is amended to read:

38 “419C.535. (1) If the juvenile panel of the Psychiatric Security Review Board determines that a  
39 young person about whom a hearing under ORS 419C.532 is being held is financially eligible, the  
40 juvenile panel shall appoint suitable counsel to represent the young person. Counsel appointed must  
41 be an attorney who satisfies the professional qualification standards established by the Public De-  
42 fense Services Commission under ORS 151.216. The public defense services executive director shall  
43 determine and allow fair compensation for counsel appointed under this subsection and the reason-  
44 able expenses of the young person in respect to the hearing. Compensation payable to appointed  
45 counsel may not be less than the applicable compensation level established under ORS 151.216. The

1 public defense services executive director shall pay compensation and expenses allowed from funds  
2 available for that purpose.

3 “(2) When the juvenile panel appoints counsel to represent the young person, the juvenile panel  
4 may order the young person, if able, parent, if able, or guardian of the estate, if the estate is able,  
5 to pay to the Public Defense Services Account [*in the General Fund*] **established by ORS 151.225**,  
6 through the clerk of the court, in full or in part, the administrative costs of determining the ability  
7 of the young person, parent or estate to pay for legal services and the costs of the legal and other  
8 services that are related to the provision of appointed counsel. The juvenile panel’s order of pay-  
9 ment may be entered in the County Clerk Lien Record and enforced as provided in ORS 205.126.

10 “(3) The test of the young person’s, parent’s or estate’s ability to pay costs under subsection (2)  
11 of this section is the same test as applied to appointment of counsel for defendants under ORS  
12 135.050 or under the rules adopted under ORS 151.216. If counsel is provided at state expense, the  
13 juvenile panel shall apply this test in accordance with the guidelines adopted by the Public Defense  
14 Services Commission under ORS 151.485.

15 “(4) If counsel is provided at state expense, the juvenile panel shall determine the amount the  
16 young person, parent or estate is required to pay for the costs of administrative, legal and other  
17 services related to the provision of appointed counsel in the same manner as this amount is deter-  
18 mined under ORS 151.487.

19 “(5) The Attorney General may represent the state at contested hearings before the juvenile  
20 panel unless the district attorney of the county in which the young person was adjudicated elects  
21 to represent the state. The district attorney of the county in which the young person was adjudi-  
22 cated shall cooperate with the Attorney General in securing the material necessary for presenting  
23 a contested hearing before the juvenile panel. If the district attorney elects to represent the state,  
24 the district attorney shall give timely written notice to the Attorney General, the juvenile panel and  
25 the attorney representing the young person.

26 “**SECTION 49. Section 38 of this 2012 Act and the amendments to ORS 45.275, 45.285,**  
27 **135.050, 151.216, 151.225, 151.487, 419A.170, 419A.211, 419B.198, 419C.203 and 419C.535 by**  
28 **sections 37 and 39 to 48 of this 2012 Act become operative on July 1, 2012.**

29  
30 **“STATE AGENCY FEE APPROVAL**

31  
32 **“SECTION 50. For the purpose of carrying out the provisions of ORS 291.055 (1)(e), the**  
33 **following new or increased fees, adopted by the Oregon Health Authority and approved by the**  
34 **Oregon Department of Administrative Services, are approved for the Oregon environmental**  
35 **laboratory accreditation program:**

- 36 (1) **Out of state laboratory,**  
37 **application:**  
38 (a) **Tier 1 ..... \$ 1,375**  
39 (b) **Tier 2 ..... \$ 2,200**  
40 (c) **Tier 3 ..... \$ 3,300**  
41 (2) **Out of state laboratory,**  
42 **fields of testing assessment:**  
43 (a) **Basic assessment ..... \$ 100**  
44 (b) **Moderate assessment ..... \$ 385**  
45 (c) **Complex assessment ..... \$ 550**

1	(3) Out of state laboratory,		
2	additional matrix:		
3	(a) Basic .....	\$	11
4	(b) Moderate .....	\$	44
5	(c) Complex.....	\$	83
6	(4) Biological tissue matrix:		
7	(a) Out of state, moderate .....	\$	44
8	(b) Out of state, complex .....	\$	83
9	(c) In state, moderate .....	\$	40
10	(d) In state, complex .....	\$	75

11 **“SECTION 51. For the purpose of carrying out the provisions of ORS 291.055 (1)(e), the**  
 12 **following new or increased fees, adopted by the Department of Veterans’ Affairs and ap-**  
 13 **proved by the Oregon Department of Administrative Services, are approved for the conser-**  
 14 **vatorship program:**

15	(1) Maintaining property:		
16	(a) Real property management.....	\$	40
17			per hour
18	(b) Real property appraisal.....		Actual cost
19	(c) Real property inspection.....	\$	50
20			per inspection
21	(2) Representative payee fee: .....		Four
22			percent of
23			value of
24			managed funds

25 **“SECTION 52. For the purpose of carrying out the provisions of ORS 291.055 (1)(e), the**  
 26 **following new or increased fees, adopted by the Oregon Health Licensing Agency and ap-**  
 27 **proved by the Oregon Department of Administrative Services, are approved:**

28	(1) Board of Body Art Practitioners:		
29	(a) Application:		
30	(A) Application: practitioner .....	\$	50
31	(B) Application: facility.....	\$	100
32	(C) Application by reciprocity.....	\$	150
33	(b) Examination:		
34	(A) Examination: practical.....	\$	100
35	(B) Examination: written.....	\$	50
36	(c) Original issuance of license:		
37	(A) Original license .....	\$	50
38	(B) Original license: facility .....	\$	150
39	(d) License renewal:		
40	(A) License renewal: BP training		
41	license, dermal implant,		
42	scarification, advanced		
43	body piercing.....	\$	50
44	(B) License renewal: electrology.....	\$	25
45	(C) License renewal: facility .....	\$	150

1	(e) Online license renewal:		
2	(A) Tattoo, dermal implant,		
3	scarification, BP technician.....	\$	45
4	(B) Electrology, BP temporary		
5	earlobe .....	\$	20
6	(C) Facility .....	\$	125
7	(f) Information packets.....	\$	10
8	(2) Respiratory Therapist and		
9	Polysomnographic Technologist		
10	Licensing Board:		
11	(a) Application .....	\$	50
12	(b) Original license .....	\$	50
13	(c) License renewal .....	\$	50
14	(d) Online license renewal.....	\$	45
15	(e) Examination - Oregon Laws		
16	and rules .....	\$	50
17	(f) Information packets.....	\$	10
18	(3) Nursing Home Administrators		
19	Board:		
20	(a) Application:		
21	(A) Application: original license.....	\$	100
22	(B) Application: provisional		
23	license .....	\$	50
24	(C) Application by reciprocity.....	\$	100
25	(b) Original issuance of license:		
26	(A) Original license - per year .....	\$	130
27	(B) Original license by reciprocity		
28	- for one year.....	\$	130
29	(c) Preceptor registration .....	\$	100
30	(d) License renewal - per year .....	\$	130
31	(e) Affidavit of licensure .....	\$	50
32	(f) Delinquency - per year, up		
33	to three years .....	\$	50
34	(g) Information packets.....	\$	10
35	(4) Board of Licensed Dietitians:		
36	(a) Original license - for one year..	\$	75
37	(b) License renewal - per year .....	\$	75
38	(5) State Board of Direct		
39	Entry Midwifery:		
40	(a) Original license .....	\$	1,200
41	(b) License renewal .....	\$	1,200

“JUDICIAL DEPARTMENT

“SECTION 53. Notwithstanding ORS 1.178 and 31.735, the amount of \$6,552,125 is trans-

1 referred from the State Court Facilities and Security Account to the General Fund for general  
2 governmental purposes.

3  
4 “DEPARTMENT OF ENVIRONMENTAL QUALITY

5  
6 “SECTION 54. Notwithstanding ORS 468A.400, the amount of \$3,000,000 is transferred  
7 from the Department of Environmental Quality Motor Vehicle Pollution Account to the  
8 General Fund for general governmental purposes.

9  
10 “OREGON UNIVERSITY SYSTEM

11  
12 “SECTION 55. Notwithstanding any provision of section 2, chapter 788, Oregon Laws 2005,  
13 as amended by section 2, chapter 746, Oregon Laws 2007, section 149, chapter 783, Oregon  
14 Laws 2007, sections 2 and 2a, chapter 906, Oregon Laws 2009, and section 6, chapter 70,  
15 Oregon Laws 2010, for the biennium beginning July 1, 2011, the Oregon University System  
16 may use proceeds of lottery bonds issued pursuant to section 2, chapter 788, Oregon Laws  
17 2005, as amended by section 2, chapter 746, Oregon Laws 2007, section 149, chapter 783,  
18 Oregon Laws 2007, sections 2 and 2a, chapter 906, Oregon Laws 2009, and section 6, chapter  
19 70, Oregon Laws 2010, to pay debt service on lottery bonds.

20  
21 “JUDICIAL DEPARTMENT AND LEGISLATIVE ASSEMBLY

22  
23 “SECTION 56. (1) Any difference between the amount appropriated for a biennium to the  
24 judicial department as defined in ORS 174.113, including amounts appropriated to any agency  
25 of the judicial department, and the amount of the appropriation actually expended on or be-  
26 fore the end of the biennium, is continuously appropriated to the judicial department for  
27 payment of expenses of the judicial department for the next biennium.

28 “(2) Any difference between the amount appropriated for a biennium to the legislative  
29 department as defined in ORS 174.114, including amounts appropriated to any agency of the  
30 legislative department, and the amount of the appropriation actually expended on or before  
31 the end of the biennium, is continuously appropriated to the legislative department for pay-  
32 ment of expenses of the legislative department for the next biennium.

33 “SECTION 57. Section 56 of this 2012 Act first applies to any moneys remaining from  
34 appropriations made for the biennium ending June 30, 2011.

35 “SECTION 58. ORS 293.190 is amended to read:

36 “293.190. (1) On December 31 in each odd-numbered year, all General Fund appropriation bal-  
37 ances as recorded on the records of the Oregon Department of Administrative Services for the prior  
38 biennium shall revert to the General Fund except for capital construction, continuing contracts,  
39 contested claims, special appropriations designated by legislative action, **appropriations described**  
40 **in section 56 of this 2012 Act** or savings continuously appropriated to agencies under ORS 291.120.

41 “(2) On December 31 in each odd-numbered year, all limitation balances on any separate fund  
42 or cash account in the State Treasury shall be canceled except for continuing contracts, contested  
43 claims or special limitations designated by legislative action.

44 “(3) Notwithstanding subsections (1) and (2) of this section, under conditions which shall be de-  
45 scribed by the department by rule, upon request, an extension may be granted to allow an agency



1 to make final analyses and corrections before an appropriation or limitation is canceled. The pro-  
2 cedures for requesting an extension and the criteria for approving the request shall be established  
3 by the department.

## 4 5 “FINANCING AGREEMENTS 6

7 “**SECTION 59.** ORS 182.460 is amended to read:

8 “182.460. (1) Except as provided in subsections (2) and (3) of this section and as otherwise pro-  
9 vided by law, the provisions of **ORS 283.085 to 283.092 and** ORS chapters 240, 276, 279A, 279B,  
10 279C, 282, 283, 291, 292 and 293 do not apply to a board. A board is subject to all other statutes  
11 governing a state agency that do not conflict with ORS 182.456 to 182.472, including the tort liability  
12 provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183, and a board’s employees  
13 are included within the Public Employees Retirement System.

14 “(2) Notwithstanding subsection (1) of this section, the following provisions apply to a board:

15 “(a) ORS 240.309 (1) to (6) and 240.321;

16 “(b) ORS 279A.250 to 279A.290;

17 “(c) ORS 282.210 to 282.230; and

18 “(d) ORS 293.240.

19 “(3) Notwithstanding subsection (1) of this section, ORS chapter 240 applies to the Oregon Board  
20 of Optometry, the State Board of Massage Therapists and the Physical Therapist Licensing Board.

21 “(4) In carrying out the duties, functions and powers of a board, the board may contract with  
22 any state agency for the performance of duties, functions and powers as the board considers appro-  
23 priate. A state agency may not charge a board an amount that exceeds the actual cost of those  
24 services. ORS 182.456 to 182.472 do not require an agency to provide services to a board other than  
25 pursuant to a voluntary interagency agreement or contract.

26 “(5) A board shall adopt personnel policies and contracting and purchasing procedures. The  
27 Oregon Department of Administrative Services shall review those policies and procedures for com-  
28 pliance with applicable state and federal laws and collective bargaining contracts.

29 “(6) Except as otherwise provided by law, directors and employees of a board are eligible to  
30 receive the same benefits as state employees and are entitled to retain their State of Oregon hire  
31 dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer  
32 of all accumulated state agency leaves.

33 “**SECTION 60.** ORS 284.118 is amended to read:

34 “284.118. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035  
35 [and], 279.835 to 279.855 **and 283.085 to 283.092** and ORS chapters 240, 276, 279A, 279B, 279C, 282,  
36 283, 291, 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject  
37 to all other statutes governing a state agency that do not conflict with ORS 284.101 to 284.146, in-  
38 cluding the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183.  
39 The employees of the commission are included within the Public Employees Retirement System.

40 “(2) Notwithstanding subsection (1) of this section, the following provisions apply to the com-  
41 mission:

42 “(a) ORS 279A.250 to 279A.290;

43 “(b) ORS 292.495; and

44 “(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

45 “(3) In carrying out the duties, functions and powers of the commission, the commission may

1 contract with any state agency for the performance of duties, functions and powers as the commis-  
2 sion considers appropriate. A state agency may not charge the commission an amount that exceeds  
3 the actual cost of those services. ORS 284.101 to 284.146 do not require a state agency to provide  
4 services to the commission other than pursuant to a voluntary interagency agreement or contract.

5 “(4) The commission shall adopt personnel policies and contracting and purchasing procedures.  
6 The Oregon Department of Administrative Services shall review those policies and procedures for  
7 compliance with applicable state and federal laws and collective bargaining contracts.

8 “(5) Except as otherwise provided by law, members and employees of the commission are eligible  
9 to receive the same benefits as state employees and are entitled to retain their State of Oregon hire  
10 dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer  
11 of all accumulated state agency leaves.

12 “**SECTION 61.** ORS 284.375 is amended to read:

13 “284.375. (1) Except as otherwise provided by law, ORS 279.835 to 279.855 **and 283.085 to 283.092**  
14 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Oregon  
15 Film and Video Office.

16 “(2) Notwithstanding subsection (1) of this section, ORS 279A.100, 279A.250 to 279A.290, 282.210  
17 to 282.230, 293.235, 293.240, 293.245, 293.260, 293.262, 293.611, 293.625 and 293.630 apply to the  
18 Oregon Film and Video Office.

19 “**SECTION 62.** ORS 353.100 is amended to read:

20 “353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and ORS 30.260 to 30.460,  
21 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 243.650 to 243.782, 297.040, 307.090 and  
22 307.112 apply to Oregon Health and Science University under the same terms as they apply to public  
23 bodies other than the state.

24 “(2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270, 273,  
25 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297 and ORS 35.550 to 35.575, 180.060, 180.210 to  
26 180.235, 183.710 to 183.725, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105,  
27 200.035, 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415, 279.835 to 279.855, 282.010  
28 to 282.150, **283.085 to 283.092**, 357.805 to 357.895 and 656.017 (2) do not apply to the university or  
29 any not-for-profit organization or other entity if the equity of the entity is owned exclusively by the  
30 university and if the organization or entity is created by the university to advance any of the  
31 university’s statutory missions.

32 “(3) The university, as a distinct governmental entity, or any organization or entity described  
33 in subsection (2) of this section is not subject to any provision of law enacted after January 1, 1995,  
34 with respect to any governmental entity, unless the provision specifically provides that it applies to  
35 the university or to the organization or entity.

36 “**SECTION 63.** ORS 377.836 is amended to read:

37 “377.836. (1) Except as otherwise provided by law, and except as provided in subsection (2) of  
38 this section, the provisions of ORS 279.835 to 279.855 **and 283.085 to 283.092** and ORS chapters 240,  
39 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Travel Information Council.  
40 The council is subject to all other statutes governing a state agency that do not conflict with ORS  
41 377.700 to 377.840, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions  
42 of ORS chapter 183. Subject to the requirements of ORS chapters 238 and 238A, the council’s em-  
43 ployees are members of the Public Employees Retirement System.

44 “(2) The following shall apply to the council:

45 “(a) ORS 279A.250 to 279A.290;

1 “(b) ORS 282.210 to 282.230; and  
2 “(c) ORS 293.235, 293.240, 293.245, 293.611, 293.625 and 293.630.  
3 “**SECTION 64.** ORS 421.352 is amended to read:  
4 “421.352. (1) The provisions of ORS chapters 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283,  
5 291, 292 and 293 and ORS 35.550 to 35.575, 183.710 to 183.725, 183.745, 183.750, 184.345, 190.430,  
6 190.490, 200.035, 236.605 to 236.640, 243.303, 243.305, 243.315, 243.325 to 243.335, 243.345, 243.350,  
7 243.696, 279.835 to 279.855, 282.010 to 282.150, **283.085 to 283.092** and 656.017 (2) do not apply to  
8 Oregon Corrections Enterprises.  
9 “(2) Oregon Corrections Enterprises is not subject to any provision of law enacted after De-  
10 cember 2, 1999, that governs state agencies generally unless the provision specifically provides that  
11 it applies to Oregon Corrections Enterprises.  
12 “**SECTION 65.** ORS 461.120 is amended to read:  
13 “461.120. (1)(a) Except as otherwise provided by law, the provisions of ORS 279.835 to 279.855  
14 and ORS chapters 279A, 279B, 279C, 282 and 283 do not apply to the Oregon State Lottery Com-  
15 mission unless otherwise provided by this chapter.  
16 “(b) Officers and employees of the Oregon State Lottery Commission are in the exempt service  
17 for purposes of ORS chapter 240 and other related statutes.  
18 “(c) ORS 276.004 (2), 276.021, 276.093 to 276.098, 276.410 to 276.426, 276.428, 276.440, **283.085 to**  
19 **283.092**, 291.038, 291.201 to 291.260 and 292.210 to 292.250 do not apply to the Oregon State Lottery  
20 Commission.  
21 “(d) ORS 293.075, 293.190, 293.205 to 293.225 and 293.275 do not apply to the Oregon State Lot-  
22 tery Commission.  
23 “(e) ORS 279A.100 and ORS chapters 659 and 659A apply to the Oregon State Lottery Commis-  
24 sion.  
25 “(f) Notwithstanding paragraph (a) of this subsection, the provisions of ORS 282.210 shall apply  
26 to the Oregon State Lottery Commission.  
27 “(2) The commission shall, in accordance with ORS chapter 183, adopt and enforce rules to carry  
28 out the provisions of this chapter.  
29 “**SECTION 66.** ORS 576.306 is amended to read:  
30 “576.306. (1) A commodity commission may contract with an independent contractor for the  
31 performance of any services. However, the commission may not contract with an independent con-  
32 tractor to perform the discretionary functions of the commission. ORS 279.835 to 279.855 and ORS  
33 chapters 240, 279A, 279B and 279C do not apply to the commission in obtaining such services, except  
34 that [*no contract for such services shall*] **a contract for such services may not** take effect until  
35 approved by the State Department of Agriculture as provided in subsection (7) of this section.  
36 “(2) The commission may rent space or acquire supplies and equipment from any contractor as  
37 described in subsection (1) of this section. ORS chapters 276, 278, 279A, 279B, 279C and 283 and ORS  
38 279.835 to 279.855, **283.085 to 283.092** and 291.038 do not apply to such rentals or acquisitions.  
39 “(3) Except as provided in this section, a contractor described in subsection (1) of this section  
40 shall be considered an independent contractor and not an employee, eligible employee, public em-  
41 ployee or employee of the state for purposes of Oregon law, including ORS chapters 236, 238, 238A,  
42 240, 243, 291, 292, 316 and 652.  
43 “(4) Nothing in this section precludes the state or a commission from being considered the em-  
44 ployer of the contractor described in subsection (1) of this section for purposes of unemployment  
45 compensation under ORS chapter 657 and ORS 670.600.

1 “(5) A contractor described in subsection (1) of this section shall be considered an independent  
2 contractor and not a worker for purposes of ORS chapter 656 and ORS 670.600.

3 “(6) A contractor described in subsection (1) of this section may not be considered a public of-  
4 ficial, public officer, state officer or executive official for purposes of Oregon law, including ORS  
5 chapters 236, 244, 292, 295 and 297 and ORS 171.725 to 171.785.

6 “(7) The State Department of Agriculture shall review the contract described in subsection (1)  
7 of this section for the adequacy of the clauses pertaining to statement of work, starting and ending  
8 dates, consideration, subcontracts, funds authorized in the budget, amendments, termination, com-  
9 pliance with applicable law, assignment and waiver, access to records, indemnity, ownership of work  
10 product, nondiscrimination, successors in interest, attorney fees, tax certification or merger or any  
11 other clause the department deems necessary.

12 “(8) The Oregon Department of Administrative Services, in consultation with the State Depart-  
13 ment of Agriculture, shall adopt rules necessary for the screening and selection of independent  
14 contractors under this section.

15 “(9) Except as provided in subsection (8) of this section, the State Department of Agriculture  
16 may promulgate any rules necessary for the administration and enforcement of this section.

17 “**SECTION 67.** ORS 656.753 is amended to read:

18 “656.753. (1) Except as otherwise provided by law, the provisions of ORS 279.835 to 279.855 **and**  
19 **283.085 to 283.092** and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not  
20 apply to the State Accident Insurance Fund Corporation.

21 “(2) In carrying out the duties, functions and powers imposed by law upon the State Accident  
22 Insurance Fund Corporation, the board of directors or the manager of the State Accident Insurance  
23 Fund Corporation may contract with any state agency for the performance of such duties, functions  
24 and powers as the corporation considers appropriate.

25 “(3) Notwithstanding subsection (1) or (2) of this section, ORS 293.240 except for appeals pur-  
26 suant to ORS 737.318, ORS 293.260, 293.262 and 293.505 (2) shall apply to the directors, manager,  
27 assistants and accounts of the State Accident Insurance Fund Corporation and any subsidiary cor-  
28 poration formed or acquired by the State Accident Insurance Fund Corporation.

29 “(4) Notwithstanding subsection (1) or (2) of this section, ORS 243.305, 279A.100 and 659A.012  
30 apply to the directors, manager and employees of the State Accident Insurance Fund Corporation.

31 “**SECTION 68.** ORS 741.250 is amended to read:

32 “741.250. (1) Except as otherwise provided by law, the provisions of ORS 279.835 to 279.855 **and**  
33 **283.085 to 283.092** and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not  
34 apply to the Oregon Health Insurance Exchange Corporation.

35 “(2) In carrying out the duties, functions and powers imposed by law upon the corporation, the  
36 corporation board of directors or the executive director of the corporation may contract with any  
37 state agency or other qualified person or entity for the performance of such duties, functions and  
38 powers as the board or executive director considers appropriate.

39 “(3) ORS 30.210 to 30.250, 30.260 to 30.300, 30.310, 30.312, 30.390 and 30.400 apply to the members  
40 of the board, the executive director and employees of the corporation.

41 “(4) Notwithstanding subsection (1) of this section, ORS [293.235,] 293.240[, 293.245, 293.260,  
42 293.262, 293.611, 293.625 and 293.630 apply] **applies** to the accounts of the corporation.

43 “(5) Notwithstanding subsections (1) and (2) of this section, ORS 243.305, 279A.100 and 659A.012  
44 apply to the members of the board, executive director and employees of the corporation.

45 “**SECTION 69.** ORS 757.552 is amended to read:

1 “757.552. (1) It is the function of the board of directors to operate the Oregon Utility Notifica-  
2 tion Center, through which a person shall notify operators of underground facilities of proposed  
3 excavations and request that the underground facilities be marked.

4 “(2) The board of directors shall:

5 “(a) Utilize a competitive process to contract with any qualified person to provide the notifica-  
6 tion required under subsection (1) of this section.

7 “(b) Subject to subsection (3) of this section, establish rates, on a per call basis, under which  
8 subscribers shall pay to fund all of the activities of the Oregon Utility Notification Center.

9 “(c) Adopt rules according to ORS chapter 183 that regulate the notification and marking of  
10 underground facilities to prevent damage to underground facilities. The rules, insofar as is practi-  
11 cable, shall be consistent with the Oregon Utilities Coordinating Council Standards Manual of  
12 March 31, 1995.

13 “(3) The Oregon Utility Notification Center shall have all of the powers of a state agency. Ex-  
14 cept as provided in subsection (2) of this section, the provisions of ORS 279.835 to 279.855 **and**  
15 **283.085 to 283.092** and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 [shall]  
16 **do** not apply to the Oregon Utility Notification Center.

17 “(4) Notwithstanding subsection (2)(b) of this section, the board of directors shall not establish  
18 rates or other charges that require payments from any subscriber who receives fewer than 50 tele-  
19 phone calls in the calendar year or that result in annual payments of more than \$500 for any of the  
20 following subscribers:

21 “(a) Cities with a population under 15,000;

22 “(b) Telecommunications utilities serving fewer than 50,000 access lines and regulated by the  
23 Public Utility Commission under ORS chapter 759;

24 “(c) Cable system operators serving fewer than 15,000 customers;

25 “(d) Utilities, special districts, people’s utility districts or authorities providing electricity, water  
26 or sanitary sewer service to fewer than 15,000 residential customers; and

27 “(e) Telecommunications cooperatives.

28 “**SECTION 70.** ORS 757.822 is amended to read:

29 “757.822. (1) Except as provided in subsection (2) of this section, the provisions of ORS chapters  
30 35 [(1, other than ORS 35.550 to 35.575)], 180, 190, 192 and 244 and ORS 30.260 to 30.460, 200.005  
31 to 200.025, 200.045 to 200.090, 221.450, 236.605 to 236.640, 243.650 to 243.782 [(1, other than [ORS]  
32 243.696)], 297.040, 307.090 and 307.112 apply to Oregon Community Power under the same terms as  
33 they apply to any other subdivision of state government.

34 “(2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 238, 238A,  
35 240, 270, 273, 276, 279A, 279B, 279C, 283, 286A, 291, 292, 293, 294, 295 and 297 and ORS 35.550 to  
36 35.575, 183.710 to 183.725, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105,  
37 200.035, 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415, 279.835 to 279.855, 282.010  
38 to 282.150, **283.085 to 283.092**, 287A.140, 287A.150, 287A.472 and 656.017 (2) do not apply to Oregon  
39 Community Power.

40 “(3) Oregon Community Power is not a participating public employer in the Public Employees  
41 Retirement System.

42 “(4) Any funds held by or under the control of Oregon Community Power are not public funds,  
43 as defined in ORS 295.001.

44 “**SECTION 71.** ORS 774.190 is amended to read:

45 “774.190. (1) ORS 279.835 to 279.855 **and 283.085 to 283.092** and ORS chapters 278, 279A, 279B,

1 279C, 282, 283, 291, 292, 293, 295 and 297 do not apply to Citizens' Utility Board or to the adminis-  
2 tration and enforcement of this chapter. An employee of Citizens' Utility Board [*shall not be*] **is not**  
3 considered an 'employee' as the term is defined in the public employees retirement laws. Citizens'  
4 Utility Board and its employees [*shall be*] **are** exempt from the provisions of the State Personnel  
5 Relations Law.

6 “(2) ORS chapter 183 does not apply to determinations and actions by the board.

7 “(3) The board, and any of the officers, employees, agents or members of Citizens' Utility Board  
8 shall be provided the same protections from liability as the board, officers, employees, agents, or  
9 members of any nonprofit corporation of the State of Oregon.

10  
11 **“DEPARTMENT OF JUSTICE**

12  
13 **“SECTION 72. Notwithstanding ORS 180.095, 180.096, 646.775 and 646A.284, the amount of**  
14 **\$4,000,000 is transferred from the Department of Justice Protection and Education Revolving**  
15 **Account to the General Fund for general governmental purposes.**

16  
17 **“PUBLIC BODY INSURANCE**

18  
19 **“SECTION 73. Notwithstanding ORS 30.282, 30.285, 278.425, 655.515 and 655.540, the**  
20 **amount of \$13,300,000 is transferred from the Insurance Fund to the General Fund for gen-**  
21 **eral governmental purposes. The transfer shall be made not later than June 30, 2012.**

22  
23 **“CONCILIATION AND MEDIATION SERVICES,**  
24 **LAW LIBRARY SERVICES AND COURT FACILITIES**

25  
26 **“SECTION 74. (1) Notwithstanding sections 1 (1) and 2 (1), chapter 628, Oregon Laws 2011,**  
27 **amounts distributed to counties under sections 1 (2) and 2 (2), chapter 628, Oregon Laws 2011,**  
28 **may be used for:**

29 **“(a) Conciliation and mediation services in circuit courts; or**

30 **“(b) The operation of law libraries or the provision of law library services.**

31 **“(2) The governing body of the county may determine the amount to be spent on each**  
32 **of the two purposes specified in subsection (1) of this section from the amounts distributed**  
33 **to counties under sections 1 (2) and 2 (2), chapter 628, Oregon Laws 2011.**

34 **“(3) The provisions of this section apply only to counties containing less than 400,000 in-**  
35 **habitants, according to the latest federal decennial census.**

36 **“SECTION 74a. (1) Notwithstanding section 2 (1), chapter 628, Oregon Laws 2011, of the**  
37 **amounts distributed to a county under section 2 (2), chapter 628, Oregon Laws 2011, the**  
38 **county may expend not more than \$716,000 for capital outlays for court facilities.**

39 **“(2) Notwithstanding sections 1 (1) and 2 (1), chapter 628, Oregon Laws 2011, the amounts**  
40 **that remain after any expenditure under subsection (1) of this section from the distributions**  
41 **to a county under sections 1 (2) and 2 (2), chapter 628, Oregon Laws 2011, may be used for:**

42 **“(a) Conciliation and mediation services in circuit courts; or**

43 **“(b) The operation of law libraries or the provision of law library services.**

44 **“(3) The governing body of the county may determine the amount to be spent on each**  
45 **of the two purposes specified in subsection (2) of this section from the amounts that remain**

1 after any expenditure under subsection (1) of this section from the distributions to a county  
2 under sections 1 (2) and 2 (2), chapter 628, Oregon Laws 2011.

3 “(4) The provisions of this section apply only to counties containing more than 400,000  
4 inhabitants, according to the latest federal decennial census.

5  
6 “STATE COURT SECURITY, EMERGENCY PREPAREDNESS  
7 AND BUSINESS CONTINUITY  
8

9 “**SECTION 75.** ORS 1.177 is amended to read:

10 1.177. [(1) *The Chief Justice of the Supreme Court may appoint an Advisory Committee on State*  
11 *Court Security and Emergency Preparedness for the Supreme Court, Court of Appeals, Oregon Tax*  
12 *Court and office of the State Court Administrator.*]

13 “[2) *A committee appointed under this section shall meet at the call of the Chief Justice.*]

14 “[3) *A committee appointed under this section shall submit to the Chief Justice a state plan for*  
15 *state court security improvement, emergency preparedness and business continuity for each building*  
16 *containing or utilized by the Supreme Court, Court of Appeals, Oregon Tax Court or office of the State*  
17 *Court Administrator. The plan shall include capital outlay needs and may include recommendations*  
18 *concerning:*]

19 “[*(a) Procedures for the secure handling, transportation and disposal of hazardous substances and*  
20 *contraband in court proceedings;*]

21 “[*(b) Emergency alarm systems accessible to all court employees;*]

22 “[*(c) Physical security for judges, staff and the public;*]

23 “[*(d) Procedures for emergency evacuation of buildings containing or utilized by the Supreme*  
24 *Court, Court of Appeals, Oregon Tax Court or office of the State Court Administrator;*]

25 “[*(e) Procedures for identifying court security personnel, including a court security officer to be*  
26 *appointed by the Chief Justice, who shall be responsible for:*]

27 “[*(A) The management of the plan;*]

28 “[*(B) A regular security inspection of each building containing or utilized by the Supreme Court,*  
29 *Court of Appeals, Oregon Tax Court or office of the State Court Administrator; and*]

30 “[*(C) Regular security training of sheriff's department, judicial department and district attorney*  
31 *personnel; and*]

32 “[*(f) Priorities for available court facilities within the building based on the level of security*  
33 *needed.*]

34 “[4) *The plan may also include:*]

35 “[*(a) An evaluation of how each of the items listed in subsection (3) of this section is being ad-*  
36 *dressed and should be addressed;*]

37 “[*(b) How practices, facilities and equipment falling below appropriate levels are to be improved;*]

38 “[*(c) The anticipated cost of improving practices, facilities and equipment that fall below appro-*  
39 *priate levels;*]

40 “[*(d) The funding source for each improvement; and*]

41 “[*(e) The time schedule for implementation of improvements.*]

42 “[5) *Adoption of a plan under this section is subject to the approval of the Chief Justice. The plan*  
43 *may conclude that state court facility security is adequate.*]

44 “[6) *Implementation of the elements of a plan that have a significant fiscal impact are subject to*  
45 *availability of funding.*]

1           “[(7) *The plan adopted under this section shall be reviewed and revised or amended as needed, not*  
2 *later than June 30 of each odd-numbered year.*]

3           “(1) **The Chief Justice of the Supreme Court may adopt state standards, and a state plan,**  
4 **for state court security, emergency preparedness and business continuity for facilities used**  
5 **by judges or staff of a circuit court, the Supreme Court, Court of Appeals or Oregon Tax**  
6 **Court or the office of the State Court Administrator.**

7           “(2) **The Chief Justice may appoint a judicial security officer and other judicial security**  
8 **personnel charged with implementing a state plan adopted under subsection (1) of this sec-**  
9 **tion.**

10          “[(8)] (3) Except as provided in this subsection, a plan [*prepared*] **adopted** under this section  
11 [*is*] **and all documents related to development of the plan are** confidential and need not be dis-  
12 closed under the provisions of ORS 192.410 to 192.505. The Chief Justice may authorize the disclo-  
13 sure of all or part of a plan prepared under this section if the Chief Justice determines that the  
14 interest of the public would be served by the disclosure and that the disclosure will not impair the  
15 integrity of the plan. Records of expenditures for a state court security plan and records of equip-  
16 ment purchased under the plan are not confidential under the provisions of this subsection, and are  
17 subject to disclosure as public records under the provisions of ORS 192.410 to 192.505.

18          “**SECTION 76.** ORS 1.178 is amended to read:

19          “1.178. (1) The State Court Facilities and Security Account is established separate and distinct  
20 from the General Fund. The account consists of moneys allocated to the account under the pro-  
21 visions of ORS 137.300. [*Interest earned by the State Court Facilities and Security Account shall be*  
22 *credited to the account.*] Moneys in the account are continuously appropriated to the State Court  
23 Administrator for the purposes described in subsection (2) of this section.

24          “(2) Expenditures by the State Court Administrator from the State Court Facilities and Security  
25 Account shall be made only for the following purposes:

26          “(a) Developing or implementing [*a*] **the** plan for state court security [*improvement*], emergency  
27 preparedness and business continuity **adopted** under ORS 1.177. **Expenditures under this para-**  
28 **graph may not be used to fund positions in the judicial department.**

29          “(b) Statewide training on state court security.

30          “(c) Distributions to court facilities security accounts maintained under ORS 1.182.

31          “(d) Capital improvements for courthouses and other state court facilities.

32          “**SECTION 77. The amendments to ORS 1.178 by section 76 of this 2012 Act become op-**  
33 **erative July 1, 2013.**

34          “**SECTION 78.** Section 61a, chapter 597, Oregon Laws 2011, is amended to read:

35          “**Sec. 61a.** [(1) *During the biennium beginning July 1, 2011, the State Court Administrator may*  
36 *expend not more than \$2,862,376 from the State Court Facilities and Security Account for the purposes*  
37 *of:*]

38          “[(a) *Developing or implementing a plan for state court security improvement, emergency*  
39 *preparedness and business continuity under ORS 1.177.*]

40          “[(b) *Statewide training on state court security.*]

41          “[(2)] During the biennium beginning July 1, 2011, the State Court Administrator may distribute  
42 not more than \$4,701,919 from the State Court Facilities and Security Account to court facilities  
43 security accounts maintained under ORS 1.182. The distribution to each county shall be based on  
44 amounts deposited in the Criminal Fine and Assessment Account by the circuit court for the county  
45 in the 2009-2011 biennium.



1           “(3) *Notwithstanding ORS 1.178 (2)(d), during the biennium beginning July 1, 2011, the State*  
2 *Court Administrator may not expend any funds from the State Court Facilities and Security Account*  
3 *for the purpose of capital improvements for courthouses and other state court facilities.*]  
4

5                                   **“JUDICIAL BRANCH COMPENSATION CHANGES**

6  
7           **“SECTION 79. (1) Before making any change to a compensation plan, an administrative**  
8 **division of the judicial department must submit the proposed change to the Joint Committee**  
9 **on Ways and Means during the period when the Legislative Assembly is in session, or to the**  
10 **Emergency Board or the Joint Interim Committee on Ways and Means during the interim**  
11 **period between sessions.**

12           **“(2) This section applies to all boards, commissions, committees and departments of the**  
13 **judicial department, as defined in ORS 174.113, including but not limited to the Public Defense**  
14 **Services Commission and the Commission on Judicial Fitness and Disability.**

15  
16                                   **“HUMAN SERVICES**

17  
18           **“SECTION 80.** ORS 412.079 is amended to read:

19           “412.079. (1) Except as provided in subsections (2) and (3) of this section, a needy caretaker  
20 relative may not receive aid under ORS 412.006 **if the needy caretaker relative has received aid**  
21 **under the temporary assistance for needy families program in this state or any other state**  
22 **for more than a total of 60 months.**

23           “(2) The Department of Human Services may not count toward the 60-month limit on receipt of  
24 aid described in subsection (1) of this section any month in which a needy caretaker relative:

25           “(a) Receives a grant of temporary assistance for needy families under ORS 412.001 to 412.069,  
26 or assistance funded under Title IV-A of the Social Security Act in this or another state, prior to  
27 July 1, 2003;

28           “(b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult residents  
29 in the area are unemployed;

30           “(c) Is, in that month, a minor child and neither the head of the household nor married to the  
31 head of the household;

32           “(d) Receives aid under ORS [412.001 to 412.155 that is not funded with grants under Title IV-A  
33 of the Social Security Act] **411.878, 412.014 or 412.124;**

34           “(e) Is enrolled at an educational institution under ORS 412.016;

35           “(f) Is exempt from time limits pursuant to rules adopted by the department in accordance with  
36 section 408(a)(7)(C) of the Social Security Act; or

37           “(g) Is unable to obtain or maintain employment for a sufficient number of hours in a month to  
38 satisfy the federally required participation rates because the needy caretaker relative:

39           “(A) Is a victim of domestic violence as defined in ORS 411.117;

40           “(B) Has a certified learning disability;

41           “(C) Has a mental health condition or an alcohol or drug abuse problem;

42           “(D) Has a disability as defined by the department by rule in a manner consistent with the de-  
43 finition of disability in the Americans with Disabilities Act;

44           “(E) Has a child with a disability;

45           “(F) Is deprived of needed medical care; or

1 “(G) Is subjected to battery or extreme cruelty as defined by the department by rule.

2 “(3) A needy caretaker relative may not be denied aid **or terminated from receiving aid** on

3 the basis of the 60-month limitation described in subsection (1) of this section if the individual is

4 experiencing a situation described in subsection (2) of this section.

5 “(4)(a) The Department of Human Services shall monitor the average period of time a [*person*]

6 **family** receives aid and shall record such information by family size. The department shall monitor

7 the wages and benefits received by an individual who becomes employed while receiving aid, in-

8 cluding medical and child care benefits. The department shall monitor and record the rate at which

9 [*persons*] **families** who cease receiving aid for employment subsequently apply for and receive aid.

10 “(b) The department shall report the results of the monitoring required under paragraph (a) of

11 this subsection to the Legislative Assembly not later than the 15th day of each odd-numbered year

12 regular session.

13 “**SECTION 81.** Section 83, chapter 630, Oregon Laws 2011, is amended to read:

14 “**Sec. 83. (1)** Notwithstanding ORS 412.124, for the [*biennium*] **period** beginning July 1, 2011,

15 **and ending April 30, 2012**, the Department of Human Services may provide aid described in ORS

16 412.124 subject to available funding as approved in the legislatively adopted or legislatively ap-

17 proved budget for the department.

18 “**(2) The department may not provide aid described in ORS 412.124 for the period begin-**

19 **ning May 1, 2012, and ending June 30, 2013.**

20 “[~~(2)~~] **(3)** As used in this section:

21 “(a) ‘Legislatively adopted budget’ has the meaning given that term in ORS 291.002.

22 “(b) ‘Legislatively approved budget’ has the meaning given that term in ORS 291.002.

23 “**SECTION 82.** Section 1, chapter 604, Oregon Laws 2011, is amended to read:

24 “**Sec. 1.** For the biennium beginning July 1, 2011, the Department of Human Services may,

25 notwithstanding ORS 411.070, 412.006, 412.009 and 412.016:

26 “(1) Prescribe by rule an employability assessment and orientation process that the department

27 shall use to determine the level of participation by individuals applying for or receiving aid pursuant

28 to the temporary assistance for needy families program and required to participate in the job op-

29 portunity and basic skills program described in ORS 412.006. This process must occur prior to any

30 assessment described in ORS 412.006 (3) that is conducted by the department.

31 “(2) Require all families to participate in the employability assessment and orientation process

32 as a condition for the family’s receipt of aid.

33 “(3) Determine the selection and placement in the job opportunity and basic skills program ac-

34 tivities of existing and future applicants and recipients of aid based on the results of the

35 employability assessment or other criteria.

36 “(4) Require an individual in a one-parent family to participate in the job opportunity and basic

37 skills program while caring for a dependent child who is under two years of age.

38 “(5) Not approve enrollment in and attendance at an educational institution as an allowable

39 work activity for purposes of ORS 412.001 to 412.069, except for recipients who have a case plan in

40 effect on June 30, 2011, that approves enrollment in and attendance at an educational institution

41 as an allowable work activity under ORS 412.016.

42 “(6) Deny **or terminate** aid to a family in which a caretaker relative is separated from em-

43 ployment without good cause [*during the 60-day period ending on the date of application for aid*],

44 subject to exceptions prescribed by the department by rule. **The family shall be ineligible to re-**

45 **ceive aid for a period of 120 days beginning on the date the caretaker relative is separated**

1 **from employment without good cause.**

2 “(7) Establish an income eligibility limit equal to 185 percent of the federal poverty guidelines  
3 for aid to a dependent child residing with a caretaker relative who is not the child’s parent.

4 “(8) Deny employment-related day care assistance to a parent who is self-employed.

5 “(9) Eliminate the reduced copayment required for employment-related day care assistance in  
6 the first month of employment.

7 “**SECTION 83.** Section 19, chapter 827, Oregon Laws 2009, as amended by section 84, chapter  
8 630, Oregon Laws 2011, is amended to read:

9 “**Sec. 19.** Notwithstanding section 24, chapter 736, Oregon Laws 2003[,]:

10 “(1) For the *[biennium]* **period** beginning July 1, 2011, **and ending March 31, 2013**, the De-  
11 partment of Human Services may limit reimbursement paid to Medicaid-certified long term care fa-  
12 cilities to the rates in effect on June 30, 2011, in accordance with the legislatively adopted budget.

13 “(2) **For the period beginning April 1, 2013, and ending June 30, 2013, the department may**  
14 **limit reimbursement paid to Medicaid-certified long term care facilities to rates equal to or**  
15 **below the rates in effect on June 30, 2011, in accordance with the legislatively approved**  
16 **budget, as defined in ORS 291.002.**

17  
18 **“SMALL SCHOOL DISTRICTS**

19  
20 “**SECTION 84.** Section 19, chapter 846, Oregon Laws 2007, is amended to read:

21 “**Sec. 19.** The amendments to ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045  
22 by sections 11 to 17 *[of this 2007 Act]*, **chapter 846, Oregon Laws 2007**, and the repeal of ORS  
23 327.355, 327.357 and 327.360 by section 18 *[of this 2007 Act]*, **chapter 846, Oregon Laws 2007**, be-  
24 come operative on June 30, *[2012]* **2013.**

25 “**SECTION 85.** Section 3, chapter 302, Oregon Laws 2011, is amended to read:

26 “**Sec. 3.** The amendments to ORS 329.488 by section 2 *[of this 2011 Act]*, **chapter 302, Oregon**  
27 **Laws 2011**, become operative June 30, *[2012]* **2013.**

28  
29 **“LOCAL COURT REPORTS**

30  
31 “**SECTION 86.** (1) **Once every two years, the League of Oregon Cities and the Association**  
32 **of Oregon Counties shall report to the Legislative Fiscal Officer information identified by the**  
33 **Legislative Fiscal Officer relating to the caseload, revenues and expenditures of municipal**  
34 **courts and justice courts. Before establishing the list of information to be provided, the**  
35 **Legislative Fiscal Officer shall consult with the League of Oregon Cities and the Association**  
36 **of Oregon Counties. The Legislative Fiscal Officer may not request information that requires**  
37 **additional data gathering by municipal courts, justice courts, cities and counties. The re-**  
38 **ported information shall be based on the fiscal year used by each municipal court and justice**  
39 **court.**

40 “(2) **The reports required by this section must be made not later than October 1 of each**  
41 **even-numbered year. The Legislative Fiscal Officer may specify the manner in which the**  
42 **reports are made. The Legislative Fiscal Officer shall provide a summary of the information**  
43 **provided under this section to the Joint Committee on Ways and Means upon the convening**  
44 **of the next odd-numbered year regular session of the Legislative Assembly. Copies of the**  
45 **summary shall be provided to the League of Oregon Cities and the Association of Oregon**

1 **Counties.**

2 **“SECTION 87. The first report under section 86 of this 2012 Act must be made not later**  
3 **than October 1, 2012.**

4  
5 **“OREGON HEALTH INSURANCE EXCHANGE CORPORATION**

6  
7 **“SECTION 88.** ORS 741.002 is amended to read:

8 **“741.002. (1)** The duties of the Oregon Health Insurance Exchange Corporation are to:

9 **“(a)** Administer a health insurance exchange in accordance with federal law to make qualified  
10 health plans available to individuals and groups throughout this state.

11 **“(b)** Provide information in writing, through an Internet-based clearinghouse and through a  
12 toll-free telephone line that will assist individuals and small businesses in making informed health  
13 insurance decisions, including:

14 **“(A)** The grade of each health plan as determined by the corporation and the grading criteria  
15 that were used;

16 **“(B)** Quality and enrollee satisfaction ratings; and

17 **“(C)** The comparative costs, benefits, provider networks of health plans and other useful infor-  
18 mation.

19 **“(c)** Establish and make available an electronic calculator that allows individuals and employers  
20 to determine the cost of coverage after deducting any applicable tax credits or cost-sharing re-  
21 duction.

22 **“(d)** Using procedures approved by the corporation’s board of directors and adopted by rule by  
23 the corporation under ORS 741.310, screen, certify and recertify health plans as qualified health  
24 plans according to federal and state standards and ensure that qualified health plans provide choices  
25 of coverage.

26 **“(e)** Decertify or suspend, in accordance with ORS chapter 183, the certification of health plans  
27 that fail to meet federal and state standards in order to exclude them from participation in the ex-  
28 change.

29 **“(f)** Promote fair competition of carriers participating in the exchange by certifying multiple  
30 health plans as qualified under ORS 741.310.

31 **“(g)** Grade health plans in accordance with criteria established by the United States Secretary  
32 of Health and Human Services and by the corporation.

33 **“(h)** Establish open and special enrollment periods for all enrollees, and monthly enrollment  
34 periods for Native Americans in accordance with federal law.

35 **“(i)** Assist individuals and groups to enroll in qualified health plans, including defined contribu-  
36 tion plans as defined in section 414 of the Internal Revenue Code and, if appropriate, collect and  
37 remit premiums for such individuals or groups.

38 **“(j)** Facilitate community-based assistance with enrollment in qualified health plans by awarding  
39 grants to entities that are certified as navigators as described in 42 U.S.C. 18031(i).

40 **“(k)** Provide information to individuals and employers regarding the eligibility requirements for  
41 state medical assistance programs and assist eligible individuals and families in applying for and  
42 enrolling in the programs.

43 **“(L)** Provide employers with the names of employees who end coverage under a qualified health  
44 plan during a plan year.

45 **“(m)** Certify the eligibility of an individual for an exemption from the individual responsibility

1 requirement of section 5000A of the Internal Revenue Code.

2 “(n) Provide information to the federal government necessary for individuals who are enrolled  
3 in qualified health plans through the exchange to receive tax credits and reduced cost-sharing.

4 “(o) Provide to the federal government:

5 “(A) Information regarding individuals determined to be exempt from the individual responsibil-  
6 ity requirement of section 5000A of the Internal Revenue Code;

7 “(B) Information regarding employees who have reported a change in employer;

8 “(C) Information regarding individuals who have ended coverage during a plan year; and

9 “(D) Any other information necessary to comply with federal requirements.

10 “(p) Take any other actions necessary and appropriate to comply with the federal requirements  
11 for a health insurance exchange.

12 “(q) Work in coordination with the Oregon Health Authority, the Oregon Health Policy Board  
13 and the Department of Consumer and Business Services in carrying out its duties.

14 “(2) The corporation may sue and be sued.

15 “(3) The corporation may:

16 “(a) Acquire, lease, rent, own and manage real property.

17 “(b) Construct, equip and furnish buildings or other structures as are necessary to accommodate  
18 the needs of the corporation.

19 “(c) Purchase, rent, lease or otherwise acquire for the corporation’s use all supplies, materials,  
20 equipment and services necessary to carry out the corporation’s duties.

21 “(d) Sell or otherwise dispose of any property acquired under this subsection.

22 “(e) **Borrow money and give guarantees to finance its facilities and operations.**

23 “(4) Any real property acquired and owned by the corporation under this section shall be subject  
24 to ad valorem taxation.

25 “(5) **The corporation may not borrow money or give guarantees under subsection (3)(e)**  
26 **of this section unless the obligations of the corporation are payable solely out of the**  
27 **corporation’s own resources and do not constitute a pledge of the full faith and credit of the**  
28 **State of Oregon or any of the revenues of this state. The State Treasurer and the State of**  
29 **Oregon may not pay bond-related costs for an obligation incurred by the corporation. A**  
30 **holder of an obligation incurred by the corporation does not have the right to compel the**  
31 **exercise of the taxing power of the state to pay bond-related costs.**

32 “[5] (6) The corporation may adopt rules necessary to carry out its mission, duties and func-  
33 tions.

34 “**SECTION 89.** ORS 741.101 is amended to read:

35 “741.101. *[The Oregon Health Insurance Exchange Fund is established in the State Treasury,*  
36 *separate and distinct from the General Fund. Interest earned by the Oregon Health Insurance Ex-*  
37 *change Fund shall be credited to the fund. The Oregon Health Insurance Exchange Fund consists of*  
38 *moneys received by the Oregon Health Insurance Exchange Corporation through premiums or the im-*  
39 *position of fees under ORS 741.105 and moneys received as grants under ORS 741.310. Moneys in the*  
40 *fund are continuously appropriated to the Oregon Health Insurance Exchange Corporation for carrying*  
41 *out the purposes of ORS 741.001 to 741.540.]*

42 “(1) **As used in this section, ‘depository’ has the meaning given that term in ORS 295.001.**

43 “(2) **The Oregon Health Insurance Exchange Corporation shall establish one or more ac-**  
44 **counts in one or more depositories insured by the Federal Deposit Insurance Corporation or**  
45 **the National Credit Union Share Insurance Fund. In a manner consistent with the require-**

1 ments of ORS 295.001 to 295.108, the corporation shall ensure that sufficient collateral se-  
2 cures any amount of funds on deposit that exceeds the limits of the coverage of the Federal  
3 Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. All  
4 moneys collected or received by the corporation or placed to the credit of the corporation  
5 that are not invested under ORS 741.105 must be deposited to the accounts established under  
6 this section, including, but not limited to, moneys received by the corporation through pre-  
7 miums or the imposition of fees under ORS 741.105 and moneys received as grants under ORS  
8 741.310.

9 “**SECTION 90.** All moneys remaining unexpended in the Oregon Health Insurance Ex-  
10 change Fund on the effective date of this 2012 Act shall be deposited to an account estab-  
11 lished by the Oregon Health Insurance Exchange Corporation under ORS 741.101.

12 “**SECTION 91.** ORS 741.105 is amended to read:

13 “741.105. (1) The Oregon Health Insurance Exchange Corporation board of directors shall es-  
14 tablish, and the corporation shall impose and collect, an administrative charge from all insurers and  
15 state programs participating in the health insurance exchange in an amount sufficient to cover the  
16 costs of grants to navigators certified under ORS 741.002 and to pay the administrative and opera-  
17 tional expenses of the corporation in carrying out ORS 741.001 to 741.540. The charge shall be paid  
18 in a manner and at intervals prescribed by the board and shall be deposited in [*the Oregon Health*  
19 *Insurance Exchange Fund*] **an account** established in ORS 741.101.

20 “(2) Each insurer’s charge shall be based on the number of individuals, excluding individuals  
21 enrolled in state programs, who are enrolled in health plans offered by the insurer through the ex-  
22 change. The assessment on each state program shall be based on the number of individuals enrolled  
23 in state programs offered through the exchange. The charge may not exceed:

24 “(a) Five percent of the premium or other monthly charge for each enrollee if the number of  
25 enrollees receiving coverage through the exchange is at or below 175,000;

26 “(b) Four percent of the premium or other monthly charge for each enrollee if the number of  
27 enrollees receiving coverage through the exchange is above 175,000 and at or below 300,000; and

28 “(c) Three percent of the premium or other monthly charge for each enrollee if the number of  
29 enrollees receiving coverage through the exchange is above 300,000.

30 “(3)(a) If charges collected under subsection (1) of this section exceed the amounts needed for  
31 the administrative and operational expenses of the corporation, the excess moneys collected [*shall*]  
32 **may** be held and invested and, with the earnings and interest, used by the corporation to offset fu-  
33 ture net losses or reduce the administrative costs of the corporation.

34 “(b) **Investments made by the corporation under this subsection are:**

35 “(A) **Limited to investments described in ORS 294.035;**

36 “(B) **Subject to the investment maturity date limitations described in ORS 294.135; and**

37 “(C) **Subject to the conduct prohibitions listed in ORS 294.145.**

38 “(c) The maximum amount of excess moneys that may be held under this subsection is the total  
39 administrative and operational expenses anticipated by the corporation for a six-month period. Any  
40 moneys received that exceed the maximum shall be applied by the corporation to reduce the charges  
41 imposed by this section.

42 “(4) Charges shall be based on annual statements and other reports deemed necessary by the  
43 corporation and filed by an insurer or state program with the exchange.

44 “(5) In addition to charges imposed under subsection (1) of this section, to the extent permitted  
45 by federal law the corporation may impose a fee on insurers and state programs participating in the

1 exchange to cover the cost of commissions of insurance producers that are certified by the corpo-  
2 ration to facilitate the participation of individuals and employers in the exchange.

3 “(6) The board shall establish the charges and fees under this section in accordance with ORS  
4 183.310 to 183.410 and in such a manner that will reasonably and substantially accomplish the ob-  
5 jective of subsections (1) and (5) of this section.

6 “**SECTION 92.** ORS 741.201 is amended to read:

7 “741.201. (1) The Oregon Health Insurance Exchange Corporation is under the supervision of  
8 an executive director appointed by the corporation board of directors. The executive director serves  
9 at the pleasure of the board. The executive director shall be paid a salary as prescribed by the  
10 board.

11 “(2) Before assuming the duties of the office, the executive director shall:

12 “(a) Give to the state a fidelity bond, with one or more corporate sureties authorized to do  
13 business in this state, in a penal sum prescribed by the Director of the Oregon Department of Ad-  
14 ministrative Services, but not less than \$50,000. The premium for the bond shall be paid from [*the*  
15 *Oregon Health Insurance Exchange Fund*] **an account established under ORS 741.101.**

16 “(b) Subscribe to an oath that the executive director faithfully and impartially will discharge the  
17 duties of the office and that the executive director will support the Constitution of the United States  
18 and the Constitution of the State of Oregon. The executive director shall file a copy of the signed  
19 oath with the Secretary of State.

20 “(3) The executive director [*may establish a line of credit under ORS 293.214 and*] has such other  
21 powers as are necessary to carry out the duties of the corporation, subject to policy direction by  
22 the board.

23 “(4) The executive director may employ, supervise and terminate the employment of such staff  
24 as the executive director deems necessary. The executive director shall prescribe their duties and  
25 fix their compensation, in accordance with the personnel policies adopted by the board. Employees  
26 of the corporation may not be individuals who are:

27 “(a) Employed by, consultants to or members of a board of directors of:

28 “(A) An insurer or third party administrator;

29 “(B) An insurance producer; or

30 “(C) A health care provider, health care facility or health clinic;

31 “(b) Members, board members or employees of a trade association of:

32 “(A) Insurers or third party administrators; or

33 “(B) Health care providers, health care facilities or health clinics; or

34 “(c) Health care providers, unless they receive no compensation for rendering services as health  
35 care providers and do not have ownership interests in professional health care practices.

36 “(5) The board shall adopt personnel policies, subject to ORS 236.605 to 236.640, for any trans-  
37 ferred public employees. The board may elect to provide for participation in a health benefit plan  
38 available to state employees pursuant to ORS 243.105 to 243.285 and may elect to participate in the  
39 state deferred compensation plan established under ORS 243.401 to 243.507. If the board so elects,  
40 employees of the corporation shall be considered eligible employees for purposes of ORS 243.105 to  
41 243.285 and eligible state employees for purposes of ORS 243.401 to 243.507.

42 “(6) With respect to the Public Employees Retirement System, employees of the corporation shall  
43 be considered employees for purposes of ORS chapter 238 and eligible employees for purposes of  
44 ORS chapter 238A.

45 “(7) Employees of the corporation may participate in collective bargaining in accordance with

1 ORS 243.650 to 243.782.

2 “**SECTION 93.** ORS 741.220 is amended to read:

3 “741.220. (1) The Oregon Health Insurance Exchange Corporation shall keep an accurate ac-  
4 counting of the operation and all activities, receipts and expenditures of the corporation and the  
5 health insurance exchange.

6 “(2) Beginning after the first 12 months of the operation of the exchange and every 12 months  
7 thereafter, the Secretary of State shall conduct a financial audit of the corporation and the *[fund]*  
8 **accounts established under ORS 741.101** pursuant to ORS 297.210, which shall include but is not  
9 limited to:

10 “(a) A review of the sources and uses of the moneys in the *[fund]* **accounts**;

11 “(b) A review of charges and fees imposed and collected pursuant to ORS 741.105; and

12 “(c) A review of premiums collected and remitted.

13 “(3) Beginning after the first 24 months of the operation of the exchange and every two years  
14 thereafter, the Secretary of State shall conduct a performance audit of the corporation and the ex-  
15 change.

16 “(4) The corporation board of directors, the executive director of the corporation and employees  
17 of the corporation shall cooperate with the Secretary of State in the audits and reviews conducted  
18 under subsections (2) and (3) of this section.

19 “(5) The audits shall be conducted using generally accepted accounting principles and any fi-  
20 nancial integrity requirements of federal authorities.

21 “(6) The cost of the audits required by subsections (2) and (3) of this section shall be paid by  
22 the corporation.

23 “(7) The Secretary of State shall issue a report to the Governor, the President of the Senate, the  
24 Speaker of the House of Representatives, the Oregon Health Authority, the Oregon Health Policy  
25 Board, the Department of Consumer and Business Services and appropriate federal authorities on  
26 the results of each audit conducted pursuant to this section, including any recommendations for  
27 corrective actions. The report shall be available for public inspection, in accordance with the Sec-  
28 retary of State’s established rules and procedures governing public disclosure of audit documents.

29 “(8) To the extent the audit requirements under this section are similar to any audit require-  
30 ments imposed on the corporation by federal authorities, the Secretary of State and the corporation  
31 shall make reasonable efforts to coordinate with the federal authorities to promote efficiency and  
32 the best use of resources in the timing and provision of information.

33 “(9) Not later than the 90th day after the Secretary of State completes and delivers an audit  
34 report issued under subsection (7) of this section, the corporation shall notify the Secretary of State  
35 in writing of the corrective actions taken or to be taken, if any, in response to any recommendations  
36 in the report. The Secretary of State may extend the 90-day period for good cause.

37 “**SECTION 94.** ORS 741.027 is amended to read:

38 “741.027. (1) The Oregon Health Insurance Exchange Corporation board of directors shall select  
39 one of its members as chairperson and another as vice chairperson, for such terms and with duties  
40 and powers necessary for the performance of the functions of those offices as the board determines.

41 “(2) A majority of the members of the board constitutes a quorum for the transaction of busi-  
42 ness.

43 “(3) The board shall meet at least once every three months at a place, day and hour determined  
44 by the board. The board shall meet at such other times and places specified by the call of the  
45 chairperson or of a majority of the members of the board.



1 “(4)(a) Whenever a member of the board has a conflict of interest on an issue that is before the  
2 board, the member shall declare to the board the nature of the conflict and the declaration shall  
3 be recorded in the official records of the board. The member may participate in any discussion on  
4 the issue but may not vote on the issue.

5 “(b) As used in this subsection:

6 “(A) ‘Business’ has the meaning given that term in ORS 244.020.

7 “(B) ‘Business with which the member or the member’s relative is associated’ has the meaning  
8 given the term ‘business with which the person is associated’ in ORS 244.020.

9 “(C) ‘Conflict of interest’ means that by taking any action or making any decision or recom-  
10 mendation on an issue, the member, the member’s relative, or any business with which the member  
11 or the member’s relative is associated, would receive a private pecuniary benefit or detriment, un-  
12 less the pecuniary benefit or detriment would affect to the same degree a class consisting of all  
13 consumers of or payers for health care in this state.

14 “(5) A member of the board is entitled to compensation and expenses as provided in ORS  
15 292.495, subject to the availability of funds in [*the Oregon Health Insurance Exchange Fund*] **an ac-**  
16 **count established under ORS 741.101.**

17 “(6) ORS 192.610 to 192.690 apply to the board, to the Individual and Employer Consumer Ad-  
18 visory Committee established by ORS 741.029 and to any advisory and technical committees estab-  
19 lished by the board under ORS 741.031.

20 “**SECTION 95.** ORS 741.222 is amended to read:

21 “741.222. (1) The executive director of the Oregon Health Insurance Exchange Corporation shall  
22 report to the Legislative Assembly each calendar quarter on:

23 “(a) The financial condition of the health insurance exchange, including actual and projected  
24 revenues and expenses of the administrative operations of the exchange and commissions paid to  
25 insurance producers out of fees collected under ORS 741.105 (5);

26 “(b) The implementation of the business plan adopted by the corporation board of directors;

27 “(c) The development of the information technology system for the exchange; and

28 “(d) Any other information requested by the leadership of the Legislative Assembly.

29 “(2) The corporation board of directors shall provide to the Legislative Assembly, the Governor,  
30 the Oregon Health Authority, the Oregon Health Policy Board and the Department of Consumer and  
31 Business Services, not later than April 15 of each year:

32 “(a) A report covering the activities and operations of the corporation during the previous year  
33 of operations;

34 “(b) A statement of the financial condition, [*of the Oregon Health Insurance Exchange Fund*] as  
35 of December 31 of the previous year, **of the accounts established under ORS 741.101;**

36 “(c) A description of the role of insurance producers in the exchange; and

37 “(d) Recommendations, if any, for additional groups to be eligible to purchase qualified health  
38 plans through the exchange under ORS 741.310.

39 “**SECTION 96.** ORS 741.310 is amended to read:

40 “741.310. (1) The following individuals and groups may purchase qualified health plans through  
41 the health insurance exchange:

42 “(a) Beginning January 1, 2014, individuals and employers with no more than 50 employees.

43 “(b) Beginning January 1, 2016, employers with 51 to 100 employees.

44 “(2)(a) Only individuals who purchase health plans through the exchange may be eligible to re-  
45 ceive premium tax credits under section 36B of the Internal Revenue Code and reduced cost-sharing

1 under 42 U.S.C. 18071.

2 “(b) Only employers that purchase health plans through the exchange may be eligible to receive  
3 small employer health insurance credits under section 45R of the Internal Revenue Code.

4 “(3) Only an insurer that has a certificate of authority to transact insurance in this state and  
5 that meets applicable federal requirements for participating in the exchange may offer a qualified  
6 health plan through the exchange. Any qualified health plan must be certified under subsection (4)  
7 of this section. Prepaid managed care health services organizations that do not have a certificate  
8 of authority to transact insurance may serve only medical assistance recipients through the ex-  
9 change and may not offer qualified health plans.

10 “(4) The Oregon Health Insurance Exchange Corporation shall adopt by rule uniform require-  
11 ments, standards and criteria for the certification of qualified health plans, including requirements  
12 that a qualified health plan provide, at a minimum, essential health benefits and have acceptable  
13 consumer and provider satisfaction ratings. The corporation may limit the number of qualified health  
14 plans that may be offered through the exchange as long as the same limit applies to all insurers.

15 “(5) Notwithstanding subsection (4) of this section, the corporation shall certify as qualified a  
16 dental only health plan as permitted by federal law.

17 “(6) The corporation shall establish one streamlined and seamless application and enrollment  
18 process for both the exchange and the state medical assistance program.

19 “(7) The corporation, in collaboration with the appropriate state authorities, may establish risk  
20 mediation programs within the exchange.

21 “(8) The corporation shall establish by rule a process for certifying insurance producers to fa-  
22 cilitate the transaction of insurance through the exchange, in accordance with federal standards and  
23 policies.

24 “(9) The corporation shall ensure, as required by federal laws, that an insurer charges the same  
25 premiums for plans sold through the exchange as for identical plans sold outside of the exchange.

26 “(10) The corporation is authorized to enter into contracts for the performance of duties, func-  
27 tions or operations of the exchange, including but not limited to contracting with:

28 “(a) All insurers that meet the requirements of subsections (3) and (4) of this section, to offer  
29 qualified health plans through the exchange; and

30 “(b) Navigators certified by the corporation under ORS 741.002.

31 “(11) The corporation is authorized to apply for and accept federal grants, other federal funds  
32 and grants from nongovernmental organizations for purposes of developing, implementing and ad-  
33 ministering the exchange. Moneys received under this subsection shall be deposited in [*and credited*  
34 *to the Oregon Health Insurance Exchange Fund*] **an account** established under ORS 741.101.

35 “**SECTION 97.** ORS 741.310, as amended by section 12, chapter 415, Oregon Laws 2011, is  
36 amended to read:

37 “741.310. (1) Individuals and employers with no more than 100 employees may purchase qualified  
38 health plans through the health insurance exchange.

39 “(2)(a) Only individuals who purchase health plans through the exchange may be eligible to re-  
40 ceive premium tax credits under section 36B of the Internal Revenue Code and reduced cost-sharing  
41 under 42 U.S.C. 18071.

42 “(b) Only employers that purchase health plans through the exchange may be eligible to receive  
43 small employer health insurance credits under section 45R of the Internal Revenue Code.

44 “(3) Only an insurer that has a certificate of authority to transact insurance in this state and  
45 that meets applicable federal requirements for participating in the exchange may offer a qualified

1 health plan through the exchange. Any qualified health plan must be certified under subsection (4)  
2 of this section. Prepaid managed care health services organizations that do not have a certificate  
3 of authority to transact insurance may serve only medical assistance recipients through the ex-  
4 change and may not offer qualified health plans.

5 “(4) The Oregon Health Insurance Exchange Corporation shall adopt by rule uniform require-  
6 ments, standards and criteria for the certification of qualified health plans, including requirements  
7 that a qualified health plan provide, at a minimum, essential health benefits and have acceptable  
8 consumer and provider satisfaction ratings. The corporation may limit the number of qualified health  
9 plans that may be offered through the exchange as long as the same limit applies to all insurers.

10 “(5) Notwithstanding subsection (4) of this section, the corporation shall certify as qualified a  
11 dental only health plan as permitted by federal law.

12 “(6) The corporation shall establish one streamlined and seamless application and enrollment  
13 process for both the exchange and the state medical assistance program.

14 “(7) The corporation, in collaboration with the appropriate state authorities, may establish risk  
15 mediation programs within the exchange.

16 “(8) The corporation shall establish by rule a process for certifying insurance producers to fa-  
17 cilitate the transaction of insurance through the exchange, in accordance with federal standards and  
18 policies.

19 “(9) The corporation shall ensure, as required by federal laws, that an insurer charges the same  
20 premiums for plans sold through the exchange as for identical plans sold outside of the exchange.

21 “(10) The corporation is authorized to enter into contracts for the performance of duties, func-  
22 tions or operations of the exchange, including but not limited to contracting with:

23 “(a) Insurers that meet the requirements of subsections (3) and (4) of this section, to offer qual-  
24 ified health plans through the exchange; and

25 “(b) Navigators certified by the corporation under ORS 741.002.

26 “(11) The corporation is authorized to apply for and accept federal grants, other federal funds  
27 and grants from nongovernmental organizations for purposes of developing, implementing and ad-  
28 ministering the exchange. Moneys received under this subsection shall be deposited in [*and credited*  
29 *to the Oregon Health Insurance Exchange Fund*] **an account** established under ORS 741.101.

30  
31 **“OREGON LOCAL DISASTER ASSISTANCE LOAN**  
32 **AND GRANT ACCOUNT**

33  
34 **“SECTION 98.** ORS 401.536 is amended to read:

35 “401.536. (1) The Oregon Local Disaster Assistance Loan **and Grant** Account is established as  
36 an account in the Oregon Disaster Response Fund. The account consists of moneys appropriated by  
37 the Legislative Assembly and any other moneys deposited into the account pursuant to law.

38 “(2) Moneys in the account are continuously appropriated to the Oregon Military Department  
39 for:

40 “(a) Providing loans to local governments, as defined in ORS 174.116, and school districts to  
41 match, either in full or in part, moneys from federal programs for federally declared disaster relief  
42 that require a match;

43 **“(b) Providing loans and grants to local governments, as defined in ORS 174.116, and**  
44 **school districts, for the purpose of paying costs incurred by local governments and school**  
45 **districts in response to federally declared disasters; and**

1       “[(b)] (c) Subject to subsection [(4)] (5) of this section, paying the department’s expenses for  
2 administering **loans made from** the account **under paragraph (a) of this subsection.**

3       **“(3) Loans made under subsection (2)(b) of this section shall be repaid pursuant to such**  
4 **terms and conditions as may be established by the Oregon Department of Administrative**  
5 **Services. Loans made under subsection (2)(b) of this section may be interest free, or bear**  
6 **interest at a rate established by the Oregon Department of Administrative Services.**  
7 **Amounts repaid on loans made under subsection (2)(b) of this section shall be deposited in**  
8 **the General Fund.**

9       “[(3)] (4) The **Oregon Military** Department shall deposit into the account any amounts repaid  
10 on loans made under **subsection (2)(a) of this section.**

11       “[(4)] (5) The **Oregon Military** Department may not charge the account more than five percent  
12 of the maximum amount in the account during a biennium for administrative expenses **attributable**  
13 **to a loan made under subsection (2)(a) of this section.**

14       “[(5)] (6) An applicant may apply to the **Oregon Military** Department for a loan [*from the ac-*  
15 *count*] **under subsection (2)(a) of this section.** The department shall consider the application, make  
16 a recommendation and submit the application and recommendation to the Local Disaster Assistance  
17 Review Board established under subsection [(6)] (7) of this section.

18       “[(6)] (7) The **Oregon Military** Department shall establish a Local Disaster Assistance Review  
19 Board to:

20       “(a) Review the recommendations of the department regarding loans [*from the account*] **under**  
21 **subsection (2)(a) of this section;**

22       “(b) Approve, by a majority vote of members, the amount of any loan **under subsection (2)(a)**  
23 **of this section;** and

24       “(c) Approve, by a majority vote of members, the terms and conditions of any loan **under sub-**  
25 **section (2)(a) of this section.**

26       “[(7)] (8) The review board shall include:

27       “(a) Three members of county governing bodies, with at least one member representing a county  
28 from east of the crest of the Cascade Mountains, with membership determined by the Association  
29 of Oregon Counties;

30       “(b) Three members of city governing bodies, with at least one member representing a city from  
31 east of the crest of the Cascade Mountains, with membership determined by the League of Oregon  
32 Cities;

33       “(c) A representative of the office of the State Treasurer;

34       “(d) A representative of the Oregon Military Department;

35       “(e) A representative of school districts, with membership determined by the Oregon School  
36 Boards Association;

37       “(f) A representative of special districts, with membership determined by the Special Districts  
38 Association of Oregon;

39       “(g) A representative of the Oregon Department of Administrative Services; and

40       “(h) Two additional members determined jointly by the department, the Association of Oregon  
41 Counties and the League of Oregon Cities.

42       “[(8)] (9) The Office of Emergency Management of the Oregon Military Department shall adopt  
43 rules establishing:

44       “(a) A loan application process and application forms **for loans under subsection (2)(a) of this**  
45 **section;**

1 “(b) Reasonable financial terms and conditions for loans **under subsection (2)(a) of this sec-**  
2 **tion**, including interest and the repayment of the loans;

3 “(c) Eligibility requirements for [*loan*] applicants **for loans under subsection (2)(a) of this**  
4 **section**;

5 “(d) The maximum amount an applicant for a loan **under subsection (2)(a) of this section** may  
6 receive;

7 “(e) The methodology the department will use for charging the account for administrative ex-  
8 penses; and

9 “(f) Procedures for submission of [*loan*] recommendations to the review board **for loans under**  
10 **subsection (2)(a) of this section**.

11 “[9] (10) The Oregon Military Department shall provide staff support for the review board.  
12

13 **“TRANSFERS**

14  
15 **“SECTION 99. Except as provided in sections 31, 32 and 73 of this 2012 Act, the transfers**  
16 **described in sections 26, 27, 28, 31, 32, 33, 34, 35, 53, 54, 72 and 73 of this 2012 Act shall be**  
17 **made on the effective date of this 2012 Act from moneys maintained, on the effective date**  
18 **of this 2012 Act, in the funds or accounts from which the transfers are made.**

19  
20 **“REPEALS**

21  
22 **“SECTION 100. (1) ORS 291.385 and 391.100 are repealed.**

23 **“(2) The Light Rail Construction Fund created under ORS 391.100 is abolished. Any**  
24 **moneys remaining in the Light Rail Construction Fund on the effective date of this 2012 Act**  
25 **are transferred to the General Fund.”.**

26 In line 18, delete “28” and insert “101”.

27 In line 26, delete “29” and insert “102”.

28 On page 23, line 11, delete “30” and insert “103”.

29 After line 43, insert:  
30

31 **“CONFLICT AMENDMENTS**

32  
33 **“SECTION 104. If House Bill 4163 becomes law, section 75 of this 2012 Act (amending ORS**  
34 **1.177) is repealed and ORS 1.177, as amended by section 1, chapter \_\_, Oregon Laws 2012**  
35 **(Enrolled House Bill 4163), is amended to read:**

36 *“1.177. [(1) The Chief Justice of the Supreme Court may appoint an Advisory Committee on State*  
37 *Court Security and Emergency Preparedness for the Supreme Court, Court of Appeals, Oregon Tax*  
38 *Court and office of the State Court Administrator.]*

39 *“[(2) A committee appointed under this section shall meet at the call of the Chief Justice.]*

40 *“[(3) A committee appointed under this section shall submit to the Chief Justice a state plan for*  
41 *state court security improvement, emergency preparedness and business continuity for each building*  
42 *containing or utilized by the Supreme Court, Court of Appeals, Oregon Tax Court or office of the State*  
43 *Court Administrator. The plan shall include capital outlay needs and may include recommendations*  
44 *concerning:]*

45 *“[(a) Procedures for the secure handling, transportation and disposal of hazardous substances and*

1 *contraband in court proceedings;]*  
2 *“(b) Emergency alarm systems accessible to all court employees;]*  
3 *“(c) Physical security for judges, staff and the public;]*  
4 *“(d) Procedures for emergency evacuation of buildings containing or utilized by the Supreme*  
5 *Court, Court of Appeals, Oregon Tax Court or office of the State Court Administrator;]*  
6 *“(e) Procedures for identifying judicial security personnel, including a judicial security marshal*  
7 *to be appointed by the Chief Justice, who shall be responsible for:]*  
8 *“(A) The management of the plan;]*  
9 *“(B) A regular security inspection of each building containing or utilized by the Supreme Court,*  
10 *Court of Appeals, Oregon Tax Court or office of the State Court Administrator; and]*  
11 *“(C) Regular security training of sheriff’s department, judicial department and district attorney*  
12 *personnel; and]*  
13 *“(f) Priorities for available court facilities within the building based on the level of security*  
14 *needed.]*  
15 *“(4) The plan may also include:]*  
16 *“(a) An evaluation of how each of the items listed in subsection (3) of this section is being ad-*  
17 *dressed and should be addressed;]*  
18 *“(b) How practices, facilities and equipment falling below appropriate levels are to be improved;]*  
19 *“(c) The anticipated cost of improving practices, facilities and equipment that fall below appro-*  
20 *priate levels;]*  
21 *“(d) The funding source for each improvement; and]*  
22 *“(e) The time schedule for implementation of improvements.]*  
23 *“(5) Adoption of a plan under this section is subject to the approval of the Chief Justice. The plan*  
24 *may conclude that state court facility security is adequate.]*  
25 *“(6) Implementation of the elements of a plan that have a significant fiscal impact are subject to*  
26 *availability of funding.]*  
27 *“(7) The plan adopted under this section shall be reviewed and revised or amended as needed, not*  
28 *later than June 30 of each odd-numbered year.]*  
29 **“(1) The Chief Justice of the Supreme Court may adopt state standards, and a state plan,**  
30 **for state court security, emergency preparedness and business continuity for facilities used**  
31 **by judges or staff of a circuit court, the Supreme Court, Court of Appeals or Oregon Tax**  
32 **Court or the office of the State Court Administrator.**  
33 **“(2) The Chief Justice may appoint a judicial security officer and other judicial security**  
34 **personnel charged with implementing a state plan adopted under subsection (1) of this sec-**  
35 **tion.**  
36 *“(8) (3) Except as provided in this subsection, a plan [prepared] adopted under this section*  
37 *[is] and all documents related to development of the plan are confidential and need not be dis-*  
38 *closed under the provisions of ORS 192.410 to 192.505. The Chief Justice may authorize the disclo-*  
39 *sure of all or part of a plan prepared under this section if the Chief Justice determines that the*  
40 *interest of the public would be served by the disclosure and that the disclosure will not impair the*  
41 *integrity of the plan. Records of expenditures for a state court security plan and records of equip-*  
42 *ment purchased under the plan are not confidential under the provisions of this subsection, and are*  
43 *subject to disclosure as public records under the provisions of ORS 192.410 to 192.505.*  
44 **“SECTION 105. If House Bill 4082 becomes law, section 44 of this 2012 Act (amending ORS**  
45 **419A.170) is repealed and section 2, chapter \_\_, Oregon Laws 2012 (Enrolled House Bill 4082),**

1 **is amended to read:**

2 “**Sec. 2.** (1) In every case under ORS chapter 419B, the court shall appoint a court appointed  
3 special advocate. The court appointed special advocate is deemed a party in these proceedings and  
4 may be represented by counsel, file pleadings and request hearings and may subpoena, examine and  
5 cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel  
6 shall be paid from funds in the Court Appointed Special Advocate Fund established under section  
7 5, **chapter \_\_, Oregon Laws 2012 (Enrolled House Bill 4082)** [of this 2012 Act]. [*Funds from the*  
8 *Public Defense Services Account, or from Judicial Department operating funds, may not be used for*  
9 *this purpose.*] **Counsel representing a court appointed special advocate may not be paid from**  
10 **moneys in the Public Defense Services Account established by ORS 151.225, from moneys**  
11 **appropriated to the Public Defense Services Commission or from Judicial Department oper-**  
12 **ating funds.**

13 “(2) Subject to the direction of the court, the duties of the court appointed special advocate are  
14 to:

15 “(a) Investigate all relevant information about the case;

16 “(b) Advocate for the child or ward, ensuring that all relevant facts are brought before the  
17 court;

18 “(c) Facilitate and negotiate to ensure that the court, the Department of Human Services, if  
19 applicable, and the child or ward’s attorney, if any, fulfill their obligations to the child or ward in  
20 a timely fashion; and

21 “(d) Monitor all court orders to ensure compliance and to bring to the court’s attention any  
22 change in circumstances that may require a modification of an order of the court.

23 “(3) If a juvenile court does not have a sufficient number of qualified court appointed special  
24 advocates available to it, the court may, in fulfillment of the requirements of this section, appoint  
25 a juvenile department employee or other suitable person to represent the child or ward’s interest  
26 in court pursuant to ORS 419A.012 or 419B.195.

27 “(4) Any person appointed as a court appointed special advocate in any judicial proceeding on  
28 behalf of the child or ward is immune from any liability for defamation or statements made in good  
29 faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

30 “(5) Any person appointed as a court appointed special advocate, CASA Volunteer Program di-  
31 rector, CASA Volunteer Program employee or member of the board of directors or trustees of any  
32 CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment  
33 made in good faith in the course or scope of that person’s duties or employment as part of a CASA  
34 Volunteer Program.

35 “(6) Whenever the court appoints a court appointed special advocate or other person under  
36 subsections (1) to (3) of this section to represent the child or ward, the court may require a parent,  
37 if able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable  
38 costs of court appointed special advocate services, including reasonable attorney fees. The court’s  
39 order of payment is enforceable in the same manner as an order of support under ORS 419B.408.

40 “(7) Upon presentation of the order of appointment by the court appointed special advocate, any  
41 agency, hospital, school organization, division, office or department of the state, doctor, nurse or  
42 other health care provider, psychologist, psychiatrist, police department or mental health clinic shall  
43 permit the court appointed special advocate to inspect and copy, and may consult with the court  
44 appointed special advocate regarding, any records relating to the child or ward involved in the case,  
45 without the consent of the child, ward or parents.

1 “(8) All records and information acquired or reviewed by a court appointed special advocate  
2 during the course of official duties are deemed confidential under ORS 419A.255.

3 “(9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)  
4 grant to this state under P.L. 93-247, or any related state or federal legislation, a court appointed  
5 special advocate or other person appointed pursuant to subsections (1) to (3) of this section is  
6 deemed a guardian ad litem to represent the interests of the child or ward in proceedings before the  
7 court.

8 “**SECTION 106.** If House Bill 4082 becomes law, section 49 of this 2012 Act is amended to read:

9 “**Sec. 49.** Section 38 of this 2012 Act and the amendments to ORS 45.275, 45.285, 135.050, 151.216,  
10 151.225, 151.487, [419A.170,] 419A.211, 419B.198, 419C.203 and 419C.535 **and section 2, chapter \_\_,**  
11 **Oregon Laws 2012 (Enrolled House Bill 4082),** by sections 37, [and] 39 to 48 **and 105** of this 2012  
12 Act become operative on July 1, 2012.”.

13 On page 24, line 1, delete “31” and insert “107”.

14 In line 7, delete “32” and insert “108”.