

**PROPOSED AMENDMENTS TO
HOUSE BILL 3231**

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, delete “418.653, 418.657, 418.658, 418.660,”.

3 In line 4, after “2012” insert “; and declaring an emergency”.

4 Delete lines 6 through 8.

5 Delete lines 20 through 23 and insert:

6 **“SECTION 2a. The duties, functions and powers of the Youth De-**
7 **velopment Council relating to the administration and enforcement of**
8 **the Youth Development Council are imposed upon, transferred to and**
9 **vested in the Youth Development Division of the Department of Edu-**
10 **cation for the purpose of fulfilling the duties, powers and functions**
11 **of the Youth Development Division.**

12 **“SECTION 2b. (1) The chairperson of the Youth Development**
13 **Council shall:**

14 **“(a) Deliver to the Department of Education all records and prop-**
15 **erty within the jurisdiction of the chairperson that relate to the du-**
16 **ties, functions and powers transferred by section 2a of this 2013 Act;**
17 **and**

18 **“(b) Transfer to the Department of Education those employees en-**
19 **gaged primarily in the exercise of the duties, functions and powers**
20 **transferred by section 2a of this 2013 Act.**

21 **“(2) The Superintendent of Public Instruction shall take possession**
22 **of the records and property, and shall take charge of the employees**

1 and employ them in the exercise of the duties, functions and powers
2 transferred by section 2a of this 2013 Act, without reduction of com-
3 pensation but subject to change or termination of employment or
4 compensation as provided by law.

5 “(3) The Governor shall resolve any dispute between the Youth De-
6 velopment Council and the Department of Education relating to
7 transfers of records, property and employees under this section, and
8 the Governor’s decision is final.

9 “SECTION 2c. (1) The unexpended balances of amounts authorized
10 to be expended by the Youth Development Council for the biennium
11 beginning July 1, 2013, from revenues dedicated, continuously appro-
12 priated, appropriated or otherwise made available for the purpose of
13 administering and enforcing the duties, functions and powers trans-
14 ferred by section 2a of this 2013 Act are transferred to and are avail-
15 able for expenditure by the Department of Education for the biennium
16 beginning July 1, 2013, for the purpose of administering and enforcing
17 the duties, functions and powers transferred by section 2a of this 2013
18 Act.

19 “(2) The expenditure classifications, if any, established by Acts au-
20 thorizing or limiting expenditures by the Youth Development Council
21 remain applicable to expenditures by the Department of Education
22 under this section.

23 “SECTION 2d. The transfer of duties, functions and powers to the
24 Department of Education by section 2a of this 2013 Act does not affect
25 any action, proceeding or prosecution involving or with respect to
26 such duties, functions and powers begun before and pending at the
27 time of the transfer, except that the Department of Education is sub-
28 stituted for the Youth Development Council in the action, proceeding
29 or prosecution.

30 “SECTION 2e. (1) Nothing in sections 2a to 2d of this 2013 Act re-

1 believes a person of a liability, duty or obligation accruing under or with
2 respect to the duties, functions and powers transferred by section 2a
3 of this 2013 Act. The Department of Education may undertake the
4 collection or enforcement of any such liability, duty or obligation.

5 “(2) The rights and obligations of the Youth Development Council
6 legally incurred under contracts, leases and business transactions ex-
7 ecuted, entered into or begun before the operative date of section 2a
8 of this 2013 Act accruing under or with respect to the duties, functions
9 and powers transferred by section 2a of this 2013 Act are transferred
10 to the Department of Education. For the purpose of succession to
11 these rights and obligations, the Department of Education is a con-
12 tinuation of the Youth Development Council and not a new authority.

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

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

30 “SECTION 3. Section 24, chapter 37, Oregon Laws 2012, is amended to

1 read:

2 “**Sec. 24.** (1) The amendments to section 21 [*of this 2012 Act*], **chapter**
3 **37, Oregon Laws 2012**, by section 23 [*of this 2012 Act*], **chapter 37, Oregon**
4 **Laws 2012**, become operative on [*March 15, 2016*] **the effective date of this**
5 **2013 Act.**

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

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

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

11 “**Sec. 21b.** (1) The Youth Development [*Council*] **Division** Fund is estab-
12 lished in the State Treasury, separate and distinct from the General Fund.
13 Interest earned by the Youth Development [*Council*] **Division** Fund shall be
14 credited to the fund.

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

17 “(a) Amounts donated to the fund;

18 “(b) Moneys transferred to the fund from the federal government, state
19 agencies and local governments;

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

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

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

24 “(3) Moneys in the fund are continuously appropriated to the [*Youth De-*
25 *velopment Council established in section 21 of this 2012 Act*] **Department of**
26 **Education** for the purpose of fulfilling the [*council’s*] duties, functions and
27 powers **of the Youth Development Division.**

28 “(4) The [*council*] **department** may establish accounts and subaccounts
29 within the fund when the [*council*] **department** determines that accounts or
30 subaccounts are necessary or desirable and may credit any interest or income

1 derived from moneys in the fund to any account or subaccount in the
2 fund.”.

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

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

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

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