

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2377**

1 In line 2 of the printed A-engrossed bill, after the semicolon delete the  
2 rest of the line and insert “creating new provisions; amending ORS 3.012,  
3 21.007, 171.072, 180.095, 180.160, 291.278, 292.406, 292.411, 292.416, 292.426 and  
4 475B.759; repealing ORS 9.577 and section 5, chapter 775, Oregon Laws 2009,  
5 and section 3, chapter 81, Oregon Laws 2018; and declaring an emergency.”.

6 Delete lines 4 through 16 and insert:  
7

8 **“TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES**  
9

10 **“SECTION 1. Notwithstanding ORS 30.282, 30.285, 278.425, 655.515 and**  
11 **655.540, the amount of \$10,000,000 is transferred from the Insurance**  
12 **Fund to the General Fund for general governmental purposes. The**  
13 **transfer shall be made on May 31, 2021.**

14 **“SECTION 2. Notwithstanding ORS 283.076, the amount of**  
15 **\$50,900,000 is transferred from the Oregon Department of Administra-**  
16 **tive Services Operating Fund to the General Fund for general govern-**  
17 **mental purposes. The transfer shall be made on May 31, 2021.**

18 **“SECTION 3. Notwithstanding ORS 276A.209, the amount of**  
19 **\$26,500,000 is transferred from the State Information Technology Op-**  
20 **erating Fund to the General Fund for general governmental purposes.**  
21 **The transfer shall be made on May 31, 2021.**

1       **“SECTION 4. Notwithstanding ORS 180.095, the amount of**  
2 **\$46,000,000 is transferred from the Department of Justice Protection**  
3 **and Education Revolving Account to the General Fund for general**  
4 **governmental purposes. The transfer shall be made on May 31, 2021.**

5       **“SECTION 5. Notwithstanding ORS 741.102, the amount of \$3,800,000**  
6 **is transferred from the Health Insurance Exchange Fund to the Gen-**  
7 **eral Fund for general governmental purposes. The transfer shall be**  
8 **made on May 31, 2021.**

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

13       **“SECTION 7. Notwithstanding ORS 243.167, the amount of**  
14 **\$15,000,000 is transferred from the Public Employees’ Revolving Fund**  
15 **to the General Fund for general governmental purposes. The transfer**  
16 **shall be made on May 31, 2021.**

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

21  
22                               **“MARIJUANA REVENUE DISTRIBUTION**

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24       **“SECTION 9. Section 3, chapter 81, Oregon Laws 2018, is repealed.**

25       **“SECTION 10. ORS 475B.759, as amended by sections 1 and 2, chapter**  
26 **81, Oregon Laws 2018, is amended to read:**

27       **“475B.759. (1) There is established the Oregon Marijuana Account, sepa-**  
28 **rate and distinct from the General Fund.**

29       **“(2) The account shall consist of moneys transferred to the account under**  
30 **ORS 475B.760.**

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

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

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

8       “(i) Seventy-five percent of the 10 percent must be transferred in shares  
9 that reflect the population of each city of this state that is not exempt from  
10 this paragraph pursuant to subsection (4)(a) of this section compared to the  
11 population of all cities of this state that are not exempt from this paragraph  
12 pursuant to subsection (4)(a) of this section, as determined by Portland State  
13 University under ORS 190.510 to 190.610, on the date immediately preceding  
14 the date of the transfer; and

15       “(ii) Twenty-five percent of the 10 percent must be transferred in shares  
16 that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090,  
17 475B.100 and 475B.105 on the last business day of the calendar quarter pre-  
18 ceding the date of the transfer for premises located in each city compared  
19 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100  
20 and 475B.105 on the last business day of that calendar quarter for all prem-  
21 ises in this state located in cities; and

22       “(B) Ten percent of the moneys in the account must be transferred to  
23 counties in the following shares:

24       “(i) Fifty percent of the 10 percent must be transferred in shares that re-  
25 flect the total commercially available area of all grow canopies associated  
26 with marijuana producer licenses held pursuant to ORS 475B.070 on the last  
27 business day of the calendar quarter preceding the date of the transfer for  
28 all premises located in each county compared to the total commercially  
29 available area of all grow canopies associated with marijuana producer li-  
30 censes held pursuant to ORS 475B.070 on the last business day of that cal-

1 endar quarter for all premises located in this state; and

2 “(ii) Fifty percent of the 10 percent must be transferred in shares that  
3 reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and  
4 475B.105 on the last business day of the calendar quarter preceding the date  
5 of the transfer for premises located in each county compared to the number  
6 of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last  
7 business day of that calendar quarter for all premises in this state.

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

10 “(A) Forty percent of the moneys in the account must be used solely for  
11 purposes for which moneys in the State School Fund established under ORS  
12 327.008 may be used;

13 “(B) Twenty percent of the moneys in the account must be used solely for  
14 [*purposes for which moneys in the Mental Health Alcoholism and Drug Ser-*  
15 *vices Account established under ORS 430.380 may be used*] **mental health**  
16 **treatment or for alcohol and drug abuse prevention, early intervention**  
17 **and treatment;**

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

21 “(D) Five percent of the moneys in the account must be used solely for  
22 purposes related to alcohol and drug abuse prevention, early intervention  
23 and treatment services.

24 “(4)(a) A city that has an ordinance prohibiting the establishment of a  
25 premises for which issuance of a license under ORS 475B.070, 475B.090,  
26 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys  
27 under subsection (3)(b)(A) of this section.

28 “(b) A county that has an ordinance prohibiting the establishment of a  
29 premises for which issuance of a license under ORS 475B.070 is required is  
30 not eligible to receive transfers of moneys under subsection (3)(b)(B)(i) of

1 this section.

2 “(c) A county that has an ordinance prohibiting the establishment of a  
3 premises for which issuance of a license under ORS 475B.090, 475B.100 or  
4 475B.105 is required is not eligible to receive transfers of moneys under  
5 subsection (3)(b)(B)(ii) of this section.

6 “(5) In a form and manner prescribed by the Oregon Liquor Control  
7 Commission, each city and county in this state shall certify with the com-  
8 mission whether the city or county has an ordinance prohibiting the estab-  
9 lishment of a premises for which issuance of a license under ORS 475B.070,  
10 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this  
11 subsection, the city is not eligible to receive transfers of moneys under sub-  
12 section (3)(b)(A) of this section. If a county fails to comply with this sub-  
13 section, the county is not eligible to receive transfers of moneys under  
14 subsection (3)(b)(B) of this section.

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## “HOUSING AND COMMUNITY SERVICES

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18 “**SECTION 11.** ORS 21.007 is amended to read:

19 “21.007. It is the intent of the Legislative Assembly that funding be pro-  
20 vided to the following entities by appropriations each biennium to fund pro-  
21 grams, services and activities that were funded through court fees before the  
22 2011-2013 biennium:

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

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

27 “(3) To Portland State University and the University of Oregon to fund  
28 the programs and expenses of the Mark O. Hatfield School of Government  
29 and the University of Oregon School of Law under ORS 36.100 to 36.238 and  
30 183.502.

1        “[4] *To the Housing and Community Services Department for the purpose*  
2 *of funding programs that defray the cost of rent for dwelling units for very low*  
3 *income households.*]

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

8        “[6] (5) To the State Department of Agriculture for the purpose of  
9 funding mediation programs established by the department, other than indi-  
10 vidual farm credit mediations.

11       “[7] (6) To the Judicial Department for the purposes of funding the ap-  
12 pellate settlement program established under ORS 2.560.

13       “[8] (7) To the Department of Human Services for the funding of the  
14 Office of Children’s Advocate.

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16                                    **“TRUST FOR CULTURAL DEVELOPMENT ACCOUNT**

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

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20                                    **“LEGAL AID ACCOUNT**

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22        **“SECTION 13. ORS 9.577 is repealed.**

23        **“SECTION 14. (1) The Legal Aid Account established under ORS**  
24 **9.577 is abolished on the effective date of this 2019 Act.**

25        **“(2) Any moneys remaining in the account specified in subsection**  
26 **(1) of this section on the effective date of this 2019 Act shall be trans-**  
27 **ferred, on the effective date of this 2019 Act, to the General Fund for**  
28 **general governmental purposes.**

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30                                    **“JUDICIARY**

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

3        “292.406. (1)(a) The annual salary of the Chief Judge of the Court of Ap-  
4 peals shall be [~~\$147,560~~] **\$154,040** for the period beginning on January 1,  
5 [2017] **2019**, and ending on June 30, [2018] **2020**.

6        “(b) On July 1, [2018] **2020**, the annual salary of the Chief Judge of the  
7 Court of Appeals, as adjusted under ORS 292.428, shall be increased by  
8 \$5,000.

9        “(2)(a) The annual salary of each other judge of the Court of Appeals  
10 shall be [~~\$144,536~~] **\$150,980** for the period beginning on January 1, [2017]  
11 **2019**, and ending on June 30, [2018] **2020**.

12       “(b) On July 1, [2018] **2020**, the annual salary of each other judge of the  
13 Court of Appeals, as adjusted under ORS 292.428, shall be increased by  
14 \$5,000.

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

17        “292.411. (1)(a) The annual salary of the Chief Justice of the Supreme  
18 Court shall be [~~\$150,572~~] **\$157,076** for the period beginning on January 1,  
19 [2017] **2019**, and ending on June 30, [2018] **2020**.

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

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

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

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

29        “292.416. (1) The annual salary of each judge of a circuit court shall be  
30 [~~\$135,776~~] **\$142,136** for the period beginning on January 1, [2017] **2019**, and

1 ending on June 30, [2018] **2020**.

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

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

6 “292.426. (1) The annual salary of the judge of the Oregon Tax Court shall  
7 be [~~\$139,652~~] **\$146,048** for the period beginning on January 1, [2017] **2019**, and  
8 ending on June 30, [2018] **2020**.

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

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

13 “3.012. (1) The judicial districts, the counties constituting the judicial  
14 districts and the number of circuit court judges for each judicial district are  
15 as follows:

16 “(a) The first judicial district consists of Jackson County and has [~~nine~~]  
17 **10** judges.

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

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

22 “(d) The fourth judicial district consists of Multnomah County and has  
23 38 judges.

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

26 “(f) The sixth judicial district consists of the counties of Morrow and  
27 Umatilla and has five judges.

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

30 “(h) The eighth judicial district consists of Baker County and has one



1 judge.

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

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

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

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

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

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

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

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

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

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

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

24 “(t) The twentieth judicial district consists of Washington County and has  
25 15 judges.

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

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

30 “(w) The twenty-third judicial district consists of Linn County and has

1 five judges.

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

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

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

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

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

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## “LEGISLATIVE BRANCH

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16 “**SECTION 19.** ORS 171.072, as amended by section 1, chapter 578, Oregon  
17 Laws 2013, and section 17, chapter 98, Oregon Laws 2018, is amended to read:

18 “171.072. (1) A member of the Legislative Assembly shall receive for ser-  
19 vices an annual salary that equals [*the greater of:*]

20 “[*(a)*] one step below the maximum step of Salary Range 1 in the Man-  
21 agement Service Compensation Plan in the executive department as defined  
22 in ORS 174.112[; *or*]

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

24 “(2) The President of the Senate and the Speaker of the House of Repre-  
25 sentatives each shall receive for services, as additional salary, an amount  
26 equal to the salary allowed each of them as a member under subsection (1)  
27 of this section.

28 “(3) A member of the Legislative Assembly shall receive, as an allowance  
29 for expenses not otherwise provided for, a per diem determined as provided  
30 in subsection (9) of this section for each day within the period that the

1 Legislative Assembly is in session, to be paid with the salary provided for  
2 in subsection (1) of this section. Pursuant to procedures determined by the  
3 Legislative Administration Committee, a member may draw from an accrued  
4 allowance.

5 “(4) A member of the Legislative Assembly shall receive, as an allowance  
6 for expenses incurred in the performance of official duties during periods  
7 when the legislature is not in session, \$400 for each calendar month or part  
8 of a calendar month during those periods, to be paid monthly, and subject  
9 to approval of the President of the Senate or Speaker of the House of Rep-  
10 resentatives, mileage expenses and a per diem determined as provided in  
11 subsection (9) of this section for each day a member is engaged in the busi-  
12 ness of legislative interim and statutory committees, including advisory  
13 committees and subcommittees of advisory committees, and task forces and  
14 for each day a member serves on interstate bodies, advisory committees and  
15 other entities on which the member serves ex officio, whether or not the  
16 entity is a legislative one.

17 “(5) In addition to the mileage and per diem expense payments provided  
18 by this section, a member of the Legislative Assembly may receive re-  
19 imbursement for actual and necessary expenses, subject to approval by the  
20 President of the Senate or Speaker of the House of Representatives, for leg-  
21 islative business outside of the state.

22 “(6) The President of the Senate and the Speaker of the House of Repre-  
23 sentatives may delegate to the chairpersons of interim and statutory com-  
24 mittees and task forces the approval authority granted to the President and  
25 the Speaker by subsection (4) of this section, with respect to expenses in-  
26 curred in attending any meeting of a particular committee or task force.

27 “(7) Amounts received under subsections (3) to (5) of this section are ex-  
28 cluded from gross income and expenditures of the amounts are excluded in  
29 computing deductions for purposes of ORS chapter 316. If there is attached  
30 to the personal income return a schedule of all ordinary and necessary

1 business expenses paid during the tax year as a member of the Legislative  
2 Assembly, a deduction may be claimed on the return for legislative expenses  
3 paid in excess of the amounts received under subsections (3) to (5) of this  
4 section. Expenses of members of the Legislative Assembly who are reim-  
5 bursed by the state for actual expenses for meals and lodging associated with  
6 state travel for the same period during which a legislator receives per diem  
7 are subject to state income tax.

8 “(8) For periods when the Legislative Assembly is not in session, [*the*  
9 *Legislative Administration Committee shall provide for a telephone and*] **a**  
10 **member of the Legislative Assembly shall receive** an expense allowance  
11 [*for members of the Legislative Assembly*] that is in addition to the amount  
12 allowed under subsection (4) of this section. [*In determining the amount of*  
13 *allowance for members, the committee shall consider the geographic area of the*  
14 *member’s district. The additional allowance shall*] **The amount allocated to**  
15 **a member under this subsection must be adjusted based on the ge-**  
16 **ographic area of the member’s district to** reflect travel expenses neces-  
17 sary to communicate in [*districts of varying sizes*] **the district.**

18 “(9) The per diem allowance referred to in subsections (3) and (4) of this  
19 section shall be the amount fixed for per diem allowance that is authorized  
20 by the United States Internal Revenue Service to be excluded from gross  
21 income without itemization.

22 **“SECTION 20.** ORS 291.278 is amended to read:

23 “291.278. (1) Upon completion of the determination by the Oregon De-  
24 partment of Administrative Services under ORS 291.274 and 291.276, the de-  
25 partment shall:

26 “(a) Transfer to the Legislative Fiscal Office Operating Fund, with ap-  
27 propriate notice to the State Treasurer, out of moneys appropriated to each  
28 state agency, the amount of [*\$4 million*] **\$4,500,000**; and

29 “(b) After deducting the amounts specified in paragraph (a) of this sub-  
30 section, transfer to the General Fund, with appropriate notice to the State

1 Treasurer, out of moneys appropriated to each state agency, the amount of  
2 governmental service expenses certified for the agency.

3 “(2) In the case of a state agency that collects or receives moneys for fees,  
4 fines, licenses or taxes not by law made a part of the General Fund available  
5 for general governmental purposes, if moneys available to such state agency  
6 are not sufficient to permit the transfers under subsection (1) of this section,  
7 the department shall notify the state agency of the amount certified with  
8 respect to the state agency under ORS 291.274 and 291.276, less any amount  
9 transferred out of moneys appropriated to such state agency under subsection  
10 (1) of this section. Thereafter, until such balance has been paid into the  
11 General Fund, 10 percent of all moneys collected or received by the state  
12 agency for fees, fines, licenses or taxes not by law made a part of the General  
13 Fund available for general governmental purposes shall be:

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

17 “(b) Paid to the State Treasurer by the state agency receiving such mon-  
18 eys at the time when they are received by the state agency if such moneys  
19 are authorized by law to be kept and disbursed other than by and through  
20 the State Treasurer, and be credited by the State Treasurer to and made a  
21 part of the General Fund available for general governmental purposes.

22 “(3) The transfers and payments to the Legislative Fiscal Office Operating  
23 Fund and the General Fund required by this section shall be made notwith-  
24 standing any law that appropriates such moneys or any of them to any other  
25 purposes, and such portion so paid and transferred is not subject to any  
26 special uses thereby provided.

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## “ECONOMIC DEVELOPMENT

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30 **“SECTION 21. The University Innovation Research Fund is estab-**

1 lished in the State Treasury, separate and distinct from the General  
2 Fund. Interest earned by the University Innovation Research Fund  
3 must be credited to the fund. The fund consists of all moneys appro-  
4 priated, allocated, deposited or transferred to the fund by the Legisla-  
5 tive Assembly or otherwise and any donations or grants received for  
6 the purpose of the fund. Moneys in the fund are continuously appro-  
7 priated to the Oregon Business Development Department to make  
8 grants to public universities listed in ORS 352.002 or grants to the  
9 Oregon Health and Science University for the purpose of matching  
10 competitive federal research grant awards.

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**“DEPARTMENT OF JUSTICE**

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14 **“SECTION 22.** ORS 180.160 is amended to read:

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

**“(2) The Department of Justice may not impose charges under subsection (1) of this section at rates greater than the rates established for the biennium through the legislative budgeting process in the preceding odd-numbered year regular session of the Legislative**

1 **Assembly unless the department first notifies Joint Committee on**  
2 **Ways and Means, the Joint Interim Committee on Ways and Means**  
3 **or the Emergency Board.**

4 **“SECTION 23.** ORS 180.095 is amended to read:

5 “180.095. (1) The Department of Justice Protection and Education Re-  
6 volving Account is created in the General Fund. All moneys in the account  
7 are continuously appropriated to the Department of Justice and may be used  
8 to pay for only the following activities:

9 “(a) Restitution and refunds in proceedings described in paragraph (c) of  
10 this subsection;

11 “(b) Consumer and business education relating to the laws governing  
12 antitrust, unlawful trade practices and the environment; and

13 “(c) Personal services, travel, meals, lodging and all other costs and ex-  
14 penses incurred by the department in investigating, preparing, commencing  
15 and prosecuting the following actions and suits, and enforcing judgments,  
16 settlements, compromises and assurances of voluntary compliance arising out  
17 of the following actions and suits:

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

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

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

21 “(D) Actions commenced under ORS 59.331; and

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

23 “(2) Moneys in the Department of Justice Protection and Education Re-  
24 volving Account are not subject to allotment. Upon request of the Attorney  
25 General, the State Treasurer shall create subaccounts within the account for  
26 the purposes of managing moneys in the account and allocating those moneys  
27 to the activities described in subsection (1) of this section.

28 “(3) Except as otherwise provided by law, all sums of money received by  
29 the Department of Justice under a judgment, settlement, compromise or as-  
30 surance of voluntary compliance, including damages, restitution, refunds,

1 attorney fees, costs, disbursements and other recoveries, but excluding civil  
2 penalties under ORS 646.642, in proceedings described in subsection (1)(c) of  
3 this section shall, upon receipt, be deposited with the State Treasurer to the  
4 credit of the Department of Justice Protection and Education Revolving Ac-  
5 count. However, if the action or suit was based on an expenditure or loss  
6 from a public body or a dedicated fund, the amount of such expenditure or  
7 loss, after deduction of attorney fees and expenses awarded to the department  
8 by the court or agreed to by the parties, if any, shall be credited to the  
9 public body or dedicated fund and the remainder thereof credited to the De-  
10 partment of Justice Protection and Education Revolving Account.

11 “(4) If the Department of Justice recovers restitution or refunds in a  
12 proceeding described in subsection (1)(c) of this section, and the department  
13 cannot determine the persons to whom the restitution or refunds should be  
14 paid or the amount of the restitution or refund payable to individual claim-  
15 ants is de minimis, the restitution or refunds may not be deposited in the  
16 Department of Justice Protection and Education Revolving Account and  
17 shall be deposited in the General Fund.

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

20 “(a) The department’s projection of the balance in the Department of  
21 Justice Protection and Education Revolving Account at the end of the  
22 biennium in which the report is made and at the end of the following  
23 biennium;

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

25 “(c) An estimate of the department’s anticipated costs and expenses under  
26 subsection (1)(b) and (c) of this section for the biennium in which the report  
27 is made and for the following biennium.

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

30 “(A) **For deposit into the Department of Justice Protection and**



1 **Education Revolving Account; or**

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

4 **“(6) The Joint Committee on Ways and Means, after consideration of**  
5 **recommendations made by the Department of Justice, shall use the informa-**  
6 **tion reported under subsection (5) of this section to determine an appropriate**  
7 **balance for the revolving account.**

8

9 **“TRANSPORTATION**

10

11 **“SECTION 24. Notwithstanding ORS 184.751, the Department of**  
12 **Transportation shall transfer the amount of \$10,100,000 from the**  
13 **Statewide Transportation Improvement Fund established under ORS**  
14 **184.751 to the Elderly and Disabled Special Transportation Fund es-**  
15 **tablished under ORS 391.800, to be used for the purposes of distribution**  
16 **to transit entities to support elderly and disabled transit services. The**  
17 **transfer shall be made on July 1, 2019.**

18

19 **“CAPTIONS**

20

21 **“SECTION 25. The unit captions used in this 2019 Act are provided**  
22 **only for the convenience of the reader and do not become part of the**  
23 **statutory law of this state or express any legislative intent in the**  
24 **enactment of this 2019 Act.**

25

26 **“EMERGENCY CLAUSE**

27

28 **“SECTION 26. This 2019 Act being necessary for the immediate**  
29 **preservation of the public peace, health and safety, an emergency is**  
30 **declared to exist, and this 2019 Act takes effect on its passage.”.**

