

Senate Bill 756

Sponsored by Senators DINGFELDER, PROZANSKI

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**.

Allows Department of Transportation to accept donations to State Parks and Recreation Department Fund for purpose of improving bicycle and pedestrian facilities.

Permits registered owner of vehicle to make donation to fund when registration is renewed.

A BILL FOR AN ACT

1
2 Relating to the State Parks and Recreation Department Fund; creating new provisions; and amend-
3 ing ORS 390.134.

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

5 **SECTION 1. (1) A registered owner of a vehicle may make a donation for the purpose of**
6 **improving bicycle and pedestrian facilities to the State Parks and Recreation Department**
7 **Fund established under ORS 390.134 when an owner renews a vehicle's registration.**

8 **(2) The vehicle registration renewal application form must notify the registered owner**
9 **that the owner has the option of making a donation to the fund.**

10 **(3) The Department of Transportation shall deposit donations received under this section**
11 **into the fund.**

12 **SECTION 2. ORS 390.134, as amended by section 24, chapter 107, Oregon Laws 2012, is**
13 **amended to read:**

14 390.134. (1) As used in this section:

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

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

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

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

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

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

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

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

30 **(d) Donations made for the purpose of improving bicycle and pedestrian facilities under**
31 **section 1 of this 2013 Act.**

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

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

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

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

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

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

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

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

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

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

44 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks
45 Subaccount during a biennium is more than 150 percent of the amount that was transferred during

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

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

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

20 **SECTION 3.** ORS 390.134, as amended by section 2, chapter 792, Oregon Laws 2007, section 47,
 21 chapter 11, Oregon Laws 2009, section 5, chapter 643, Oregon Laws 2011, and section 25, chapter
 22 107, Oregon Laws 2012, is amended to read:

23 390.134. (1) As used in this section:

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

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

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

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

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

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

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

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

39 **(d) Donations made for the purpose of improving bicycle and pedestrian facilities under**
 40 **section 1 of this 2013 Act.**

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

45 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)

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

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

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

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

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

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

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

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

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

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

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

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

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