

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1591

By JOINT COMMITTEE ON WAYS AND MEANS

February 28

1 On page 1 of the printed A-engrossed bill, line 2, delete “366.752,”.

2 In line 4, after the semicolon insert “limiting expenditures;”.

3 On page 3, delete lines 30 through 45 and delete pages 4 through 11 and insert:

4
5 **“CHANGES TO TRAVEL INFORMATION COUNCIL’S**
6 **MANAGERIAL AUTHORITY OVER REST AREAS**
7 **“(Repeal of Provision That Sunsets Authority of**
8 **Travel Information Council Over Rest Areas)**

9
10 **“SECTION 6. Section 34, chapter 865, Oregon Laws 2009, as amended by section 2, chapter**
11 **328, Oregon Laws 2011, is repealed.**

12
13 **“(Council’s Authority as of March 1, 2012)**

14
15 **“SECTION 7. Sections 32 and 33, chapter 865, Oregon Laws 2009, and section 1, chapter**
16 **328, Oregon Laws 2011, are added to and made a part of ORS 377.700 to 377.840.**

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

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

24 **“(a) Interstate 5, northbound, near milepost 63.**

25 **“[(a)] (b) Interstate 5, southbound, near milepost 63.**

26 **“[(b)] (c) Interstate 5, northbound, near milepost 241.**

27 **“[(c)] (d) Interstate 5, southbound, near milepost 241.**

28 **“[(d)] (e) Interstate 5, northbound, near milepost 281.**

29 **“[(e)] (f) Interstate 5, southbound, near milepost 281.**

30 **“[(f)] (g) Interstate 84, eastbound, near milepost 160.**

31 **“(h) Interstate 84, westbound, near milepost 160.**

32 **“[(g)] (i) Interstate 84, westbound, near milepost 377.**

33 **“(j) U.S. Highway 26, westbound, near milepost 54.**

34 **“(k) U.S. Highway 101, southbound, near milepost 70.**

35 **“(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of**

1 this section, the council may enter into contracts necessary to accomplish the purposes of sub-
2 section (1) of this section.

3 *“(3) The department shall maintain ownership of any roadside rest area the council manages,
4 maintains and improves under an intergovernmental agreement entered into under subsection (1) of this
5 section.”*

6 **“(3) The Department of Transportation shall:**

7 **“(a) Maintain ownership of any roadside rest area located along an interstate highway
8 that the council manages, maintains, improves and develops pursuant to subsection (1) of
9 this section; and**

10 **“(b) Enter into an intergovernmental agreement with the council under which the council
11 has the authority to manage, maintain, improve and develop those rest areas owned by the
12 department that are listed in subsection (1) of this section.**

13 *“(4) Under the intergovernmental agreement entered into under subsection [(1)] (3) of this sec-
14 tion, the council shall conduct public contracting activities in accordance with the provisions of
15 ORS 377.836.*

16 **“(5) For the purpose of funding the management, maintenance, improvement and devel-
17 opment of roadside rest areas under this section, the department shall allocate to the coun-
18 cil, no later than April 1, 2012, \$457,000 from the State Highway Fund.**

19 **“(6) The Secretary of State shall enter into agreements with the council to set an ap-
20 propriate financial review schedule for moneys allocated to the council under this section.
21 In lieu of conducting a financial review as required by that schedule, the Secretary of State
22 may:**

23 **“(a) Contract for the financial review with an independent certified public accountant;
24 or**

25 **“(b) Accept a financial review conducted by an independent certified public accountant.**

26 **“(7) The council may not use any moneys originating from a local transient lodging tax
27 or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose
28 of funding the management, maintenance, improvement and development of roadside rest
29 areas under this section.**

30 **“SECTION 9.** ORS 366.490 is amended to read:

31 **“366.490. (1) The Department of Transportation shall establish by rule a permit program allow-
32 ing nonprofit organizations to provide free coffee or other nonalcoholic beverages and cookies at
33 roadside rest areas **managed by the department**. Cookies offered under the program must come
34 from a licensed facility. Rules adopted under this section may not restrict the program to any par-
35 ticular days of the year.**

36 **“(2) An organization may apply for a permit to provide coffee, other beverages and cookies **at
37 a rest area managed by the department** by submitting a written request to an employee of the
38 department designated by the department. The request shall specify the day on which the organiza-
39 tion wishes to offer the beverages and cookies and the specific rest area where they will be offered.
40 The request shall be submitted not more than 60 days prior to the date requested.**

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

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

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

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

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

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

11 “(9) **Rules adopted by the department under this section do not apply to roadside rest**
12 **areas managed by the Travel Information Council pursuant to section 32, chapter 865,**
13 **Oregon Laws 2009.**

14 “**SECTION 10.** Section 33, chapter 865, Oregon Laws 2009, is amended to read:

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

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

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

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

32 “(5) An organization that receives a permit shall confine distribution of coffee, other nonalco-
33 holic beverages or cookies to an area of the rest area designated in the permit or by the rest area
34 attendant. The organization may not obstruct access to any building or other structure in the rest
35 area.

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

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

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

45 “**SECTION 11. Section 7 of this 2012 Act and the amendments to ORS 366.490 and sections**

1 **32 and 33, chapter 865, Oregon Laws 2009, by sections 8, 9 and 10 of this 2012 Act become**
2 **operative on March 1, 2012.**

3
4 **“(Council’s Authority as of January 1, 2013)**

5
6 **“SECTION 12. Section 60, chapter 865, Oregon Laws 2009, is repealed.**

7 **“SECTION 13.** Section 32, chapter 865, Oregon Laws 2009, as amended by section 8 of this 2012
8 Act, is amended to read:

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

12 **“(a)** Interstate 5, northbound, near milepost 63.

13 **“(b)** Interstate 5, southbound, near milepost 63.

14 **“(c)** Interstate 5, northbound, near milepost 241.

15 **“(d)** Interstate 5, southbound, near milepost 241.

16 **“(e)** Interstate 5, northbound, near milepost 281.

17 **“(f)** Interstate 5, southbound, near milepost 281.

18 **“(g) Interstate 84, eastbound, near milepost 73.**

19 **“(h) Interstate 84, westbound, near milepost 73.**

20 **“[(g)] (i)** Interstate 84, eastbound, near milepost 160.

21 **“[(h)] (j)** Interstate 84, westbound, near milepost 160.

22 **“(k) Interstate 84, eastbound, near milepost 187.**

23 **“(L) Interstate 84, westbound, near milepost 187.**

24 **“(m) Interstate 84, eastbound, near milepost 269.**

25 **“(n) Interstate 84, westbound, near milepost 269.**

26 **“(o) Interstate 84, eastbound, near milepost 295.**

27 **“(p) Interstate 84, westbound, near milepost 295.**

28 **“(q) Interstate 84, westbound, near milepost 336.**

29 **“[(i)] (r)** Interstate 84, westbound, near milepost 377.

30 **“[(j)] (s)** U.S. Highway 26, westbound, near milepost 54.

31 **“[(k)] (t)** U.S. Highway 101, southbound, near milepost 70.

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

35 **“(3)** The Department of Transportation shall:

36 **“(a)** Maintain ownership of any roadside rest area located along an interstate highway that the
37 council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

38 **“(b)** Enter into an intergovernmental agreement with the council under which the council has
39 the authority to manage, maintain, improve and develop those rest areas owned by the department
40 that are listed in subsection (1) of this section.

41 **“(4)** Under the intergovernmental agreement entered into under subsection (3) of this section,
42 the council shall conduct public contracting activities in accordance with the provisions of ORS
43 377.836.

44 **“(5)** For the purpose of funding the management, maintenance, improvement and development
45 of roadside rest areas under this section, the department shall allocate to the council, no later than

1 [April 1, 2012, \$457,000] **January 2, 2013, \$4.96 million** from the State Highway Fund.

2 “(6) The Secretary of State shall enter into agreements with the council to set an appropriate
3 financial review schedule for moneys allocated to the council under this section and ORS 366.752.
4 In lieu of conducting a financial review as required by that schedule, the Secretary of State may:

5 “(a) Contract for the financial review with an independent certified public accountant; or

6 “(b) Accept a financial review conducted by an independent certified public accountant.

7 “(7) The council may not use any moneys originating from a local transient lodging tax or a
8 state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding
9 the management, maintenance, improvement and development of roadside rest areas under this sec-
10 tion.

11 “**SECTION 14. The repeal of section 60, chapter 865, Oregon Laws 2009, by section 12 of**
12 **this 2012 Act and the amendments to section 32, chapter 865, Oregon Laws 2009, by section**
13 **13 of this 2012 Act become operative on January 1, 2013.**

14
15 “(Council’s Authority as of January 1, 2014)

16
17 “**SECTION 15.** Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8 and 13 of
18 this 2012 Act, is amended to read:

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

22 “(a) Interstate 5, northbound, near milepost 63.

23 “(b) Interstate 5, southbound, near milepost 63.

24 “(c) **Interstate 5, northbound, near milepost 143.**

25 “(d) **Interstate 5, southbound, near milepost 143.**

26 “(e) **Interstate 5, northbound, near milepost 178.**

27 “(f) **Interstate 5, southbound, near milepost 178.**

28 “(g) **Interstate 5, northbound, near milepost 206.**

29 “(h) **Interstate 5, southbound, near milepost 206.**

30 “[c] (i) Interstate 5, northbound, near milepost 241.

31 “[d] (j) Interstate 5, southbound, near milepost 241.

32 “[e] (k) Interstate 5, northbound, near milepost 281.

33 “[f] (L) Interstate 5, southbound, near milepost 281.

34 “[g] (m) Interstate 84, eastbound, near milepost 73.

35 “[h] (n) Interstate 84, westbound, near milepost 73.

36 “[i] (o) Interstate 84, eastbound, near milepost 160.

37 “[j] (p) Interstate 84, westbound, near milepost 160.

38 “[k] (q) Interstate 84, eastbound, near milepost 187.

39 “[L] (r) Interstate 84, westbound, near milepost 187.

40 “[m] (s) Interstate 84, eastbound, near milepost 269.

41 “[n] (t) Interstate 84, westbound, near milepost 269.

42 “[o] (u) Interstate 84, eastbound, near milepost 295.

43 “[p] (v) Interstate 84, westbound, near milepost 295.

44 “[q] (w) Interstate 84, westbound, near milepost 336.

45 “[r] (x) Interstate 84, westbound, near milepost 377.

1 “[(s)] (y) U.S. Highway 26, westbound, near milepost 54.

2 “[(t)] (z) U.S. Highway 101, southbound, near milepost 70.

3 “(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of
4 this section, the council may enter into contracts necessary to accomplish the purposes of sub-
5 section (1) of this section.

6 “(3) The Department of Transportation shall:

7 “(a) Maintain ownership of any roadside rest area located along an interstate highway that the
8 council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

9 “(b) Enter into an intergovernmental agreement with the council under which the council has
10 the authority to manage, maintain, improve and develop those rest areas owned by the department
11 that are listed in subsection (1) of this section.

12 “(4) Under the intergovernmental agreement entered into under subsection (3) of this section,
13 the council shall conduct public contracting activities in accordance with the provisions of ORS
14 377.836.

15 “(5) For the purpose of funding the management, maintenance, improvement and development
16 of roadside rest areas under this section, the department shall allocate to the council, no later than
17 January 2[, 2013, \$4.96] of each year, \$6.55 million from the State Highway Fund.

18 “(6) The Secretary of State shall enter into agreements with the council to set an appropriate
19 financial review schedule for moneys allocated to the council under this section and ORS 366.752.
20 In lieu of conducting a financial review as required by that schedule, the Secretary of State may:

21 “(a) Contract for the financial review with an independent certified public accountant; or

22 “(b) Accept a financial review conducted by an independent certified public accountant.

23 “(7) The council may not use any moneys originating from a local transient lodging tax or a
24 state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding
25 the management, maintenance, improvement and development of roadside rest areas under this sec-
26 tion.

27 “**SECTION 16. The amendments to section 32, chapter 865, Oregon Laws 2009, by section**
28 **15 of this 2012 Act become operative on January 1, 2014.**

29
30 **“AUTHORITY OF DEPARTMENT OF TRANSPORTATION**
31 **TO SUSPEND OR REDUCE ALLOCATIONS**
32 **TO TRAVEL INFORMATION COUNCIL**
33

34 “**SECTION 17. (1) As used in this section, ‘convenience fee’ means fees that are:**

35 “(a) **Authorized by ORS 182.132 for the provision of electronic records, through an elec-**
36 **tronic government portal, that are related to services provided by the Department of**
37 **Transportation; and**

38 “(b) **Transferred by the Oregon Department of Administrative Services to the Depart-**
39 **ment of Transportation for deposit into the State Highway Fund.**

40 “(2)(a) **The Oregon Transportation Commission may direct the Department of Transpor-**
41 **tation to suspend the allocation of funds to the Travel Information Council, or to propor-**
42 **tionally reduce the amount of the allocations to the council, under section 32 (5), chapter 865,**
43 **Oregon Laws 2009, if the collection of convenience fees is suspended or the amount of the**
44 **convenience fees collected by the Oregon Department of Administrative Services is reduced.**

45 “(b) **If the allocation is suspended or reduced under paragraph (a) of this subsection, the**

1 commission shall modify the intergovernmental agreement entered into by the Department
2 of Transportation and the council under section 32 (3), chapter 865, Oregon Laws 2009, to
3 suspend or reduce the council's responsibility to manage, maintain, improve and develop
4 roadside rest areas under that agreement by an amount that is proportional to the suspen-
5 sion or reduction in funds.

6
7 **“FINANCIAL AUDIT OF TRAVEL INFORMATION**
8 **COUNCIL FOR MONEYS ALLOCATED TO DATE**

9
10 **“SECTION 18.** (1) The Secretary of State shall conduct a financial audit of and prepare
11 an audit report on the Travel Information Council, at the council's expense, with respect to
12 moneys received by the council under ORS 366.752 and expended on the management, main-
13 tenance, improvement or development of rest areas under section 32, chapter 865, Oregon
14 Laws 2009, prior to the operative date specified in section 14 of this 2012 Act.

15 **“(2)** The Secretary of State shall supply the Joint Legislative Audit Committee and the
16 Legislative Fiscal Officer with a copy of the audit report prepared by the Secretary of State
17 under subsection (1) of this section.

18 **“(3)** The council shall report the findings of the financial audit to an interim legislative
19 committee related to transportation and an interim legislative committee related to the re-
20 view of government expenditures no later than December 31, 2012.

21
22 **“DECREASE OF LIMITATION ON EXPENDITURES**

23
24 **“SECTION 19.** Notwithstanding any other law limiting expenditures, the limitation on
25 expenditures established by section 2 (2), chapter 542, Oregon Laws 2011, for the biennium
26 beginning July 1, 2011, as the maximum limit for payment of expenses from fees, moneys or
27 other revenues, including Miscellaneous Receipts and federal funds received as reimburse-
28 ment from the United States Department of Transportation, but excluding lottery funds and
29 federal funds not described in this section, collected or received by the Department of
30 Transportation, is decreased by \$691,963 for rest area operation and maintenance.

31
32 **“UNIT CAPTIONS**

33
34 **“SECTION 20.** The unit captions used in this 2012 Act are provided only for the conven-
35 ience of the reader and do not become part of the statutory law of this state or express any
36 legislative intent in the enactment of this 2012 Act.

37
38 **“EMERGENCY CLAUSE**

39
40 **“SECTION 21.** This 2012 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
42 on its passage.”.