

**PROPOSED AMENDMENTS TO
SENATE BILL 7**

1 On page 1 of the printed bill, delete lines 7 through 25 and delete pages
2 2 through 24 and insert:

3
4 **“INCLUSION IN CHAPTER**

5
6 **“SECTION 1. Sections 2 to 13 of this 2013 Act are added to and made**
7 **a part of ORS chapter 565.**

8
9 **“DEFINITIONS**

10
11 **“SECTION 2. As used in sections 2 to 13 of this 2013 Act:**

12 **“(1) ‘Fairground properties and facilities’ means grounds, equip-**
13 **ment, permanent and temporary structures and other improvements**
14 **that are owned, rented, leased or otherwise controlled for Oregon**
15 **State Fair or exposition center purposes.**

16 **“(2) ‘Oregon State Fair’ means the exhibition described in section**
17 **3 (3) of this 2013 Act.**

18
19 **“STATE FAIR COUNCIL ESTABLISHMENT,**
20 **MISSION AND PURPOSES**

21
22 **“SECTION 3. (1) The State Fair Council is established as a public**

1 corporation and shall exercise and carry out all powers, rights and
2 privileges that are expressly conferred upon the council, are implied
3 by law or are incident to such powers, rights and privileges. The
4 council is an independent public corporation with a statewide mission
5 and purposes and without territorial boundaries. The council is a
6 governmental entity performing governmental functions and exercis-
7 ing governmental powers but, except as otherwise provided by law, is
8 not a unit of local or municipal government or a state agency for
9 purposes of state statutes or constitutional provisions.

10 “(2) Unless otherwise provided by law, the council is not subject to
11 ORS chapters 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292
12 or 293 or ORS 35.550 to 35.575, 183.710 to 183.725, 183.745, 183.750, 190.430,
13 190.490, 200.035, 236.605 to 236.640, 243.303, 243.305, 243.315, 243.325 to
14 243.335, 243.345, 243.350, 243.696, 279.835 to 279.855, 282.010 to 282.150,
15 291.050 to 291.060 or 656.017 (2).

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

17 “(a) To conduct a state fair to be known as the Oregon State Fair
18 for the education and entertainment of Oregon residents and for the
19 promotion, preservation, growth and prosperity of the industries and
20 interests traditionally represented in state fair activities such as agri-
21 culture, stock raising, horticulture, youth group involvement in agri-
22 cultural, stock-raising and horticultural activities, viticulture,
23 manufacturing, metal fabrication, technology and artistic, creative
24 and cultural pursuits; and

25 “(b) To promote Oregon tourism related to the Oregon State Fair
26 and fairground properties and facilities, and promote and further the
27 preservation, growth and prosperity of other industries and activities
28 important to the state economy by conducting the Oregon State Fair
29 and using fairground properties and facilities.

30 “(4) To help fulfill the council’s mission and purposes, the council

1 shall encourage residents in all parts of this state to participate in or
2 attend the Oregon State Fair. The council may take any necessary or
3 expedient actions to ensure that fairground properties and facilities
4 are adequate and in good repair. The council shall operate the
5 fairground properties and facilities as an exposition center, encourage
6 the full utilization of the properties and facilities for revenue gener-
7 ation and make expenditures for the construction, repair, remodeling,
8 maintenance, insurance and other needs of the fairground properties
9 and facilities. Subject to any limitations established under this chap-
10 ter, the council may take other actions the council deems necessary
11 or expedient to ensure the financial viability of the Oregon State Fair
12 and the exposition center or to promote the Oregon State Fair, Oregon
13 tourism and other industries related to fairground business operations
14 or fairground properties and facilities.

15

16 **“STATE FAIR COUNCIL MEMBERS AND EMPLOYEES**

17

18 **“SECTION 4. (1) The State Fair Council shall consist of no fewer**
19 **than nine and no more than 13 members appointed by the Governor.**
20 **A council member holds office for a term of four years, but may be**
21 **removed at any time during the term at the pleasure of the Governor.**
22 **Council members are eligible for reappointment. Prior to the expira-**
23 **tion of the term of a member, the Governor shall appoint a successor.**
24 **If a member position becomes vacant for any reason, the Governor**
25 **shall appoint a successor to fill the unexpired term.**

26 **“(2) The council shall consist of:**

27 **“(a) No fewer than seven and no more than 11 members who have**
28 **experience in, and are representatives of, industries and interests tra-**
29 **ditionally represented in Oregon State Fair activities, and who have**
30 **backgrounds in industries and interests pertinent to carrying out the**

1 **duties, functions and powers of the council, including but not limited**
2 **to:**

3 **“(A) Private sector business;**

4 **“(B) The nonprofit sector;**

5 **“(C) Economic development interests;**

6 **“(D) The finance industry; and**

7 **“(E) The events and facility management industry.**

8 **“(b) One member who is an elected official of a city.**

9 **“(c) One member who is an elected official of a county.**

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

16 **“(4) The Salem city manager may act as a nonvoting observer of**
17 **and advisor to the council. The Salem city manager may not exercise**
18 **any power, right or privilege of a council member.**

19 **“(5) A majority of the council is required for the conducting of**
20 **business.**

21 **“(6) The council shall elect one member as a chairperson and one**
22 **member as a vice chairperson, with duties and powers as determined**
23 **by the council. The council shall meet at the call of the chairperson**
24 **or of a majority of the members.**

25 **“(7) A member of the council is not entitled to compensation, but**
26 **may be reimbursed as provided by council policies and procedures for**
27 **any actual and necessary travel and other expenses incurred by the**
28 **member in the performance of the member’s official duties.**

29 **“SECTION 5. (1) The State Fair Council may employ a state fair**
30 **director to oversee the day-to-day carrying out of fairground business**

1 operations and the operation of fairground properties and facilities,
2 including but not limited to the annual conducting of the Oregon State
3 Fair, the use of fairground properties and facilities for an exposition
4 center, the issuance of payments for construction, repair, remodeling,
5 maintenance, insurance and other needs of fairground properties and
6 facilities as directed by the council, the solicitation for financial sup-
7 port for the Oregon State Fair and fairground properties and facilities
8 and the promotion of the Oregon State Fair and related Oregon
9 tourism and other industries.

10 “(2) The state fair director may employ such subordinate council
11 employees as the director deems reasonable for the carrying out of
12 fairground business operations and the operation of fairground prop-
13 erties and facilities, including but not limited to the conducting of the
14 Oregon State Fair and the operation of fairground properties and fa-
15 cilities as an exposition center.

16 “(3) The council shall determine and approve policies and proce-
17 dures to further the mission and purposes of the council and shall
18 provide oversight and guidance to the state fair director and employees
19 of the council.

20 “(4) The members of the council, the state fair director and the
21 employees of the council are not state employees and are not eligible
22 for participation in state employee health benefit plans, state employee
23 deferred compensation plans or the Public Employees Retirement
24 System. The council shall determine the compensation and benefit
25 package for the state fair director and other employees of the council.
26 For purposes of any laws applicable to the council as a public corpo-
27 ration, including but not limited to ORS 30.260 to 30.300, the members
28 of the council, the state fair director and the employees of the council
29 are officers and employees of a public body.

30 “(5) The council and a state agency may enter into agreements for

1 the state agency to provide support services to the council. Except as
2 provided in this subsection, if a state agency provides support services
3 to the council, the state agency must provide the support services at
4 the rate that the state agency would charge to other state agencies for
5 the services. The State Parks and Recreation Department may provide
6 support services to the council at any rate mutually agreed to by the
7 department and the council.

8 “(6) The council may retain private legal counsel or, notwithstand-
9 ing ORS 180.060, may contract for representation by the Attorney
10 General. If the council contracts for representation by the Attorney
11 General, the Attorney General shall charge the council for services at
12 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
18 Council under section 5 of this 2013 Act shall be entrusted with the
19 day-to-day carrying out of fairground business operations and the op-
20 eration of fairground properties and facilities.

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

25 “(3) In addition to any other duties, functions or powers, the state
26 fair director may:

27 “(a) Establish charges and fees, including but not limited to charges
28 and fees for admission to, and lease or rental of, fairground properties
29 and facilities;

30 “(b) Conduct or authorize events, exhibitions and all manner of

1 business at fairground properties and facilities consistent with the
2 mission and purposes of the State Fair Council; and

3 “(c) Do all other things the director considers proper in the con-
4 ducting of the annual Oregon State Fair or the operation of fairground
5 properties and facilities as an exposition center.

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

9 **“SECTION 7. (1) The State Fair Council may not acquire or dispose**
10 **of any real property or facilities without prior approval by the Oregon**
11 **Department of Administrative Services. Legal title to fairground**
12 **properties and facilities must remain with, or be established in, the**
13 **name of the State of Oregon. The department and the council shall**
14 **enter into an agreement for the council to exercise exclusive care,**
15 **custody and control over fairground properties and facilities. The**
16 **agreement shall provide for the council to make periodic payments to**
17 **the State of Oregon for the leasing of the fairground properties and**
18 **facilities. The agreement may not establish a fixed term in excess of**
19 **10 years, but may provide for renewal. Notwithstanding any fixed term**
20 **for the agreement, the Legislative Assembly may terminate the**
21 **agreement by law if the conducting of the Oregon State Fair, the**
22 **carrying out of fairground business operations and the operation of**
23 **fairground properties and facilities by the council results in a net loss**
24 **in three of any five consecutive years. If the Legislative Assembly**
25 **terminates the agreement, the department may dispose of any**
26 **fairground properties and facilities for which the department deter-**
27 **mines disposal to be reasonable. The department and the council may**
28 **modify the agreement terms and conditions by mutual consent to the**
29 **extent consistent with this chapter.**

30 “(2) If any state agency has incurred an obligation for the purpose

1 of paying for the construction, repair or remodeling of fairground
2 properties or facilities, and the obligation remains outstanding at the
3 time the agreement described in subsection (1) of this section is ne-
4 gotiated, the agreement shall provide for all or part of the periodic
5 payments by the council to be credited to an appropriate account es-
6 tablished in the State Treasury pursuant to ORS 291.001 (3) to com-
7 pensate the obligated agency for the amounts coming due under the
8 obligation. The agreement shall give priority to the full compensation
9 of an obligated agency for any amounts coming due on revenue bonds
10 payable from the revenues of fairground business operations or from
11 the operation of fairground properties and facilities, including but not
12 limited to revenue bonds issued under ORS 565.095 as set forth in the
13 2011 Edition of Oregon Revised Statutes.

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

18 “(a) First, for the repair and maintenance of other fairground
19 properties or facilities.

20 “(b) Second, for the payment of any bonds secured by the property
21 or facility sold.

22 “(c) Third, for the payment of any bonds payable out of Oregon
23 State Fair revenues or other fairground revenues.

24 “(d) Fourth, for the acquisition of new fairground properties or fa-
25 cilities or other new properties and facilities for the conducting of the
26 Oregon State Fair or for deposit to fairground property and facility
27 acquisition accounts described in section 10 (1) of this 2013 Act.

28 “(4) The agreement described in subsection (1) of this section shall
29 provide for appropriate apportionment between the council and the
30 Oregon Department of Administrative Services of any insurance pro-

1 ceeds paid in compensation for loss involving fairground properties or
2 facilities.

3 “(5) Notwithstanding subsection (1) of this section, the Oregon De-
4 partment of Administrative Services may seek an appropriation from
5 the Legislative Assembly or the Emergency Board for moneys to sup-
6 port the conducting of the Oregon State Fair, the carrying out of
7 fairground business operations, the operation of fairground properties
8 and facilities or the repair, maintenance or insurance of fairground
9 properties and facilities, if the council and the department agree that
10 the existing and projected financial resources of the council are inad-
11 equate to conduct the Oregon State Fair, to carry out fairground
12 business operations, to operate fairground properties and facilities, to
13 make necessary repairs to fairground properties and facilities or to
14 adequately maintain and insure fairground properties and facilities.
15 Any appropriation to the department shall be expended and accounted
16 for by the department as provided by law. Any expenditures made from
17 an appropriation described in this subsection shall be an obligation
18 owing from the council to the department.

19 “SECTION 8. (1) The State Fair Council shall govern the conducting
20 of the Oregon State Fair, the carrying out of fairground business op-
21 erations and the operation of fairground properties and facilities. The
22 council shall conduct the Oregon State Fair for a period of not less
23 than three days and not more than 17 days annually on dates estab-
24 lished by the council.

25 “(2) The council may engage in all necessary or expedient actions
26 or activities to carry out the mission and purposes of the council de-
27 scribed in section 3 of this 2013 Act.

28 “(3) The council may enter into contracts and agreements involving
29 property, goods or services as the council deems reasonable to carry
30 out the mission and purposes of the council or to execute any duties,

1 functions or powers of the council, including but not limited to con-
2 tracts and agreements related to the conducting of the Oregon State
3 Fair, the carrying out of fairground business operations and the op-
4 eration of fairground properties and facilities as an exposition center
5 or the construction, repair, remodeling, maintenance and insurance
6 of fairground properties and facilities. However, the council may not
7 enter into any contract or agreement that will result in a lien on
8 fairground properties or facilities that exceeds the available financial
9 resources of the council without first obtaining permission for the lien
10 from the Oregon Department of Administrative Services.

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

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

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

20 “(7)(a) The council may solicit support for carrying out the mission
21 and purposes of the council described in section 3 of this 2013 Act and,
22 subject to section 7 (1) of this 2013 Act, may accept conditional or
23 unconditional gifts, grants, donations, bequests and other contribu-
24 tions of money, property, services or other things of value from public
25 or private sources and, subject to any terms of a contribution, may:

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

1 **“(B) Deposit the contribution in a dedicated acquisition account**
2 **described in section 10 (1) of this 2013 Act; or**

3 **“(C) Use the contribution for any other purpose consistent with the**
4 **mission and purposes of the council.**

5 **“(b) The council may obtain sponsorships, sell advertising space,**
6 **sell naming rights and engage in other transactions to generate reve-**
7 **nue for any purposes consistent with the mission and purposes of the**
8 **council.**

9
10 **“STATE FAIR COUNCIL FINANCES**

11
12 **“SECTION 9. (1) As used in this section:**

13 **“(a) ‘Depository’ has the meaning given that term in ORS 295.001.**

14 **“(b) ‘Financial institution’ has the meaning given that term in ORS**
15 **706.008.**

16 **“(2) Except as provided in this section, moneys received by the**
17 **State Fair Council must be promptly deposited into an account estab-**
18 **lished by the council in a depository that is insured by the Federal**
19 **Deposit Insurance Corporation or the National Credit Union Share**
20 **Insurance Fund. In a manner consistent with the requirements of ORS**
21 **295.001 to 295.108, the chairperson and vice-chairperson of the council**
22 **shall ensure that sufficient collateral secures any amount of funds on**
23 **deposit that exceeds the limits of the coverage provided by the Federal**
24 **Deposit Insurance Corporation or the National Credit Union Share**
25 **Insurance Fund.**

26 **“(3) The council may deposit moneys into an account established**
27 **by the council in a financial institution that is not a depository if the**
28 **amount on deposit is at all times fully insured by the Federal Deposit**
29 **Insurance Corporation, the National Credit Union Share Insurance**
30 **Fund or another appropriate federal regulatory body responsible for**

1 insuring amounts on deposit with the financial institution for the
2 benefit of depositors.

3 “(4) The council may invest any moneys the council receives. Ex-
4 cept as provided in subsection (5) of this section, investments that the
5 council makes are:

6 “(a) Limited to investments described in ORS 294.035;

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

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

10 “(5) In addition to or in lieu of investments described in subsection
11 (4) of this section, the council may invest in the investment pool de-
12 scribed in ORS 294.805. For purposes of ORS 294.805 to 294.895, the state
13 fair director is a local government official.

14 “(6) Except as provided in this subsection, the state fair director
15 shall provide to each meeting of the council a financial report that
16 includes, but need not be limited to, a summary of account and in-
17 vestment activity, and copies of any account or investment statements
18 received from a bank, investment firm or other source since the pre-
19 vious report was provided. The council may waive the financial report
20 requirement if the council is meeting less than 30 days after a meeting
21 to which the state fair director provided a financial report.

22 “SECTION 10. (1) If the conducting of the Oregon State Fair, the
23 carrying out of fairground business operations and the operation,
24 maintenance or repair of fairground properties and facilities by the
25 State Fair Council results in a net profit for the fiscal year, the
26 council shall use any moneys in excess of scheduled expenditures and
27 reasonable reserves only for:

28 “(a) Deposit into depository or investment accounts designated for
29 fairground business operations or for the repair, maintenance, acqui-
30 sition or operation of fairground property or facilities; or

1 **“(b) Payment of obligations owed the Oregon Department of Ad-**
2 **ministrative Services under section 7 (5) of this 2013 Act.**

3 **“(2) The council shall include information regarding the fiscal year**
4 **net profit or loss from the conducting of the Oregon State Fair, the**
5 **carrying out of fairground business operations and the operation of**
6 **fairground properties and facilities in the annual report made under**
7 **section 11 of this 2013 Act. The report shall include the amounts for**
8 **each use made of any net profit moneys.**

9 **“(3) If the total balance of depository or investment accounts de-**
10 **scribed in subsection (1)(a) of this section exceeds \$50 million, the**
11 **council shall notify the Oregon Department of Administrative Ser-**
12 **vices. Upon receiving notice from the council under this subsection,**
13 **the department shall cause an appraisal to be made of the sale and**
14 **long-term lease values of fairground properties and facilities. The de-**
15 **partment shall also determine the payment schedule and outstanding**
16 **amount of any obligations that have been incurred by state agencies**
17 **for the purpose of paying for the construction, repair or remodeling**
18 **of fairground properties and facilities, including but not limited to any**
19 **amounts owing in payment of revenue bonds or lottery bonds issued**
20 **for the construction, repair or remodeling of fairground properties and**
21 **facilities. The department shall provide the appraisal and obligation**
22 **information to the council. The council shall include information re-**
23 **garding the balance of the depository and investment accounts de-**
24 **scribed in subsection (1)(a) of this section and the properties and**
25 **facilities appraisal obligation information provided by the department**
26 **in the annual report submitted by the council under section 11 of this**
27 **2013 Act.**

28 **“SECTION 11. (1) The State Fair Council shall adopt a budget on a**
29 **biennial basis using classifications of expenditures and revenues re-**
30 **quired by generally accepted accounting principles applicable to gov-**

1 **ernmental entities. The budget is not subject to review and approval**
2 **by the Legislative Assembly or to modification by the Legislative As-**
3 **sembly or the Emergency Board. The budget is not subject to any ex-**
4 **penditure limit or to an allotment process. All moneys received or**
5 **collected by the council are available for use as provided under this**
6 **chapter at the discretion of the council.**

7 **“(2) Prior to adopting or modifying a biennial budget, the council**
8 **shall make the proposed budget, the adopted budget for the biennium**
9 **then in progress and a financial report for the completed months of**
10 **the biennium then in progress available for public review on a website**
11 **maintained by the council for Oregon State Fair purposes. The council**
12 **shall hold at least one regularly scheduled public meeting at which the**
13 **public may comment on the proposed budget or modification. The**
14 **council shall adopt a budget or budget modification at a regularly**
15 **scheduled public meeting that is subsequent to the meeting at which**
16 **the council allows public comment on the proposed budget or modifi-**
17 **cation.**

18 **“(3) The council shall submit to periodic audits by the Secretary of**
19 **State. The council may retain a public accounting firm to annually**
20 **examine and attest to the financial operations of the council. The**
21 **council shall include the results of any public accounting in the an-**
22 **ual report submitted to the Legislative Assembly under subsection**
23 **(4) of this section.**

24 **“(4) The council shall file an annual report with the Governor, a**
25 **committee or interim committee of the Legislative Assembly dealing**
26 **with economic development, the Legislative Fiscal Office and the**
27 **Oregon Department of Administrative Services regarding the activities**
28 **of the council, including but not limited to the conducting of the**
29 **Oregon State Fair, the carrying out of fairground business operations**
30 **and the operation of fairground properties and facilities as an exposi-**

1 tion center and the resulting revenues and expenses.

2 **“SECTION 12. A person who gains or attempts to gain unauthorized**
3 **entry to the Oregon State Fair or to an event held at fairground**
4 **properties or facilities without paying a required admission fee com-**
5 **mits a Class D violation. In addition to any enforcement officers spe-**
6 **cifically identified in ORS 153.005, the state fair director and other**
7 **employees of the State Fair Council may issue citations for violations**
8 **of this section.**

9
10 **“LOCATION OF OREGON STATE FAIR**

11
12 **“SECTION 13. (1) The Oregon State Fair shall be conducted on the**
13 **state property, located in the City of Salem, historically devoted to**
14 **Oregon State Fair purposes. The fairground properties and facilities**
15 **described in this section must be dedicated for the conducting of the**
16 **Oregon State Fair and for the operation of the properties and facilities**
17 **by the State Fair Council as an exposition center.**

18 **“(2) The Oregon Department of Administrative Services may obtain**
19 **or receive, by donation, exchange or purchase, properties and im-**
20 **provements adjacent to the fairground properties and facilities that**
21 **the department, after consultation with the council, considers benefi-**
22 **cial for the conducting of the Oregon State Fair and the use of the**
23 **properties and facilities and, subject to the terms of any agreement**
24 **described in section 7 (1) of this 2013 Act, may conduct or approve the**
25 **construction, repair or remodeling of improvements, properties and**
26 **facilities as the department considers necessary or expedient for the**
27 **conducting of the Oregon State Fair, the operation of fairground**
28 **properties and facilities as an exposition center or other council ac-**
29 **tivities.**

1 "AMENDMENTS TO ORS CHAPTER 565

2
3 "**SECTION 14.** ORS 565.130 is amended to read:

4 "565.130. [(1) Licenses under ORS 565.120 may be issued permitting Any
5 business to be conducted upon the grounds of the Oregon State Fair which
6 under the laws of this state may be conducted at any place within the state,
7 including the sale of malt, vinous or distilled liquor.]

8 "[(2) Any business so licensed by the State Parks and Recreation Director
9 is not required to pay license to any city, county or state, other than to the
10 director as provided in ORS 565.120, for conducting a business upon the
11 grounds of the Oregon State Fair.] **The state fair director may authorize**
12 **the conducting of any lawful business at fairground properties and**
13 **facilities. A business operating on fairground properties or facilities**
14 **under authorization from the state fair director is not required to ob-**
15 **tain a local business license for the operation.** However, nothing in this
16 section shall interfere with the laws of this state requiring a license for the
17 operation of a restaurant or requiring a license to be obtained from the
18 Oregon Liquor Control Commission for the sale or distribution of alcoholic
19 liquors.

20 "**SECTION 15.** ORS 565.150 is amended to read:

21 "565.150. (1) [When construction of an armory containing an auditorium is
22 authorized under ORS 396.505 to 396.545 in Marion County, if the State Parks
23 and Recreation Department and the General Staff of the Oregon National
24 Guard arrive at a mutually satisfactory agreement for the use of the armory
25 by the department, the department may, notwithstanding the provisions of ORS
26 565.090, permit such armory to be constructed on the grounds of the Oregon
27 State Fair and grant control over such armory and grounds to the General
28 Staff] **Notwithstanding section 7 of this 2013 Act, the State Fair Council**
29 **and the General Staff of the Oregon National Guard may enter into a**
30 **mutual agreement for the use, by the council and the General Staff,**

1 **of an armory building and appurtenant grounds at a location on**
2 **fairground property and for the General Staff to exercise control over**
3 **the armory and grounds** for the period that such armory and grounds are
4 used for military purposes. When such armory and grounds are no longer
5 used for military purposes, the control over them shall revert to the [*de-*
6 *partment*] **council.**

7 “(2) For purposes of this section, ‘control’ does not include the power to
8 sell, lease, mortgage or in any other way encumber an armory [*constructed*]
9 **or grounds described** under subsection (1) of this section.

10 **“SECTION 16.** ORS 565.610 is amended to read:

11 “565.610. (1) [*No person shall*] **A person may not** set up any shop, booth,
12 wagon or other vehicle for the sale of spirituous or other liquors, cigars,
13 provisions or other articles of traffic, or [*shall*] sell or otherwise dispose of
14 any liquors, cigars, goods, wares, merchandise, meals, lunch or any article
15 of traffic whatever [*on the grounds of the Oregon State Fair, or*] on any
16 grounds owned or occupied by a county fair board or any county or district
17 society formed for the promotion and encouragement of agriculture, stock
18 growing or horticulture, or within one-half mile of such grounds, without
19 having paid the [*State Parks and Recreation Department,*] county fair board
20 or such society the license for the privilege, or obtained the written consent
21 of the [*department or*] county fair board or of the president and secretary of
22 such society.

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

29 **“SECTION 17.** ORS 565.620 is amended to read:

30 “565.620. [*No person shall*] **A person may not** gain admission, or attempt

1 to gain admission, to the grounds [*of the Oregon State Fair or of*] **owned or**
2 **occupied by** a county fair board or [*of*] any society mentioned in ORS
3 565.610 during their annual fairs, [*or exhibitions, or at any public events or*
4 *meetings on the grounds of the Oregon State Fair, county fair board or socie-*
5 *ties on their grounds, or grounds occupied by them or either of them,]* **exhi-**
6 **bitions, public events or meetings** except through the special gates kept
7 by the [*State Parks and Recreation Department, county fair boards or*
8 *societies*] **county fair board or society** for that purpose.

9 **“SECTION 18.** ORS 565.630 is amended to read:

10 “565.630. [*The State Parks and Recreation Director,*] Any county fair board
11 and every society mentioned in ORS 565.610 may regulate its prices of ad-
12 mission, licenses and all matters pertaining to the conduct of its annual
13 fairs, exhibitions or other public events or meetings. The penalty for vio-
14 lation of its rules and regulations is a Class D violation.

15 **“SECTION 19.** ORS 565.640 is amended to read:

16 “565.640. The peace officers of [*the State Parks and Recreation Depart-*
17 *ment,*] **a** county fair board or [*any of the societies*] **of a society** mentioned
18 in ORS 565.610, during the continuance of each annual fair or other public
19 event or meeting, and for three days prior and two days subsequent thereto,
20 on the [*grounds of the Oregon State Fair or on any*] grounds owned or occu-
21 pied by [*a*] **the** county fair board or [*such*] society for fairs, exhibitions or
22 other public events or meetings, shall have all the authority of a deputy
23 sheriff and may make arrests for violations of the provisions of ORS 565.610
24 to 565.650 or other laws of this state, or the rules or regulations of the [*de-*
25 *partment, county*] fair board or [*such*] society.

26

27 **“TRANSITIONAL PROVISIONS**

28

29 **“SECTION 20.** Notwithstanding the term of office specified in sec-
30 **tion 4 of this 2013 Act, the Governor may reduce the term of office for**

1 one or more of the initial members of the State Fair Council for pur-
2 poses of administrative convenience.

3 **“SECTION 21. (1) The Governor shall complete the appointment of**
4 **the initial members of the State Fair Council under section 4 of this**
5 **2013 Act no later than January 1, 2014.**

6 **“(2) The Oregon Department of Administrative Services and the**
7 **council shall make a good faith effort to complete an agreement no**
8 **later than July 1, 2014, for the council to assume care, custody and**
9 **control over the conducting of the Oregon State Fair, the carrying out**
10 **of fairground business operations and the operation of fairground**
11 **properties and facilities no later than December 31, 2015. The depart-**
12 **ment shall report as provided under ORS 192.235 to 192.245 no later**
13 **than October 1, 2014, to an interim committee of the Legislative As-**
14 **sembly dealing with economic development regarding the progress of**
15 **the council and the department toward reaching an agreement. If the**
16 **council and the department have not reached an agreement by the**
17 **time the report is submitted, the report must note that the statutory**
18 **repeals under section 34 of this 2013 Act are scheduled to occur no**
19 **later than December 31, 2015.**

20 **“(3) If the council and the department complete an agreement as**
21 **described in subsection (2) of this section, the department shall notify**
22 **the State Parks and Recreation Director and the State Treasurer of**
23 **the date that the council will assume care, custody and control over**
24 **the conducting of the Oregon State Fair, the carrying out of**
25 **fairground business operations and the operation of fairground prop-**
26 **erties and facilities under the agreement.**

27 **“(4) Upon receiving notice under subsection (3) of this section, the**
28 **director shall arrange for State Parks and Recreation Department staff**
29 **to meet with the council to prepare for transferring the care, custody**
30 **and control over the Oregon State Fair, fairground business operations**

1 and fairground properties and facilities to the council. The director
2 shall make a good faith effort to ensure that the members of the
3 council are fully briefed and familiarized with matters relating to the
4 conducting of the Oregon State Fair, the carrying out of fairground
5 business operations and the operation of fairground properties and
6 facilities prior to the transfer taking effect.

7 “(5) Notwithstanding section 5 (5) of this 2013 Act, for the period
8 commencing on the effective date of this 2013 Act and ending on the
9 care, custody and control assumption date stated in the notification
10 given to the director by the Oregon Department of Administrative
11 Services under subsection (3) of this section, employees of the State
12 Parks and Recreation Department may provide support services to the
13 council without charge.

14 “SECTION 22. (1) On the date set forth in an agreement described
15 in section 7 (1) of this 2013 Act for the State Fair Council to assume
16 care, custody and control over the conducting of the Oregon State Fair
17 and the carrying out of fairground business operations and the opera-
18 tion of fairground properties and facilities, the State Parks and Re-
19 creation Director shall deliver to the council all records and property
20 within the jurisdiction of the director that relate to the conducting
21 of the Oregon State Fair, to the carrying out of fairground business
22 operations or to the operation of fairground properties and facilities.
23 The chairperson of the council shall take possession of the records and
24 property. The Governor shall resolve any dispute between the director
25 and the chairperson relating to transfers of records, property and
26 employees under this section, and the Governor’s decision is final.

27 “(2) Upon the council assuming the care, custody and control over
28 the conducting of the Oregon State Fair, the carrying out of
29 fairground business operations and the operation of fairground prop-
30 erties and facilities, the director shall reassign any State Parks and

1 Recreation Department employees who were engaged primarily in ex-
2 ercising care custody or control over the conducting of the Oregon
3 State Fair, the carrying out of fairground business operations or the
4 operation of fairground properties and facilities, subject to change or
5 termination of employment or compensation as provided by law.

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

19 **“(2) On the date stated in the notification given to the State**
20 **Treasurer under section 21 (3) of this 2013 Act as the date the State**
21 **Fair Council is to assume care, custody and control over the con-**
22 **ducting of the Oregon State Fair, the carrying out of fairground**
23 **business operations and the operation of fairground properties and**
24 **facilities, the State Treasurer shall issue a warrant payable to the**
25 **State Fair Council in the amount of the unexpended balances of the**
26 **Oregon State Fair Account and the State Fair Capital Project Fund.**
27 **The council shall deposit the amounts to depository or investment**
28 **accounts as described in section 9 of this 2013 Act. The council shall**
29 **keep any amounts transferred from the State Fair Capital Project**
30 **Fund in depository or investment accounts that are separate from**

1 accounts holding any other council moneys. Subject to any additional
2 conditions imposed under the terms of the bonds, the council may
3 expend moneys transferred from the State Fair Capital Project Fund
4 only for the construction, repair or remodeling of fairground proper-
5 ties and facilities.

6 **“SECTION 24.** The State Fair Council assumption of the conducting
7 of the Oregon State Fair, the carrying out of fairground business op-
8 erations or the operation of fairground properties and facilities does
9 not affect any action, proceeding or prosecution involving or with re-
10 spect to the Oregon State Fair, fairground business operations or
11 fairground properties or facilities pending at the time of the assump-
12 tion, except that the State Fair Council is substituted for the State
13 Parks and Recreation Department in the action, proceeding or prose-
14 cution.

15 **“SECTION 25.** (1) Nothing in sections 2 to 13 of this 2013 Act, the
16 amendments to ORS 279A.025, 279A.050, 291.055, 307.110, 390.134, 565.130,
17 565.150, 565.610, 565.620, 565.630 and 565.640 by sections 14 to 19 and 28
18 to 33 of this 2013 Act or the repeal of ORS 565.021, 565.030, 565.040,
19 565.050, 565.060, 565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114,
20 565.116, 565.120, 565.140, 565.160 and 565.170 by section 34 of this 2013 Act
21 relieves a person of a liability, duty or obligation accruing under or
22 with respect to the Oregon State Fair, fairground business operations
23 or fairground properties and facilities. Any liability, duty or obligation
24 accruing under or with respect to the Oregon State Fair, fairground
25 business operations or fairground properties or facilities that is paya-
26 ble to the State Parks and Recreation Department and is remaining
27 outstanding on the operative date established in an agreement de-
28 scribed under section 7 (1) of this 2013 Act for the transfer of care,
29 custody and control over the conducting of the Oregon State Fair, the
30 carrying out of fairground business operations or the operation of

1 fairground properties and facilities from the State Parks and Recre-
2 ation Department to the State Fair Council is deemed to be payable
3 to the State Fair Council instead of the department. The council may
4 undertake the collection or enforcement of any such liability, duty or
5 obligation.

6 “(2) Except for obligations described in section 7 (2) of this 2013 Act,
7 the rights and obligations of the State Parks and Recreation Depart-
8 ment legally incurred under contracts, leases and business trans-
9 actions relating to the Oregon State Fair, fairground business
10 operations or fairground properties and facilities, entered into or be-
11 gun before the transfer of care, custody and control over the con-
12 ducting of the Oregon State Fair, the carrying out of fairground
13 business operations or the operation of fairground properties and fa-
14 cilities to the State Fair Council, are deemed to be rights and obli-
15 gations of the State Fair Council. For the purpose of succession to the
16 rights and obligations, the State Fair Council is considered a contin-
17 uation of the State Parks and Recreation Department and not a new
18 entity.

19 “SECTION 26. (1) The State Fair Advisory Committee is abolished.
20 On the operative date specified in section 27 of this 2013 Act, the ten-
21 ure of office of the members of the State Fair Advisory Committee
22 ceases.

23 “(2) The State Parks and Recreation Director shall deliver to the
24 chairperson of the State Fair Council all records and property within
25 the jurisdiction of the director that relate to the duties and functions
26 of the State Fair Advisory Committee.

27 “SECTION 27. Section 26 of this 2013 Act becomes operative January
28 1, 2014.

29

30

“CONFORMING AMENDMENTS

1 **“SECTION 28.** ORS 279A.025 is amended to read:
2 “279A.025. (1) Except as provided in subsections (2) to (4) of this section,
3 the Public Contracting Code applies to all public contracting.
4 “(2) The Public Contracting Code does not apply to:
5 “(a) Contracts between a contracting agency and:
6 “(A) Another contracting agency;
7 “(B) The Oregon Health and Science University;
8 “(C) The Oregon State Bar;
9 “(D) A governmental body of another state;
10 “(E) The federal government;
11 “(F) An American Indian tribe or an agency of an American Indian tribe;
12 “(G) A nation, or a governmental body in a nation, other than the United
13 States; or
14 “(H) An intergovernmental entity formed between or among:
15 “(i) Governmental bodies of this or another state;
16 “(ii) The federal government;
17 “(iii) An American Indian tribe or an agency of an American Indian tribe;
18 “(iv) A nation other than the United States; or
19 “(v) A governmental body in a nation other than the United States;
20 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter
21 provision, ordinance or other authority for establishing agreements between
22 or among governmental bodies or agencies or tribal governing bodies or
23 agencies;
24 “(c) Insurance and service contracts as provided for under ORS 414.115,
25 414.125, 414.135 and 414.145 for purposes of source selection;
26 “(d) Grants;
27 “(e) Contracts for professional or expert witnesses or consultants to pro-
28 vide services or testimony relating to existing or potential litigation or legal
29 matters in which a public body is or may become interested;
30 “(f) Acquisitions or disposals of real property or interest in real property;

1 “(g) Sole-source expenditures when rates are set by law or ordinance for
2 purposes of source selection;

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

4 “(i) Procurements by a contracting agency from an Oregon Corrections
5 Enterprises program;

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

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

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

13 “(m) Contracts for forest protection or forest related activities, as de-
14 scribed in ORS 477.406, by the State Forester or the State Board of Forestry;

15 “[*n*] *Sponsorship agreements entered into by the State Parks and Recre-*
16 *ation Director in accordance with ORS 565.080 (4);]*

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

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

1 “[*q*] (p) Contracts, agreements or other documents entered into, issued
2 or established in connection with:

3 “(A) The issuance of obligations, as defined in ORS 286A.100 and
4 287A.310, of a public body;

5 “(B) The making of program loans and similar extensions or advances of
6 funds, aid or assistance by a public body to a public or private body for the
7 purpose of carrying out, promoting or sustaining activities or programs au-
8 thorized by law; or

9 “(C) The investment of funds by a public body as authorized by law, and
10 other financial transactions of a public body that by their character cannot
11 practically be established under the competitive contractor selection proce-
12 dures of ORS 279B.050 to 279B.085;

13 “[*r*] (q) Contracts for employee benefit plans as provided in ORS 243.105
14 (1), 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565;

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

17 “[*t*] (s) Any other public contracting of a public body specifically ex-
18 empted from the code by another provision of law.

19 “(3) The Public Contracting Code does not apply to the contracting ac-
20 tivities of:

21 “(a) The Oregon State Lottery Commission;

22 “(b) The Oregon University System and member public universities, ex-
23 cept as provided in ORS 351.086;

24 “(c) The legislative department;

25 “(d) The judicial department;

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

28 “(f) Oregon Corrections Enterprises;

29 “(g) The Oregon Film and Video Office, except as provided in ORS
30 279A.100 and 279A.250 to 279A.290;

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

3 “(i) The Oregon 529 College Savings Network and the Oregon 529 College
4 Savings Board;

5 “(j) The Oregon Innovation Council;

6 “(k) The Oregon Utility Notification Center; or

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

9 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to
10 contracts made with qualified nonprofit agencies providing employment op-
11 portunities for individuals with disabilities under ORS 279.835 to 279.855.

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

13 “279A.050. (1)(a) Except as otherwise provided in the Public Contracting
14 Code, a contracting agency shall exercise all procurement authority in ac-
15 cordance with the provisions of the Public Contracting Code.

16 “(b) When a contracting agency has authority under this section to carry
17 out functions described in this section, or has authority to make procure-
18 ments under a provision of law other than the Public Contracting Code, the
19 contracting agency is not required to exercise that authority in accordance
20 with the provisions of the code if, under ORS 279A.025, the code does not
21 apply to the contract or contracting authority.

22 “(2) Except as otherwise provided in the Public Contracting Code, for
23 state agencies the Director of the Oregon Department of Administrative
24 Services has all the authority to carry out the provisions of the Public
25 Contracting Code.

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

28 “(a) Procure or supervise the procurement of all services and personal
29 services to construct, acquire, plan, design, maintain and operate passenger
30 terminal facilities and motor vehicle parking facilities in connection with

1 any public transportation system in accordance with ORS 184.689 (5);

2 “(b) Procure or supervise the procurement of all goods, services, public
3 improvements and personal services relating to the operation, maintenance
4 or construction of highways, bridges and other transportation facilities that
5 are subject to the authority of the Department of Transportation; and

6 “(c) Establish standards for, prescribe forms for and conduct the pre-
7 qualification of prospective bidders on public improvement contracts related
8 to the operation, maintenance or construction of highways, bridges and other
9 transportation facilities that are subject to the authority of the Department
10 of Transportation.

11 “(4) Except as otherwise provided in the Public Contracting Code, the
12 Secretary of State has all the authority to procure or supervise the pro-
13 curement of goods, services and personal services related to programs under
14 the authority of the Secretary of State.

15 “(5) Except as otherwise provided in the Public Contracting Code, the
16 State Treasurer has all the authority to procure or supervise the procure-
17 ment of goods, services and personal services related to programs under the
18 authority of the State Treasurer.

19 “(6) The state agencies listed in this subsection have all the authority to
20 do the following in accordance with the Public Contracting Code:

21 “(a) The Department of Human Services to procure or supervise the pro-
22 curement of goods, services and personal services under ORS 179.040 for the
23 department’s institutions and the procurement of goods, services and per-
24 sonal services for the construction, demolition, exchange, maintenance, op-
25 eration and equipping of housing for the purpose of providing care to
26 individuals with intellectual disabilities or other developmental disabilities,
27 subject to applicable provisions of ORS 427.335;

28 “(b) The Oregon Health Authority to procure or supervise the procure-
29 ment of goods, services and personal services under ORS 179.040 and con-
30 struction materials, equipment and supplies for the authority’s institutions

1 and the procurement of goods, services, personal services, construction ma-
2 terials, equipment and supplies for the construction, demolition, exchange,
3 maintenance, operation and equipping of housing for persons with chronic
4 mental illness, subject to applicable provisions of ORS 426.504;

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

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

13 “(e) The Oregon Department of Aviation to procure or supervise the pro-
14 curement of construction materials, equipment, supplies, services and per-
15 sonal services for public improvements, public works or ordinary
16 construction described in ORS 279C.320 that is subject to the authority of
17 the Oregon Department of Aviation;

18 “(f) The Oregon Business Development Department to procure or super-
19 vise the procurement of all goods, services, personal services and public im-
20 provements related to its foreign trade offices operating outside the state;

21 “(g) The Housing and Community Services Department to procure or su-
22 pervise the procurement of goods, services and personal services as provided
23 in ORS 279A.025 [(2)(o)] **(2)(n)**;

24 “(h) The Department of Corrections to procure or supervise the procure-
25 ment of construction materials, equipment, supplies, services and personal
26 services for public improvements, public works or ordinary construction de-
27 scribed in ORS 279C.320 that is subject to the authority of the Department
28 of Corrections;

29 “(i) The Department of Corrections, subject to any applicable provisions
30 of ORS 279A.120, 279A.125, 279A.145 and 283.110 to 283.395, to procure or

1 supervise the procurement of goods, services and personal services under
2 ORS 179.040 for its institutions;

3 “(j) The Department of Veterans’ Affairs to procure or supervise the pro-
4 curement of real estate broker and principal real estate broker services re-
5 lated to programs under the department’s authority;

6 “(k) The Oregon Military Department to procure or supervise the pro-
7 curement of construction materials, equipment, supplies, services and per-
8 sonal services for public improvements, public works or ordinary
9 construction described in ORS 279C.320 that is subject to the authority of
10 the Oregon Military Department;

11 “(L) The Department of Education, subject to any applicable provisions
12 of ORS 329.075, 329.085 and 329.485 and the federal No Child Left Behind
13 Act of 2001 (P.L. 107-110, 115 Stat. 1425), to procure or supervise the pro-
14 curement of goods, services, personal services and information technology
15 relating to student assessment; and

16 “(m) Any state agency to conduct a procurement when the agency is
17 specifically authorized by any provision of law other than the Public Con-
18 tracting Code to enter into a contract.

19 “(7) Notwithstanding this section and ORS 279A.140 (1), the Director of
20 the Oregon Department of Administrative Services has exclusive authority,
21 unless the director delegates this authority, to procure or supervise the
22 procurement of all price agreements on behalf of the state agencies identified
23 in subsection (6)(a) to (k) of this section under which more than one state
24 agency may order goods, services or personal services and, except for con-
25 tracts procured by the Oregon Health Authority, all state agency information
26 technology contracts. This subsection does not apply to contracts under
27 which the contractor delivers to the state agency information technology
28 products or services incidental to the performance of personal services con-
29 tracts described in ORS chapter 279C or construction contracts described in
30 ORS chapter 279C. A state agency identified in subsection (3) or (6)(a) to (k)

1 of this section may not establish a price agreement or enter into a contract
2 for goods, services, personal services, construction materials, equipment or
3 supplies without the approval of the director if the director has established
4 a price agreement for the goods, services or personal services.

5 **“SECTION 30.** ORS 291.055 is amended to read:

6 “291.055. (1) Notwithstanding any other law that grants to a state agency
7 the authority to establish fees, all new state agency fees or fee increases
8 adopted during the period beginning on the date of adjournment sine die of
9 a regular session of the Legislative Assembly and ending on the date of
10 adjournment sine die of the next regular session of the Legislative Assembly:

11 “(a) Are not effective for agencies in the executive department of gov-
12 ernment unless approved in writing by the Director of the Oregon Depart-
13 ment of Administrative Services;

14 “(b) Are not effective for agencies in the judicial department of govern-
15 ment unless approved in writing by the Chief Justice of the Supreme Court;

16 “(c) Are not effective for agencies in the legislative department of gov-
17 ernment unless approved in writing by the President of the Senate and the
18 Speaker of the House of Representatives;

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

21 “(e) Are rescinded on adjournment sine die of the next regular session of
22 the Legislative Assembly as described in this subsection, unless otherwise
23 authorized by enabling legislation setting forth the approved fees.

24 “(2) This section does not apply to:

25 “(a) Any tuition or fees charged by the State Board of Higher Education
26 and the public universities listed in ORS 352.002.

27 “(b) Taxes or other payments made or collected from employers for un-
28 employment insurance required by ORS chapter 657 or premium assessments
29 required by ORS 656.612 and 656.614 or contributions and assessments cal-
30 culated by cents per hour for workers’ compensation coverage required by

1 ORS 656.506.

2 “(c) Fees or payments required for:

3 “(A) Health care services provided by the Oregon Health and Science
4 University, by the Oregon Veterans’ Homes and by other state agencies and
5 institutions pursuant to ORS 179.610 to 179.770.

6 “(B) Assessments and premiums paid to the Oregon Medical Insurance
7 Pool established by ORS 735.614 and 735.625.

8 “(C) Copayments and premiums paid to the Oregon medical assistance
9 program.

10 “(D) Assessments paid to the Department of Consumer and Business Ser-
11 vices under ORS 743.951 and 743.961.

12 “(d) Fees created or authorized by statute that have no established rate
13 or amount but are calculated for each separate instance for each fee payer
14 and are based on actual cost of services provided.

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

16 “(f) Any intergovernmental charges.

17 “(g) Forest protection district assessment rates established by ORS 477.210
18 to 477.265 and the Oregon Forest Land Protection Fund fees established by
19 ORS 477.760.

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

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

24 “[*j*] (i) Assessments on premiums charged by the Department of Con-
25 sumer and Business Services pursuant to ORS 731.804 or fees charged by the
26 Division of Finance and Corporate Securities of the Department of Consumer
27 and Business Services to banks, trusts and credit unions pursuant to ORS
28 706.530 and 723.114.

29 “[*k*] (j) Public Utility Commission operating assessments required by
30 ORS 756.310 or charges paid to the Residential Service Protection Fund re-

1 quired by chapter 290, Oregon Laws 1987.

2 “[*L*] (k) Fees charged by the Housing and Community Services Depart-
3 ment for intellectual property pursuant to ORS 456.562.

4 “[*m*] (L) New or increased fees that are anticipated in the legislative
5 budgeting process for an agency, revenues from which are included, explicitly
6 or implicitly, in the legislatively adopted budget or the legislatively approved
7 budget for the agency.

8 “[*n*] (m) Tolls approved by the Oregon Transportation Commission pur-
9 suant to ORS 383.004.

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

13 “(3)(a) Fees temporarily decreased for competitive or promotional reasons
14 or because of unexpected and temporary revenue surpluses may be increased
15 to not more than their prior level without compliance with subsection (1)
16 of this section if, at the time the fee is decreased, the state agency specifies
17 the following:

18 “(A) The reason for the fee decrease; and

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

21 “(b) Fees that are decreased for reasons other than those described in
22 paragraph (a) of this subsection may not be subsequently increased except
23 as allowed by ORS 291.050 to 291.060 and 294.160.

24 “**SECTION 31.** ORS 307.110 is amended to read:

25 “307.110. (1) Except as provided in ORS 307.120, all real and personal
26 property of this state or any institution or department thereof or of any
27 county or city, town or other municipal corporation or political subdivision
28 of this state, held under a lease or other interest or estate less than a fee
29 simple, by any person whose real property, if any, is taxable, except em-
30 ployees of the state, municipality or political subdivision as an incident to

1 such employment, shall be subject to assessment and taxation for the as-
2 sessed or specially assessed value thereof uniformly with real property of
3 nonexempt ownerships.

4 “(2) Each leased or rented premises not exempt under ORS 307.120 and
5 subject to assessment and taxation under this section which is located on
6 property used as an airport and owned by and serving a municipality or port
7 shall be separately assessed and taxed.

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

11 “(a) Leased for student housing by a school or college to students at-
12 tending such a school or college.

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

16 “(c) Utilized by persons under a land use permit issued by the Department
17 of Transportation for which the department’s use restrictions are such that
18 only an administrative processing fee is able to be charged.

19 “(d) County fairgrounds and the buildings thereon, in a county holding
20 annual county fairs, managed by the county fair board under ORS 565.230,
21 if utilized, in addition to county fair use, for any of the purposes described
22 in ORS 565.230 (2), or for horse stalls or storage for recreational vehicles or
23 farm machinery or equipment.

24 “(e) The properties and grounds managed and operated by the State
25 [*Parks and Recreation Director under ORS 565.080*] **Fair Council under ORS**
26 **chapter 565**, if utilized, in addition to the purpose of holding the Oregon
27 State Fair, for horse stalls or for storage for recreational vehicles or farm
28 machinery or equipment.

29 “(f) State property that is used by the Oregon University System or the
30 Oregon Health and Science University to provide parking for employees,

1 students or visitors.

2 “(g) Property of a housing authority created under ORS chapter 456 which
3 is leased or rented to persons of lower income for housing pursuant to the
4 public and governmental purposes of the housing authority. For purposes of
5 this paragraph, ‘persons of lower income’ has the meaning given the phrase
6 under ORS 456.055.

7 “(h) Property of a health district if:

8 “(A) The property is leased or rented for the purpose of providing facili-
9 ties for health care practitioners practicing within the county; and

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

12 “(4) Property determined to be an eligible project for tax exemption under
13 ORS 285C.600 to 285C.626 and 307.123 that was acquired with revenue bonds
14 issued under ORS 285B.320 to 285B.371 and that is leased by this state, any
15 institution or department thereof or any county, city, town or other munici-
16 pal corporation or political subdivision of this state to an eligible applicant
17 shall be assessed and taxed in accordance with ORS 307.123. The property’s
18 continued eligibility for taxation and assessment under ORS 307.123 is not
19 affected:

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

22 “(b) If any applicable lease or financial agreement is terminated prior to
23 the original date of expiration.

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

29 “(6) If the state enters into a lease of property with, or grants an interest
30 or other estate less than a fee simple in property to, a person whose real

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

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

10 “390.134. (1) As used in this section:

11 “(a) ‘Camper’ has the meaning given that term in ORS 801.180.

12 “(b) ‘County’ includes a metropolitan service district organized under ORS
13 chapter 268, but only to the extent that the district has acquired, through
14 title transfer, and is operating a park or recreation site of a county pursuant
15 to an intergovernmental agreement.

16 “(c) ‘Motor home’ has the meaning given that term in ORS 801.350.

17 “(d) ‘Travel trailer’ has the meaning given that term in ORS 801.565.

18 “(2) The State Parks and Recreation Department Fund is established
19 separate and distinct from the General Fund. Moneys in the fund are con-
20 tinuously appropriated to the State Parks and Recreation Department for the
21 purposes provided by law. The fund shall consist of the following:

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

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

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

30 “(3) Any moneys placed in the fund for a particular purpose may be placed

1 in a separate subaccount within the fund. Each separate subaccount estab-
2 lished under this subsection must be separately accounted for. Moneys placed
3 in a subaccount must be used for the purposes for which they are deposited.

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

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

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

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

26 “(b) The department shall establish an advisory committee to advise the
27 department in the performance of its duties under this subsection. The com-
28 position of the advisory committee under this subsection is as determined
29 by the department by rule. In determining the composition of the advisory
30 committee, the department shall attempt to provide reasonable represen-

1 tation for county officials or employees with responsibilities relating to
2 county parks and recreation sites.

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

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

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

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

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

1 the amount deposited for use as described in subsection (8) of this section
2 during the preceding biennium and 25 percent of the moneys transferred to
3 the State Parks and Recreation Department Fund from the Parks Subaccount
4 during the preceding biennium.

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

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

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

26 “390.134. (1) As used in this section:

27 “(a) ‘Camper’ has the meaning given that term in ORS 801.180.

28 “(b) ‘County’ includes a metropolitan service district organized under ORS
29 chapter 268, but only to the extent that the district has acquired, through
30 title transfer, and is operating a park or recreation site of a county pursuant

1 to an intergovernmental agreement.

2 “(c) ‘Motor home’ has the meaning given that term in ORS 801.350.

3 “(d) ‘Travel trailer’ has the meaning given that term in ORS 801.565.

4 “(2) The State Parks and Recreation Department Fund is established
5 separate and distinct from the General Fund. Moneys in the fund are con-
6 tinuously appropriated to the State Parks and Recreation Department for the
7 purposes provided by law. The fund shall consist of the following:

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

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

15 “(c) Revenue from charges pursuant to ORS 390.124.

16 “(3) Any moneys placed in the fund for a particular purpose may be placed
17 in a separate subaccount within the fund. Each separate subaccount estab-
18 lished under this subsection must be separately accounted for. Moneys placed
19 in a subaccount must be used for the purposes for which they are deposited.

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

28 “(5)(a) Thirty percent of the amount transferred to the State Parks and
29 Recreation Department under ORS 366.512 from the registration of travel
30 trailers, campers and motor homes and under ORS 803.601 from recreational

1 vehicle trip permits must be deposited in a separate subaccount within the
2 fund to be distributed for the acquisition, development, maintenance, care
3 and use of county park and recreation sites. The moneys deposited in the
4 subaccount under this paragraph must be accounted for separately. The fol-
5 lowing apply to the distribution of moneys under this paragraph:

6 “(A) The moneys must be distributed among the several counties for the
7 purposes described in this paragraph. The distribution shall be made at times
8 determined by the State Parks and Recreation Department but must be made
9 not less than once a year.

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

12 “(b) The department shall establish an advisory committee to advise the
13 department in the performance of its duties under this subsection. The com-
14 position of the advisory committee under this subsection is as determined
15 by the department by rule. In determining the composition of the advisory
16 committee, the department shall attempt to provide reasonable represen-
17 tation for county officials or employees with responsibilities relating to
18 county parks and recreation sites.

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

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

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

1 provided in ORS 390.290.

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

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

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

30 “(11) On or before January 15 of each odd-numbered year, the director

1 shall submit a report to the Joint Committee on Ways and Means created
2 by ORS 171.555, or the Joint Interim Committee on Ways and Means, that
3 describes the measurable biennial and cumulative results of activities and
4 programs financed by moneys transferred to the State Parks and Recreation
5 Department Fund from the Parks Subaccount. Notwithstanding ORS 192.230
6 to 192.250, the director shall make the report in a form and manner as the
7 committee may prescribe.

8

9

“REPEALS

10

11 **“SECTION 34. (1) ORS 565.021, 565.030, 565.040, 565.050, 565.060,**
12 **565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114, 565.116, 565.120,**
13 **565.140, 565.160 and 565.170 are repealed.**

14 **“(2) The repeal of ORS 565.021, 565.030, 565.040, 565.050, 565.060,**
15 **565.080, 565.090, 565.095, 565.103, 565.107, 565.109, 565.114, 565.116, 565.120,**
16 **565.140, 565.160 and 565.170 by subsection (1) of this section becomes**
17 **operative on the earlier of:**

18 **“(a) The date established in an agreement described under section**
19 **7 (1) of this 2013 Act for the transfer of care, custody and control over**
20 **the conducting of the Oregon State Fair, the carrying out of**
21 **fairground business operations and the operation of fairground prop-**
22 **erties and facilities from the State Parks and Recreation Department**
23 **to the State Fair Council; or**

24 **“(b) December 31, 2015.**

25

26

“CAPTIONS

27

28 **“SECTION 35. The unit captions used in this 2013 Act are provided**
29 **only for the convenience of the reader and do not become part of the**
30 **statutory law of this state or express any legislative intent in the**

1 enactment of this 2013 Act.

2

3

“EMERGENCY

4

5 **“SECTION 36. This 2013 Act being necessary for the immediate**
6 **preservation of the public peace, health and safety, an emergency is**
7 **declared to exist, and this 2013 Act takes effect on its passage.”.**

8
