

B-Engrossed
House Bill 2377

Ordered by the House June 26
Including House Amendments dated April 15 and June 26

Sponsored by Representative SMITH DB, Senator ROBLAN, Representative MCKEOWN; Representatives BONHAM, LEIF, Senator HEARD (Presession filed.)

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 Department of Administrative Services for purpose of implementing first phase of sediment study of lower Rogue River.]

[Appropriates moneys from General Fund to department for payment to Umatilla County to reimburse water right holders for increased pumping costs of surface water that is used in lieu of ground water.]

Transfers moneys from certain funds and accounts to General Fund for general governmental purposes.

Provides for continued use of marijuana revenues for purposes related to mental health and alcohol and drug abuse.

Modifies statement of legislative intent relating to programs for rent assistance for low income households.

Permits continued use of moneys transferred to Trust for Cultural Development Account for marketing and promotional costs.

Repeals law relating to Legal Aid Account.

Increases salaries of certain judges. Creates new judgeships in certain counties.

Removes linkage between salaries of legislators and salaries of circuit court judges.

Modifies law relating to expense allowance for members of Legislative Assembly for periods when Legislative Assembly is not in session.

Increases governmental service expense transfer to Legislative Fiscal Office Operating Fund.

Establishes University Innovation Research Fund in State Treasury.

Provides that Department of Justice may increase rate of charges for legal assistance above legislatively budgeted rate only after notice to Joint Committee on Ways and Means or Emergency Board.

Requires Department of Justice to report to Joint Committee on Ways and Means on recoveries used for purposes other than certain legal costs or deposit into Department of Justice Protection and Education Revolving Account.

Directs Department of Transportation to transfer moneys from Statewide Transportation Improvement Fund to Elderly and Disabled Special Transportation Fund.

Declares emergency, effective [July 1, 2019] on passage.

A BILL FOR AN ACT

Relating to state financial administration; creating new provisions; amending ORS 3.012, 21.007, 171.072, 180.095, 180.160, 291.278, 292.406, 292.411, 292.416, 292.426 and 475B.759; repealing ORS 9.577 and section 5, chapter 775, Oregon Laws 2009, and section 3, chapter 81, Oregon Laws 2018; and declaring an emergency.

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

TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES

SECTION 1. Notwithstanding ORS 30.282, 30.285, 278.425, 655.515 and 655.540, the amount of \$10,000,000 is transferred from the Insurance Fund to the General Fund for general gov-

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 **ernmental purposes. The transfer shall be made on May 31, 2021.**

2 **SECTION 2. Notwithstanding ORS 283.076, the amount of \$50,900,000 is transferred from**
3 **the Oregon Department of Administrative Services Operating Fund to the General Fund for**
4 **general governmental purposes. The transfer shall be made on May 31, 2021.**

5 **SECTION 3. Notwithstanding ORS 276A.209, the amount of \$26,500,000 is transferred from**
6 **the State Information Technology Operating Fund to the General Fund for general govern-**
7 **mental purposes. The transfer shall be made on May 31, 2021.**

8 **SECTION 4. Notwithstanding ORS 180.095, the amount of \$46,000,000 is transferred from**
9 **the Department of Justice Protection and Education Revolving Account to the General Fund**
10 **for general governmental purposes. The transfer shall be made on May 31, 2021.**

11 **SECTION 5. Notwithstanding ORS 741.102, the amount of \$3,800,000 is transferred from**
12 **the Health Insurance Exchange Fund to the General Fund for general governmental pur-**
13 **poses. The transfer shall be made on May 31, 2021.**

14 **SECTION 6. Notwithstanding ORS 677.290, the amount of \$5,000,000 is transferred from**
15 **the Oregon Medical Board Account to the General Fund for general government purposes.**
16 **The transfer shall be made on May 31, 2021.**

17 **SECTION 7. Notwithstanding ORS 243.167, the amount of \$15,000,000 is transferred from**
18 **the Public Employees' Revolving Fund to the General Fund for general governmental pur-**
19 **poses. The transfer shall be made on May 31, 2021.**

20 **SECTION 8. Notwithstanding ORS 274.064, the amount of \$3,000,000 is transferred from**
21 **the Portland Harbor Cleanup Fund to the General Fund for general governmental purposes.**
22 **The transfer shall be made on May 31, 2021.**

23
24 **MARIJUANA REVENUE DISTRIBUTION**

25
26 **SECTION 9. Section 3, chapter 81, Oregon Laws 2018, is repealed.**

27 **SECTION 10. ORS 475B.759, as amended by sections 1 and 2, chapter 81, Oregon Laws 2018,**
28 **is amended to read:**

29 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
30 General Fund.

31 (2) The account shall consist of moneys transferred to the account under ORS 475B.760.

32 (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the
33 Oregon Marijuana Account.

34 (b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent
35 of the moneys in the Oregon Marijuana Account as follows:

36 (A) Ten percent of the moneys in the account must be transferred to the cities of this state in
37 the following shares:

38 (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-
39 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)
40 of this section compared to the population of all cities of this state that are not exempt from this
41 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University
42 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

43 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
44 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day
45 of the calendar quarter preceding the date of the transfer for premises located in each city compared

1 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the
2 last business day of that calendar quarter for all premises in this state located in cities; and

3 (B) Ten percent of the moneys in the account must be transferred to counties in the following
4 shares:

5 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-
6 cially available area of all grow canopies associated with marijuana producer licenses held pursuant
7 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer
8 for all premises located in each county compared to the total commercially available area of all
9 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the
10 last business day of that calendar quarter for all premises located in this state; and

11 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
12 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-
13 endar quarter preceding the date of the transfer for premises located in each county compared to
14 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business
15 day of that calendar quarter for all premises in this state.

16 (c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as follows:

17 (A) Forty percent of the moneys in the account must be used solely for purposes for which
18 moneys in the State School Fund established under ORS 327.008 may be used;

19 (B) Twenty percent of the moneys in the account must be used solely for *[purposes for which*
20 *moneys in the Mental Health Alcoholism and Drug Services Account established under ORS 430.380*
21 *may be used]* **mental health treatment or for alcohol and drug abuse prevention, early inter-**
22 **vention and treatment;**

23 (C) Fifteen percent of the moneys in the account must be used solely for purposes for which
24 moneys in the State Police Account established under ORS 181A.020 may be used; and

25 (D) Five percent of the moneys in the account must be used solely for purposes related to al-
26 cohool and drug abuse prevention, early intervention and treatment services.

27 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
28 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to
29 receive transfers of moneys under subsection (3)(b)(A) of this section.

30 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-
31 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under
32 subsection (3)(b)(B)(i) of this section.

33 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
34 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
35 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

36 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
37 county in this state shall certify with the commission whether the city or county has an ordinance
38 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
39 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
40 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
41 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
42 section (3)(b)(B) of this section.

43
44 **HOUSING AND COMMUNITY SERVICES**
45

SECTION 11. ORS 21.007 is amended to read:

21.007. It is the intent of the Legislative Assembly that funding be provided to the following entities by appropriations each biennium to fund programs, services and activities that were funded through court fees before the 2011-2013 biennium:

(1) To the counties of this state for the purposes of funding mediation services, conciliation services and other services in domestic relations cases.

(2) To the counties of this state for the purposes of funding the operation of law libraries or of providing law library services.

(3) To Portland State University and the University of Oregon to fund the programs and expenses of the Mark O. Hatfield School of Government and the University of Oregon School of Law under ORS 36.100 to 36.238 and 183.502.

[(4) To the Housing and Community Services Department for the purpose of funding programs that defray the cost of rent for dwelling units for very low income households.]

[(5)] (4) To the Higher Education Coordinating Commission to fund clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking or sexual assault.

[(6)] (5) To the State Department of Agriculture for the purpose of funding mediation programs established by the department, other than individual farm credit mediations.

[(7)] (6) To the Judicial Department for the purposes of funding the appellate settlement program established under ORS 2.560.

[(8)] (7) To the Department of Human Services for the funding of the Office of Children's Advocate.

TRUST FOR CULTURAL DEVELOPMENT ACCOUNT

SECTION 12. Section 5, chapter 775, Oregon Laws 2009, is repealed.

LEGAL AID ACCOUNT

SECTION 13. ORS 9.577 is repealed.

SECTION 14. (1) The Legal Aid Account established under ORS 9.577 is abolished on the effective date of this 2019 Act.

(2) Any moneys remaining in the account specified in subsection (1) of this section on the effective date of this 2019 Act shall be transferred, on the effective date of this 2019 Act, to the General Fund for general governmental purposes.

JUDICIARY

SECTION 15. ORS 292.406, as amended by section 19, chapter 98, Oregon Laws 2018, is amended to read:

292.406. (1)(a) The annual salary of the Chief Judge of the Court of Appeals shall be *[\$147,560]* **\$154,040** for the period beginning on January 1, *[2017]* **2019**, and ending on June 30, *[2018]* **2020**.

(b) On July 1, *[2018]* **2020**, the annual salary of the Chief Judge of the Court of Appeals, as adjusted under ORS 292.428, shall be increased by \$5,000.

(2)(a) The annual salary of each other judge of the Court of Appeals shall be *[\$144,536]* **\$150,980**

1 for the period beginning on January 1, [2017] **2019**, and ending on June 30, [2018] **2020**.

2 (b) On July 1, [2018] **2020**, the annual salary of each other judge of the Court of Appeals, as
3 adjusted under ORS 292.428, shall be increased by \$5,000.

4 **SECTION 16.** ORS 292.411, as amended by section 20, chapter 98, Oregon Laws 2018, is
5 amended to read:

6 292.411. (1)(a) The annual salary of the Chief Justice of the Supreme Court shall be [~~\$150,572~~]
7 **\$157,076** for the period beginning on January 1, [2017] **2019**, and ending on June 30, [2018] **2020**.

8 (b) On July 1, [2018] **2020**, the annual salary of the Chief Justice of the Supreme Court, as ad-
9 justed under ORS 292.428, shall be increased by \$5,000.

10 (2)(a) The annual salary of each other judge of the Supreme Court shall be [~~\$147,560~~] **\$154,040**
11 for the period beginning on January 1, [2017] **2019**, and ending on June 30, [2018] **2020**.

12 (b) On July 1, [2018] **2020**, the annual salary of each other judge of the Supreme Court, as ad-
13 justed under ORS 292.428, shall be increased by \$5,000.

14 **SECTION 17.** ORS 292.416, as amended by section 21, chapter 98, Oregon Laws 2018, is
15 amended to read:

16 292.416. (1) The annual salary of each judge of a circuit court shall be [~~\$135,776~~] **\$142,136** for
17 the period beginning on January 1, [2017] **2019**, and ending on June 30, [2018] **2020**.

18 (2) On July 1, [2018] **2020**, the annual salary of each judge of a circuit court, as adjusted under
19 ORS 292.428, shall be increased by \$5,000.

20 **SECTION 18.** ORS 292.426, as amended by section 22, chapter 98, Oregon Laws 2018, is
21 amended to read:

22 292.426. (1) The annual salary of the judge of the Oregon Tax Court shall be [~~\$139,652~~] **\$146,048**
23 for the period beginning on January 1, [2017] **2019**, and ending on June 30, [2018] **2020**.

24 (2) On July 1, [2018] **2020**, the annual salary of the judge of the Oregon Tax Court, as adjusted
25 under ORS 292.428, shall be increased by \$5,000.

26 **SECTION 18a.** ORS 3.012, as amended by section 1, chapter 631, Oregon Laws 2017, is amended
27 to read:

28 3.012. (1) The judicial districts, the counties constituting the judicial districts and the number
29 of circuit court judges for each judicial district are as follows:

30 (a) The first judicial district consists of Jackson County and has [~~nine~~] **10** judges.

31 (b) The second judicial district consists of Lane County and has 15 judges.

32 (c) The third judicial district consists of Marion County and has [~~14~~] **15** judges.

33 (d) The fourth judicial district consists of Multnomah County and has 38 judges.

34 (e) The fifth judicial district consists of Clackamas County and has 11 judges.

35 (f) The sixth judicial district consists of the counties of Morrow and Umatilla and has five
36 judges.

37 (g) The seventh judicial district consists of the counties of Gilliam, Hood River, Sherman, Wasco
38 and Wheeler and has four judges.

39 (h) The eighth judicial district consists of Baker County and has one judge.

40 (i) The ninth judicial district consists of Malheur County and has two judges.

41 (j) The tenth judicial district consists of the counties of Union and Wallowa and has two judges.

42 (k) The eleventh judicial district consists of Deschutes County and has seven judges.

43 (L) The twelfth judicial district consists of Polk County and has three judges.

44 (m) The thirteenth judicial district consists of Klamath County and has five judges.

45 (n) The fourteenth judicial district consists of Josephine County and has five judges.

1 (o) The fifteenth judicial district consists of the counties of Coos and Curry and has six judges.

2 (p) The sixteenth judicial district consists of Douglas County and has five judges.

3 (q) The seventeenth judicial district consists of Lincoln County and has three judges.

4 (r) The eighteenth judicial district consists of Clatsop County and has three judges.

5 (s) The nineteenth judicial district consists of Columbia County and has three judges.

6 (t) The twentieth judicial district consists of Washington County and has 15 judges.

7 (u) The twenty-first judicial district consists of Benton County and has three judges.

8 (v) The twenty-second judicial district consists of the counties of Crook and Jefferson and has
9 three judges.

10 (w) The twenty-third judicial district consists of Linn County and has five judges.

11 (x) The twenty-fourth judicial district consists of the counties of Grant and Harney and has one
12 judge.

13 (y) The twenty-fifth judicial district consists of Yamhill County and has four judges.

14 (z) The twenty-sixth judicial district consists of Lake County and has one judge.

15 (aa) The twenty-seventh judicial district consists of Tillamook County and has two judges.

16 (2) The Secretary of State shall designate position numbers equal to the number of judges in
17 each of the judicial districts established by this section. The positions shall reflect any qualifications
18 established by ORS 3.041.

19
20 **LEGISLATIVE BRANCH**

21
22 **SECTION 19.** ORS 171.072, as amended by section 1, chapter 578, Oregon Laws 2013, and sec-
23 tion 17, chapter 98, Oregon Laws 2018, is amended to read:

24 171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary
25 that equals [*the greater of:*]

26 [(a)] one step below the maximum step of Salary Range 1 in the Management Service Compen-
27 sation Plan in the executive department as defined in ORS 174.112[; or]

28 [(b) *Seventeen percent of the salary of a circuit court judge.*]

29 (2) The President of the Senate and the Speaker of the House of Representatives each shall re-
30 ceive for services, as additional salary, an amount equal to the salary allowed each of them as a
31 member under subsection (1) of this section.

32 (3) A member of the Legislative Assembly shall receive, as an allowance for expenses not oth-
33 erwise provided for, a per diem determined as provided in subsection (9) of this section for each day
34 within the period that the Legislative Assembly is in session, to be paid with the salary provided for
35 in subsection (1) of this section. Pursuant to procedures determined by the Legislative Adminis-
36 tration Committee, a member may draw from an accrued allowance.

37 (4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred
38 in the performance of official duties during periods when the legislature is not in session, \$400 for
39 each calendar month or part of a calendar month during those periods, to be paid monthly, and
40 subject to approval of the President of the Senate or Speaker of the House of Representatives,
41 mileage expenses and a per diem determined as provided in subsection (9) of this section for each
42 day a member is engaged in the business of legislative interim and statutory committees, including
43 advisory committees and subcommittees of advisory committees, and task forces and for each day
44 a member serves on interstate bodies, advisory committees and other entities on which the member
45 serves ex officio, whether or not the entity is a legislative one.

1 (5) In addition to the mileage and per diem expense payments provided by this section, a member
2 of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject
3 to approval by the President of the Senate or Speaker of the House of Representatives, for legisla-
4 tive business outside of the state.

5 (6) The President of the Senate and the Speaker of the House of Representatives may delegate
6 to the chairpersons of interim and statutory committees and task forces the approval authority
7 granted to the President and the Speaker by subsection (4) of this section, with respect to expenses
8 incurred in attending any meeting of a particular committee or task force.

9 (7) Amounts received under subsections (3) to (5) of this section are excluded from gross income
10 and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter
11 316. If there is attached to the personal income return a schedule of all ordinary and necessary
12 business expenses paid during the tax year as a member of the Legislative Assembly, a deduction
13 may be claimed on the return for legislative expenses paid in excess of the amounts received under
14 subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly who are re-
15 imburged by the state for actual expenses for meals and lodging associated with state travel for the
16 same period during which a legislator receives per diem are subject to state income tax.

17 (8) For periods when the Legislative Assembly is not in session, [*the Legislative Administration*
18 *Committee shall provide for a telephone and]* **a member of the Legislative Assembly shall receive**
19 **an expense allowance** [*for members of the Legislative Assembly*] that is in addition to the amount
20 allowed under subsection (4) of this section. [*In determining the amount of allowance for members, the*
21 *committee shall consider the geographic area of the member's district. The additional allowance shall*
22 **The amount allocated to a member under this subsection must be adjusted based on the ge-**
23 **ographic area of the member's district to** reflect travel expenses necessary to communicate in
24 [*districts of varying sizes*] **the district.**

25 (9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the
26 amount fixed for per diem allowance that is authorized by the United States Internal Revenue Ser-
27 vice to be excluded from gross income without itemization.

28 **SECTION 20.** 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 [*\$4 million*] **\$4,500,000;**
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
12 **ECONOMIC DEVELOPMENT**

13
14 **SECTION 21.** The University Innovation Research Fund is established in the State
15 Treasury, separate and distinct from the General Fund. Interest earned by the University
16 Innovation Research Fund must be credited to the fund. The fund consists of all moneys
17 appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or
18 otherwise and any donations or grants received for the purpose of the fund. Moneys in the
19 fund are continuously appropriated to the Oregon Business Development Department to
20 make grants to public universities listed in ORS 352.002 or grants to the Oregon Health and
21 Science University for the purpose of matching competitive federal research grant awards.

22
23 **DEPARTMENT OF JUSTICE**

24
25 **SECTION 22.** ORS 180.160 is amended to read:

26 180.160. (1) Subject to rules prescribed by the Attorney General, in rendering assistance to the
27 respective officers, departments, boards and commissions of state government, and other public
28 bodies, the Department of Justice may charge such officers, agencies and public bodies (including,
29 when appropriate, the Department of Justice itself) separately for the cost of such assistance, said
30 cost including, but not limited to salaries of assistants and administrative and clerical salaries, in-
31 vestigative services, and capital outlay; and shall also charge such officers, departments, boards,
32 commissions or public bodies for other costs incurred and disbursements made pursuant to request
33 or authorization in connection with such assistance, and not paid directly out of moneys appropri-
34 ated or otherwise available for expenditure by such officers, agencies or public bodies.

35 **(2) The Department of Justice may not impose charges under subsection (1) of this sec-**
36 **tion at rates greater than the rates established for the biennium through the legislative**
37 **budgeting process in the preceding odd-numbered year regular session of the Legislative**
38 **Assembly unless the department first notifies the Joint Committee on Ways and Means, the**
39 **Joint Interim Committee on Ways and Means or the Emergency Board.**

40 **SECTION 23.** ORS 180.095 is amended to read:

41 180.095. (1) The Department of Justice Protection and Education Revolving Account is created
42 in the General Fund. All moneys in the account are continuously appropriated to the Department
43 of Justice and may be used to pay for only the following activities:

- 44 (a) Restitution and refunds in proceedings described in paragraph (c) of this subsection;
45 (b) Consumer and business education relating to the laws governing antitrust, unlawful trade

1 practices and the environment; and

2 (c) Personal services, travel, meals, lodging and all other costs and expenses incurred by the
3 department in investigating, preparing, commencing and prosecuting the following actions and suits,
4 and enforcing judgments, settlements, compromises and assurances of voluntary compliance arising
5 out of the following actions and suits:

6 (A) Actions and suits under the state and federal antitrust laws;

7 (B) Actions and suits under ORS 336.184 and 646.605 to 646.656;

8 (C) Criminal prosecutions under state and federal environmental laws;

9 (D) Actions commenced under ORS 59.331; and

10 (E) Actions and suits under ORS 180.750 to 180.785.

11 (2) Moneys in the Department of Justice Protection and Education Revolving Account are not
12 subject to allotment. Upon request of the Attorney General, the State Treasurer shall create sub-
13 accounts within the account for the purposes of managing moneys in the account and allocating
14 those moneys to the activities described in subsection (1) of this section.

15 (3) Except as otherwise provided by law, all sums of money received by the Department of Jus-
16 tice under a judgment, settlement, compromise or assurance of voluntary compliance, including
17 damages, restitution, refunds, attorney fees, costs, disbursements and other recoveries, but excluding
18 civil penalties under ORS 646.642, in proceedings described in subsection (1)(c) of this section shall,
19 upon receipt, be deposited with the State Treasurer to the credit of the Department of Justice Pro-
20 tection and Education Revolving Account. However, if the action or suit was based on an expendi-
21 ture or loss from a public body or a dedicated fund, the amount of such expenditure or loss, after
22 deduction of attorney fees and expenses awarded to the department by the court or agreed to by the
23 parties, if any, shall be credited to the public body or dedicated fund and the remainder thereof
24 credited to the Department of Justice Protection and Education Revolving Account.

25 (4) If the Department of Justice recovers restitution or refunds in a proceeding described in
26 subsection (1)(c) of this section, and the department cannot determine the persons to whom the
27 restitution or refunds should be paid or the amount of the restitution or refund payable to individual
28 claimants is de minimis, the restitution or refunds may not be deposited in the Department of Justice
29 Protection and Education Revolving Account and shall be deposited in the General Fund.

30 (5) Before April 1 of each odd-numbered year, the Department of Justice shall report to the Joint
31 Committee on Ways and Means:

32 (a) The department's projection of the balance in the Department of Justice Protection and Ed-
33 ucation Revolving Account at the end of the biennium in which the report is made and at the end
34 of the following biennium;

35 (b) The amount of the balance held for restitution and refunds; and

36 (c) An estimate of the department's anticipated costs and expenses under subsection (1)(b) and
37 (c) of this section for the biennium in which the report is made and for the following biennium.

38 **(d) Any judgment, settlement, compromise or other recovery, the proceeds of which are**
39 **used for purposes other than:**

40 **(A) For deposit into the Department of Justice Protection and Education Revolving Ac-**
41 **count; or**

42 **(B) For payment of legal costs related to the judgment, settlement, compromise or other**
43 **recovery.**

44 (6) The Joint Committee on Ways and Means, after consideration of recommendations made by
45 the Department of Justice, shall use the information reported under subsection (5) of this section to

1 determine an appropriate balance for the revolving account.

2
3 **TRANSPORTATION**

4
5 **SECTION 24.** Notwithstanding ORS 184.751, the Department of Transportation shall
6 transfer the amount of \$10,100,000 from the Statewide Transportation Improvement Fund
7 established under ORS 184.751 to the Elderly and Disabled Special Transportation Fund es-
8 tablished under ORS 391.800, to be used for the purposes of distribution to transit entities
9 to support elderly and disabled transit services. The transfer shall be made on July 1, 2019.

10
11 **CAPTIONS**

12
13 **SECTION 25.** The unit captions used in this 2019 Act are provided only for the conven-
14 ience of the reader and do not become part of the statutory law of this state or express any
15 legislative intent in the enactment of this 2019 Act.

16
17 **EMERGENCY CLAUSE**

18
19 **SECTION 26.** This 2019 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
21 on its passage.

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