

Senate Bill 1591

Sponsored by Senators THOMSEN, COURTNEY; Senators BEYER, DEVLIN, EDWARDS, FERRIOLI, NELSON, OLSEN, ROSENBAUM, TELFER, VERGER, Representatives BERGER, GILLIAM, HICKS, HOYLE, HUFFMAN, JOHNSON, KENNEMER, SCHAUFLEER, SHEEHAN, WAND, WHISNANT, WITT (Presession filed.)

SUMMARY

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

Makes changes to membership and powers of Travel Information Council. Makes changes to policy of Oregon Motorist Information Act of 1971. Repeals provisions that sunset authority of council over rest areas. Increases, according to two-year schedule, number of rest areas over which council has managerial authority. Funds increase with certain moneys attributable to certain increases in fees and tax rates.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to travel; creating new provisions; amending ORS 366.490, 366.752, 377.705 and 377.835 and sections 32 and 33, chapter 865, Oregon Laws 2009; repealing sections 34 and 60, chapter 865, Oregon Laws 2009, and section 1, chapter 328, Oregon Laws 2011; and declaring an emergency.

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

CHANGES TO MEMBERSHIP AND POWERS OF TRAVEL INFORMATION COUNCIL (Changes to Membership and General Powers)

SECTION 1. ORS 377.835 is amended to read:

377.835. (1) The Travel Information Council is created as a semi-independent state agency.

(2) The Travel Information Council shall consist of 11 members. One shall be the chairperson of the Oregon Transportation Commission or a person within the Department of Transportation designated by the chairperson [*and 10 appointed members as follows: Two members from among the lodging, restaurant and recreation industries; one member from the vehicular service industry; one member from the outdoor advertising industry; one member from the electrical sign industry; and five members from the public at large. The public at-large members shall be appointed from among the residents of each congressional district. None of the public at-large members shall have any financial interest in any restaurant, hotel, motel, recreational facility, garage, oil company or other vehicular service industry, or in any advertising business other than shares of stock that are traded on a national stock exchange*]. **The Governor shall appoint the other 10 members from the public at large. The Governor shall appoint at least one member from each congressional district. The Governor shall select members for their knowledge of, experience with or interest in economic development, travel within Oregon, recreational opportunities in Oregon, Oregon history or Oregon natural history.**

(3) [*The 10 appointed members shall be appointed by the Governor. Each shall be appointed to*]

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

1 **Each appointed member shall** serve for a term of four years [*but a*], **but an appointed** member
 2 may be removed at the pleasure of the Governor. Before the expiration of the term of [*a*] **an ap-**
 3 **pointed** member, the Governor shall appoint a successor whose term begins on July 1 next follow-
 4 ing. [A] **An appointed** member is eligible for reappointment. If there is a vacancy for any cause,
 5 the Governor shall make an appointment to become effective immediately for the unexpired term.
 6 [*Five shall be appointed biennially on July 2 in odd-numbered years.*]

7 (4) The council shall select one of its members as chairperson, another as vice chairperson and
 8 a third as secretary. Six members shall constitute a quorum for the transaction of business. The
 9 council shall meet quarterly at a time and place to be determined by the chairperson. The chair-
 10 person or any three members of the council may call a special meeting upon not less than one
 11 week's written notice to the other members. All members are entitled to expenses as provided by
 12 ORS 292.495.

13 (5)(a) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700
 14 to 377.840, adopt, [*and from time to time*] amend and repeal rules relating to tourist oriented direc-
 15 tional signs, logo signs and motorist informational signs and all other matters necessary and ap-
 16 propriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign rules for protected
 17 areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission.

18 **(b) The council shall, in accordance with ORS chapter 183, adopt, amend and repeal rules**
 19 **governing conduct, health and safety within roadside rest areas managed by the council**
 20 **pursuant to section 32, chapter 865, Oregon Laws 2009.**

21 (c) All [*such*] rules **adopted under paragraphs (a) and (b) of this subsection** shall be con-
 22 sistent with federal laws and regulations relating to highways. [*The Director of Transportation shall*
 23 *take appropriate action for the administration and enforcement of orders issued and rules adopted un-*
 24 *der ORS 377.700 to 377.840.*]

25 (6) The commission may continue or amend any existing agreements and may enter into new
 26 agreements with the United States or any agency thereof authorized to make agreements under
 27 section 131, title 23, United States Code relating to the regulation, control and removal of signs
 28 within or adjacent to the Interstate and Federal Aid Systems.

29 (7) The council shall be under the administrative control of a director who is appointed by and
 30 who holds office at the pleasure of the council. The director of the [*Travel Information*] council may
 31 appoint all subordinate officers and employees of the council and may prescribe their duties and fix
 32 their compensation. The director of the [*Travel Information*] council may delegate to any subordi-
 33 nate officer or employee any administrative duty, function or power imposed upon the council by
 34 or pursuant to law. **The director of the council shall take appropriate action for the admin-**
 35 **istration and enforcement of orders issued and rules adopted by the council under ORS**
 36 **377.700 to 377.840.**

37 **SECTION 1a.** Subject to ORS 153.022, a person who violates any rule adopted by the
 38 **Travel Information Council governing conduct, health and safety at roadside rest areas un-**
 39 **der ORS 377.835 commits a Class B violation.**

40
 41 **(Transitional Provisions Related to Changes**
 42 **in Membership and Rulemaking Authority)**
 43

44 **SECTION 2.** (1) On May 1, 2012, the term of office of the current members of the Travel
 45 **Information Council shall cease and the Governor shall appoint new members to the council.**

1 **A member whose term of office has been terminated by this subsection is eligible for reap-**
 2 **pointment to the council.**

3 (2) **Notwithstanding the term of office specified by ORS 377.835, of the members appointed**
 4 **to the council on May 1, 2012, five shall serve for terms ending July 1, 2014, and five shall**
 5 **serve for terms ending July 1, 2016.**

6 (3) **The council shall adopt rules regulating the conduct, health and safety of roadside**
 7 **rest areas managed by the council pursuant to section 32, chapter 865, Oregon Laws 2009,**
 8 **no later than July 1, 2012.**

9 (4) **Notwithstanding the transfer of rulemaking authority related to those roadside rest**
 10 **areas managed by the council pursuant to section 32, chapter 865, Oregon Laws 2009, the**
 11 **rules of the Oregon Transportation Commission adopted under ORS 366.493 that are in effect**
 12 **on the effective date of this 2012 Act continue to apply to the roadside rest areas managed**
 13 **by the council pursuant to section 32, chapter 865, Oregon Laws 2009, until superseded or**
 14 **repealed by rules of the council. References in rules of the commission to the commission**
 15 **or an officer or employee of the commission are considered to be references to the council**
 16 **or an employee of the council.**

17
 18 (Powers Relating to Property)
 19

20 **SECTION 3. Section 4 of this 2012 Act is added to and made a part of ORS 377.700 to**
 21 **377.840.**

22 **SECTION 4. The Travel Information Council created under ORS 377.835 may:**

23 (1) **Erect, improve, repair, maintain, equip and furnish buildings, structures and lands**
 24 **as the council determines is necessary to carry out its responsibilities under ORS 377.700 to**
 25 **377.840; and**

26 (2) **Acquire, receive, hold, control, convey, sell, lease, lend, manage, operate, improve and**
 27 **develop any and all property, real or personal, as the council determines is necessary to**
 28 **carry out its responsibilities under ORS 377.700 to 377.840.**

29
 30 **CHANGES TO POLICY STATEMENT IN**
 31 **OREGON MOTORIST INFORMATION ACT OF 1971**
 32

33 **SECTION 5. ORS 377.705 is amended to read:**

34 377.705. **To promote the public safety; to promote economic development in local communi-**
 35 **ties; to preserve the recreational value of public travel on the state's highways; to preserve the**
 36 **natural beauty and aesthetic features of such highways and adjacent areas; to provide information**
 37 **about and direct travelers to public accommodations, services for the traveling public, campgrounds,**
 38 **parks, recreational areas, regional activities and points of scenic, historic, cultural and educational**
 39 **interest, it is the policy of this state and the purpose of ORS 377.700 to 377.840 and 377.992:**

40 (1) **To establish official information centers and motorist informational signs, including sign**
 41 **plazas or travel plazas in appropriate locations [for the convenient arrangement of those signs].**

42 (2) **To provide for publication and distribution of official guidebooks and other publications.**

43 (3) **To prohibit the indiscriminate use of other outdoor advertising.**

44 (4) **To provide motorists, where feasible, [a telephone emergency, information and reservation**
 45 **system for lodging] with information and access to communications systems for emergency**

1 and travel-related purposes.

2
3 **CHANGES TO TRAVEL INFORMATION COUNCIL'S**
4 **MANAGERIAL AUTHORITY OVER REST AREAS**
5 **(Repeal of Provisions That Sunset Authority of**
6 **Travel Information Council Over Rest Areas)**
7

8 **SECTION 6.** (1) Section 34, chapter 865, Oregon Laws 2009, as amended by section 2,
9 chapter 328, Oregon Laws 2011, is repealed.

10 (2) Section 60, chapter 865, Oregon Laws 2009, is repealed.

11
12 (Council's Authority as of March 1, 2012)

13
14 **SECTION 7.** Sections 32 and 33, chapter 865, Oregon Laws 2009, are added to and made
15 a part of ORS 377.700 to 377.840.

16 **SECTION 8.** Section 32, chapter 865, Oregon Laws 2009, is amended to read:

17 **Sec. 32.** (1) *[The Department of Transportation shall enter into an intergovernmental agreement*
18 *with the Travel Information Council under which the council shall manage, maintain and improve*
19 *roadside rest areas mutually agreed upon by the department and council and the following roadside*
20 *rest areas along Interstate 5 and Interstate 84]* **The Travel Information Council shall manage,**
21 **maintain, improve and develop for local economic development and other purposes identified**
22 **in ORS 377.705 roadside rest areas along the following interstate and state highways:**

23 (a) Interstate 5, southbound, near milepost 63.

24 (b) Interstate 5, northbound, near milepost 241.

25 (c) Interstate 5, southbound, near milepost 241.

26 (d) Interstate 5, northbound, near milepost 281.

27 (e) Interstate 5, southbound, near milepost 281.

28 (f) Interstate 84, eastbound, near milepost 160.

29 **(g) Interstate 84, westbound, near milepost 336.**

30 [(g)] **(h) Interstate 84, westbound, near milepost 377.**

31 **(i) U.S. Highway 26, westbound, near milepost 54.**

32 (2) Subject to [subsection (4) of this section] **ORS 377.836**, in carrying out the provisions of sub-
33 section (1) of this section, the council may enter into contracts necessary to accomplish the purposes
34 of subsection (1) of this section.

35 [(3) *The department shall maintain ownership of any roadside rest area the council manages,*
36 *maintains and improves under an intergovernmental agreement entered into under subsection (1) of this*
37 *section.*]

38 [(4) *Under the intergovernmental agreement entered into under subsection (1) of this section, the*
39 *council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.*]

40 **(3) The Department of Transportation may transfer ownership of any roadside rest area**
41 **under the department's control that is listed under subsection (1) of this section, or any**
42 **portion of such a roadside rest area or any structure located on such a roadside rest area,**
43 **to the council.**

44 **(4) For purposes of this section, "roadside rest area" does not include the first 150 feet,**
45 **as measured from the fog line, of the exit and entry ramps that connect the rest area to the**

1 **interstate or state highway.**

2 **SECTION 9.** ORS 366.752, as amended by section 59, chapter 865, Oregon Laws 2009, and section 5, chapter 30, Oregon Laws 2010, is amended to read:

3 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this section:

4 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section 5 42, chapter 865, Oregon Laws 2009.

6 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section 7 43, chapter 865, Oregon Laws 2009.

8 (c) The amount attributable to the fee increases by the amendments to ORS 803.420 by section 9 43a, chapter 865, Oregon Laws 2009.

10 (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by section 11 44, chapter 865, Oregon Laws 2009.

12 (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by section 13 44a, chapter 865, Oregon Laws 2009.

14 (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS 15 319.020, 319.530, 818.225, 825.476 and 825.480 by sections 48, 49 and 51 to 53, chapter 865, Oregon 16 Laws 2009.

17 (2)(a) The moneys described in subsection (1) of this section shall be allocated first:

18 (A) In an amount of \$24 million per year in monthly installments to the Department of Transportation for the purposes described in the long-range plan developed pursuant to ORS 184.618; and

19 (B) **In an amount of \$307,800 on March 2, 2012, to the Travel Information Council for 20 management, maintenance, improvement and development of the roadside rest areas for 21 which the council is responsible under section 32, chapter 865, Oregon Laws 2009.**

22 (b) The remainder of the moneys shall be allocated as provided in subsection (3) of this section.

23 (3) The moneys described in subsection (1) of this section that remain after the allocation of 24 moneys described in subsection (2) of this section shall be allocated as follows:

25 (a) 50 percent to the Department of Transportation.

26 (b) 30 percent to counties for distribution as provided in ORS 366.762.

27 (c) 20 percent to cities for distribution as provided in ORS 366.800.

28 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a) 29 of this section or equivalent amounts that become available to the Department of Transportation 30 shall be allocated as follows:

31 (a) 33 percent for maintenance, preservation and safety of highways.

32 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

33 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865, 34 Oregon Laws 2009.

35 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond 36 debt service on Highway User Tax Bonds under ORS 367.615.

37 (6) For the purposes of this section:

38 (a) "Bond" has the meaning given that term in ORS 367.010.

39 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

40 **SECTION 10. Section 7 of this 2012 Act and the amendments to ORS 366.752 and section 41 32, chapter 865, Oregon Laws 2009, by sections 8 and 9 of this 2012 Act become operative on 42 March 1, 2012.**

(Council's Authority as of January 1, 2013)

SECTION 11. Section 32, chapter 865, Oregon Laws 2009, as amended by section 8 of this 2012 Act, is amended to read:

Sec. 32. (1) The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following interstate and state highways:

- (a) Interstate 5, southbound, near milepost 63.
- (b) Interstate 5, northbound, near milepost 241.
- (c) Interstate 5, southbound, near milepost 241.
- (d) Interstate 5, northbound, near milepost 281.
- (e) Interstate 5, southbound, near milepost 281.
- (f) Interstate 84, eastbound, near milepost 73.**
- (g) Interstate 84, westbound, near milepost 73.**
- [(f)] **(h) Interstate 84, eastbound, near milepost 160.**
- (i) Interstate 84, eastbound, near milepost 187.**
- (j) Interstate 84, westbound, near milepost 187.**
- (k) Interstate 84, eastbound, near milepost 269.**
- (L) Interstate 84, westbound, near milepost 269.**
- (m) Interstate 84, eastbound, near milepost 295.**
- (n) Interstate 84, westbound, near milepost 295.**
- [(g)] **(o) Interstate 84, westbound, near milepost 336.**
- [(h)] **(p) Interstate 84, westbound, near milepost 377.**
- [(i)] **(q) U.S. Highway 26, westbound, near milepost 54.**

(2) Subject to ORS 377.836, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

(3) The Department of Transportation may transfer ownership of any roadside rest area under the department's control that is listed under subsection (1) of this section, or any portion of such a roadside rest area or any structure located on such a roadside rest area, to the council.

(4) For purposes of this section, "roadside rest area" does not include the first 150 feet, as measured from the fog line, of the exit and entry ramps that connect the rest area to the interstate or state highway.

SECTION 12. ORS 366.752, as amended by section 59, chapter 865, Oregon Laws 2009, section 5, chapter 30, Oregon Laws 2010, and section 9 of this 2012 Act, is amended to read:

366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this section:

- (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section 42, chapter 865, Oregon Laws 2009.
- (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section 43, chapter 865, Oregon Laws 2009.
- (c) The amount attributable to the fee increases by the amendments to ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009.
- (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by section 44, chapter 865, Oregon Laws 2009.

1 (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by section
2 44a, chapter 865, Oregon Laws 2009.

3 (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS
4 319.020, 319.530, 818.225, 825.476 and 825.480 by sections 48, 49 and 51 to 53, chapter 865, Oregon
5 Laws 2009.

6 (2)(a) The moneys described in subsection (1) of this section shall be allocated first:

7 (A) In an amount of \$24 million per year in monthly installments to the Department of Trans-
8 portation for the purposes described in the long-range plan developed pursuant to ORS 184.618; and

9 (B) In an amount of [*\$307,800 on March 2, 2012,*] **\$4,959,504 on January 2, 2013**, to the Travel
10 Information Council for management, maintenance, improvement and development of the roadside
11 rest areas for which the council is responsible under section 32, chapter 865, Oregon Laws 2009.

12 (b) The remainder of the moneys shall be allocated as provided in subsection (3) of this section.

13 (3) The moneys described in subsection (1) of this section that remain after the allocation of
14 moneys described in subsection (2) of this section shall be allocated as follows:

15 (a) 50 percent to the Department of Transportation.

16 (b) 30 percent to counties for distribution as provided in ORS 366.762.

17 (c) 20 percent to cities for distribution as provided in ORS 366.800.

18 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
19 of this section or equivalent amounts that become available to the Department of Transportation
20 shall be allocated as follows:

21 (a) 33 percent for maintenance, preservation and safety of highways.

22 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

23 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865,
24 Oregon Laws 2009.

25 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
26 debt service on Highway User Tax Bonds under ORS 367.615.

27 (6) For the purposes of this section:

28 (a) "Bond" has the meaning given that term in ORS 367.010.

29 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

30 **SECTION 13. The amendments to ORS 366.752 and section 32, chapter 865, Oregon Laws**
31 **2009, by sections 11 and 12 of this 2012 Act become operative on January 1, 2013.**

32
33 **(Council's Authority as of January 1, 2014)**
34

35 **SECTION 14.** Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8 and 11 of
36 this 2012 Act, is amended to read:

37 **Sec. 32.** (1) The Travel Information Council shall manage, maintain, improve and develop for
38 local economic development and other purposes identified in ORS 377.705 roadside rest areas along
39 the following interstate and state highways:

40 (a) Interstate 5, southbound, near milepost 63.

41 **(b) Interstate 5, northbound, near milepost 143.**

42 **(c) Interstate 5, southbound, near milepost 143.**

43 **(d) Interstate 5, northbound, near milepost 178.**

44 **(e) Interstate 5, southbound, near milepost 178.**

45 **(f) Interstate 5, northbound, near milepost 206.**

- 1 **(g) Interstate 5, southbound, near milepost 206.**
- 2 [(b)] **(h)** Interstate 5, northbound, near milepost 241.
- 3 [(c)] **(i)** Interstate 5, southbound, near milepost 241.
- 4 [(d)] **(j)** Interstate 5, northbound, near milepost 281.
- 5 [(e)] **(k)** Interstate 5, southbound, near milepost 281.
- 6 [(f)] **(L)** Interstate 84, eastbound, near milepost 73.
- 7 [(g)] **(m)** Interstate 84, westbound, near milepost 73.
- 8 [(h)] **(n)** Interstate 84, eastbound, near milepost 160.
- 9 [(i)] **(o)** Interstate 84, eastbound, near milepost 187.
- 10 [(j)] **(p)** Interstate 84, westbound, near milepost 187.
- 11 [(k)] **(q)** Interstate 84, eastbound, near milepost 269.
- 12 [(L)] **(r)** Interstate 84, westbound, near milepost 269.
- 13 [(m)] **(s)** Interstate 84, eastbound, near milepost 295.
- 14 [(n)] **(t)** Interstate 84, westbound, near milepost 295.
- 15 [(o)] **(u)** Interstate 84, westbound, near milepost 336.
- 16 [(p)] **(v)** Interstate 84, westbound, near milepost 377.
- 17 [(q)] **(w)** U.S. Highway 26, westbound, near milepost 54.

18 (2) Subject to ORS 377.836, in carrying out the provisions of subsection (1) of this section, the
 19 council may enter into contracts necessary to accomplish the purposes of subsection (1) of this
 20 section.

21 (3) The Department of Transportation may transfer ownership of any roadside rest area under
 22 the department’s control that is listed under subsection (1) of this section, or any portion of such a
 23 roadside rest area or any structure located on such a roadside rest area, to the council.

24 (4) For purposes of this section, “roadside rest area” does not include the first 150 feet, as
 25 measured from the fog line, of the exit and entry ramps that connect the rest area to the interstate
 26 or state highway.

27 **SECTION 15.** ORS 366.752, as amended by section 59, chapter 865, Oregon Laws 2009, section
 28 5, chapter 30, Oregon Laws 2010, and sections 9 and 12 of this 2012 Act, is amended to read:

29 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
 30 section:

31 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section
 32 42, chapter 865, Oregon Laws 2009.

33 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
 34 43, chapter 865, Oregon Laws 2009.

35 (c) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
 36 43a, chapter 865, Oregon Laws 2009.

37 (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by section
 38 44, chapter 865, Oregon Laws 2009.

39 (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by section
 40 44a, chapter 865, Oregon Laws 2009.

41 (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS
 42 319.020, 319.530, 818.225, 825.476 and 825.480 by sections 48, 49 and 51 to 53, chapter 865, Oregon
 43 Laws 2009.

44 (2)(a) The moneys described in subsection (1) of this section shall be allocated first:

45 (A) In an amount of \$24 million per year in monthly installments to the Department of Trans-

1 portation for the purposes described in the long-range plan developed pursuant to ORS 184.618; and

2 (B) In an amount of [*\$4,959,504 on January 2, 2013,*] **\$6,281,208 on January 2 of each year** to
 3 the Travel Information Council for management, maintenance, improvement and development of the
 4 roadside rest areas for which the council is responsible under section 32, chapter 865, Oregon Laws
 5 2009.

6 (b) The remainder of the moneys shall be allocated as provided in subsection (3) of this section.

7 (3) The moneys described in subsection (1) of this section that remain after the allocation of
 8 moneys described in subsection (2) of this section shall be allocated as follows:

9 (a) 50 percent to the Department of Transportation.

10 (b) 30 percent to counties for distribution as provided in ORS 366.762.

11 (c) 20 percent to cities for distribution as provided in ORS 366.800.

12 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
 13 of this section or equivalent amounts that become available to the Department of Transportation
 14 shall be allocated as follows:

15 (a) 33 percent for maintenance, preservation and safety of highways.

16 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

17 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865,
 18 Oregon Laws 2009.

19 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
 20 debt service on Highway User Tax Bonds under ORS 367.615.

21 (6) For the purposes of this section:

22 (a) "Bond" has the meaning given that term in ORS 367.010.

23 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

24 **SECTION 16. The amendments to ORS 366.752 and section 32, chapter 865, Oregon Laws**
 25 **2009, by sections 14 and 15 of this 2012 Act become operative on January 1, 2014.**

26
 27 **CONFORMING AMENDMENTS AND**
 28 **REPEAL OF OBSOLETE PROVISIONS**
 29 **(Repeal)**

30
 31 **SECTION 17. Section 1, chapter 328, Oregon Laws 2011, is repealed.**

32
 33 **(Conforming Amendments)**

34
 35 **SECTION 18. ORS 366.490 is amended to read:**

36 366.490. (1) The Department of Transportation shall establish by rule a permit program allowing
 37 nonprofit organizations to provide free coffee or other nonalcoholic beverages and cookies at
 38 roadside rest areas **that are under the jurisdiction of the department.** Cookies offered under the
 39 program must come from a licensed facility. Rules adopted under this section may not restrict the
 40 program to any particular days of the year.

41 (2) An organization may apply for a permit to provide coffee, other beverages and cookies **at a**
 42 **rest area managed by the department** by submitting a written request to an employee of the de-
 43 partment designated by the department. The request shall specify the day on which the organization
 44 wishes to offer the beverages and cookies and the specific rest area where they will be offered. The
 45 request shall be submitted not more than 60 days prior to the date requested.

1 (3) The department shall issue a permit to the selected organization not less than 30 days in
2 advance of the date for which the permit is issued. If there is more than one request for the same
3 date and the same place, the department shall select one organization by random drawing and shall
4 issue the permit to that organization.

5 (4) The department may not issue more than one permit for the same time and place.

6 (5) An organization that receives a permit shall confine distribution of coffee, other beverages
7 or cookies to an area of the rest area designated in the permit or by the rest area attendant. The
8 organization may not obstruct access to any building or other structure in the rest area.

9 (6) An organization providing coffee, other beverages or cookies may receive donations.

10 (7) An organization may post signs identifying the organization and the activity, provided that
11 each sign is not more than 10 square feet in area and there are not more than two signs. The signs
12 may be placed only on vehicles used in connection with the provision of beverages and cookies or
13 located in the area designated for the activity.

14 (8) The department may revoke the permit of any organization that fails to comply with the
15 provisions of this section or with rules adopted by the department to implement the provisions.

16 **SECTION 19.** Section 33, chapter 865, Oregon Laws 2009, is amended to read:

17 **Sec. 33.** (1) [*Notwithstanding ORS 366.490,*] The Travel Information Council shall establish by
18 rule a permit program allowing nonprofit organizations to provide free coffee or other nonalcoholic
19 beverages and cookies at roadside rest areas [*the council is responsible for under section 32 of this*
20 *2009 Act*] **managed by the council pursuant to section 32, chapter 865, Oregon Laws 2009.**
21 Cookies offered under the program must come from a licensed facility. Rules adopted under this
22 section may not restrict the program to any particular days of the year.

23 (2) [*In lieu of applying to the Department of Transportation for a permit under ORS 366.490,*] An
24 organization may apply for a permit to provide coffee, other nonalcoholic beverages and cookies at
25 a rest area [*maintained*] **managed** by the council by submitting a written request to the council. The
26 request shall specify the day on which the organization wishes to offer the nonalcoholic beverages
27 and cookies and the specific rest area where they will be offered. The request shall be submitted
28 not less than 60 days prior to the date requested.

29 (3) The council shall issue a permit to the selected organization not less than 30 days in advance
30 of the date for which the permit is issued. If there is more than one request for the same date and
31 the same place, the council shall select one organization by random drawing and shall issue the
32 permit to that organization.

33 (4) The council may not issue more than one permit for the same time and place.

34 (5) An organization that receives a permit shall confine distribution of coffee, other nonalcoholic
35 beverages or cookies to an area of the rest area designated in the permit or by the rest area at-
36 tendant. The organization may not obstruct access to any building or other structure in the rest
37 area.

38 (6) An organization providing coffee, other nonalcoholic beverages or cookies may accept do-
39 nations at the rest area while providing coffee, other nonalcoholic beverages or cookies.

40 (7) An organization may post signs identifying the organization and the activity, provided that
41 each sign is not more than 10 square feet in area and there are not more than two signs. The signs
42 may be placed only on vehicles used in connection with the provision of nonalcoholic beverages and
43 cookies or located in the area designated for the activity.

44 (8) The council may revoke the permit of any organization that fails to comply with the pro-
45 visions of this section or with rules adopted by the council to implement the provisions of this sec-

1 tion.

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UNIT CAPTIONS

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5 **SECTION 20. The unit captions used in this 2012 Act are provided only for the conven-**
6 **ience of the reader and do not become part of the statutory law of this state or express any**
7 **legislative intent in the enactment of this 2012 Act.**

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EMERGENCY CLAUSE

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11 **SECTION 21. This 2012 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
13 **on its passage.**

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