

# Senate Bill 7

Sponsored by Senator COURTNEY, Representative BERGER, Senator WINTERS; Senators EDWARDS, HANSELL, JOHNSON, KNOPP, ROBLAN, THOMSEN, Representatives CAMERON, ESQUIVEL, KOMP, OLSON, SPRENGER

## 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**.

Establishes State Fair Council as public corporation. Authorizes council to conduct and promote Oregon State Fair, to assume responsibility for fairground business operations and fairground properties and facilities, to operate fairground properties and facilities as exposition center, and to promote Oregon tourism and other industries related to Oregon State Fair, fairground business operations or fairground properties and facilities.

Allows alternative siting for Oregon State Fair. Authorizes Oregon Department of Administrative Services to obtain or approve property adjacent to fairgrounds.

Requires department and council to negotiate agreement for council to assume responsibility for conducting of Oregon State Fair, fairground business operations and fairground properties and facilities with target starting date of no later than July 1, 2015.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to the state fair; creating new provisions; amending ORS 279A.025, 279A.050, 291.055, 307.110, 390.134, 565.130, 565.150, 565.610, 565.620, 565.630 and 565.640; repealing ORS 565.021, 565.030, 565.040, 565.050, 565.060, 565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114, 565.116, 565.120, 565.140, 565.160 and 565.170; and declaring an emergency.

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

## INCLUSION IN CHAPTER

**SECTION 1. Sections 2 to 13 of this 2013 Act are added to and made a part of ORS chapter 565.**

## DEFINITIONS

**SECTION 2. As used in sections 2 to 13 of this 2013 Act:**

**(1) "Fairground properties and facilities" means grounds, equipment, permanent and temporary structures and other improvements that are owned, rented, leased or otherwise controlled for Oregon State Fair or exposition center purposes.**

**(2) "Oregon State Fair" means the exhibition described in section 3 (3) of this 2013 Act.**

## STATE FAIR COUNCIL ESTABLISHMENT, MISSION AND PURPOSES

**SECTION 3. (1) The State Fair Council is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the**

**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 council, are implied by law or are incident to such powers, rights and privileges. The council  
 2 is an independent public corporation with a statewide mission and purposes and without  
 3 territorial boundaries. The council is a governmental entity performing governmental func-  
 4 tions and exercising governmental powers but, except as otherwise provided by law, is not a  
 5 unit of local or municipal government or a state agency for purposes of state statutes or  
 6 constitutional provisions.

7 (2) Unless otherwise provided by law, the council is not subject to ORS chapters 182, 183,  
 8 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292 or 293 or ORS 35.550 to 35.575, 183.710 to  
 9 183.725, 183.745, 183.750, 190.430, 190.490, 200.035, 236.605 to 263.640, 243.303, 243.305, 243.315,  
 10 243.325 to 243.335, 243.345, 243.350, 243.696, 279.835 to 279.855, 282.010 to 281.150, 291.050 to  
 11 291.060 or 656.017 (2).

12 (3) The mission and purposes of the council are:

13 (a) To conduct a state fair to be known as the Oregon State Fair for the education and  
 14 entertainment of Oregon residents and for the promotion, preservation, growth and pros-  
 15 perity of the industries and interests traditionally represented in state fair activities such  
 16 as agriculture, stock raising, horticulture, youth group involvement in agricultural, stock-  
 17 raising and horticultural activities, viticulture, manufacturing, metal fabrication, technology  
 18 and artistic, creative and cultural pursuits; and

19 (b) To promote Oregon tourism related to the Oregon State Fair and fairground proper-  
 20 ties and facilities, and promote and further the preservation, growth and prosperity of other  
 21 industries and activities important to the state economy by conducting the Oregon State Fair  
 22 and using fairground properties and facilities.

23 (4) To help fulfill the council's mission and purposes, the council shall encourage resi-  
 24 dents in all parts of this state to participate in or attend the Oregon State Fair. The council  
 25 may take any necessary or expedient actions to ensure that fairground properties and facil-  
 26 ities are adequate and in good repair. The council shall operate the fairground properties and  
 27 facilities as an exposition center, encourage the full utilization of the properties and facilities  
 28 for revenue generation and make expenditures for the construction, repair, remodeling,  
 29 maintenance, insurance and other needs of the fairground properties and facilities. Subject  
 30 to any limitations established under this chapter, the council may take other actions the  
 31 council deems necessary or expedient to ensure the financial viability of the Oregon State  
 32 Fair and the exposition center or to promote the Oregon State Fair, Oregon tourism and  
 33 other industries related to fairground business operations or fairground properties and fa-  
 34 cilities.

#### 35 STATE FAIR COUNCIL MEMBERS AND EMPLOYEES

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 37  
 38 **SECTION 4.** (1) The State Fair Council shall consist of seven members appointed by the  
 39 Governor. A council member holds office for a term of four years, but may be removed at  
 40 any time during the term at the pleasure of the Governor. Council members are eligible for  
 41 reappointment. Prior to the expiration of the term of a member, the Governor shall appoint  
 42 a successor. If a member position becomes vacant for any reason, the Governor shall appoint  
 43 a successor to fill the unexpired term.

44 (2) The council shall consist of:

45 (a) Two members who have experience in, and are representatives of, industries and in-

1 **terests traditionally represented in Oregon State Fair activities such as agriculture, stock**  
 2 **raising, horticulture, youth group involvement in agricultural, stock-raising and**  
 3 **horticultural activities, viticulture, manufacturing, metal fabrication, technology and artis-**  
 4 **tic, creative and cultural pursuits.**

5 **(b) One member who has experience with, and is representative of, economic develop-**  
 6 **ment interests in this state.**

7 **(c) One member who has experience in, and is representative of, private business in this**  
 8 **state.**

9 **(d) One member who has experience in, and is representative of, the banking and finance**  
 10 **industry.**

11 **(e) One member who is an elected official of a city.**

12 **(f) One member who is an elected official of a county.**

13 **(3) The President of the Senate and the Speaker of the House of Representatives shall**  
 14 **jointly select one member from among the members of the Legislative Assembly for ap-**  
 15 **pointment to act as a nonvoting observer of and advisor to the council. The member of the**  
 16 **Legislative Assembly may not exercise any power, right or privilege of a council member.**

17 **(4) A majority of the council is required for the conducting of business.**

18 **(5) The council shall elect one member as a chairperson and one member as a vice-**  
 19 **chairperson, with duties and powers as determined by the council. The council shall meet**  
 20 **at the call of the chairperson or of a majority of the members.**

21 **(6) A member of the council is not entitled to compensation, but may be reimbursed as**  
 22 **provided by council policies and procedures for any actual and necessary travel and other**  
 23 **expenses incurred by the member in the performance of the member's official duties.**

24 **SECTION 5. (1) The State Fair Council may employ a state fair director to oversee the**  
 25 **day-to-day carrying out of fairground business operations and the operation of fairground**  
 26 **properties and facilities, including but not limited to the annual conducting of the Oregon**  
 27 **State Fair, the use of fairground properties and facilities for an exposition center, the issu-**  
 28 **ance of payments for construction, repair, remodeling, maintenance, insurance and other**  
 29 **needs of fairground properties and facilities as directed by the council, the solicitation for**  
 30 **financial support for the Oregon State Fair and fairground properties and facilities and the**  
 31 **promotion of the Oregon State Fair and related Oregon tourism and other industries.**

32 **(2) The state fair director may employ such subordinate council employees as the direc-**  
 33 **tor deems reasonable for the carrying out of fairground business operations and the opera-**  
 34 **tion of fairground properties and facilities, including but not limited to the conducting of the**  
 35 **Oregon State Fair and the operation of fairground properties and facilities as an exposition**  
 36 **center.**

37 **(3) The council shall determine and approve policies and procedures to further the**  
 38 **mission and purposes of the council and shall provide oversight and guidance to the state fair**  
 39 **director and employees of the council.**

40 **(4) The members of the council, the state fair director and the employees of the council**  
 41 **are not state employees and are not eligible for participation in state employee health benefit**  
 42 **plans, state employee deferred compensation plans or the Public Employees Retirement**  
 43 **System. The council shall determine the compensation and benefit package for the state fair**  
 44 **director and other employees of the council. For purposes of any laws applicable to the**  
 45 **council as a public corporation, including but not limited to ORS 30.260 to 30.300, the mem-**

1 **bers of the council, the state fair director and the employees of the council are officers and**  
 2 **employees of a public body.**

3 **(5) The council and a state agency may enter into agreements for the state agency to**  
 4 **provide support services to the council. Except as provided in this subsection, if a state**  
 5 **agency provides support services to the council, the state agency must provide the support**  
 6 **services at the rate that the state agency would charge to other state agencies for the ser-**  
 7 **vices. The State Parks and Recreation Department may provide support services to the**  
 8 **council at any rate mutually agreed to by the department and the council.**

9 **(6) The council may retain private legal counsel or, notwithstanding ORS 180.060, may**  
 10 **contract for representation by the Attorney General. If the council contracts for represen-**  
 11 **tation by the Attorney General, the Attorney General shall charge the council for services**  
 12 **at the rate charged state agencies for similar services.**

13  
 14 **OPERATION OF FAIRGROUND BUSINESS,**  
 15 **PROPERTIES AND FACILITIES**  
 16

17 **SECTION 6. (1) The state fair director employed by the State Fair Council under section**  
 18 **5 of this 2013 Act shall be entrusted with the day-to-day carrying out of fairground business**  
 19 **operations and the operation of fairground properties and facilities.**

20 **(2) The state fair director may contract for law enforcement or security services for**  
 21 **fairground properties and facilities, including but not limited to law enforcement and secu-**  
 22 **rity services during the Oregon State Fair.**

23 **(3) In addition to any other duties, functions or powers, the state fair director may:**

24 **(a) Establish charges and fees, including but not limited to charges and fees for admis-**  
 25 **sion to, and lease or rental of, fairground properties and facilities;**

26 **(b) Conduct or authorize events, exhibitions and all manner of business at fairground**  
 27 **properties and facilities consistent with the mission and purposes of the State Fair Council;**  
 28 **and**

29 **(c) Do all other things the director considers proper in the conducting of the annual**  
 30 **Oregon State Fair or the operation of fairground properties and facilities as an exposition**  
 31 **center.**

32 **(4) The state fair director may delegate any duty, function or power of the director to a**  
 33 **subordinate employee except the duties, functions and powers of the director under section**  
 34 **9 of this 2013 Act.**

35 **SECTION 7. (1) Except as provided in section 8 (7) of this 2013 Act, the State Fair Council**  
 36 **may not acquire or dispose of any real property or facilities without prior approval by the**  
 37 **Oregon Department of Administrative Services. Legal title to fairground properties and fa-**  
 38 **cilities must remain with, or be established in, the name of the State of Oregon. The de-**  
 39 **partment and the council shall enter into an agreement for the council to exercise exclusive**  
 40 **care, custody and control over fairground properties and facilities. The agreement shall**  
 41 **provide for the council to make periodic payments to the State of Oregon for the leasing of**  
 42 **the fairground properties and facilities. The agreement may not establish a fixed term in**  
 43 **excess of 25 years, but may provide for renewal. Notwithstanding any fixed term for the**  
 44 **agreement, the Legislative Assembly may terminate the agreement by law if the conducting**  
 45 **of the Oregon State Fair, the carrying out of fairground business operations and the opera-**

1 tion of fairground properties and facilities by the council results in a net loss in three of any  
2 five consecutive years. The department and the council may modify the agreement terms and  
3 conditions by mutual consent to the extent consistent with this chapter.

4 (2) If any state agency has incurred an obligation for the purpose of paying for the con-  
5 struction, repair or remodeling of fairground properties or facilities, and the obligation re-  
6 mains outstanding at the time the agreement described in subsection (1) of this section is  
7 negotiated, the agreement shall provide for all or part of the periodic payments by the  
8 council to be credited to an appropriate account in the State Treasury to fully or partially  
9 compensate the obligated agency for the amounts coming due under the obligation. The  
10 agreement shall give priority to the full compensation of an obligated agency for any  
11 amounts coming due on revenue bonds payable from the revenues of fairground business  
12 operations or from the operation of fairground properties and facilities, including but not  
13 limited to revenue bonds issued under ORS 565.095 as set forth in the 2011 Edition of Oregon  
14 Revised Statutes.

15 (3) If any fairground properties or facilities are sold, the Oregon Department of Admin-  
16 istrative Services shall ensure that any net proceeds of the sale are applied as provided in  
17 this subsection. Net sale proceeds shall be applied according to the following priorities:

18 (a) First, for the payment of any bonds secured by the property or facility sold.

19 (b) Second, for the payment of any bonds payable out of Oregon State Fair revenues or  
20 other fairground revenues.

21 (c) Third, for the acquisition of new fairground properties or facilities or other new  
22 properties and facilities for the conducting of the Oregon State Fair or for deposit to  
23 fairground property and facility acquisition accounts described in section 10 (1) of this 2013  
24 Act.

25 (4) The agreement described in subsection (1) of this section shall provide for appropriate  
26 apportionment between the council and the Oregon Department of Administrative Services  
27 of any insurance proceeds paid in compensation for loss involving fairground properties or  
28 facilities.

29 (5) Notwithstanding subsection (1) of this section, the Oregon Department of Adminis-  
30 trative Services may seek an appropriation from the Legislative Assembly or the Emergency  
31 Board for moneys to support the conducting of the Oregon State Fair, the carrying out of  
32 fairground business operations, the operation of fairground properties and facilities or the  
33 repair, maintenance or insurance of fairground properties and facilities, if the council and  
34 the department agree that the existing and projected financial resources of the council are  
35 inadequate to conduct the Oregon State Fair, to carry out fairground business operations,  
36 to operate fairground properties and facilities, to make necessary repairs to fairground  
37 properties and facilities or to adequately maintain and insure fairground properties and fa-  
38 cilities. Any appropriation to the department shall be expended and accounted for by the  
39 department as provided by law. Any expenditures made from an appropriation described in  
40 this subsection shall be an obligation owing from the council to the department.

41 **SECTION 8.** (1) The State Fair Council shall govern the conducting of the Oregon State  
42 Fair, the carrying out of fairground business operations and the operation of fairground  
43 properties and facilities. The council shall conduct the Oregon State Fair for a period of not  
44 less than three days and not more than 17 days annually on dates established by the council.

45 (2) The council may engage in all necessary or expedient actions or activities to carry

1 out the mission and purposes of the council described in section 3 of this 2013 Act.

2 (3) The council may enter into contracts and agreements involving property, goods or  
 3 services as the council deems reasonable to carry out the mission and purposes of the  
 4 council or to execute any duties, functions or powers of the council, including but not limited  
 5 to contracts and agreements related to the conducting of the Oregon State Fair, the carrying  
 6 out of fairground business operations and the operation of fairground properties and facilities  
 7 as an exposition center or the construction, repair, remodeling, maintenance and insurance  
 8 of fairground properties and facilities. However, the council may not enter into any contract  
 9 or agreement that will result in a lien on fairground properties or facilities that exceeds the  
 10 available financial resources of the council without first obtaining permission for the lien  
 11 from the Oregon Department of Administrative Services.

12 (4) The council may sue and be sued in its own name.

13 (5) Subject to subsection (3) of this section and section 7 (1) of this 2013 Act, the council  
 14 may acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease and im-  
 15 prove real or personal property as the council deems necessary or expedient for conducting  
 16 the Oregon State Fair, carrying out fairground business operations or operating fairground  
 17 properties and facilities.

18 (6) ORS 227.286 does not apply to any construction, repair, remodeling or maintenance  
 19 of fairground properties and facilities.

20 (7)(a) The council may solicit support for carrying out the mission and purposes of the  
 21 council described in section 3 of this 2013 Act and may accept conditional or unconditional  
 22 gifts, grants, donations, bequests and other contributions of money, property, services or  
 23 other things of value from public or private sources and, subject to any terms of a contri-  
 24 bution, may:

25 (A) Expend the contribution to benefit the conducting of the Oregon State Fair, the  
 26 carrying out of fairground business operations, the operation of fairground properties and  
 27 facilities, the promotion of the Oregon State Fair and related Oregon tourism and other in-  
 28 dustries;

29 (B) Deposit the contribution in the dedicated acquisition account described in section 10  
 30 (1) of this 2013 Act; or

31 (C) Use the contribution for any other purpose consistent with the mission and purposes  
 32 of the council.

33 (b) The council may obtain sponsorships, sell advertising space, sell naming rights and  
 34 engage in other transactions to generate revenue for any purposes consistent with the  
 35 mission and purposes of the council.

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 37 **STATE FAIR COUNCIL FINANCES**

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 39 **SECTION 9.** (1) As used in this section:

40 (a) "Depository" has the meaning given that term in ORS 295.001.

41 (b) "Financial institution" has the meaning given that term in ORS 706.008.

42 (2) Except as provided in this section, moneys received by the State Fair Council must  
 43 be promptly deposited into an account established by the council in a depository that is in-  
 44 sured by the Federal Deposit Insurance Corporation or the National Credit Union Share In-  
 45 surance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the

1 chairperson and vice-chairperson of the council shall ensure that sufficient collateral secures  
2 any amount of funds on deposit that exceeds the limits of the coverage provided by the  
3 Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

4 (3) The council may deposit moneys into an account established by the council in a fi-  
5 nancial institution that is not a depository if the amount on deposit is at all times fully in-  
6 sured by the Federal Deposit Insurance Corporation, the National Credit Union Share  
7 Insurance Fund or another appropriate federal regulatory body responsible for insuring  
8 amounts on deposit with the financial institution for the benefit of depositors.

9 (4) The council may invest any moneys the council receives. Except as provided in sub-  
10 section (5) of this section, investments that the council makes are:

11 (a) Limited to investments described in ORS 294.035;

12 (b) Subject to the investment maturity date limitations described in ORS 294.135; and

13 (c) Subject to the conduct prohibitions listed in ORS 294.145.

14 (5) In addition to or in lieu of investments described in subsection (4) of this section, the  
15 council may invest in the investment pool described in ORS 294.805. For purposes of ORS  
16 294.805 to 294.895, the state fair director is a local government official.

17 (6) Moneys may not be withdrawn from or paid out of an account established by the  
18 council except upon order of the council and upon checks or other orders on the account  
19 that are signed by the chairperson and the vice-chairperson of the council or signed by the  
20 state fair director and any council member. The state fair director shall keep a receipt,  
21 voucher or other written record, showing clearly the nature and items covered by each check  
22 or other order.

23 (7) Except as provided in this subsection, the state fair director shall provide to each  
24 meeting of the council a financial report that includes, but need not be limited to, a summary  
25 of account and investment activity, and copies of any account or investment statements re-  
26 ceived from a bank, investment firm or other source since the previous report was provided.  
27 The council may waive the financial report requirement if the council is meeting less than  
28 30 days after a meeting to which the state fair director provided a financial report.

29 **SECTION 10.** (1) If the conducting of the Oregon State Fair, the carrying out of  
30 fairground business operations and the operation of fairground properties and facilities by  
31 the State Fair Council results in a net profit for the fiscal year, the council shall use any  
32 moneys in excess of scheduled expenditures and reasonable reserves only for:

33 (a) Deposit into depository or investment accounts designated for fairground business  
34 operations or the operation of fairground property and facility acquisition; or

35 (b) Payment of obligations owed the Oregon Department of Administrative Services un-  
36 der section 7 (5) of this 2013 Act.

37 (2) The council shall include information regarding the fiscal year net profit or loss from  
38 the conducting of the Oregon State Fair, the carrying out of fairground business operations  
39 and the operation of fairground properties and facilities in the annual report made under  
40 section 11 of this 2013 Act. The report shall include the amounts for each use made of any  
41 net profit moneys.

42 (3) If the total balance of depository or investment accounts described in subsection (1)(a)  
43 of this section exceeds \$50 million, the council shall notify the Oregon Department of Ad-  
44 ministrative Services. Upon receiving notice from the council under this subsection, the de-  
45 partment shall cause an appraisal to be made of the sale and long-term lease values of

1 fairground properties and facilities. The department shall also determine the payment  
2 schedule and outstanding amount of any obligations that have been incurred by state agen-  
3 cies for the purpose of paying for the construction, repair or remodeling of fairground  
4 properties and facilities, including but not limited to any amounts owing in payment of re-  
5 venue bonds or lottery bonds issued for the construction, repair or remodeling of fairground  
6 properties and facilities. The department shall provide the appraisal and obligation informa-  
7 tion to the council. The council shall include information regarding the balance of the de-  
8 pository and investment accounts described in subsection (1)(a) of this section and the  
9 properties and facilities appraisal obligation information provided by the department in the  
10 annual report submitted by the council under section 11 of this 2013 Act.

11 **SECTION 11.** (1) The State Fair Council shall adopt a budget on a biennial basis using  
12 classifications of expenditures and revenues required by generally accepted accounting prin-  
13 ciples applicable to governmental entities. The budget is not subject to review and approval  
14 by the Legislative Assembly or to modification by the Legislative Assembly or the Emergency  
15 Board. The budget is not subject to any expenditure limit or to an allotment process. All  
16 moneys received or collected by the council are available for use as provided under this  
17 chapter at the discretion of the council.

18 (2) Prior to adopting or modifying a biennial budget, the council shall make the proposed  
19 budget, the adopted budget for the biennium then in progress and a financial report for the  
20 completed months of the biennium then in progress available for public review on a website  
21 maintained by the council for Oregon State Fair purposes. The council shall hold at least one  
22 regularly scheduled public meeting at which the public may comment on the proposed budget  
23 or modification. The council shall adopt a budget or budget modification at a regularly  
24 scheduled public meeting that is subsequent to the meeting at which the council allows public  
25 comment on the proposed budget or modification.

26 (3) Except as provided in this subsection, the council shall submit to periodic audits by  
27 the Secretary of State. The council may retain a private auditing firm to annually examine  
28 and attest to the financial operations of the council. The council shall include the results of  
29 any private auditing in the annual report submitted to the Legislative Assembly under sub-  
30 section (4) of this section. If the council provides for auditing to be conducted by a private  
31 firm, the Secretary of State may audit the council only if the Secretary of State has good  
32 cause to believe that financial impropriety has occurred.

33 (4) The council shall file an annual report with the Governor, a committee or interim  
34 committee of the Legislative Assembly dealing with economic development, the Legislative  
35 Fiscal Office and the Oregon Department of Administrative Services regarding the activities  
36 of the council, including but not limited to the conducting of the Oregon State Fair, the  
37 carrying out of fairground business operations and the operation of fairground properties and  
38 facilities as an exposition center and the resulting revenues and expenses.

39 **SECTION 12.** A person who gains or attempts to gain unauthorized entry to the Oregon  
40 State Fair or to an event held at fairground properties or facilities without paying a required  
41 admission fee commits a Class D violation. In addition to any enforcement officers specif-  
42 ically identified in ORS 153.005, the state fair director and other employees of the State Fair  
43 Council may issue citations for violations of this section.

44  
45

LOCATION OF OREGON STATE FAIR





1 or in any other way encumber an armory [*constructed*] **or grounds described** under subsection (1)  
2 of this section.

3 **SECTION 16.** ORS 565.610 is amended to read:

4 565.610. (1) [*No person shall*] **A person may not** set up any shop, booth, wagon or other vehicle  
5 for the sale of spirituous or other liquors, cigars, provisions or other articles of traffic, or [*shall*] sell  
6 or otherwise dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article  
7 of traffic whatever [*on the grounds of the Oregon State Fair, or*] on any grounds owned or occupied  
8 by a county fair board or any county or district society formed for the promotion and encourage-  
9 ment of agriculture, stock growing or horticulture, or within one-half mile of such grounds, without  
10 having paid the [*State Parks and Recreation Department,*] county fair board or such society the li-  
11 cense for the privilege, or obtained the written consent of the [*department or*] county fair board or  
12 of the president and secretary of such society.

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

18 **SECTION 17.** ORS 565.620 is amended to read:

19 565.620. [*No person shall*] **A person may not** gain admission, or attempt to gain admission, to  
20 the grounds [*of the Oregon State Fair or of*] **owned or occupied by** a county fair board or [*of*] any  
21 society mentioned in ORS 565.610 during their annual fairs, [*or exhibitions, or at any public events*  
22 *or meetings on the grounds of the Oregon State Fair, county fair board or societies on their grounds,*  
23 *or grounds occupied by them or either of them,*] **exhibitions, public events or meetings** except  
24 through the special gates kept by the [*State Parks and Recreation Department, county fair boards or*  
25 *societies*] **county fair board or society** for that purpose.

26 **SECTION 18.** ORS 565.630 is amended to read:

27 565.630. [*The State Parks and Recreation Director,*] Any county fair board and every society  
28 mentioned in ORS 565.610 may regulate its prices of admission, licenses and all matters pertaining  
29 to the conduct of its annual fairs, exhibitions or other public events or meetings. The penalty for  
30 violation of its rules and regulations is a Class D violation.

31 **SECTION 19.** ORS 565.640 is amended to read:

32 565.640. The peace officers of [*the State Parks and Recreation Department,*] **a county fair board**  
33 or [*any of the societies*] **of a society** mentioned in ORS 565.610, during the continuance of each an-  
34 nual fair or other public event or meeting, and for three days prior and two days subsequent thereto,  
35 on the [*grounds of the Oregon State Fair or on any*] grounds owned or occupied by [*a*] **the** county  
36 fair board or [*such*] society for fairs, exhibitions or other public events or meetings, shall have all  
37 the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS  
38 565.610 to 565.650 or other laws of this state, or the rules or regulations of the [*department,*  
39 *county*] fair board or [*such*] society.

#### 40 41 **TRANSITIONAL PROVISIONS**

42  
43 **SECTION 20.** Notwithstanding the term of office specified in section 4 of this 2013 Act,  
44 the Governor may reduce the term of office for one or more of the initial members of the  
45 State Fair Council for purposes of administrative convenience.

1       **SECTION 21.** (1) The Governor shall complete the appointment of the initial members of  
2 the State Fair Council under section 4 of this 2013 Act no later than January 1, 2014.

3       (2) The Oregon Department of Administrative Services and the council shall make a good  
4 faith effort to complete an agreement no later than July 1, 2014, for the council to assume  
5 care, custody and control over the conducting of the Oregon State Fair, the carrying out of  
6 fairground business operations and the operation of fairground properties and facilities no  
7 later than July 1, 2015. The department shall report as provided under ORS 192.235 to 192.245  
8 no later than October 1, 2014, to an interim committee of the Legislative Assembly dealing  
9 with economic development regarding the progress of the council and the department toward  
10 reaching an agreement. If the council and the department have not reached an agreement  
11 by the time the report is submitted, the report must note that the statutory repeals under  
12 section 34 of this 2013 Act are scheduled to occur no later than July 1, 2015.

13       (3) If the council and the department complete an agreement as described in subsection  
14 (2) of this section, the department shall notify the State Parks and Recreation Director and  
15 the State Treasurer of the date that the council will assume care, custody and control over  
16 the conducting of the Oregon State Fair, the carrying out of fairground business operations  
17 and the operation of fairground properties and facilities under the agreement.

18       (4) Upon receiving notice under subsection (3) of this section, the director shall arrange  
19 for State Parks and Recreation Department staff to meet with the council to prepare for  
20 transferring the care, custody and control over the Oregon State Fair, fairground business  
21 operations and fairground properties and facilities to the council. The director shall make a  
22 good faith effort to ensure that the members of the council are fully briefed and familiarized  
23 with matters relating to the conducting of the Oregon State Fair, the carrying out of  
24 fairground business operations and the operation of fairground properties and facilities prior  
25 to the transfer taking effect.

26       (5) Notwithstanding section 5 (5) of this 2013 Act, for the period commencing on the ef-  
27 fective date of this 2013 Act and ending on the care, custody and control assumption date  
28 stated in the notification given to the director by the Oregon Department of Administrative  
29 Services under subsection (3) of this section, employees of the State Parks and Recreation  
30 Department may provide support services to the council without charge.

31       **SECTION 22.** (1) On the date set forth in an agreement described in section 7 (1) of this  
32 2013 Act for the State Fair Council to assume care, custody and control over the conducting  
33 of the Oregon State Fair and the carrying out of fairground business operations and the op-  
34 eration of fairground properties and facilities, the State Parks and Recreation Director shall  
35 deliver to the council all records and property within the jurisdiction of the director that  
36 relate to the conducting of the Oregon State Fair, to the carrying out of fairground business  
37 operations or to the operation of fairground properties and facilities. The chairperson of the  
38 council shall take possession of the records and property. The Governor shall resolve any  
39 dispute between the director and the chairperson relating to transfers of records, property  
40 and employees under this section, and the Governor's decision is final.

41       (2) Upon the council assuming the care, custody and control over the conducting of the  
42 Oregon State Fair, the carrying out of fairground business operations and the operation of  
43 fairground properties and facilities, the director shall reassign any State Parks and Recre-  
44 ation Department employees who were engaged primarily in exercising care custody or con-  
45 trol over the conducting of the Oregon State Fair, the carrying out of fairground business

1 operations or the operation of fairground properties and facilities, subject to change or ter-  
2 mination of employment or compensation as provided by law.

3 **SECTION 23.** (1) Notwithstanding ORS 565.107 and sections 2 to 13 of this 2013 Act, at the  
4 request of the State Parks and Recreation Director, for the period commencing on the ef-  
5 fective date of this 2013 Act and ending on the date stated in the notification given to the  
6 State Treasurer under section 21 (3) of this 2013 Act as the date the State Fair Council is  
7 to assume care, custody and control over the conducting of the Oregon State Fair, the car-  
8 rying out of fairground business operations and the operation of fairground properties and  
9 facilities, in addition to any other authorized use of Oregon State Fair Account moneys, the  
10 State Treasurer may issue warrants for the purpose of paying the costs and expenses of the  
11 council and paying for the salaries and benefits of the state fair director and other council  
12 employees.

13 (2) On the date stated in the notification given to the State Treasurer under section 21  
14 (3) of this 2013 Act as the date the State Fair Council is to assume care, custody and control  
15 over the conducting of the Oregon State Fair, the carrying out of fairground business oper-  
16 ations and the operation of fairground properties and facilities, the State Treasurer shall  
17 issue a warrant payable to the State Fair Council in the amount of the unexpended balances  
18 of the Oregon State Fair Account and the State Fair Capital Project Fund. The council shall  
19 deposit the amounts to depository or investment accounts as described in section 9 of this  
20 2013 Act. The council shall keep any amounts transferred from the State Fair Capital Project  
21 Fund in depository or investment accounts that are separate from accounts holding any  
22 other council moneys. Subject to any additional conditions imposed under the terms of the  
23 bonds, the council may expend moneys transferred from the State Fair Capital Project Fund  
24 only for the construction, repair or remodeling of fairground properties and facilities.

25 **SECTION 24.** The State Fair Council assumption of the conducting of the Oregon State  
26 Fair, the carrying out of fairground business operations or the operation of fairground  
27 properties and facilities does not affect any action, proceeding or prosecution involving or  
28 with respect to the Oregon State Fair, fairground business operations or fairground proper-  
29 ties or facilities pending at the time of the assumption, except that the State Fair Council  
30 is substituted for the State Parks and Recreation Department in the action, proceeding or  
31 prosecution.

32 **SECTION 25.** (1) Nothing in sections 2 to 13 of this 2013 Act, the amendments to ORS  
33 279A.025, 279A.050, 291.055, 307.110, 390.134, 565.130, 565.150, 565.610, 565.620, 565.630 and  
34 565.640 by sections 14 to 19 and 28 to 33 of this 2013 Act or the repeal of ORS 565.021, 565.030,  
35 565.040, 565.050, 565.060, 565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114, 565.116,  
36 565.120, 565.140, 565.160 and 565.170 by section 34 of this 2013 Act relieves a person of a li-  
37 ability, duty or obligation accruing under or with respect to the Oregon State Fair,  
38 fairground business operations or fairground properties and facilities. Any liability, duty or  
39 obligation accruing under or with respect to the Oregon State Fair, fairground business op-  
40 erations or fairground properties or facilities that is payable to the State Parks and Recre-  
41 ation Department and is remaining outstanding on the operative date established in an  
42 agreement described under section 7 (1) of this 2013 Act for the transfer of care, custody and  
43 control over the conducting of the Oregon State Fair, the carrying out of fairground business  
44 operations or the operation of fairground properties and facilities from the State Parks and  
45 Recreation Department to the State Fair Council is deemed to be payable to the State Fair

1 Council instead of the department. The council may undertake the collection or enforcement  
 2 of any such liability, duty or obligation.

3 (2) Except for obligations described in section 7 (2) of this 2013 Act, the rights and obli-  
 4 gations of the State Parks and Recreation Department legally incurred under contracts,  
 5 leases and business transactions relating to the Oregon State Fair, fairground business op-  
 6 erations or fairground properties and facilities, entered into or begun before the transfer of  
 7 care, custody and control over the conducting of the Oregon State Fair, the carrying out of  
 8 fairground business operations or the operation of fairground properties and facilities to the  
 9 State Fair Council, are deemed to be rights and obligations of the State Fair Council. For the  
 10 purpose of succession to the rights and obligations, the State Fair Council is considered a  
 11 continuation of the State Parks and Recreation Department and not a new entity.

12 **SECTION 26.** (1) The State Fair Advisory Committee is abolished. On the operative date  
 13 specified in section 27 of this 2013 Act, the tenure of office of the members of the State Fair  
 14 Advisory Committee ceases.

15 (2) The State Parks and Recreation Director shall deliver to the chairperson of the State  
 16 Fair Council all records and property within the jurisdiction of the director that relate to the  
 17 duties and functions of the State Fair Advisory Committee.

18 **SECTION 27.** Section 26 of this 2013 Act becomes operative January 1, 2014.

19  
 20 **CONFORMING AMENDMENTS**

21  
 22 **SECTION 28.** ORS 279A.025 is amended to read:

23 279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting  
 24 Code applies to all public contracting.

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

26 (a) Contracts between a contracting agency and:

27 (A) Another contracting agency;

28 (B) The Oregon Health and Science University;

29 (C) The Oregon State Bar;

30 (D) A governmental body of another state;

31 (E) The federal government;

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

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

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

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

36 (ii) The federal government;

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

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

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

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

43 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and  
 44 414.145 for purposes of source selection;

45 (d) Grants;

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

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

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

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

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

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

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

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

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

17 *[(n) Sponsorship agreements entered into by the State Parks and Recreation Director in accordance*  
 18 *with ORS 565.080 (4);]*

19 *[(o)]* (n) Contracts entered into by the Housing and Community Services Department in exer-  
 20 cising the department's duties prescribed in ORS chapters 456 and 458, except that the department's  
 21 public contracting for goods and services is subject to ORS chapter 279B;

22 *[(p)]* (o) Contracts entered into by the State Treasurer in exercising the powers of that office  
 23 prescribed in ORS chapters 178, 286A, 287A, 289, 293, 294 and 295, including but not limited to in-  
 24 vestment contracts and agreements, banking services, clearing house services and collateralization  
 25 agreements, bond documents, certificates of participation and other debt repayment agreements, and  
 26 any associated contracts, agreements and documents, regardless of whether the obligations that the  
 27 contracts, agreements or documents establish are general, special or limited, except that the State  
 28 Treasurer's public contracting for goods and services is subject to ORS chapter 279B;

29 *[(q)]* (p) Contracts, agreements or other documents entered into, issued or established in con-  
 30 nection with:

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

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

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

38 *[(r)]* (q) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,  
 39 243.275, 243.291, 243.303 and 243.565;

40 *[(s)]* (r) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

41 *[(t)]* (s) Any other public contracting of a public body specifically exempted from the code by  
 42 another provision of law.

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

44 (a) The Oregon State Lottery Commission;

45 (b) The Oregon University System and member public universities, except as provided in ORS

1 351.086;

2 (c) The legislative department;

3 (d) The judicial department;

4 (e) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to  
5 279.855 and 279A.250 to 279A.290;

6 (f) Oregon Corrections Enterprises;

7 (g) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to  
8 279A.290;

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

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

11 (j) The Oregon Innovation Council;

12 (k) The Oregon Utility Notification Center; or

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

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

17 **SECTION 29.** ORS 279A.050 is amended to read:

18 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting  
19 agency shall exercise all procurement authority in accordance with the provisions of the Public  
20 Contracting Code.

21 (b) When a contracting agency has authority under this section to carry out functions described  
22 in this section, or has authority to make procurements under a provision of law other than the  
23 Public Contracting Code, the contracting agency is not required to exercise that authority in ac-  
24 cordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the  
25 contract or contracting authority.

26 (2) Except as otherwise provided in the Public Contracting Code, for state agencies the Director  
27 of the Oregon Department of Administrative Services has all the authority to carry out the pro-  
28 visions of the Public Contracting Code.

29 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation  
30 has all the authority to:

31 (a) Procure or supervise the procurement of all services and personal services to construct, ac-  
32 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking  
33 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

34 (b) Procure or supervise the procurement of all goods, services, public improvements and per-  
35 sonal services relating to the operation, maintenance or construction of highways, bridges and other  
36 transportation facilities that are subject to the authority of the Department of Transportation; and

37 (c) Establish standards for, prescribe forms for and conduct the prequalification of prospective  
38 bidders on public improvement contracts related to the operation, maintenance or construction of  
39 highways, bridges and other transportation facilities that are subject to the authority of the De-  
40 partment of Transportation.

41 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all  
42 the authority to procure or supervise the procurement of goods, services and personal services re-  
43 lated to programs under the authority of the Secretary of State.

44 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the  
45 authority to procure or supervise the procurement of goods, services and personal services related

1 to programs under the authority of the State Treasurer.

2 (6) The state agencies listed in this subsection have all the authority to do the following in ac-  
3 cordance with the Public Contracting Code:

4 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-  
5 vices and personal services under ORS 179.040 for the department's institutions and the procurement  
6 of goods, services and personal services for the construction, demolition, exchange, maintenance,  
7 operation and equipping of housing for the purpose of providing care to individuals with intellectual  
8 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

9 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and  
10 personal services under ORS 179.040 and construction materials, equipment and supplies for the  
11 authority's institutions and the procurement of goods, services, personal services, construction ma-  
12 terials, equipment and supplies for the construction, demolition, exchange, maintenance, operation  
13 and equipping of housing for persons with chronic mental illness, subject to applicable provisions  
14 of ORS 426.504;

15 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-  
16 struction materials, equipment, supplies, services and personal services for public improvements,  
17 public works or ordinary construction described in ORS 279C.320 that is subject to the authority  
18 of the State Department of Fish and Wildlife;

19 (d) The State Parks and Recreation Department to procure or supervise the procurement of all  
20 goods, services, public improvements and personal services relating to state parks;

21 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction  
22 materials, equipment, supplies, services and personal services for public improvements, public works  
23 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
24 Department of Aviation;

25 (f) The Oregon Business Development Department to procure or supervise the procurement of  
26 all goods, services, personal services and public improvements related to its foreign trade offices  
27 operating outside the state;

28 (g) The Housing and Community Services Department to procure or supervise the procurement  
29 of goods, services and personal services as provided in ORS 279A.025 [(2)(o)] (2)(n);

30 (h) The Department of Corrections to procure or supervise the procurement of construction  
31 materials, equipment, supplies, services and personal services for public improvements, public works  
32 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-  
33 ment of Corrections;

34 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,  
35 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-  
36 vices and personal services under ORS 179.040 for its institutions;

37 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate  
38 broker and principal real estate broker services related to programs under the department's au-  
39 thority;

40 (k) The Oregon Military Department to procure or supervise the procurement of construction  
41 materials, equipment, supplies, services and personal services for public improvements, public works  
42 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon  
43 Military Department;

44 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085  
45 and 329.485 and the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425), to pro-



1 cure or supervise the procurement of goods, services, personal services and information technology  
2 relating to student assessment; and

3 (m) Any state agency to conduct a procurement when the agency is specifically authorized by  
4 any provision of law other than the Public Contracting Code to enter into a contract.

5 (7) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department  
6 of Administrative Services has exclusive authority, unless the director delegates this authority, to  
7 procure or supervise the procurement of all price agreements on behalf of the state agencies iden-  
8 tified in subsection (6)(a) to (k) of this section under which more than one state agency may order  
9 goods, services or personal services and, except for contracts procured by the Oregon Health Au-  
10 thority, all state agency information technology contracts. This subsection does not apply to con-  
11 tracts under which the contractor delivers to the state agency information technology products or  
12 services incidental to the performance of personal services contracts described in ORS chapter 279C  
13 or construction contracts described in ORS chapter 279C. A state agency identified in subsection (3)  
14 or (6)(a) to (k) of this section may not establish a price agreement or enter into a contract for goods,  
15 services, personal services, construction materials, equipment or supplies without the approval of  
16 the director if the director has established a price agreement for the goods, services or personal  
17 services.

18 **SECTION 30.** ORS 291.055 is amended to read:

19 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-  
20 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the  
21 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date  
22 of adjournment sine die of the next regular session of the Legislative Assembly:

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

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

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

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

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

34 (2) This section does not apply to:

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

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

41 (c) Fees or payments required for:

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

44 (B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS  
45 735.614 and 735.625.

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

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

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

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

8 (f) Any intergovernmental charges.

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

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

12 *[(i) Any charges established by the State Parks and Recreation Director in accordance with ORS*  
13 *565.080 (3).]*

14 *[(j) (i) Assessments on premiums charged by the Department of Consumer and Business Services*  
15 *pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the*  
16 *Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS*  
17 *706.530 and 723.114.*

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

20 *[(L) (k) Fees charged by the Housing and Community Services Department for intellectual*  
21 *property pursuant to ORS 456.562.*

22 *[(m) (L) New or increased fees that are anticipated in the legislative budgeting process for an*  
23 *agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted*  
24 *budget or the legislatively approved budget for the agency.*

25 *[(n) (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.*

26 *[(o) (n) Convenience fees as defined in ORS 182.126 and established by the Oregon Department*  
27 *of Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government*  
28 *Portal Advisory Board.*

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

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

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

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

37 **SECTION 31.** ORS 307.110 is amended to read:

38 307.110. (1) Except as provided in ORS 307.120, all real and personal property of this state or  
39 any institution or department thereof or of any county or city, town or other municipal corporation  
40 or political subdivision of this state, held under a lease or other interest or estate less than a fee  
41 simple, by any person whose real property, if any, is taxable, except employees of the state,  
42 municipality or political subdivision as an incident to such employment, shall be subject to assess-  
43 ment and taxation for the assessed or specially assessed value thereof uniformly with real property  
44 of nonexempt ownerships.

45 (2) Each leased or rented premises not exempt under ORS 307.120 and subject to assessment and

1 taxation under this section which is located on property used as an airport and owned by and  
 2 serving a municipality or port shall be separately assessed and taxed.

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

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

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

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

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

16 (e) The properties and grounds managed and operated by the State [*Parks and Recreation Di-*  
 17 *rector under ORS 565.080*] **Fair Council under ORS chapter 565**, if utilized, in addition to the  
 18 purpose of holding the Oregon State Fair, for horse stalls or for storage for recreational vehicles  
 19 or farm machinery or equipment.

20 (f) State property that is used by the Oregon University System or the Oregon Health and Sci-  
 21 ence University to provide parking for employees, students or visitors.

22 (g) Property of a housing authority created under ORS chapter 456 which is leased or rented to  
 23 persons of lower income for housing pursuant to the public and governmental purposes of the  
 24 housing authority. For purposes of this paragraph, "persons of lower income" has the meaning given  
 25 the phrase under ORS 456.055.

26 (h) Property of a health district if:

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

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

31 (4) Property determined to be an eligible project for tax exemption under ORS 285C.600 to  
 32 285C.626 and 307.123 that was acquired with revenue bonds issued under ORS 285B.320 to 285B.371  
 33 and that is leased by this state, any institution or department thereof or any county, city, town or  
 34 other municipal corporation or political subdivision of this state to an eligible applicant shall be  
 35 assessed and taxed in accordance with ORS 307.123. The property's continued eligibility for taxation  
 36 and assessment under ORS 307.123 is not affected:

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

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

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

44 (6) If the state enters into a lease of property with, or grants an interest or other estate less  
 45 than a fee simple in property to, a person whose real property, if any, is taxable, then within 30 days

1 after the date of the lease, or within 30 days after the date the interest or estate less than a fee  
 2 simple is created, the state shall file a copy of the lease or other instrument creating or evidencing  
 3 the interest or estate with the county assessor. This section applies notwithstanding that the prop-  
 4 erty may otherwise be entitled to an exemption under this section, ORS 307.120 or as otherwise  
 5 provided by law.

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

8 390.134. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 33.** ORS 390.134, as amended by section 2, chapter 792, Oregon Laws 2007, section  
44 47, chapter 11, Oregon Laws 2009, section 5, chapter 643, Oregon Laws 2011, and section 25, chapter  
45 107, Oregon Laws 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

27 (5)(a) Thirty percent of the amount transferred to the State Parks and Recreation Department  
28 under ORS 366.512 from the registration of travel trailers, campers and motor homes and under ORS  
29 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount within the  
30 fund to be distributed for the acquisition, development, maintenance, care and use of county park  
31 and recreation sites. The moneys deposited in the subaccount under this paragraph must be ac-  
32 counted for separately. The following apply to the distribution of moneys under this paragraph:

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

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

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

43 (c) The department, by rule, shall establish a program to provide moneys to counties for the  
44 acquisition, development, maintenance, care and use of county park and recreation sites. The rules  
45 under this paragraph shall provide for distribution of moneys based on use and need and, as the

1 department determines necessary, on the need for the development and maintenance of facilities to  
 2 provide camping sites for campers, motor homes and travel trailers.

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

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

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

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

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

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

35  
 36 **REPEALS**

37  
 38 **SECTION 34. (1) ORS 565.021, 565.030, 565.040, 565.050, 565.060, 565.080, 565.090, 565.095,**  
 39 **565.103, 565.107, 565.109, 565.114, 565.116, 565.120, 565.140, 565.160 and 565.170 are repealed.**

40 **(2) The repeal of ORS 565.021, 565.030, 565.040, 565.050, 565.060, 565.080, 565.090, 565.095,**  
 41 **565.103, 565.107, 565.109, 565.114, 565.116, 565.120, 565.140, 565.160 and 565.170 by subsection (1)**  
 42 **of this section becomes operative on the earlier of:**

43 **(a) The date established in an agreement described under section 7 (1) of this 2013 Act**  
 44 **for the transfer of care, custody and control over the conducting of the Oregon State Fair,**  
 45 **the carrying out of fairground business operations and the operation of fairground properties**

1 and facilities from the State Parks and Recreation Department to the State Fair Council; or  
2 (b) July 1, 2015.

3  
4 **CAPTIONS**

5  
6 **SECTION 35.** The unit captions used in this 2013 Act are provided only for the conven-  
7 ience of the reader and do not become part of the statutory law of this state or express any  
8 legislative intent in the enactment of this 2013 Act.

9  
10 **EMERGENCY**

11  
12 **SECTION 36.** This 2013 Act being necessary for the immediate preservation of the public  
13 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
14 on its passage.