

House Bill 2175

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Kate Brown)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Deletes requirement that state agencies file with Division of Audits of Secretary of State documentation regarding transmittal of certain state funds to State Treasurer.

Deletes requirement that commodity commissions file annual financial statements with Division of Audits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to financial information filed with the Secretary of State; amending ORS 293.265 and
3 576.416; and declaring an emergency.

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

5 **SECTION 1.** ORS 293.265 is amended to read:

6 293.265. (1)(a) **Except as provided in paragraph (b) of this subsection**, it *[shall be]* **is** the duty
7 of the officer or other person or agent collecting, receiving, in possession of, or having the control
8 of any state *[money]* **moneys** or other funds, contributions or donations collected or received by, and
9 to be expended by or on behalf of the state under the approval or supervision of any state **agency**
10 *[officer, board, commission, corporation, institution, department or other state organization]*, recognized
11 by the laws of this state and having the power to collect and disburse state funds, to turn over all
12 *[such moneys mentioned]* **the moneys described** in this section collected or received by or on ac-
13 count of *[such state officer, board, commission, corporation, institution, department or other state or-*
14 *ganization]* **the state agency**, to the State Treasurer not later than one business day after collection
15 or receipt *[thereof]* **of the moneys**.

16 (b) *[However, The officer, board, commission, corporation, institution, department or other state*
17 *organization]* **The state agency** may comply with *[this requirement]* **paragraph (a) of this sub-**
18 **section** by using a reasonable, longer period for the transmittal of particularly identified funds or
19 categories of funds if it documents and maintains in its official files, *and submits a copy of such*
20 *documentation to the Division of Audits of the Secretary of State for review,* information that a valid
21 business reason exists for using a longer transmittal period and that the period is no longer than
22 necessary to satisfy that business reason. **Upon request of the Division of Audits of the Secre-**
23 **tary of State, the state agency shall submit a copy of the documentation to the division.**

24 (2) The deposit by or on behalf of the state under the approval or supervision of any state
25 **agency** *[officer, board, commission, corporation, public corporation, institution, department or other*
26 *state organization]* of a check marked "paid in full," "payment in full," "full payment of a claim" or
27 words of similar meaning does not establish an accord and satisfaction *[which]* **that** binds the state
28 or prevents the collection of the remaining amount owed upon the obligation unless an officer or
29 employee with actual authority to settle claims has agreed in writing to accept the check as full

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 payment of a disputed obligation.

2 (3) Notwithstanding the provisions of subsection (1) of this section, subject to limits on amount
 3 adopted pursuant to subsection (4) of this section, a state agency may return any bank check or
 4 money order received by the **state** agency, whenever such bank check or money order is incomplete
 5 or the report or record applied for is not available or releasable or the payment is not owed. The
 6 **state** agency shall keep a record of the check or money order returned, in the form prescribed by
 7 the Oregon Department of Administrative Services.

8 (4) After consultation with the State Treasurer, the department shall by rule limit the return,
 9 by [*an*] a **state** agency, of a bank check or money order under subsection (3) of this section to
 10 checks or money orders of less than the amount specified in the rule.

11 **(5) As used in this section, “state agency” means any state officer, board, commission,**
 12 **corporation, institution, department or other state organization.**

13 **SECTION 2.** ORS 576.416 is amended to read:

14 576.416. (1) A commodity commission shall adopt a budget on an annual basis using classifica-
 15 tions of expenditures and revenues required by ORS 291.206. The budget is not subject to review
 16 by the Legislative Assembly or to future modification by the Emergency Board or the Legislative
 17 Assembly.

18 (2) A commission shall follow generally accepted accounting principles and keep financial and
 19 statistical information as necessary to completely and accurately disclose the financial operations
 20 of the commission as may be required by the Secretary of State. In addition, the budget must show
 21 the estimated receipts and expenditures by or under the authority of the commission under ORS
 22 576.051 to 576.455 for the fiscal year for which the budget is adopted. The budget also must show
 23 the actual receipts and expenditures by or under the authority of the commission for the fiscal year
 24 preceding the fiscal year in which the proposed budget is prepared, if any, and the estimated re-
 25 cepts and expenditures by or under the authority of the commission for the fiscal year in which the
 26 budget is prepared, if any.

27 (3) Estimated receipts and expenditures for the fiscal year for which the budget is adopted must
 28 be fully itemized and be prepared and arranged to clearly show each item of receipts and expen-
 29 ditures. To the extent practicable, the items of receipts and expenditures must be arranged under
 30 major groups or categories that are the same as the most recent classifications of revenue and
 31 expenditures established pursuant to ORS 291.206.

32 (4) The budget shall contain only one estimate for emergency or other expenditures that are
 33 unforeseen at the time the budget is prepared.

34 (5) A commission shall call and hold at least one public meeting upon the proposed budget. In
 35 selecting a time and place for a meeting, a commission shall be guided by consideration for the
 36 convenience of the majority of the producers of the commodity. At a meeting, any person has a
 37 right to be heard with respect to the proposed budget.

38 (6) At least 14 days prior to the date of a meeting under subsection (5) of this section, a com-
 39 mission shall publish notice at least once in a newspaper of general circulation in this state. The
 40 notice must set forth the purpose, time and place of the meeting and state that a copy of the pro-
 41 posed budget is available for public inspection at the place of business of the commission or at an-
 42 other convenient location.

43 (7) After a budget has been adopted, a commission shall submit to the Director of Agriculture
 44 a copy of the budget and an affidavit setting forth the pertinent facts relating to the preparation
 45 and adoption of the budget. The director shall examine the budget and the affidavit within 15 days

1 and, if the director determines that the estimated receipts and expenditures in the budget are in
 2 conformity with the authority of the commission and other applicable statutory requirements and
 3 that the facts set forth in the affidavit indicate that the budget was prepared and adopted in ac-
 4 cordance with the law, the director shall certify those determinations on the copy of the budget and
 5 make the budget final. If the director determines that the budget fails to meet the requirements in
 6 any respect, the director shall immediately notify the commission of the particular failures. The
 7 commission shall promptly take all practicable measures to remedy the failures and shall resubmit
 8 a copy of the budget to the director for examination. The director shall retain the certified copy of
 9 the final budget and make the budget available for public inspection during normal business hours
 10 of the State Department of Agriculture.

11 (8) A commission shall prepare an annual financial statement of commission revenues and ex-
 12 penses and shall make the statement available for public review. A commission shall provide a copy
 13 of the statement to the [*Secretary of State and the*] department no later than 90 days after the end
 14 of the state fiscal year. **Upon request of the Secretary of State, a commission shall provide a**
 15 **copy of the statement to the secretary.**

16 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
 17 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 18 **on its passage.**

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