

Senate Bill 196

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Parks and Recreation Department)

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 State Parks and Recreation Director to enter into agreements with private, nonprofit organizations under which organizations solicit gifts, grants and donations for State Parks and Recreation Department. Specifies relationship between department and such organizations.

Allows director to enter into agreements with private, nonprofit organizations under which organizations donate goods and services to department.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the State Parks and Recreation Department; creating new provisions; amending ORS
3 390.134; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS**
6 **chapter 390.**

7 **SECTION 2. (1) In order to further the strategic priorities of the State Parks and Re-**
8 **creation Department, the State Parks and Recreation Director may enter into an agreement**
9 **with a private, nonprofit organization under which the organization shall solicit gifts, grants**
10 **and donations for the benefit of the department.**

11 **(2) The director may advise, and receive advice from, the organization described in sub-**
12 **section (1) of this section. If allowed by the charter and bylaws of the organization, the di-**
13 **rector may serve as a voting or nonvoting member of the board of directors of the**
14 **organization, except that the director may not:**

15 **(a) Serve as chairperson of the board of directors of the organization.**

16 **(b) Vote for, or appoint, other members of the board of directors of the organization.**

17 **(c) Exercise any control of the financial affairs of the organization.**

18 **(d) Oversee the daily operations of the organization.**

19 **(3) In order to increase the ability of the organization described in subsection (1) of this**
20 **section to solicit gifts, grants and donations for the benefit of the department, the depart-**
21 **ment may provide the following without charge to the organization for the use of the**
22 **organization's members or donors:**

23 **(a) Access to areas, and use of facilities, established and maintained by the department.**

24 **(b) The opportunity to place information relating to the cooperative efforts of the or-**
25 **ganization and the department in department publications.**

26 **(c) Promotional items related to the department that are sold by the department.**

27 **(4) In order to increase the ability of the organization described in subsection (1) of this**
28 **section to solicit gifts, grants and donations for the benefit of the department, the depart-**

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 **ment may provide supplies, personnel and necessary services to the organization at reduced**
 2 **charge.**

3 **(5) For each calendar year, the department shall prepare a report that lists the access**
 4 **to areas, use of facilities, placement of information in department publications, promotional**
 5 **items, supplies, personnel and services described in subsections (3) and (4) of this section**
 6 **provided by the department to an organization described in subsection (1) of this section**
 7 **without charge or at reduced charge, and all related gifts, grants and donations received by**
 8 **the department. The department shall post the report on the department's website.**

9 **(6) If the director enters into an agreement with a private, nonprofit organization under**
 10 **subsection (1) of this section, the director may refuse to accept any gift, grant or donation**
 11 **solicited by the organization for the benefit of the department if the director determines that**
 12 **the gift, grant or donation is inconsistent with the best interests of the department.**

13 **(7) Each organization described in subsection (1) of this section shall maintain records**
 14 **regarding the gifts, grants and donations solicited for the benefit of the department and, at**
 15 **the request of the department, shall provide the department with information necessary to**
 16 **prepare the report described in subsection (5) of this section.**

17 **(8) All funds received by the department under this section shall be deposited in the State**
 18 **Parks and Recreation Department Fund established by ORS 390.134 to be used to further the**
 19 **strategic priorities of the department as specified in subsection (1) of this section.**

20 **(9) In addition to the agreement described in subsection (1) of this section, and in order**
 21 **to further the strategic priorities of the department, the director may enter into an agree-**
 22 **ment with a private, nonprofit organization under which the organization shall donate goods**
 23 **and services to the department.**

24 **SECTION 3. The State Parks and Recreation Director shall adopt rules to carry out the**
 25 **provisions of section 2 of this 2013 Act. The rules shall include, but need not be limited to:**

26 **(1) Procedures and forms to be used by a private, nonprofit organization desiring to enter**
 27 **into an agreement with the director under section 2 of this 2013 Act;**

28 **(2) Restrictions on the use of the state seal on promotional items described in section 2**
 29 **(3)(c) of this 2013 Act in order to ensure that such use is consistent with ORS 186.023; and**

30 **(3) Provisions for renewing or dissolving an agreement between a private, nonprofit or-**
 31 **ganization and the director.**

32 **SECTION 4. ORS 390.134, as amended by section 24, chapter 107, Oregon Laws 2012, is**
 33 **amended to read:**

34 390.134. (1) As used in this section:

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

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

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

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

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

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

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

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

5 **(d) All funds received by the State Parks and Recreation Department under section 2 of**
6 **this 2013 Act. The funds must be deposited in a separate subaccount established under sub-**
7 **section (3) of this section.**

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

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

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

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

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

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

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

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

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

44 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department
45 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements

1 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government
2 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop
3 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-
4 section may not be used to pay the cost of administering grants or the cost of any Secretary of State
5 audit required under section 4c, Article XV of the Oregon Constitution.

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

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

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

27 **SECTION 5.** ORS 390.134, as amended by section 2, chapter 792, Oregon Laws 2007, section 47,
28 chapter 11, Oregon Laws 2009, section 5, chapter 643, Oregon Laws 2011, and section 25, chapter
29 107, Oregon Laws 2012, is amended to read:

30 390.134. (1) As used in this section:

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

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

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

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

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

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

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

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

1 **(d) All funds received by the State Parks and Recreation Department under section 2 of**
2 **this 2013 Act. The funds must be deposited in a separate subaccount established under sub-**
3 **section (3) of this section.**

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

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

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

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

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

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

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

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

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

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

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

22 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
24 **on its passage.**

25