

A-Engrossed Senate Bill 501

Ordered by the Senate July 6
Including Senate Amendments dated July 6

Sponsored by Senator MONNES ANDERSON, Representatives GORSEK, PILUSO

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.

[Appropriates moneys from General Fund to Oregon Youth Authority for East Metro Gang Enforcement Team gang intervention services in east Multnomah County.]

Establishes Task Force on Capital Construction Budget Process.

Modifies amount transferred to Legislative Fiscal Office Operating Fund.

Modifies applicability date for laws relating to legislator salaries.

Transfers moneys from Secretary of State Operating Account to General Fund.

Specifies that amounts distributed from Oregon Liquor Control Commission Account that are attributable to per bottle surcharge are credited to General Fund.

Transfers moneys from Supplemental Employment Department Administration Fund to General Fund.

Modifies Department of Education Farm-to-School Grant Program.

Allocates Department of Transportation moneys for specific road construction projects.

Transfers moneys from Public Employees' Revolving Fund to General Fund.

Allows Department of Human Services to make payments to guardians in addition to adoptive parents.

Modifies repeal date for State Department of Fish and Wildlife study.

Allows counties to use up to one-half of moneys distributed for law libraries by Judicial Department for providing conciliation and mediation services.

Transfers balance of Connecting Oregon Communities Fund to General Fund.

Specifies that if amount of declared earnings from Education Stability Fund deposited in Oregon Education Fund exceeds amount needed to pay for education lottery bond debt service, amount of excess earnings is transferred to Higher Education Coordinating Commission for Oregon Opportunity Grant program.

Allows moneys in State Library Donation Fund to be invested.

Directs Legislative Counsel and Legislative Fiscal Office to review state law governing investment by State Treasurer of funds of state, local governments and tribal governments.

Provides cost of living adjustment for judges based on cost of living adjustment granted to employees in management service in executive department.

Clarifies law on reversion of unspent lottery allocations.

Directs public university that increases resident undergraduate tuition or mandatory enrollment fees by more than three percent for 2016-2017 academic year to report justification for increase to Higher Education Coordinating Commission and Joint Committee on Ways and Means.

Declares emergency, effective [July 1, 2015] on passage.

A BILL FOR AN ACT

Relating to state financial administration; creating new provisions; amending ORS 291.278, 293.701, 336.431, 348.696, 357.195, 418.330, 418.335, 418.340, 461.559 and 471.810 and section 4, chapter 578, Oregon Laws 2013, section 3, chapter 20, Oregon Laws 2015 (Enrolled Senate Bill 605), section 2, chapter 459, Oregon Laws 2015 (Enrolled Senate Bill 779), and section 2, chapter 600, Oregon Laws 2015 (Enrolled Senate Bill 5520); repealing sections 7, 8 and 9, chapter 25, Oregon Laws 2015 (Enrolled House Bill 5017); and declaring an emergency.

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

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.

**TASK FORCE ON THE CAPITAL
CONSTRUCTION BUDGET PROCESS**

SECTION 1. (1) The Task Force on the Capital Construction Budget Process is established. The task force shall consist of:

(a) The cochair of the Joint Committee on Ways and Means;

(b) One member of the Senate appointed by the President of the Senate and who is a member of a different political party from the Senate cochair of the joint committee;

(c) One member of the House of Representatives appointed by the Speaker of the House of Representatives and who is a member of a different political party from the House cochair of the joint committee;

(d) The Legislative Fiscal Officer; and

(e) The Director of the Oregon Department of Administrative Services or a designee of the Director of the Oregon Department of Administrative Services.

(2) The task force shall:

(a) Create a current inventory of state-owned buildings, including a description of the condition of each building;

(b) Review existing statutory provisions governing the process of developing the capital construction portion of the state budget, including but not limited to provisions in ORS chapters 291 and 293;

(c) Identify current statutory provisions relating to the capital construction portion of the state budget that are outdated, are unnecessary or need modification;

(d) Identify new provisions that would aid in the development of the capital construction portion of the state budget;

(e) Identify and recommend a long-range process for determining and implementing future capital construction needs and priorities for this state;

(f) Identify and recommend a process for determining how capital construction budget requests relate to overall state budget priorities;

(g) Consider whether capital construction budgets should also include forecasts of the costs of operating and maintaining state buildings upon which capital construction moneys are spent; and

(h) Recommend a comprehensive package of statutory changes that will allow the Legislative Assembly to develop budgets for capital construction projects based on identified long-term goals, using an incremental process that is integrated into the overall state budget each biennium and that provides more transparency for the public.

(3) A majority of the members of the task force constitutes a quorum for the transaction of business.

(4) Official action by the task force requires the approval of a majority of the members of the task force.

(5) The cochair of the Joint Committee on Ways and Means shall serve as chairpersons of the task force.

(6) If there is a vacancy for any cause in a position appointed by the President of the Senate or the Speaker of the House of Representatives, the appointing authority shall make an appointment to become immediately effective.

(7) The task force shall meet at times and places specified by the call of the chairpersons

1 or of a majority of the members of the task force.

2 (8) The task force may adopt rules necessary for the operation of the task force.

3 (9) Not later than October 15, 2016, the task force shall submit a report to the Legislative
4 Assembly in the manner provided by ORS 192.245, and may include recommendations for
5 legislation.

6 (10) The Legislative Administrator shall provide staff support to the task force.

7 (11) Members of the task force who are not members of the Legislative Assembly are not
8 entitled to compensation, but may be reimbursed for actual and necessary travel and other
9 expenses incurred by them in the performance of their official duties in the manner and
10 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
11 of the task force shall be paid out of funds appropriated to the Legislative Administration
12 Committee for purposes of the task force.

13 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
14 the task force in the performance of its duties and, to the extent permitted by laws relating
15 to confidentiality, to furnish such information and advice as the members of the task force
16 consider necessary to perform their duties.

17 **SECTION 2.** Section 1 of this 2015 Act is repealed on the date of the convening of the 2017
18 regular session of the Legislative Assembly as specified in ORS 171.010.

19 **SECTION 3.** The task force established by section 1 of this 2015 Act is a continuation of
20 the Task Force on the Capital Construction Budget Process established by section 1, chapter
21 716, Oregon Laws 2013, and not a new task force. The members appointed under section 1,
22 chapter 716, Oregon Laws 2013, and serving on the date of the convening of the 2015 regular
23 session of the Legislative Assembly shall continue to serve for purposes of the task force
24 established under section 1 of this 2015 Act.

25
26 **LEGISLATIVE BRANCH**
27

28 **SECTION 4.** ORS 291.278 is amended to read:

29 291.278. (1) Upon completion of the determination by the Oregon Department of Administrative
30 Services under ORS 291.274 and 291.276, the department shall:

31 (a) Transfer to the Legislative Fiscal Office Operating Fund, with appropriate notice to the State
32 Treasurer, out of moneys appropriated to each state agency, the amount of [~~\$3 million~~] **\$4 million**;
33 and

34 (b) After deducting the amounts specified in paragraph (a) of this subsection, transfer to the
35 General Fund, with appropriate notice to the State Treasurer, out of moneys appropriated to each
36 state agency, the amount of governmental service expenses certified for the agency.

37 (2) In the case of a state agency that collects or receives moneys for fees, fines, licenses or taxes
38 not by law made a part of the General Fund available for general governmental purposes, if moneys
39 available to such state agency are not sufficient to permit the transfers under subsection (1) of this
40 section, the department shall notify the state agency of the amount certified with respect to the
41 state agency under ORS 291.274 and 291.276, less any amount transferred out of moneys appropri-
42 ated to such state agency under subsection (1) of this section. Thereafter, until such balance has
43 been paid into the General Fund, 10 percent of all moneys collected or received by the state agency
44 for fees, fines, licenses or taxes not by law made a part of the General Fund available for general
45 governmental purposes shall be:

1 (a) Transferred by the department to and made a part of the General Fund available for general
2 governmental purposes if such moneys are paid to the State Treasurer by the state agency; or

3 (b) Paid to the State Treasurer by the state agency receiving such moneys at the time when they
4 are received by the state agency if such moneys are authorized by law to be kept and disbursed
5 other than by and through the State Treasurer, and be credited by the State Treasurer to and made
6 a part of the General Fund available for general governmental purposes.

7 (3) The transfers and payments to the Legislative Fiscal Office Operating Fund and the General
8 Fund required by this section shall be made notwithstanding any law that appropriates such moneys
9 or any of them to any other purposes, and such portion so paid and transferred is not subject to any
10 special uses thereby provided.

11 **SECTION 5.** Section 4, chapter 578, Oregon Laws 2013, is amended to read:

12 **Sec. 4.** The amendments to ORS 171.072, 292.912 and 292.930 by sections 1 to 3 [*of this 2013*
13 *Act*], **chapter 578, Oregon Laws 2013**, apply to salaries established for biennia beginning on or af-
14 ter [*July 1, 2015*] **July 1, 2017**.

15 **SECTION 6.** **If this 2015 Act does not become effective until after June 30, 2015, the**
16 **amendments to section 4, chapter 578, Oregon Laws 2013, by section 5 of this 2015 Act shall**
17 **be operative retroactively to that date, and the operation and effect of section 4, chapter 578,**
18 **Oregon Laws 2013, as amended by section 5 of this 2015 Act, shall continue unaffected from**
19 **June 30, 2015, to the effective date of this 2015 Act. Any otherwise lawful action taken or**
20 **otherwise lawful obligation incurred under the authority of section 4, chapter 578, Oregon**
21 **Laws 2013, as amended by section 5 of this 2015 Act, after June 30, 2015, and before the ef-**
22 **fective date of this 2015 Act, is ratified and approved.**

23
24 **SECRETARY OF STATE**

25
26 **SECTION 7.** **Notwithstanding ORS 56.041 and in addition to transfers required by ORS**
27 **56.041 (4), the amount of \$6,200,000 is transferred from the Operating Account to the General**
28 **Fund for general governmental purposes. The transfer shall be made on June 15, 2017.**

29
30 **OREGON LIQUOR CONTROL COMMISSION**

31
32 **SECTION 8.** ORS 471.810 is amended to read:

33 471.810. (1) At the end of each month, the Oregon Liquor Control Commission shall certify the
34 amount of moneys available for distribution in the Oregon Liquor Control Commission Account and,
35 after withholding such moneys as it may deem necessary to pay its outstanding obligations, shall
36 within 35 days of the month for which a distribution is made direct the State Treasurer to pay the
37 amounts due, upon warrants drawn by the Oregon Department of Administrative Services, as fol-
38 lows:

39 (a) Fifty-six percent, or the amount remaining after the distribution under subsection (4) of this
40 section, credited to the General Fund available for general governmental purposes wherein it shall
41 be considered as revenue during the quarter immediately preceding receipt;

42 (b) Twenty percent to the cities of the state in such shares as the population of each city bears
43 to the population of the cities of the state, as determined by Portland State University last preceding
44 such apportionment, under ORS 190.510 to 190.610;

45 (c) Ten percent to counties in such shares as their respective populations bear to the total

1 population of the state, as estimated from time to time by Portland State University; and

2 (d) Fourteen percent to the cities of the state to be distributed as provided in ORS 221.770 and
3 this section.

4 (2) The commission shall direct the Oregon Department of Administrative Services to transfer
5 50 percent of the revenues from the taxes imposed by ORS 473.030 and 473.035 to the Mental Health
6 Alcoholism and Drug Services Account in the General Fund to be paid monthly as provided in ORS
7 430.380.

8 (3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding
9 month was reduced as a result of credits claimed under ORS 473.047, the commission shall compute
10 the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d)
11 and (2) of this section and the amounts that would have been paid or transferred under subsections
12 (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct
13 the Oregon Department of Administrative Services to pay or transfer amounts equal to the differ-
14 ences computed for subsections (1)(b), (c) and (d) and (2) of this section from the General Fund to
15 the recipients or accounts described in subsections (1)(b), (c) and (d) and (2) of this section.

16 (4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal
17 year an amount less than the amount distributed to the city or county in accordance with ORS
18 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the
19 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census.
20 If the population declined, the per capita distribution to the city or county shall be not less than
21 the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to
22 maintain the level of distribution under this subsection shall be paid from funds credited under
23 subsection (1)(a) of this section.

24 **(5) Notwithstanding subsection (1) of this section, amounts to be distributed from the**
25 **Oregon Liquor Control Commission Account that are attributable to a per bottle surcharge**
26 **imposed by the Oregon Liquor Control Commission, shall be credited to the General Fund.**

27 **SECTION 8a. The amendments to ORS 471.810 by section 8 of this 2015 Act apply to**
28 **moneys attributable to a per bottle surcharge collected or received by the Oregon Liquor**
29 **Control Account on or after the effective date of this 2015 Act.**

30 **SECTION 9.** Section 2, chapter 600, Oregon Laws 2015 (Enrolled Senate Bill 5520), is amended
31 to read:

32 **Sec. 2.** For the biennium beginning July 1, 2015, expenditures by the Oregon Liquor Control
33 Commission for liquor purchases [*and bank card fees*] are not limited.

34 **SECTION 10.** If House Bill 2041 becomes law, section 3, chapter 20, Oregon Laws 2015 (En-
35 rolled Senate Bill 605), is amended to read:

36 **Sec. 3.** (1) Notwithstanding ORS 221.770, 471.805 and 471.810, for the biennium beginning July
37 1, 2013, and the biennium beginning July 1, 2015, the Oregon Liquor Control Commission may ex-
38 pend moneys in the Oregon Liquor Control Commission Account to pay any expenses incurred by
39 the commission in implementing and carrying out sections 3 to 70, chapter 1, Oregon Laws 2015
40 [*Control, Regulation and Taxation of Marijuana and Industrial Hemp Act*]. Any expenditure made
41 under this subsection is considered a loan and must be repaid from the Oregon Marijuana Account
42 established by section 44, chapter 1, Oregon Laws 2015. Expenditures made under this subsection
43 shall be made from moneys in the Oregon Liquor Control Commission Account before the distrib-
44 utions required by ORS 471.810 are made.

45 (2) Notwithstanding [*sections 43 and*] **section 44**, chapter 1, Oregon Laws 2015, not later than

1 June 30, 2017, the *[commission]* **Department of Revenue** shall transfer from the Oregon Marijuana
2 Account to the **commission for deposit in the** Oregon Liquor Control Commission Account an
3 amount equal to the total amount expended by the commission under subsection (1) of this section
4 plus two percent of the total amount expended. The *[commission]* **department** shall make the
5 transfer required by this subsection before making any other withholding, distribution or expendi-
6 ture from the Oregon Marijuana Account for purposes described in *[sections 43 and]* **section 44**,
7 chapter 1, Oregon Laws 2015.

8
9 **EMPLOYMENT DEPARTMENT**

10
11 **SECTION 11.** Notwithstanding ORS 657.783, the amount of \$13 million is transferred from
12 the Supplemental Employment Department Administration Fund to the General Fund for
13 general governmental purposes. The transfer shall occur on May 1, 2017.

14
15 **DEPARTMENT OF EDUCATION**

16
17 **SECTION 12.** Sections 7, 8 and 9, chapter 25, Oregon Laws 2015 (Enrolled House Bill 5017),
18 are repealed.

19 **SECTION 13.** ORS 336.431 is amended to read:

20 336.431. (1) **The Department of Education shall administer a Farm-to-School Grant Pro-**
21 **gram as provided by this section.**

22 *[(1)]* (2) A school district may apply to the department *[of Education for a grant to be used by*
23 *the school district for one or more of the following purposes]* **for a grant as follows:**

24 (a) *[To reimburse]* **As a noncompetitive grant to assist** the school district **with paying** for
25 costs incurred by the school district to purchase *[Oregon food products described in subsection (3)*
26 *of this section]* **food produced or processed in this state;** or

27 (b) **As a competitive grant** to fund food-based, agriculture-based and garden-based educational
28 activities in **the** school *[districts]* **district.**

29 *[(2) The Department of Education shall distribute grant moneys under this section in a manner that*
30 *ensures that:]*

31 *[(a) At least 80 percent of the moneys distributed are used for reimbursements as described in*
32 *subsection (1)(a) of this section; and]*

33 *[(b) At least 10 percent of the moneys distributed are used for the educational activities described*
34 *in subsection (1)(b) of this section.]*

35 (3)(a) **Based on a noncompetitive process, the department shall provide grants to school**
36 **districts to assist in paying for costs incurred by the school district to purchase food**
37 **produced or processed in this state. The amount of a grant awarded as provided by this**
38 **subsection shall be determined by the department based on the number of lunches served**
39 **by the school district during the previous school year under the United States Department**
40 **of Agriculture's National School Lunch Program.**

41 *[(3)(a)]* (b) *[If a school district receives any grant moneys under this section for reimbursements,*
42 *the school district]* **A school district that receives a grant under this subsection** shall use the
43 moneys for the costs incurred by the school district to purchase *[Oregon]* food products that were:

44 (A) Purchased on or after the date the school district received *[the moneys for the grant]* **no-**
45 **tification from the Department of Education of the amount to be distributed to the school**

1 **district as provided by this subsection;**

2 (B) Produced or processed in [Oregon] **this state**; and

3 (C) Used [in] **for** meals that are **served as** part of the United States Department of Agriculture's
4 [National School Lunch Program] **child nutrition programs**.

5 [(b) For Oregon food products that satisfy the requirements of paragraph (a) of this subsection,
6 reimbursements shall be in an amount that equals the lesser of:]

7 [(A) The amount paid per meal by the school district to purchase the Oregon food products; or]

8 [(B) Fifteen cents for every school lunch that is served as part of the United States Department of
9 Agriculture's National School Lunch Program and that uses Oregon food products.]

10 [(c) A school district that receives moneys for reimbursement as provided by paragraph (b) of this
11 subsection:]

12 [(A) Must use the moneys to purchase foods produced or processed in Oregon; and]

13 [(B) May not use the moneys to supplant purchases of food products with federal moneys, but may
14 use the moneys to pay for the difference in cost between food products that are of higher quality and
15 food products that are allowed to be purchased with federal moneys.]

16 **(4)(a) Based on a competitive process, the department shall provide grants to school**
17 **districts or nonprofit organizations, or commodity commissions or councils organized under**
18 **ORS 576.051 to 576.455 or ORS chapter 577 or 578, to assist in paying the costs incurred to**
19 **provide food-based, agriculture-based or garden-based educational activities in the school**
20 **district.**

21 [(4) (b) [If a school district receives any moneys under this section for educational activities, the
22 school district] **An entity identified in paragraph (a) of this subsection that receives a grant**
23 **under this subsection** shall use the moneys for costs directly associated with the educational ac-
24 tivities, including staff time, travel costs and equipment purchased for the activities.

25 [(5) The Department of Education shall consult with the State Department of Agriculture to deter-
26 mine the recipients and amounts of grants awarded under this section.]

27 [(6) The Department of Education may award a grant to a school district under this section only
28 if the school district can demonstrate that the school district:]

29 [(a) Has a program to purchase Oregon food products and a program to provide food-based,
30 agriculture-based or garden-based educational activities; or]

31 [(b) Is developing the programs described in paragraph (a) of this subsection that the school district
32 does not have at the time of application.]

33 [(7) (c) When awarding grants under this [section,] **subsection**, preference shall be given to
34 [school districts] **entities that propose educational activities that:**

35 [(a) Propose farm-to-school projects or school garden projects that:]

36 (A) Are well designed;

37 [(B) Incorporate positive changes in food purchasing;]

38 [(C) (B) Promote healthy food activities;

39 [(D) (C) Have clear educational objectives;

40 [(E) (D) Involve parents or the community; [and]

41 [(F) Have high potential for job creation;]

42 **(E) Are connected to a school district's farm-to-school procurement activities; and**

43 **(F) Are culturally relevant to the students being served by the grant moneys.**

44 **(d) The department must ensure that the recipients of grants under this subsection:**

45 [(b) (A) Represent a variety of **school** sizes and geographic locations; and

1 [c] (B) Serve a high percentage of children who qualify for free or reduced price school meals
2 under the United States Department of Agriculture's National School Lunch Program.

3 [(8)] (5) The Department of Education shall consult with the State Department of Agriculture
4 to:

5 (a) Develop rules and standards related to the grants awarded under this section.

6 (b) **Determine the recipients and amounts of grants awarded under this section.**

7 [(9)] (6) The Department of Education may expend for the administrative costs incurred under
8 this section no more than two percent of all moneys received by the department for the grant pro-
9 gram.

10
11 **DEPARTMENT OF TRANSPORTATION**

12
13 **SECTION 14.** (1) **In addition to and not in lieu of any other allocation, there is allocated**
14 **to Multnomah County, for the biennium beginning July 1, 2015, out of moneys described in**
15 **section 5 (6), chapter __, Oregon Laws 2015 (Enrolled House Bill 5040), the amount of**
16 **\$3,900,000 which may be expended for the construction of operational improvements on**
17 **Cornelius Pass Road.**

18 **“(2) In addition to and not in lieu of any other allocation, there is allocated to**
19 **Washington County, for the biennium beginning July 1, 2015, out of moneys described in**
20 **section 5 (6), chapter __, Oregon Laws 2015 (Enrolled House Bill 5040), the amount of**
21 **\$5,000,000 which may be expended for the construction of safety improvement projects lo-**
22 **cated on State Highway 47 at Verboort and Purdin Roads.**

23
24 **PUBLIC EMPLOYEES' BENEFIT BOARD**

25
26 **SECTION 15.** **Notwithstanding ORS 243.167, the amount of \$120,000,000 is transferred**
27 **from the Public Employees' Revolving Fund to the General Fund for general governmental**
28 **purposes. The transfer shall be made on May 1, 2017.**

29
30 **DEPARTMENT OF HUMAN SERVICES**

31
32 **SECTION 16.** ORS 418.330 is amended to read:

33 418.330. (1) As used in this section:

34 (a) “Child” means:

35 (A) A person under 18 years of age;

36 (B) A person under 21 years of age if the Department of Human Services determines that the
37 person has a mental or physical disability that warrants the continuation of assistance; or

38 (C) A person who has attained 18 years of age and:

39 (i) On whose behalf payments under this section were received prior to the person attaining 18
40 years of age, provided the person was at least 16 years of age at the time the payments commenced;

41 (ii) Has not attained 21 years of age; and

42 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;

43 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-
44 tion;

45 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-

1 ployment;

2 (IV) Is employed for at least 80 hours per month; or

3 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of
4 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-
5 dated documentation.

6 (b) “Child-caring agency” means:

7 (A) A child-caring agency as defined in ORS 418.205; and

8 (B) For a child who has attained 18 years of age, an independent residence facility established
9 or certified under ORS 418.475 in which the child resides as an enrollee in an independent living
10 program.

11 (c) “Nonrecurring adoption **or guardianship** expenses” means reasonable and necessary
12 adoption **or guardianship** fees, court costs, attorney fees and other expenses that are directly re-
13 lated to the adoption of, **or establishment of a guardianship for**, a child with special needs and
14 that are not incurred in violation of state or federal law.

15 (2) The department may make payments to adoptive parents **or guardians** on behalf of a child
16 placed for adoption **or establishment of a guardianship** by the department, or **placed for adoption**
17 by an approved child-caring agency, when the department determines:

18 (a) The child has special needs because of an impediment to adoptive placement **or establish-**
19 **ment of a guardianship** by reason of the child’s physical or mental condition, race, age, or mem-
20 bership in a sibling group; or

21 (b) The adoptive family **or guardian** is capable of providing the permanent family relationships
22 needed by the child in all respects other than financial, and the needs of the child are beyond the
23 economic ability and resources of the family.

24 (3) Payments to subsidize adoptions **or guardianships** made under subsection (2) of this section:

25 (a) Shall include payment of nonrecurring adoption **or guardianship** expenses incurred by or
26 on behalf of adoptive parents **or guardians** in connection with the adoption of, **or establishment**
27 **of a guardianship for**, a child with special needs;

28 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,
29 and other costs incidental to the care, training and education of the child;

30 (c) May not exceed the cost of providing comparable assistance in foster care; and

31 (d) May not be made:

32 (A) For a child who has not attained 18 years of age, when the adoptive parents **or guardians**
33 are no longer legally responsible for the support of the child; or

34 (B) When the child is no longer receiving any support from the adoptive parents **or**
35 **guardians**.

36 (4) Adoptive parents **or guardians** receiving payments under subsection (2) of this section shall
37 inform the department of circumstances that would make the adoptive parents **or guardians**:

38 (a) Ineligible to receive the payments; or

39 (b) Eligible to receive the payments in a different amount.

40 **SECTION 17.** ORS 418.335 is amended to read:

41 418.335. (1) Qualification for payments under ORS 418.330 must be determined by the Depart-
42 ment of Human Services prior to the completion of the adoption **or guardianship** proceeding.

43 (2) The department shall set the amount of payments under ORS 418.330 through negotiations
44 with the prospective adoptive parents **or guardians**, taking into consideration the circumstances
45 of the prospective adoptive parents **or guardians** and the needs of the child.

1 (3) The department may change the amount of payments under ORS 418.330:

2 (a) Through renegotiation with the adoptive parents **or guardians**, based upon a showing that
3 there has been a change in the circumstances of the adoptive parents **or guardians** or the needs
4 of the child; or

5 (b) When the department has reduced or increased the amount of comparable assistance in foster
6 care under ORS 418.647.

7 (4) The department may suspend or terminate payments when one or more of the following
8 conditions exist:

9 (a) The child *[attains 18 years of age]* **no longer meets the definition of “child” under ORS**
10 **418.330.**

11 (b) The adoptive parents **or guardians** are no longer legally responsible for the support of the
12 child.

13 (c) The child is no longer receiving any support from the adoptive parents **or guardians.**

14 (5) If a payment under ORS 418.330 is suspended or terminated for a reason not related to the
15 age of the child **or because a guardianship has been vacated by the court**, the adoptive parents
16 **or guardians** of the child may petition the department for a review of the case. The department
17 shall afford the petitioner an opportunity for a hearing, which must be held in the county the
18 petitioner elects.

19 **SECTION 18.** ORS 418.340 is amended to read:

20 418.340. The Department of Human Services shall make all necessary rules for payments to
21 subsidize adoptions **or guardianships.**

22
23 **STATE DEPARTMENT OF FISH AND WILDLIFE**

24
25 **SECTION 19.** Section 2, chapter 459, Oregon Laws 2015 (Enrolled Senate Bill 779), is amended
26 to read:

27 **Sec. 2.** Section 1, **chapter 459, Oregon Laws 2015 (Enrolled Senate Bill 779)**, *[of this 2015*
28 *Act]* is repealed on January 2, *[2016] 2017.*

29
30 **CONCILIATION AND MEDIATION SERVICES**
31 **AND LAW LIBRARIES**

32
33 **SECTION 20.** Notwithstanding section 8 (1), chapter __, Oregon Laws 2015 (Enrolled
34 Senate Bill 5514), the governing body of a county may, after consulting with the presiding
35 judge of the circuit court, use up to one-half of the amount distributed to the county under
36 section 8 (2), chapter __, Oregon Laws (Enrolled Senate Bill 5514), for the purpose of pro-
37 viding conciliation and mediation services in circuit courts.

38
39 **CONNECTING OREGON COMMUNITIES FUND**

40
41 **SECTION 21.** The balance of the Connecting Oregon Communities Fund established by
42 ORS 759.445, including the balances of the School Technology Account and the Public Access
43 Account, is transferred to the General Fund for general governmental purposes.

44
45 **OREGON EDUCATION FUND**

1 **SECTION 22.** ORS 348.696 is amended to read:

2 348.696. (1) Pursuant to section 4 (4)(d), Article XV of the Oregon Constitution, the Education
3 Stability Fund is established separate and distinct from the General Fund. Moneys in the Education
4 Stability Fund shall be invested as provided in ORS 293.701 to 293.790. **Except as provided in**
5 **subsection (2) of this section**, all declared earnings on moneys in the fund shall be transferred and
6 are appropriated continuously as follows:

7 [(1)] (a) 75 percent to the Oregon Education Fund established by ORS 348.716; and

8 [(2)] (b) 25 percent to the Higher Education Coordinating Commission for the Oregon Opportu-
9 nity Grant program under ORS 348.260.

10 (2) **If the Director of the Oregon Department of Administrative Services determines for**
11 **any biennium that the amount to be transferred and appropriated continuously to the**
12 **Oregon Education Fund under subsection (1)(a) of this section exceeds the amount needed**
13 **to pay for public education and education lottery bond debt service in that biennium, the**
14 **amount of the excess for that biennium shall be transferred and is appropriated continuously**
15 **to the Higher Education Coordinating Commission for the Oregon Opportunity Grant pro-**
16 **gram under ORS 348.260.**

17
18 **STATE LIBRARY DONATION FUND**
19

20 **SECTION 23.** ORS 357.195, as amended by section 20, chapter 328, Oregon Laws 2015, is
21 amended to read:

22 357.195. (1) The State Library Donation Fund is established in the State Treasury, separate and
23 distinct from the General Fund. The following moneys shall be placed in the fund:

24 (a) Gifts and donations to the State Library;

25 (b) The interest, income, dividends or profits received on any property or funds of the State Li-
26 brary derived from gifts, legacies, devises, bequests, endowments or other donations;

27 (c) Other interest earned by the fund; and

28 (d) Any other moneys placed in the fund as provided by law.

29 (2) Moneys in the fund that are derived from profits, interest or other earnings traceable to a
30 specific gift, legacy, devise, bequest, endowment or other donation shall be used in the same manner
31 as the principal or corpus of the gift, legacy, devise, bequest, endowment or other donation.

32 (3) **Moneys in the fund, including moneys in the Talking Book and Braille Library**
33 **Endowment Fund subaccount if established pursuant to subsection (5) of this section, may,**
34 **at the discretion of the State Library Board, be invested as provided in ORS 293.701 to**
35 **293.857.**

36 [(3)] (4) The State Treasurer shall credit monthly to the fund any interest or other income de-
37 rived from the fund or the investing thereof.

38 [(4)] (5) The [*State Library*] board may establish a Talking Book and Braille Library Endowment
39 Fund as a subaccount of the State Library Donation Fund.

40 [(5)] (6) Moneys in the State Library Donation Fund are continuously appropriated to the State
41 Library for use by, and support and maintenance of, the State Library. Claims against the fund shall
42 be approved and warrants issued in the manner provided by law.

43 **SECTION 24.** ORS 293.701 is amended to read:

44 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

45 (1) "Council" means the Oregon Investment Council.

- 1 (2) "Investment funds" means:
- 2 (a) Public Employees Retirement Fund referred to in ORS 238.660;
- 3 (b) Industrial Accident Fund referred to in ORS 656.632;
- 4 (c) Consumer and Business Services Fund referred to in ORS 705.145;
- 5 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;
- 6 (e) Insurance Fund referred to in ORS 278.425;
- 7 (f) Funds under the control and administration of the Department of State Lands;
- 8 (g) Oregon Student Assistance Fund referred to in ORS 348.570;
- 9 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.540 or
- 10 rules adopted thereunder;
- 11 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
- 12 General Obligation Bond Fund referred to in ORS 530.280;
- 13 (j) Oregon War Veterans' Fund referred to in ORS 407.495;
- 14 (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;
- 15 (L) World War II Veterans' Compensation Fund;
- 16 (m) World War II Veterans' Bond Sinking Fund;
- 17 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
- 18 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
- 19 commingled investment vehicle;
- 20 (o) State funds that are not subject to the control and administration of officers or bodies spe-
- 21 cifically designated by law;
- 22 (p) Funds derived from the sale of state bonds;
- 23 (q) Social Security Revolving Account referred to in ORS 237.490;
- 24 (r) Oregon University System Fund established by ORS 351.506 and the Higher Education Do-
- 25 nation Fund established by ORS 351.130;
- 26 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;
- 27 (t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;
- 28 (u) Education Stability Fund established by ORS 348.696;
- 29 (v) Deferred Compensation Fund established under ORS 243.411; *[and]*
- 30 (w) Trust for Cultural Development Account established under ORS 359.405[.]; **and**
- 31 **(x) The State Library Donation Fund and the Talking Book and Braille Library**
- 32 **Endowment Fund subaccount established under ORS 357.195.**
- 33 (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the
- 34 council.
- 35

36 **STATE TREASURER**

37

38 **SECTION 25. Notwithstanding ORS 173.240:**

39 **(1) The Legislative Counsel and the Legislative Fiscal Officer shall conduct a review of**

40 **state law governing the investment by the State Treasurer of the funds of this state and of**

41 **local and tribal governments. The purpose of the review is to:**

42 **(a) Identify deficiencies in current law; and**

43 **(b) Make recommendations to clarify, simplify, consolidate and update the existing stat-**

44 **utory framework.**

45 **(2) For purposes of the review, the Legislative Counsel and the Legislative Fiscal Officer**

1 may consult with the Department of Justice and the State Treasurer and any other officer
2 or employee of this state or of any local or tribal government.

3 (3) The Legislative Counsel and the Legislative Fiscal Officer shall submit a report in the
4 manner provided in ORS 192.245, and may include recommendations for legislation, to the
5 Joint Committee on Ways and Means, or the Joint Interim Committee on Ways and Means,
6 no later than December 31, 2016.

7 **SECTION 26.** Section 25 of this 2015 Act is repealed on January 2, 2017.

8
9 **JUDICIAL SALARIES**

10
11 **SECTION 27.** (1) Annual salaries of judges of the Supreme Court, the Court of Appeals,
12 circuit courts and the Oregon Tax Court established under ORS 292.406, 292.411, 292.416 and
13 292.426 shall be adjusted to reflect the same percentage amount of any positive cost of living
14 adjustment granted to employees in the management service in the executive department.

15 (2) The adjustment described in subsection (1) of this section shall occur at the same
16 time that salaries of employees in the management service in the executive department are
17 adjusted.

18 (3) As used in this section:

19 (a) "Executive department" has the meaning given that term in ORS 174.112.

20 (b) "Management service" means the management service as provided in ORS 240.212.

21 **SECTION 28.** Section 27 of this 2015 Act applies to any positive cost of living adjustment
22 granted to employees in the management service in the executive department on or after the
23 effective date of this 2015 Act.

24
25 **REVERSION OF LOTTERY ALLOCATIONS**

26
27 **SECTION 29.** ORS 461.559 is amended to read:

28 461.559. (1) On December 31 in each odd-numbered year, all amounts remaining unspent by a
29 state agency from statutory allocations made from the Administrative Services Economic Develop-
30 ment Fund to that agency for the prior biennium shall revert to the Administrative Services Eco-
31 nomic Development Fund.

32 (2) Subsection (1) of this section does not apply to allocations for **debt service**, capital con-
33 struction, continuing contracts, contested claims or special allocations designated by legislative
34 action.

35
36 **HIGHER EDUCATION COORDINATING COMMISSION**

37
38 **SECTION 30.** (1) Notwithstanding any law limiting tuition and mandatory enrollment fee
39 increases at public universities listed in ORS 352.002, if a public university listed in ORS
40 352.002 increases either resident undergraduate tuition or mandatory enrollment fees by
41 more than three percent for the 2016-2017 academic year, the public university must report
42 the justification for the increase to the Higher Education Coordinating Commission and the
43 Joint Committee on Ways and Means, or the Joint Interim Committee on Ways and Means.

44 (2) Subsection (1) of this section does not apply to public universities currently subject
45 to existing financial agreements or plans with the Higher Education Coordinating Commis-

1 sion, or to four-year tuition guarantees or high cost, high demand degree programs that
2 currently charge differential tuition.

3 (3) This section is repealed on December 31, 2018.

4
5 **TRANSFERS**

6
7 **SECTION 31.** Except as provided in sections 7, 11 and 15 of this 2015 Act, the transfers
8 described in sections 7, 11, 15 and 21 of this 2015 Act shall be made on the effective date of
9 this 2015 Act from moneys maintained, on the effective date of this 2015 Act, in the funds
10 or accounts from which the transfers are made.

11
12 **CAPTIONS**

13
14 **SECTION 32.** The unit captions used in this 2015 Act are provided only for the conven-
15 ience of the reader and do not become part of the statutory law of this state or express any
16 legislative intent in the enactment of this 2015 Act.

17
18 **EMERGENCY CLAUSE**

19
20 **SECTION 33.** This 2015 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
22 on its passage.
23 _____