

HOUSE AMENDMENTS TO HOUSE BILL 3231

By COMMITTEE ON EDUCATION

April 24

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 3, delete “418.653, 418.657, 418.658, 418.660,”.
- 3 In line 4, after “2012” insert “; and declaring an emergency”.
- 4 Delete lines 6 through 8.
- 5 Delete lines 20 through 23 and insert:
- 6 **“SECTION 2a. The duties, functions and powers of the Youth Development Council re-**
- 7 **lating to the administration and enforcement of the Youth Development Council are imposed**
- 8 **upon, transferred to and vested in the Youth Development Division of the Department of**
- 9 **Education for the purpose of fulfilling the duties, powers and functions of the Youth Devel-**
- 10 **opment Division.**
- 11 **“SECTION 2b. (1) The chairperson of the Youth Development Council shall:**
- 12 **“(a) Deliver to the Department of Education all records and property within the juris-**
- 13 **isdiction of the chairperson that relate to the duties, functions and powers transferred by**
- 14 **section 2a of this 2013 Act; and**
- 15 **“(b) Transfer to the Department of Education those employees engaged primarily in the**
- 16 **exercise of the duties, functions and powers transferred by section 2a of this 2013 Act.**
- 17 **“(2) The Superintendent of Public Instruction shall take possession of the records and**
- 18 **property, and shall take charge of the employees and employ them in the exercise of the**
- 19 **duties, functions and powers transferred by section 2a of this 2013 Act, without reduction**
- 20 **of compensation but subject to change or termination of employment or compensation as**
- 21 **provided by law.**
- 22 **“(3) The Governor shall resolve any dispute between the Youth Development Council and**
- 23 **the Department of Education relating to transfers of records, property and employees under**
- 24 **this section, and the Governor’s decision is final.**
- 25 **“SECTION 2c. (1) The unexpended balances of amounts authorized to be expended by the**
- 26 **Youth Development Council for the biennium beginning July 1, 2013, from revenues dedi-**
- 27 **cated, continuously appropriated, appropriated or otherwise made available for the purpose**
- 28 **of administering and enforcing the duties, functions and powers transferred by section 2a**
- 29 **of this 2013 Act are transferred to and are available for expenditure by the Department of**
- 30 **Education for the biennium beginning July 1, 2013, for the purpose of administering and en-**
- 31 **forcing the duties, functions and powers transferred by section 2a of this 2013 Act.**
- 32 **“(2) The expenditure classifications, if any, established by Acts authorizing or limiting**
- 33 **expenditures by the Youth Development Council remain applicable to expenditures by the**
- 34 **Department of Education under this section.**
- 35 **“SECTION 2d. The transfer of duties, functions and powers to the Department of Edu-**

1 cation by section 2a of this 2013 Act does not affect any action, proceeding or prosecution
2 involving or with respect to such duties, functions and powers begun before and pending at
3 the time of the transfer, except that the Department of Education is substituted for the
4 Youth Development Council in the action, proceeding or prosecution.

5 “**SECTION 2e.** (1) Nothing in sections 2a to 2d of this 2013 Act relieves a person of a li-
6 ability, duty or obligation accruing under or with respect to the duties, functions and powers
7 transferred by section 2a of this 2013 Act. The Department of Education may undertake the
8 collection or enforcement of any such liability, duty or obligation.

9 “(2) The rights and obligations of the Youth Development Council legally incurred under
10 contracts, leases and business transactions executed, entered into or begun before the op-
11 erative date of section 2a of this 2013 Act accruing under or with respect to the duties,
12 functions and powers transferred by section 2a of this 2013 Act are transferred to the De-
13 partment of Education. For the purpose of succession to these rights and obligations, the
14 Department of Education is a continuation of the Youth Development Council and not a new
15 authority.

16 “**SECTION 2f.** Notwithstanding the transfer of duties, functions and powers by section
17 2a of this 2013 Act, the rules of the Youth Development Council with respect to such duties,
18 functions or powers that are in effect on the operative date of section 2a of this 2013 Act
19 continue in effect until superseded or repealed by rules of the Department of Education.

20 “**SECTION 2g.** Whenever, in any uncodified law or resolution of the Legislative Assembly
21 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
22 the context of the duties, functions and powers transferred by section 2a of this 2013 Act,
23 reference is made to the administration of the Youth Development Council, or an officer or
24 employee of the Youth Development Council, whose duties, functions or powers are trans-
25 ferred by section 2a of this 2013 Act, the reference is considered to be a reference to the
26 Department of Education or an officer or employee of the Department of Education who by
27 this 2013 Act is charged with carrying out such duties, functions and powers.

28 “**SECTION 3.** Section 24, chapter 37, Oregon Laws 2012, is amended to read:

29 “**Sec. 24.** (1) The amendments to section 21 [*of this 2012 Act*], **chapter 37, Oregon Laws 2012,**
30 by section 23 [*of this 2012 Act*], **chapter 37, Oregon Laws 2012,** become operative on [*March 15,*
31 *2016*] **the effective date of this 2013 Act.**

32 “(2) **The amendments to section 21, chapter 37, Oregon Laws 2012, by section 5 of this**
33 **2013 Act become operative on March 15, 2016.”.**

34 On page 3, delete lines 19 through 36 and insert:

35 “**SECTION 6.** Section 21b, chapter 37, Oregon Laws 2012, is amended to read:

36 “**Sec. 21b.** (1) The Youth Development [*Council*] **Division** Fund is established in the State
37 Treasury, separate and distinct from the General Fund. Interest earned by the Youth Development
38 [*Council*] **Division** Fund shall be credited to the fund.

39 “(2) Moneys in the Youth Development [*Council*] **Division** Fund consist of:

40 “(a) Amounts donated to the fund;

41 “(b) Moneys transferred to the fund from the federal government, state agencies and local gov-
42 ernments;

43 “(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

44 “(d) Investment earnings received on moneys in the fund; and

45 “(e) Other amounts deposited in the fund from any source.

1 “(3) Moneys in the fund are continuously appropriated to the [*Youth Development Council es-*
2 *tablished in section 21 of this 2012 Act*] **Department of Education** for the purpose of fulfilling the
3 [*council’s*] duties, functions and powers **of the Youth Development Division**.

4 “(4) The [*council*] **department** may establish accounts and subaccounts within the fund when the
5 [*council*] **department** determines that accounts or subaccounts are necessary or desirable and may
6 credit any interest or income derived from moneys in the fund to any account or subaccount in the
7 fund.”.

8 On page 19, delete lines 3 through 45 and delete pages 20 through 22 and insert:

9 “**SECTION 22. Sections 2a to 2g and 7 of this 2013 Act and the amendments to ORS**
10 **181.715, 181.725, 182.515, 417.799, 417.845, 417.857, 418.975, 419B.005, 430.241, 430.242, 609.652 and**
11 **657A.490 and sections 21 and 21b, chapter 37, Oregon Laws 2012, by sections 4, 6 and 8 to 21**
12 **of this 2013 Act become operative on July 1, 2013.**

13 “**SECTION 23. This 2013 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
15 **on its passage.”.**

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