

# House Bill 2146

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture and Natural Resources)

## 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**.

Transfers authority for administration and operation of Oregon State Fair to Oregon Tourism Commission. Becomes operative on December 31, 2013.

Creates Oregon State Fair Fund and continuously appropriates moneys in fund to Oregon Tourism Commission.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon State Fair; creating new provisions; amending ORS 279A.025, 284.111,  
3 284.118, 284.131, 284.142, 291.055, 307.110, 390.134, 565.021, 565.030, 565.040, 565.050, 565.060,  
4 565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114, 565.116, 565.120, 565.130, 565.140,  
5 565.150, 565.160, 565.170, 565.610, 565.620, 565.630 and 565.640; appropriating money; and declar-  
6 ing an emergency.

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

8 **SECTION 1.** ORS 284.111 is amended to read:

9 284.111. The Oregon Tourism Commission shall perform the following duties:

10 (1) Serve as a body to advise governmental bodies and agencies and private persons on the de-  
11 velopment and implementation of state policies and programs relating to tourism and recreation and  
12 to assist in the coordination of these activities.

13 (2) Advise the Governor and direct the executive director of the commission on all matters  
14 pertaining to tourism.

15 (3) Prepare, approve and periodically revise and submit to the Governor, the Director of the  
16 Oregon Business Development Department and tourism industry associations a recommended com-  
17 prehensive marketing plan for review by the Governor, the Director of the Oregon Business Devel-  
18 opment Department and the tourism industry associations. The comprehensive marketing plan shall  
19 be directed toward the accomplishment of at least the following purposes:

20 (a) Maximizing the return on public and private investment in tourism.

21 (b) Encouraging longer stays by visitors to Oregon.

22 (c) Reducing seasonal fluctuations in travel and tourist related industries.

23 (d) Encouraging visitors to be destination oriented in this state by targeting high-yield visitor  
24 segments that may include cultural tourism, agri-tourism, nature-based tourism or sports and ad-  
25 venture tourism.

26 (e) Encouraging visitors from foreign countries to come to Oregon.

27 (f) Encouraging Oregonians to vacation in Oregon.

28 (4) Develop a biennial budget for all operations of the commission and submit the budget to the  
29 Governor.

**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 (5) Seek and receive the views of all levels of government and the private sector with respect  
2 to state programs and policies for the promotion and assistance of tourism.

3 (6) Prepare and adopt administrative rules necessary for the operation of the programs of the  
4 commission.

5 (7) Cooperate with educational institutions of the state in the development of educational pro-  
6 grams preparing persons for supporting and leadership positions critical to the development of an  
7 economically strong and socially beneficial tourism industry in Oregon.

8 (8) Cooperate with and provide expertise for communities and tourism marketing associations  
9 in the development and promotion of their tourism attractions and businesses.

10 (9) Implement the comprehensive marketing plan described in subsection (3) of this section and  
11 promote tourism in the State of Oregon.

12 **(10) Administer and operate the Oregon State Fair.**

13 **SECTION 2.** ORS 284.118, as amended by section 60, chapter 107, Oregon Laws 2012, is  
14 amended to read:

15 284.118. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035,  
16 279.835 to 279.855 and 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291,  
17 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject to all other  
18 statutes governing a state agency that do not conflict with ORS 284.101 to 284.146, including the  
19 tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. The em-  
20 ployees of the commission are included within the Public Employees Retirement System.

21 (2) Notwithstanding subsection (1) of this section, the following provisions apply to the com-  
22 mission:

23 (a) ORS 279A.250 to 279A.290;

24 (b) ORS 292.495; [and]

25 (c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630[.]; and

26 **(d) Any provision of law listed in subsection (1) of this section that applies in the ad-  
27 ministration and operation of the Oregon State Fair.**

28 (3) In carrying out the duties, functions and powers of the commission, the commission may  
29 contract with any state agency for the performance of duties, functions and powers as the commis-  
30 sion considers appropriate. A state agency may not charge the commission an amount that exceeds  
31 the actual cost of those services. ORS 284.101 to 284.146 do not require a state agency to provide  
32 services to the commission other than pursuant to a voluntary interagency agreement or contract.

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

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

40 **SECTION 3.** ORS 284.131 is amended to read:

41 284.131. (1) All moneys collected **by**, received by or appropriated to the Oregon Tourism Com-  
42 mission must be deposited into an account established by the commission in a depository bank in-  
43 sured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements  
44 of ORS chapter 295, the chair of the commission shall ensure that sufficient collateral secures any  
45 amount of funds on deposit that exceeds the limits of the Federal Deposit Insurance Corporation's

1 coverage.

2 (2) Subject to the approval of the chair, the commission may invest moneys collected or received  
 3 by the commission. Investments made by the commission must be limited to investments described  
 4 in ORS 294.035 (3)(a) to (i).

5 (3) Interest earned on any moneys invested under subsection (2) of this section must be made  
 6 available to the commission in a manner consistent with the biennial budget of the commission.

7 (4) The commission shall spend state transient lodging tax moneys appropriated to the commis-  
 8 sion under ORS 320.335 as follows:

9 (a) At least 80 percent must be used to fund state tourism marketing programs.

10 (b) As much as 15 percent must be used to implement a regional cooperative tourism marketing  
 11 program that:

12 (A) Requires fund allocations to focus on creating new business from out-of-state and interna-  
 13 tional markets;

14 (B) Utilizes a regional allocation formula that distributes revenue to regions, the boundaries of  
 15 which are established by the commission, in proportion to the amount of transient lodging tax re-  
 16 venues collected in each region;

17 (C) Distributes revenue to recipients that are selected by the commission as organizations able  
 18 to conduct tourism-related marketing for each region;

19 (D) Requires advertising, publications, CD-ROMs, websites, videos and other tourism promotion  
 20 materials funded through the regional cooperative tourism marketing program to carry the [*Oregon*  
 21 *Tourism*] commission logo and marketing tag line; and

22 (E) Encourages funding recipients to incorporate design elements from commission advertising  
 23 and promotional campaigns, such as fonts, images and other design elements.

24 (5) All moneys in the account that are not state transient lodging tax revenues are continuously  
 25 appropriated to the commission for the purposes of carrying out the functions of the commission.

26 (6) All expenditures from the account are exempt from any state expenditure limitation.

27 **(7) This section does not apply to moneys collected by, received by or appropriated to the**  
 28 **commission for the purpose of administering and operating the Oregon State Fair.**

29 **SECTION 4.** ORS 284.142 is amended to read:

30 284.142. (1) The Oregon Tourism Commission shall appoint an executive director. The appoint-  
 31 ment shall be subject to the approval of the Governor. The executive director shall serve at the  
 32 pleasure of the members of the commission.

33 (2) The commission shall set the compensation of the executive director.

34 (3) The executive director shall direct all administrative functions of the commission, **including**  
 35 **but not limited to the administration and operation of the Oregon State Fair.** The executive  
 36 director may appoint **and hire** all subordinate officers and employees of the commission and may  
 37 prescribe their duties and set their compensation.

38 (4) Except as provided in subsection (5) of this section, the commission may delegate to the  
 39 executive director any duty, function or power conferred or imposed on the commission and the  
 40 executive director may delegate to any subordinate officer or employee of the commission any duty,  
 41 function or power conferred, imposed on or delegated to the executive director.

42 (5) The commission may not delegate to the executive director the power to:

43 (a) Approve the comprehensive marketing plan described in ORS 284.111;

44 (b) Approve the biennial budget required under ORS 284.126; or

45 (c) Appoint and set the compensation of the executive director.

**SECTION 5.** ORS 565.021 is amended to read:

565.021. (1) The [*State Parks and Recreation Director*] **Oregon Tourism Commission** shall appoint a State Fair Advisory Committee to provide advice and assistance to the [*director*] **commission** on matters regarding the operation of the Oregon State Fair.

(2) The advisory committee shall consist of seven members appointed by the [*director*] **commission** for four-year terms. The [*director*] **commission** shall appoint:

(a) A resident from each congressional district of Oregon. The [*director*] **commission** shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests active in state fair activities, such as agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits.

(b) Two persons to represent county fair interests. The [*director*] **commission** may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.

(3) The members of the advisory committee serve at the pleasure of the [*director*] **Oregon Tourism Commission**. The [*director*] **commission** may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.

(4) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495, from moneys appropriated to the [*State Parks and Recreation Department*] **commission** for that purpose.

(5) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as the advisory committee determines appropriate.

(6) The advisory committee shall meet at the call of the [*director*] **commission**.

**SECTION 6.** ORS 565.030 is amended to read:

565.030. The State Fair Advisory Committee shall provide advice and assistance to the [*State Parks and Recreation Director*] **Oregon Tourism Commission** on matters regarding the operation of the Oregon State Fair and shall solicit and encourage support throughout the state to improve the quality of and participation in the fair to achieve the purposes and objectives of ORS 565.050.

**SECTION 7.** ORS 565.040 is amended to read:

565.040. There is established a state institution to be designated and known as the Oregon State Fair, which shall be administered and operated by the [*State Parks and Recreation Department*] **Oregon Tourism Commission**.

**SECTION 8.** ORS 565.050 is amended to read:

565.050. The objects and purposes of the Oregon State Fair are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. To this end the [*State Parks and Recreation Director*] **Oregon Tourism Commission** shall operate the business and properties of the Oregon State Fair as a year-round fair and exposition center, display historical objects and do all things necessary or expedient for the full utilization of the properties and facilities of the fair. The [*director*] **commission** shall conduct an annual state fair for a period of not more than 17 days' duration beginning and ending on such dates as the [*director*] **commission** considers appropriate.

**SECTION 9.** ORS 565.060 is amended to read:

565.060. In accordance with any applicable provision of ORS chapter 183, the [*State Parks and Recreation Commission*] **Oregon Tourism Commission** may adopt rules to carry out the provisions of this chapter.

**SECTION 10.** ORS 565.080 is amended to read:

1 565.080. (1) The [*State Parks and Recreation Director*] **Oregon Tourism Commission** shall have  
 2 care of the Oregon State Fair property and be entrusted with the direction of its business and fi-  
 3 nancial affairs. The [*director*] **commission** shall prepare, adopt, publish and enforce all necessary  
 4 rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guid-  
 5 ance of its officers or employees.

6 (2) The [*director*] **commission** may appoint all necessary marshals to keep order on the grounds  
 7 and in the buildings of the Oregon State Fair during all exhibitions. The marshals so appointed shall  
 8 be vested with the same authority for such purposes as executive peace officers are vested by law.

9 (3) The [*director*] **commission** shall establish charges for entrance fees, gate money, lease stalls,  
 10 stands, parking space, buildings, restaurant sites; conduct shows, exhibitions, races and all manner  
 11 of business notwithstanding the provisions of ORS 227.286 and do all other things the [*director*]  
 12 **commission** considers proper in the operation of a year-round fair and exposition center and the  
 13 annual state fair. The state is in no event liable for any premium awarded or debt created by the  
 14 [*director*] **commission** beyond the amount annually appropriated therefor.

15 (4) The [*director*] **commission** may enter into sponsorship agreements for the receipt of moneys,  
 16 services, products or other items of value. A sponsorship agreement entered into under this sub-  
 17 section is not subject to ORS 279.835 to 279.855 or ORS chapter 279A or 279B.

18 **SECTION 11.** ORS 565.090 is amended to read:

19 565.090. (1) The Oregon State Fair shall be permanently located on the present grounds now  
 20 owned by the state and heretofore devoted to Oregon State Fair purposes, located in the City of  
 21 Salem, in Marion County. Those grounds and such additional lands as may hereafter be obtained by  
 22 the [*State Parks and Recreation Department*] **Oregon Tourism Commission** for the purposes of the  
 23 Oregon State Fair are dedicated for the use of the Oregon State Fair [*and for other departmental*  
 24 *programs*].

25 (2) The [*department*] **commission** may obtain by donation, exchange or purchase such lands ad-  
 26 jacent to the present grounds, including improvements thereon, as it may deem necessary and ad-  
 27 visable to facilitate the use of such grounds and may construct, remodel and repair buildings and  
 28 facilities deemed by it necessary in the operation of the Oregon State Fair [*and for other depart-*  
 29 *mental programs*].

30 **SECTION 12.** ORS 565.095 is amended to read:

31 565.095. (1) In accordance with any applicable provisions of ORS chapter 286A, the [*State Parks*  
 32 *and Recreation Director, with the approval of the State Parks and Recreation Commission,*] **Oregon**  
 33 **Tourism Commission** may request the State Treasurer to issue revenue bonds in an amount not  
 34 to exceed \$10 million.

35 (2) Moneys received from the issuance of revenue bonds may be expended for land acquisition,  
 36 capital construction and improvements and for paying current operating and other expenses of the  
 37 Oregon State Fair.

38 (3) Revenue bonds issued pursuant to this section shall be secured by revenues received by the  
 39 [*director*] **commission** from activities conducted at the Oregon State Fair, and shall not be a general  
 40 obligation of the [*State Parks and Recreation Department*] **commission** or the State of Oregon.

41 **SECTION 13.** ORS 565.107 is amended to read:

42 565.107. (1) The Oregon State Fair [*Account*] **Fund** is established [*as a separate account within*  
 43 *the State Parks and Recreation Department Fund*] **separate and distinct from the General Fund.**  
 44 Interest earned on moneys in the [*account*] **Oregon State Fair Fund** shall be credited to the [*ac-*  
 45 *count*] **fund**. The [*account*] **fund** shall consist of:

1 (a) Proceeds from the sale of revenue bonds authorized to be issued by ORS 565.095.

2 (b) Moneys received by the [*State Parks and Recreation Director*] **Oregon Tourism Commission**  
 3 from activities conducted at the Oregon State Fair.

4 (c) Moneys received by the [*director*] **commission** by appropriation, gift, grant or other donation  
 5 from any source or otherwise paid to the [*director*] **commission** pursuant to law. Moneys received  
 6 as a result of a gift, grant or donation shall be separately accounted for within the [*account*] **fund**  
 7 and shall be available only for the purpose specified in the gift, grant or donation or, if no purpose  
 8 is specified, for any purpose that the [*State Parks and Recreation Commission*] **commission** deter-  
 9 mines is consistent with the intent of the donor or grantor.

10 (2) Interest earned on moneys held for debt service payments and rebates and interest earned  
 11 on the proceeds from the sale of revenue bonds pursuant to ORS 565.095 shall be separately ac-  
 12 counted for within the [*account*] **fund** and shall be available only for the purpose of retiring bond  
 13 indebtedness.

14 (3) Interest earned on moneys received by the [*director*] **commission** as a result of a gift, grant  
 15 or donation shall be separately accounted for within the [*account*] **fund** and shall be available only  
 16 for the purpose specified in the gift, grant or donation or, if no purpose is specified, for any purpose  
 17 that the commission determines is consistent with the intent of the donor or grantor.

18 (4) Moneys in the [*account*] **fund** established by subsection (1) of this section are appropriated  
 19 continuously to the [*State Parks and Recreation Department*] **Oregon Tourism Commission**. Sub-  
 20 ject to subsection (2) of this section, the [*department*] **commission** may use the [*account*] **fund**  
 21 moneys for:

22 (a) The payment of operating and other expenses of the Oregon State Fair.

23 (b) Land acquisition, capital construction and capital improvements at the Oregon State Fair.

24 (c) The payment of principal and interest on all revenue bonds issued pursuant to ORS 565.095.

25 (d) Any purpose designated by the donor or grantor of a gift, grant or donation, or for any other  
 26 purpose that the commission determines is consistent with the intent of the donor or grantor.

27 **SECTION 14.** ORS 565.109 is amended to read:

28 565.109. The [*State Parks and Recreation Director*] **Oregon Tourism Commission** may accept  
 29 gifts, grants and donations of moneys, property or any other valuable thing on behalf of the Oregon  
 30 State Fair. Unless use of moneys, property or valuable things received under this section is limited  
 31 by the donor or grantor, the moneys, property or valuable thing may be used in any manner that  
 32 the [*State Parks and Recreation Commission*] **commission** determines to be consistent with the in-  
 33 tent of the donor or grantor.

34 **SECTION 15.** ORS 565.114 is amended to read:

35 565.114. The Legislative Assembly finds and declares that:

36 (1) The successful solicitation of gifts, grants and donations for the benefit of the Oregon State  
 37 Fair allows the operation, improvement and maintenance of facilities or programs enjoyed by the  
 38 public. The receipt of gifts, grants and donations for the benefit of the Oregon State Fair reduces  
 39 the amount of public moneys that must be spent for the operation, improvement and maintenance  
 40 of facilities or programs.

41 (2) The successful solicitation of gifts, grants and donations by a nonprofit, tax exempt organ-  
 42 ization for the benefit of the Oregon State Fair minimizes the cost to the state of obtaining those  
 43 gifts, grants and donations. Cooperation between the [*State Parks and Recreation Department*]  
 44 **Oregon Tourism Commission** and such an organization, including the provision of tickets and  
 45 other promotional items, facilities, supplies, staff and services by the [*department*] **commission** for

1 use by such an organization in connection with fund raising efforts, serves a public purpose by in-  
 2 creasing the ability of the organization to successfully solicit gifts, grants and donations for the  
 3 benefit of the Oregon State Fair.

4 **SECTION 16.** ORS 565.116 is amended to read:

5 565.116. (1) The [*State Parks and Recreation Director*] **Oregon Tourism Commission** may co-  
 6 operate with any nonprofit, tax exempt organization designated by the [*director*] **commission** as an  
 7 appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State  
 8 Fair.

9 (2) The [*director*] **commission** may advise and receive advice from an organization described in  
 10 subsection (1) of this section. The [*director*] **commission** may, if allowed by the charter and bylaws  
 11 of the organization, **appoint a member of the commission** to serve as a regular or nonvoting  
 12 board member of the organization. The [*director*] **member of the commission appointed under**  
 13 **this subsection** may not chair the board of directors, vote for or appoint other board members,  
 14 control the financial affairs of the organization or oversee the day-to-day operation of the organ-  
 15 ization.

16 (3) The [*director*] **commission** may provide tickets, promotional items and facilities to the or-  
 17 ganization without charge for use in increasing the ability of the organization to successfully solicit  
 18 gifts, grants and donations for the benefit of the Oregon State Fair.

19 (4) The [*director*] **commission** may provide supplies, staff and services to the organization at  
 20 cost for use in increasing the ability of the organization to successfully solicit gifts, grants and do-  
 21 nations for the benefit of the Oregon State Fair.

22 (5) The [*director*] **commission** shall submit an annual accounting report to an appropriate com-  
 23 mittee of the Legislative Assembly designated by the Speaker of the House of Representatives and  
 24 the President of the Senate. The report must contain a detailed description of all tickets, promo-  
 25 tional items, facilities, supplies, staff and services provided under subsections (3) and (4) of this  
 26 section, the specific disposition or application thereof made by the organization and any resulting  
 27 benefit to the Oregon State Fair.

28 (6) The [*director*] **commission** may enter into an agreement for the donation to the Oregon State  
 29 Fair of goods, services and public improvements by a nonprofit, tax exempt organization.

30 **SECTION 17.** ORS 565.120 is amended to read:

31 565.120. The [*State Parks and Recreation Director*] **Oregon Tourism Commission** is authorized  
 32 to issue a license permitting the holder of the license to conduct any business therein named upon  
 33 the grounds of the Oregon State Fair. Issuance of licenses shall be in accordance with the compet-  
 34 itive bidding requirements of ORS 279.835 to 279.855 and ORS chapters 279A and 279B for the  
 35 awarding of public contracts, to the extent those procedures are practicable. The funds arising  
 36 therefrom shall become a part of the Oregon State Fair [*Account*] **Fund**.

37 **SECTION 18.** ORS 565.130 is amended to read:

38 565.130. (1) Licenses under ORS 565.120 may be issued permitting any business to be conducted  
 39 upon the grounds of the Oregon State Fair which under the laws of this state may be conducted at  
 40 any place within the state, including the sale of malt, vinous or distilled liquor.

41 (2) Any business so licensed by the [*State Parks and Recreation Director*] **Oregon Tourism**  
 42 **Commission** is not required to pay a fee for a license to any city, county or state, other than to  
 43 the [*director*] **commission** as provided in ORS 565.120, for conducting a business upon the grounds  
 44 of the Oregon State Fair. However, nothing in this section shall interfere with the laws of this state  
 45 requiring a license for the operation of a restaurant or requiring a license to be obtained from the

1 Oregon Liquor Control Commission for the sale or distribution of alcoholic liquors.

2 **SECTION 19.** ORS 565.140 is amended to read:

3 565.140. The buildings and facilities therein that are planned, constructed, altered, furnished and  
 4 equipped by the [*State Parks and Recreation Department*] **Oregon Tourism Commission** at the state  
 5 fairgrounds, as authorized by chapter 442, Oregon Laws 1957, shall be used primarily for the housing  
 6 and dining of members of 4-H Clubs and of Future Farmers of America and for exhibit and contest  
 7 space for nonlivestock exhibits of both groups. These buildings and facilities therein shall be avail-  
 8 able for other groups only at times other than during the state fair and as authorized by the [*de-*  
 9 *partment*] **commission**.

10 **SECTION 20.** ORS 565.150 is amended to read:

11 565.150. (1) When construction of an armory containing an auditorium is authorized under ORS  
 12 396.505 to 396.545 in Marion County, if the [*State Parks and Recreation Department*] **Oregon**  
 13 **Tourism Commission** and the General Staff of the Oregon National Guard arrive at a mutually  
 14 satisfactory agreement for the use of the armory by the [*department*] **commission**, the [*department*]  
 15 **commission** may, notwithstanding the provisions of ORS 565.090, permit such armory to be con-  
 16 structed on the grounds of the Oregon State Fair and grant control over such armory and grounds  
 17 to the General Staff for the period that such armory and grounds are used for military purposes.  
 18 When such armory and grounds are no longer used for military purposes, the control over them shall  
 19 revert to the [*department*] **commission**.

20 (2) For purposes of this section, “control” does not include the power to sell, lease, mortgage  
 21 or in any other way encumber an armory constructed under subsection (1) of this section.

22 **SECTION 21.** ORS 565.160 is amended to read:

23 565.160. (1) The [*State Parks and Recreation Department*] **Oregon Tourism Commission** shall  
 24 plan, construct, alter, furnish and equip horse barn facilities at the Oregon State Fair suitable for  
 25 stabling horses. These facilities shall also include rest rooms suitable for public use. The  
 26 [*department*] **commission** shall also plan, construct, alter, furnish and equip storm sewers on the  
 27 grounds of the Oregon State Fair.

28 (2) Notwithstanding any other provision of law pertaining to sale of public property, the State  
 29 Treasurer, with the approval of the investing agency, may sell any site or facility described in sub-  
 30 section (1) of this section or interest therein so acquired by offer for sale by sealed bid. However:

- 31 (a) Any or all bids may be rejected.
- 32 (b) The state has first option to purchase at the highest bid accepted.

33 **SECTION 22.** ORS 565.170 is amended to read:

34 565.170. The [*State Parks and Recreation Department*] **Oregon Tourism Commission** shall plan,  
 35 construct, alter, furnish and equip on the grounds of the Oregon State Fair a facility suitable for  
 36 housing exhibits and providing contest space for the homemaking arts and crafts.

37 **SECTION 23.** ORS 565.103 is amended to read:

38 565.103. (1) Pursuant to ORS 286A.560 to 286A.585, lottery bonds may be issued to fund projects  
 39 for the improvement, restoration, upgrading and preservation of systems, facilities and equipment  
 40 of the Oregon State Fair.

41 (2) The use of lottery bond proceeds is authorized based on the following findings:

- 42 (a) The activities of the Oregon State Fair promote Oregon’s agricultural industry and its prod-  
 43 ducts;
- 44 (b) The promotion of agricultural products expands markets, which in turn creates jobs and  
 45 stimulates economic development of the industry; and



1 (c) The Oregon State Fair draws patrons from throughout the region and creates jobs and sub-  
 2 stantial economic activity for the Salem and Keizer areas.

3 (3) The aggregate principal amount of lottery bonds issued pursuant to this section may not  
 4 exceed the sum of \$20,167,661 and an additional amount estimated by the State Treasurer to be  
 5 necessary to pay bond-related costs. Lottery bonds issued pursuant to this section shall be issued  
 6 only at the request of the [*State Parks and Recreation Director*] **Oregon Tourism Commission**.

7 (4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the  
 8 State Fair Capital Project Fund, which is hereby established in the State Treasury separate and  
 9 distinct from the General Fund.

10 (5) The proceeds of lottery bonds issued pursuant to this section shall be used only for the  
 11 purposes set forth in subsection (1) of this section and for bond-related costs.

12 **SECTION 24.** ORS 565.610 is amended to read:

13 565.610. (1) No person shall set up any shop, booth, wagon or other vehicle for the sale of  
 14 spirituous or other liquors, cigars, provisions or other articles of traffic, or shall sell or otherwise  
 15 dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article of traffic  
 16 whatever on the grounds of the Oregon State Fair, or on any grounds owned or occupied by a  
 17 county fair board or any county or district society formed for the promotion and encouragement of  
 18 agriculture, stock growing or horticulture, or within one-half mile of such grounds, without having  
 19 paid the [*State Parks and Recreation Department*] **Oregon Tourism Commission**, county fair board  
 20 or such society [*the*] **a fee for a** license for the privilege, or obtained the written consent of the  
 21 [*department*] **commission** or county fair board or of the president and secretary of such society.

22 (2) Nothing in this section shall restrain any person except during fairs or exhibitions or other  
 23 public events or meetings on the grounds of the Oregon State Fair or of any county fair board or  
 24 of such societies, and for two days prior and two days subsequent thereto. This section does not  
 25 extend to any person regularly and continuously carrying on business within one-half mile of the  
 26 premises mentioned.

27 **SECTION 25.** ORS 565.620 is amended to read:

28 565.620. No person shall gain admission, or attempt to gain admission, to the grounds of the  
 29 Oregon State Fair or of a county fair board or of any society mentioned in ORS 565.610 during their  
 30 annual fairs or exhibitions, or at any public events or meetings on the grounds of the Oregon State  
 31 Fair, county fair board or societies on their grounds, or grounds occupied by them or either of them,  
 32 except through the special gates kept by the [*State Parks and Recreation Department*] **Oregon**  
 33 **Tourism Commission**, county fair boards or societies for that purpose.

34 **SECTION 26.** ORS 565.630 is amended to read:

35 565.630. The [*State Parks and Recreation Director*] **Oregon Tourism Commission**, any county  
 36 fair board and every society mentioned in ORS 565.610 may regulate its prices of admission, **fees**  
 37 **for** licenses and all matters pertaining to the conduct of its annual fairs, exhibitions or other public  
 38 events or meetings. The penalty for violation of its rules and regulations is a Class D violation.

39 **SECTION 27.** ORS 565.640 is amended to read:

40 565.640. The peace officers of the [*State Parks and Recreation Department*] **Oregon Tourism**  
 41 **Commission**, county fair board or any of the societies mentioned in ORS 565.610, during the con-  
 42 tinuance of each annual fair or other public event or meeting, and for three days prior and two days  
 43 subsequent thereto, on the grounds of the Oregon State Fair or on any grounds owned or occupied  
 44 by a county fair board or such society for fairs, exhibitions or other public events or meetings, shall  
 45 have all the authority of a deputy sheriff and may make arrests for violations of the provisions of

1 ORS 565.610 to 565.650 or other laws of this state, or the rules or regulations of the [department]  
 2 **commission**, county fair board or such society.

3 **SECTION 28.** ORS 279A.025 is amended to read:

4 279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting  
 5 Code applies to all public contracting.

6 (2) The Public Contracting Code does not apply to:

7 (a) Contracts between a contracting agency and:

8 (A) Another contracting agency;

9 (B) The Oregon Health and Science University;

10 (C) The Oregon State Bar;

11 (D) A governmental body of another state;

12 (E) The federal government;

13 (F) An American Indian tribe or an agency of an American Indian tribe;

14 (G) A nation, or a governmental body in a nation, other than the United States; or

15 (H) An intergovernmental entity formed between or among:

16 (i) Governmental bodies of this or another state;

17 (ii) The federal government;

18 (iii) An American Indian tribe or an agency of an American Indian tribe;

19 (iv) A nation other than the United States; or

20 (v) A governmental body in a nation other than the United States;

21 (b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or  
 22 other authority for establishing agreements between or among governmental bodies or agencies or  
 23 tribal governing bodies or agencies;

24 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and  
 25 414.145 for purposes of source selection;

26 (d) Grants;

27 (e) Contracts for professional or expert witnesses or consultants to provide services or testimony  
 28 relating to existing or potential litigation or legal matters in which a public body is or may become  
 29 interested;

30 (f) Acquisitions or disposals of real property or interest in real property;

31 (g) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-  
 32 lection;

33 (h) Contracts for the procurement or distribution of textbooks;

34 (i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

35 (j) The procurement, transportation or distribution of distilled liquor, as defined in ORS 471.001,  
 36 or the appointment of agents under ORS 471.750 by the Oregon Liquor Control Commission;

37 (k) Contracts entered into under ORS chapter 180 between the Attorney General and private  
 38 counsel or special legal assistants;

39 (L) Contracts for the sale of timber from lands owned or managed by the State Board of Forestry  
 40 and the State Forestry Department;

41 (m) Contracts for forest protection or forest related activities, as described in ORS 477.406, by  
 42 the State Forester or the State Board of Forestry;

43 (n) Sponsorship agreements entered into by the [State Parks and Recreation Director] **Oregon**  
 44 **Tourism Commission** in accordance with ORS 565.080 (4);

45 (o) Contracts entered into by the Housing and Community Services Department in exercising the

1 department's duties prescribed in ORS chapters 456 and 458, except that the department's public  
 2 contracting for goods and services is subject to ORS chapter 279B;

3 (p) Contracts entered into by the State Treasurer in exercising the powers of that office pre-  
 4 scribed in ORS chapters 178, 286A, 287A, 289, 293, 294 and 295, including but not limited to invest-  
 5 ment contracts and agreements, banking services, clearing house services and collateralization  
 6 agreements, bond documents, certificates of participation and other debt repayment agreements, and  
 7 any associated contracts, agreements and documents, regardless of whether the obligations that the  
 8 contracts, agreements or documents establish are general, special or limited, except that the State  
 9 Treasurer's public contracting for goods and services is subject to ORS chapter 279B;

10 (q) Contracts, agreements or other documents entered into, issued or established in connection  
 11 with:

12 (A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

13 (B) The making of program loans and similar extensions or advances of funds, aid or assistance  
 14 by a public body to a public or private body for the purpose of carrying out, promoting or sustaining  
 15 activities or programs authorized by law; or

16 (C) The investment of funds by a public body as authorized by law, and other financial trans-  
 17 actions of a public body that by their character cannot practically be established under the com-  
 18 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

19 (r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,  
 20 243.275, 243.291, 243.303 and 243.565;

21 (s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

22 (t) Any other public contracting of a public body specifically exempted from the code by another  
 23 provision of law.

24 (3) The Public Contracting Code does not apply to the contracting activities of:

25 (a) The Oregon State Lottery Commission;

26 (b) The Oregon University System and member public universities, except as provided in ORS  
 27 351.086;

28 (c) The legislative department;

29 (d) The judicial department;

30 (e) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to  
 31 279.855 and 279A.250 to 279A.290;

32 (f) Oregon Corrections Enterprises;

33 (g) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to  
 34 279A.290;

35 (h) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

36 (i) The Oregon 529 College Savings Network and the Oregon 529 College Savings Board;

37 (j) The Oregon Innovation Council;

38 (k) The Oregon Utility Notification Center; or

39 (L) Any other public body specifically exempted from the code by another provision of law.

40 (4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with  
 41 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-  
 42 der ORS 279.835 to 279.855.

43 **SECTION 29.** ORS 291.055 is amended to read:

44 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-  
 45 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the

1 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date  
 2 of adjournment sine die of the next regular session of the Legislative Assembly:

3 (a) Are not effective for agencies in the executive department of government unless approved  
 4 in writing by the Director of the Oregon Department of Administrative Services;

5 (b) Are not effective for agencies in the judicial department of government unless approved in  
 6 writing by the Chief Justice of the Supreme Court;

7 (c) Are not effective for agencies in the legislative department of government unless approved  
 8 in writing by the President of the Senate and the Speaker of the House of Representatives;

9 (d) Shall be reported by the state agency to the Oregon Department of Administrative Services  
 10 within 10 days of their adoption; and

11 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-  
 12 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth  
 13 the approved fees.

14 (2) This section does not apply to:

15 (a) Any tuition or fees charged by the State Board of Higher Education and the public univer-  
 16 sities listed in ORS 352.002.

17 (b) Taxes or other payments made or collected from employers for unemployment insurance re-  
 18 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-  
 19 butions and assessments calculated by cents per hour for workers' compensation coverage required  
 20 by ORS 656.506.

21 (c) Fees or payments required for:

22 (A) Health care services provided by the Oregon Health and Science University, by the Oregon  
 23 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

24 (B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS  
 25 735.614 and 735.625.

26 (C) Copayments and premiums paid to the Oregon medical assistance program.

27 (D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951  
 28 and 743.961.

29 (d) Fees created or authorized by statute that have no established rate or amount but are cal-  
 30 culated for each separate instance for each fee payer and are based on actual cost of services pro-  
 31 vided.

32 (e) State agency charges on employees for benefits and services.

33 (f) Any intergovernmental charges.

34 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the  
 35 Oregon Forest Land Protection Fund fees established by ORS 477.760.

36 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

37 (i) Any charges established by the [*State Parks and Recreation Director*] **Oregon Tourism**  
 38 **Commission** in accordance with ORS 565.080 (3).

39 (j) Assessments on premiums charged by the Department of Consumer and Business Services  
 40 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the  
 41 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS  
 42 706.530 and 723.114.

43 (k) Public Utility Commission operating assessments required by ORS 756.310 or charges paid  
 44 to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

45 (L) Fees charged by the Housing and Community Services Department for intellectual property

1 pursuant to ORS 456.562.

2 (m) New or increased fees that are anticipated in the legislative budgeting process for an  
 3 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted  
 4 budget or the legislatively approved budget for the agency.

5 (n) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

6 (o) Convenience fees as defined in ORS 182.126 and established by the Oregon Department of  
 7 Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government  
 8 Portal Advisory Board.

9 (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-  
 10 pected and temporary revenue surpluses may be increased to not more than their prior level without  
 11 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency  
 12 specifies the following:

13 (A) The reason for the fee decrease; and

14 (B) The conditions under which the fee will be increased to not more than its prior level.

15 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-  
 16 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

17 **SECTION 30.** ORS 307.110 is amended to read:

18 307.110. (1) Except as provided in ORS 307.120, all real and personal property of this state or  
 19 any institution or department thereof or of any county or city, town or other municipal corporation  
 20 or political subdivision of this state, held under a lease or other interest or estate less than a fee  
 21 simple, by any person whose real property, if any, is taxable, except employees of the state,  
 22 municipality or political subdivision as an incident to such employment, shall be subject to assess-  
 23 ment and taxation for the assessed or specially assessed value thereof uniformly with real property  
 24 of nonexempt ownerships.

25 (2) Each leased or rented premises not exempt under ORS 307.120 and subject to assessment and  
 26 taxation under this section which is located on property used as an airport and owned by and  
 27 serving a municipality or port shall be separately assessed and taxed.

28 (3) Nothing contained in this section shall be construed as subjecting to assessment and taxation  
 29 any publicly owned property described in subsection (1) of this section that is:

30 (a) Leased for student housing by a school or college to students attending such a school or  
 31 college.

32 (b) Leased to or rented by persons, other than sublessees or subrenters, for agricultural or  
 33 grazing purposes and for other than a cash rental or a percentage of the crop.

34 (c) Utilized by persons under a land use permit issued by the Department of Transportation for  
 35 which the department's use restrictions are such that only an administrative processing fee is able  
 36 to be charged.

37 (d) County fairgrounds and the buildings thereon, in a county holding annual county fairs,  
 38 managed by the county fair board under ORS 565.230, if utilized, in addition to county fair use, for  
 39 any of the purposes described in ORS 565.230 (2), or for horse stalls or storage for recreational ve-  
 40 hicles or farm machinery or equipment.

41 (e) The properties and grounds managed and operated by the [*State Parks and Recreation Di-*  
 42 *rector*] **Oregon Tourism Commission** under ORS 565.080, if utilized, in addition to the purpose of  
 43 holding the Oregon State Fair, for horse stalls or for storage for recreational vehicles or farm ma-  
 44 chinery or equipment.

45 (f) State property that is used by the Oregon University System or the Oregon Health and Sci-

1 ence University to provide parking for employees, students or visitors.

2 (g) Property of a housing authority created under ORS chapter 456 which is leased or rented to  
 3 persons of lower income for housing pursuant to the public and governmental purposes of the  
 4 housing authority. For purposes of this paragraph, “persons of lower income” has the meaning given  
 5 the phrase under ORS 456.055.

6 (h) Property of a health district if:

7 (A) The property is leased or rented for the purpose of providing facilities for health care  
 8 practitioners practicing within the county; and

9 (B) The county is a frontier rural practice county under rules adopted by the Office of Rural  
 10 Health.

11 (4) Property determined to be an eligible project for tax exemption under ORS 285C.600 to  
 12 285C.626 and 307.123 that was acquired with revenue bonds issued under ORS 285B.320 to 285B.371  
 13 and that is leased by this state, any institution or department thereof or any county, city, town or  
 14 other municipal corporation or political subdivision of this state to an eligible applicant shall be  
 15 assessed and taxed in accordance with ORS 307.123. The property’s continued eligibility for taxation  
 16 and assessment under ORS 307.123 is not affected:

17 (a) If the eligible applicant retires the bonds prior to the original dates of maturity; or

18 (b) If any applicable lease or financial agreement is terminated prior to the original date of ex-  
 19 piration.

20 (5) The provisions of law for liens and the payment and collection of taxes levied against real  
 21 property of nonexempt ownerships shall apply to all real property subject to the provisions of this  
 22 section. Taxes remaining unpaid upon the termination of a lease or other interest or estate less than  
 23 a fee simple, shall remain a lien against the real or personal property.

24 (6) If the state enters into a lease of property with, or grants an interest or other estate less  
 25 than a fee simple in property to, a person whose real property, if any, is taxable, then within 30 days  
 26 after the date of the lease, or within 30 days after the date the interest or estate less than a fee  
 27 simple is created, the state shall file a copy of the lease or other instrument creating or evidencing  
 28 the interest or estate with the county assessor. This section applies notwithstanding that the prop-  
 29 erty may otherwise be entitled to an exemption under this section, ORS 307.120 or as otherwise  
 30 provided by law.

31 **SECTION 31.** ORS 390.134, as amended by section 24, chapter 107, Oregon Laws 2012, is  
 32 amended to read:

33 390.134. (1) As used in this section:

34 (a) “Camper” has the meaning given that term in ORS 801.180.

35 (b) “County” includes a metropolitan service district organized under ORS chapter 268, but only  
 36 to the extent that the district has acquired, through title transfer, and is operating a park or re-  
 37 creation site of a county pursuant to an intergovernmental agreement.

38 (c) “Motor home” has the meaning given that term in ORS 801.350.

39 (d) “Travel trailer” has the meaning given that term in ORS 801.565.

40 (2) The State Parks and Recreation Department Fund is established separate and distinct from  
 41 the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recre-  
 42 ation Department for the purposes provided by law. The fund shall consist of the following:

43 (a) All moneys placed in the fund as provided by law. Any interest or other income derived from  
 44 the depositing or other investing of the fund must be credited to the fund.

45 (b) All registration fees received by the Department of Transportation for campers, motor homes

1 and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited  
2 in a separate subaccount established under subsection (3) of this section.

3 (c) Revenue from charges pursuant to ORS 390.124.

4 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-  
5 count within the fund. Each separate subaccount established under this subsection must be sepa-  
6 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they  
7 are deposited.

8 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)  
9 or (9) of this section must be deposited in a separate subaccount within the fund and used by the  
10 State Parks and Recreation Department for the acquisition, development, maintenance, care and use  
11 of park and recreation sites [*and for the maintenance and operation of the Oregon State Fair*]. The  
12 moneys deposited in the subaccount under this subsection must be accounted for separately and  
13 stated separately in the State Parks and Recreation Department's biennial budget.

14 (5)(a) Thirty-five percent of the amount transferred to the State Parks and Recreation Depart-  
15 ment under ORS 366.512 from the registration of travel trailers, campers and motor homes and under  
16 ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount  
17 within the fund to be distributed for the acquisition, development, maintenance, care and use of  
18 county park and recreation sites. The moneys deposited in the subaccount under this paragraph  
19 must be accounted for separately. The following apply to the distribution of moneys under this par-  
20 agraph:

21 (A) The moneys must be distributed among the several counties for the purposes described in  
22 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-  
23 ation Department but must be made not less than once a year.

24 (B) The sums designated under this paragraph must be remitted to the county treasurers of the  
25 several counties by warrant.

26 (b) The department shall establish an advisory committee to advise the department in the per-  
27 formance of its duties under this subsection. The composition of the advisory committee under this  
28 subsection is as determined by the department by rule. In determining the composition of the advi-  
29 sory committee, the department shall attempt to provide reasonable representation for county offi-  
30 cials or employees with responsibilities relating to county parks and recreation sites.

31 (c) The department, by rule, shall establish a program to provide moneys to counties for the  
32 acquisition, development, maintenance, care and use of county park and recreation sites. The rules  
33 under this paragraph shall provide for distribution of moneys based on use and need and, as the  
34 department determines necessary, on the need for the development and maintenance of facilities to  
35 provide camping sites for campers, motor homes and travel trailers.

36 (6) The department shall create a separate City and County Subaccount within the fund to be  
37 used to reimburse cities and counties as provided in ORS 390.290.

38 (7) The department shall create a separate rural Fire Protection District Subaccount to be used  
39 to provide funds for the fire protection districts as provided in ORS 390.290.

40 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department  
41 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements  
42 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government  
43 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop  
44 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-  
45 section may not be used to pay the cost of administering grants or the cost of any Secretary of State

1 audit required under [section 4c,] Article XV, **section 4c**, of the Oregon Constitution.

2 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks  
3 Subaccount during a biennium is more than 150 percent of the amount that was transferred during  
4 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for  
5 use as described in subsection (8) of this section the amount required under subsection (8) of this  
6 section plus an amount equal to the difference between the amount deposited for use as described  
7 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-  
8 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the  
9 preceding biennium.

10 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-  
11 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-  
12 creation Department Fund from the Parks Subaccount to be used for the purposes described in  
13 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the  
14 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount  
15 that is deposited for use as described in subsection (8) of this section in a biennium to be less than  
16 the percentage required to be deposited under subsections (8) and (9) of this section.

17 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to  
18 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee  
19 on Ways and Means, that describes the measurable biennial and cumulative results of activities and  
20 programs financed by moneys transferred to the State Parks and Recreation Department Fund from  
21 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report  
22 in a form and manner as the committee may prescribe.

23 **SECTION 32.** ORS 390.134, as amended by section 2, chapter 792, Oregon Laws 2007, section  
24 47, chapter 11, Oregon Laws 2009, section 5, chapter 643, Oregon Laws 2011, and section 25, chapter  
25 107, Oregon Laws 2012, is amended to read:

26 390.134. (1) As used in this section:

27 (a) "Camper" has the meaning given that term in ORS 801.180.

28 (b) "County" includes a metropolitan service district organized under ORS chapter 268, but only  
29 to the extent that the district has acquired, through title transfer, and is operating a park or re-  
30 creation site of a county pursuant to an intergovernmental agreement.

31 (c) "Motor home" has the meaning given that term in ORS 801.350.

32 (d) "Travel trailer" has the meaning given that term in ORS 801.565.

33 (2) The State Parks and Recreation Department Fund is established separate and distinct from  
34 the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recre-  
35 ation Department for the purposes provided by law. The fund shall consist of the following:

36 (a) All moneys placed in the fund as provided by law. Any interest or other income derived from  
37 the depositing or other investing of the fund must be credited to the fund.

38 (b) All registration fees received by the Department of Transportation for campers, motor homes  
39 and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited  
40 in a separate subaccount established under subsection (3) of this section.

41 (c) Revenue from charges pursuant to ORS 390.124.

42 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-  
43 count within the fund. Each separate subaccount established under this subsection must be sepa-  
44 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they  
45 are deposited.



1 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)  
2 or (9) of this section must be deposited in a separate subaccount within the fund and used by the  
3 State Parks and Recreation Department for the acquisition, development, maintenance, care and use  
4 of park and recreation sites [*and for the maintenance and operation of the Oregon State Fair*]. The  
5 moneys deposited in the subaccount under this subsection must be accounted for separately and  
6 stated separately in the State Parks and Recreation Department's biennial budget.

7 (5)(a) Thirty percent of the amount transferred to the State Parks and Recreation Department  
8 under ORS 366.512 from the registration of travel trailers, campers and motor homes and under ORS  
9 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount within the  
10 fund to be distributed for the acquisition, development, maintenance, care and use of county park  
11 and recreation sites. The moneys deposited in the subaccount under this paragraph must be ac-  
12 counted for separately. The following apply to the distribution of moneys under this paragraph:

13 (A) The moneys must be distributed among the several counties for the purposes described in  
14 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-  
15 ation Department but must be made not less than once a year.

16 (B) The sums designated under this paragraph must be remitted to the county treasurers of the  
17 several counties by warrant.

18 (b) The department shall establish an advisory committee to advise the department in the per-  
19 formance of its duties under this subsection. The composition of the advisory committee under this  
20 subsection is as determined by the department by rule. In determining the composition of the advi-  
21 sory committee, the department shall attempt to provide reasonable representation for county offi-  
22 cials or employees with responsibilities relating to county parks and recreation sites.

23 (c) The department, by rule, shall establish a program to provide moneys to counties for the  
24 acquisition, development, maintenance, care and use of county park and recreation sites. The rules  
25 under this paragraph shall provide for distribution of moneys based on use and need and, as the  
26 department determines necessary, on the need for the development and maintenance of facilities to  
27 provide camping sites for campers, motor homes and travel trailers.

28 (6) The department shall create a separate City and County Subaccount within the fund to be  
29 used to reimburse cities and counties as provided in ORS 390.290.

30 (7) The department shall create a separate rural Fire Protection District Subaccount to be used  
31 to provide funds for the fire protection districts as provided in ORS 390.290.

32 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department  
33 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements  
34 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government  
35 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop  
36 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-  
37 section may not be used to pay the cost of administering grants or the cost of any Secretary of State  
38 audit required under [*section 4c,*] Article XV, **section 4c**, of the Oregon Constitution.

39 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks  
40 Subaccount during a biennium is more than 150 percent of the amount that was transferred during  
41 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for  
42 use as described in subsection (8) of this section the amount required under subsection (8) of this  
43 section plus an amount equal to the difference between the amount deposited for use as described  
44 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-  
45 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the

1 preceding biennium.

2 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-  
 3 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-  
 4 creation Department Fund from the Parks Subaccount to be used for the purposes described in  
 5 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the  
 6 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount  
 7 that is deposited for use as described in subsection (8) of this section in a biennium to be less than  
 8 the percentage required to be deposited under subsections (8) and (9) of this section.

9 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to  
 10 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee  
 11 on Ways and Means, that describes the measurable biennial and cumulative results of activities and  
 12 programs financed by moneys transferred to the State Parks and Recreation Department Fund from  
 13 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report  
 14 in a form and manner as the committee may prescribe.

15  
 16 **TRANSFER OF AUTHORITY FOR OREGON STATE FAIR**  
 17 **FROM STATE PARKS AND RECREATION DIRECTOR AND DEPARTMENT**  
 18 **TO OREGON TOURISM COMMISSION**  
 19

20 **SECTION 33. All the duties, functions and powers of the State Parks and Recreation Di-**  
 21 **rector and the State Parks and Recreation Department relating to the administration and**  
 22 **operation of the Oregon State Fair are imposed upon, transferred to and vested in the**  
 23 **Oregon Tourism Commission established under ORS 284.107.**

24  
 25 **RECORDS AND PROPERTY**  
 26

27 **SECTION 34. (1) The State Parks and Recreation Director shall deliver to the executive**  
 28 **director of the Oregon Tourism Commission all records and property within the jurisdiction**  
 29 **of the director that relate to the duties, functions and powers transferred by section 33 of**  
 30 **this 2013 Act. The executive director of the Oregon Tourism Commission shall take pos-**  
 31 **session of the records and property transferred under this section.**

32 **(2) The Governor shall resolve any dispute between the State Parks and Recreation Di-**  
 33 **rector and the Oregon Tourism Commission relating to transfers of records and property**  
 34 **under this section, and the Governor's decision is final.**

35  
 36 **UNEXPENDED REVENUES**  
 37

38 **SECTION 35. (1) The unexpended balances of amounts authorized to be expended by the**  
 39 **State Parks and Recreation Director and the State Parks and Recreation Department for the**  
 40 **biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appro-**  
 41 **priated or otherwise made available for the purpose of administering and enforcing the du-**  
 42 **ties, functions and powers transferred by section 33 of this 2013 Act are transferred to and**  
 43 **are available for expenditure by the Oregon Tourism Commission for the biennium beginning**  
 44 **July 1, 2013, for the purpose of administering and enforcing the duties, functions and powers**  
 45 **transferred by section 33 of this 2013 Act.**



1 ation Department or an officer or employee of the State Parks and Recreation Director or  
2 the State Parks and Recreation Department, the reference is considered to be a reference  
3 to the Oregon Tourism Commission or an officer or employee of the Oregon Tourism Com-  
4 mission.

5  
6 **AGENCY NAME CHANGE**  
7

8 **SECTION 40.** For the purpose of harmonizing and clarifying statutory law, the Legislative  
9 Counsel may substitute for words designating the “State Parks and Recreation Director” and  
10 the “State Parks and Recreation Department” or their officers and employees, wherever they  
11 occur in statutory law with respect to the duties, functions and powers transferred by sec-  
12 tion 33 of this 2013 Act, words designating the “Oregon Tourism Commission” or its officers  
13 or employees.

14  
15 **ACCOUNT NAME CHANGE**  
16

17 **SECTION 41.** For the purpose of harmonizing and clarifying statutory law, the Legislative  
18 Counsel may substitute for words designating the “Oregon State Fair Account,” wherever  
19 they occur in statutory law, words designating the “Oregon State Fair Fund.”  
20

21 **OPERATIVE DATE**  
22

23 **SECTION 42.** Sections 33 to 39 of this 2013 Act and the amendments to ORS 279A.025,  
24 284.111, 284.118, 284.131, 284.142, 291.055, 307.110, 390.134, 565.021, 565.030, 565.040, 565.050,  
25 565.060, 565.080, 565.090, 565.095, 565.107, 565.109, 565.114, 565.116, 565.120, 565.130, 565.140,  
26 565.150, 565.160, 565.170, 565.190, 565.610, 565.620, 565.630 and 565.640 by sections 1 to 32 of this  
27 2013 Act become operative on December 31, 2013.  
28

29 **CAPTIONS**  
30

31 **SECTION 43.** The unit captions used in this 2013 Act are provided only for the conven-  
32 ience of the reader and do not become part of the statutory law of this state or express any  
33 legislative intent in the enactment of this 2013 Act.  
34

35 **EMERGENCY CLAUSE**  
36

37 **SECTION 44.** This 2013 Act being necessary for the immediate preservation of the public  
38 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
39 on its passage.  
40