

A-Engrossed
House Bill 4163

Ordered by the House March 4
Including House Amendments dated March 4

Sponsored by JOINT COMMITTEE ON WAYS AND MEANS

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.

Changes date of Legislative Fiscal Office report on liquidated and delinquent accounts.

Eliminates requirement that Joint Committee on Ways and Means include maximum supervisory ratios in budget notes and reports.

Repeals transfer of moneys from certain funds and accounts to General Fund.

Modifies method for calculating amount transferred from Administrative Services Economic Development Fund to Employer Incentive Fund.

Provides that State Chief Information Officer and Oregon Department of Administrative Services are not prohibited from incurring costs or requesting additional resources to develop, maintain or enhance Oregon transparency website.

Modifies method for calculating amount transferred from Common School Fund Account to School Districts Unfunded Liability Fund.

Directs Oregon Department of Administrative Services to report on new or changed terms relating to compensation in certain collective bargaining agreements.

Provides that certain expenditures from Water Supply Development Account are not subject to application process or public benefit scoring or ranking.

Modifies types of debt service to be paid from particular appropriations and expenditures limitations.

Directs Public Employees Retirement Board to submit preliminary proposals for crediting interest or investment income to funds or accounts.

Transfers moneys from School Districts Unfunded Liability Fund to Employer Incentive Fund.

Provides that Legislative Assembly shall reflect balances of General Fund appropriations made to judicial department and legislative department, and adjustments thereto, in appropriation measure during each biennium.

Increases number of circuit court judges in certain judicial districts.

Establishes statutory program for distribution of moneys for tide gate projects.

Establishes statutory program for distribution of grants for alternative education programs.

Modifies procedure for payment to children's advocacy centers by Department of Justice in certain child abuse cases.

Directs Oregon Tourism Commission to provide information and assistance to certain state agencies for purpose of reporting on adjustments necessary to establish commission as program within Oregon Business Development Department. Prohibits certain state agencies from disclosing certain records received from commission in response to public records request.

Modifies recipient of certain amounts distributed for emergency shelter in City of Eugene.

Merges Elderly and Disabled Special Transportation Fund with Statewide Transportation Improvement Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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Relating to state financial administration; creating new provisions; amending ORS 3.012, 147.225, 147.390, 184.642, 184.675, 184.751, 184.758, 184.761, 184.766, 238.670, 276A.253, 291.227, 293.195, 293.229, 293.252, 293.701, 323.455, 323.457, 329A.430, section 20, chapter 725, Oregon Laws 2017, sections 22 and 23, chapter 105, Oregon Laws 2018, section 44, chapter 355, Oregon Laws 2019,

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 sections 4 and 6, chapter 609, Oregon Laws 2019, section 5a, chapter 642, Oregon Laws 2019,
2 section 85, chapter 678, Oregon Laws 2019, and section 15, chapter __, Oregon Laws 2020 (En-
3 rolled House Bill 4001); repealing ORS 391.800, 391.802, 391.810, 391.815, 391.820 and 391.830 and
4 section 21, chapter 725, Oregon Laws 2017, and sections 1, 2, 3, 4, 6 and 7, chapter 643, Oregon
5 Laws 2019; and declaring an emergency.

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

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8 **FISCAL REPORTING**

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10 **SECTION 1.** ORS 293.229 is amended to read:

11 293.229. (1) Not later than October 1 of each fiscal year, each state agency shall submit a report
12 to the Legislative Fiscal Office that describes the status of that agency's liquidated and delinquent
13 accounts and efforts made by that agency to collect liquidated and delinquent accounts during the
14 previous fiscal year. The report required under this subsection shall be in a form prescribed by the
15 Legislative Fiscal Office and shall include but not be limited to:

- 16 (a) Beginning balance and total number of all liquidated and delinquent accounts;
17 (b) New liquidated and delinquent accounts added during the last preceding fiscal year;
18 (c) Total collections of liquidated and delinquent accounts;
19 (d) Total amount and total number of liquidated and delinquent accounts that have been written
20 off;
21 (e) Total number and ending balance of all liquidated and delinquent accounts;
22 (f) Total amount of liquidated and delinquent accounts assigned to the Department of Revenue
23 and the total amount collected by the department under ORS 293.250;
24 (g) Total amount of liquidated and delinquent accounts assigned to private collection agencies
25 and the total amount collected by private collection agencies under ORS 293.231;
26 (h) Total number and total amount of all liquidated and delinquent accounts exempted under
27 ORS 293.233;
28 (i) Total number and ending balance of all liquidated and delinquent accounts that have been
29 placed in suspended collection status under ORS 305.155; and
30 (j) A statement indicating whether the agency has liquidated and delinquent accounts that are
31 not exempt under ORS 293.233, or are otherwise prohibited or exempted by law from assignment, for
32 which no payment has been received for more than 90 days and that have not been assigned to the
33 Department of Revenue under ORS 293.231.

34 (2) If a state agency reports under subsection (1) of this section that the total ending balance
35 of its liquidated and delinquent accounts is \$50 million or greater, the state agency shall, not later
36 than three months after it submits the report under subsection (1) of this section, submit an addi-
37 tional report to the committees or interim committees of the Legislative Assembly related to ways
38 and means that:

- 39 (a) Describes major categories of liquidated and delinquent accounts held by the state agency;
40 (b) Describes circumstances under which the state agency writes off or adjusts liquidated and
41 delinquent amounts or removes an account from liquidated and delinquent status;
42 (c) Describes actions undertaken by the state agency to reduce the amount of liquidated and
43 delinquent debt owed to it at the end of each fiscal year; and
44 (d) Sets forth a plan for future actions that will reduce the amount of liquidated and delinquent
45 debt owed to the state agency at the end of each fiscal year and describes any additional resources

1 that are necessary to carry out the plan.

2 (3) The Legislative Fiscal Office shall produce an annual report not later than [*December 31*]
3 **February 1** of each fiscal year on the status of liquidated and delinquent accounts of state agencies
4 and the judicial branch of state government. The report shall be based on the reports submitted by
5 state agencies as required in this section and on reports submitted by the judicial branch of state
6 government under ORS 1.195.

7 (4) The report required under subsection (3) of this section shall:

8 (a) List those state agencies, including the judicial branch of state government, that have liqui-
9 dated and delinquent accounts that are not exempt under ORS 1.198, 1.199 or 293.233, or are other-
10 wise prohibited or exempted by law from assignment, for which no payment has been received for
11 more than 90 days and that have not been assigned to a private collection agency or to the De-
12 partment of Revenue under ORS 1.197 or assigned to the Department of Revenue under 293.231;

13 (b) List separately information about the liquidated and delinquent accounts of the Secretary
14 of State, the State Treasurer, other state agencies in the executive branch of state government and
15 the judicial branch of state government; and

16 (c) Include any other information the Legislative Fiscal Office determines is necessary to de-
17 scribe the status of liquidated and delinquent accounts across offices and branches of state govern-
18 ment.

19 (5) Notwithstanding ORS 293.227, as used in this section, “state agency” has the meaning given
20 that term in ORS 293.226, except that it:

21 (a) Does not include the judicial department as defined in ORS 174.113 or the legislative de-
22 partment as defined in ORS 174.114; and

23 (b) Includes public universities listed in ORS 352.002 and Oregon Health and Science University,
24 notwithstanding ORS 352.138 and 353.100.

25 **SECTION 2.** ORS 293.252 is amended to read:

26 293.252. (1) The Oregon Department of Administrative Services shall monitor state agency debt
27 collection functions described by law and assist state agencies in efforts to improve the collection
28 of delinquent debts owed to state agencies. The department’s duties under this subsection include,
29 but are not limited to:

30 (a) Providing training to state agencies regarding processing and managing accounts receivable
31 in compliance with applicable law and state policies.

32 (b) Providing technical assistance to state agencies in resolving challenges in processing and
33 managing accounts receivable and developing financial administrative systems to improve the han-
34 dling of liquidated and delinquent accounts.

35 (c) Developing performance standards for state debt collection, including but not limited to
36 standards defining what constitutes liquidated and delinquent accounts and when debt may be
37 written off pursuant to ORS 293.240.

38 (d) Working with state agencies to improve the quality and value of data that each state agency
39 submits to the Legislative Fiscal Office for purposes of ORS 293.229.

40 (e) Submitting an annual management report to the Legislative Assembly not later than [*De-*
41 *cember 31*] **February 1** of each fiscal year, in conjunction with the report of the Legislative Fiscal
42 Office produced under ORS 293.229, that identifies important issues and significant trends in state
43 agency debt collection practices and describes and evaluates efforts by state agencies to improve
44 the collection of delinquent debt.

45 (2) The department shall adopt policies:

1 (a) Providing guidance for the collection of liquidated and delinquent accounts owing to state
2 agencies.

3 (b) Setting procedures for state agencies to account for and manage information regarding the
4 agency's liquidated and delinquent accounts.

5 (c) After consultation with the Attorney General, setting criteria for effective and efficient as-
6 signment of liquidated and delinquent accounts to the Department of Revenue or private collection
7 agencies, and setting performance measurements to be used in the application of the criteria.

8 (d) For the allocation, form and amount of charges or fees added to liquidated and delinquent
9 accounts under ORS 293.231, 293.250 and 697.105.

10 (e) Setting exemptions or adjustments for state agencies that are prohibited by law from adding
11 or collecting fees under ORS 293.231, 293.250 or 697.105 and for agencies for which the addition or
12 collection of the fees is not feasible given the agency resources available for collection of accounts
13 receivable.

14 (f) For the improvement of communications regarding liquidated and delinquent accounts among
15 state agencies and between private collection agencies and the Department of Revenue.

16 (g) Describing conditions under which a state agency may request and collect Social Security
17 numbers in accordance with state and federal law when it is reasonably foreseeable that a person
18 may owe the state agency a liquidated and delinquent amount as a result of a transaction or activ-
19 ity.

20 (h) After consultation with the Attorney General, setting criteria under which state agencies,
21 the Department of Revenue and private collection agencies may propose and accept offers of com-
22 promise as provided in ORS 293.240.

23 (3) As used in this section, "state agency" has the meaning given that term in ORS 293.226,
24 except that it does not include the judicial department as defined in ORS 174.113, the Secretary of
25 State or the State Treasurer.

26 **SECTION 3.** ORS 291.227 is amended to read:

27 291.227. (1)(a) As part of the development of the legislatively adopted budget, each state agency
28 that employs more than 100 employees shall report to the Joint Committee on Ways and Means the
29 state agency's maximum supervisory ratio for the biennium.

30 (b) Before submitting the report to the committee, a state agency shall provide a copy of the
31 report to all labor organizations that represent employees of the state agency.

32 (2) A state agency must determine its maximum supervisory ratio by starting from a baseline
33 ratio of one to 11 and adjusting the ratio based on some or all of the following factors:

34 (a) Safety of the public or of state agency employees;

35 (b) Geographic location of the agency's employees;

36 (c) Complexity of the agency's duties;

37 (d) Industry best practices and standards;

38 (e) Size and hours of operation of the agency;

39 (f) Unique personnel needs of the agency, including the agency's use of volunteers or seasonal
40 or temporary employees, or the exercise of supervisory authority by agency supervisory employees
41 over personnel who are not agency employees; and

42 (g) Financial scope and responsibility of the agency.

43 (3) The Joint Committee on Ways and Means shall review the maximum supervisory ratios re-
44 ported by state agencies. *[The committee shall include the maximum supervisory ratio in a budget*
45 *report or budget note for each state agency that reported a maximum supervisory ratio.]*

1 (4) Subject to subsection (5) of this section, a state agency whose actual supervisory ratio is
2 greater than its maximum supervisory ratio may not fill a supervisory position.

3 (5)(a) The Oregon Department of Administrative Services may exempt a state agency from the
4 limitations of subsection (4) of this section if the department determines that an additional supervi-
5 sory position is reasonably necessary to the state agency. The department must make the determi-
6 nation with reference to some or all of the factors set forth in subsection (2) of this section.

7 (b) At least five business days before granting an exemption under this subsection, the depart-
8 ment shall notify all labor organizations that represent employees of the state agency of its intent
9 to grant the exemption.

10 (6)(a) The department shall, once per quarter, produce reports on the actual supervisory ratio
11 of each state agency. The reports must include data on job families within each state agency to the
12 extent such data is reasonably available.

13 (b) The department shall make the reports publicly available on the Internet and shall notify
14 all labor organizations that represent state employees when the reports are available.

15 (7) The department may adopt rules for the administration of this section, including rules gov-
16 erning how temporary, seasonal or part-time employees are accounted for in the calculation of a
17 supervisory ratio.

18 (8) As used in this section:

19 (a) "Job families" means groups of occupations based upon work performed, skills, education,
20 training and credentials.

21 (b) "Legislatively adopted budget" has the meaning given that term in ORS 291.002.

22 (c)(A) "State agency" means all state officers, boards, commissions, departments, institutions,
23 branches, agencies, divisions and other entities, without regard to the designation given to those
24 entities, that are within the executive branch of government as described in Article III, section 1,
25 of the Oregon Constitution.

26 (B) "State agency" does not include:

27 (i) The legislative department as defined in ORS 174.114;

28 (ii) The judicial department as defined in ORS 174.113;

29 (iii) The Public Defense Services Commission;

30 (iv) The Secretary of State and the State Treasurer;

31 (v) Semi-independent state agencies listed in ORS 182.454;

32 (vi) The Oregon Tourism Commission;

33 (vii) The Oregon Film and Video Office;

34 (viii) Public universities listed in ORS 352.002;

35 (ix) The Oregon Health and Science University;

36 (x) The Travel Information Council;

37 (xi) Oregon Corrections Enterprises;

38 (xii) The Oregon State Lottery Commission;

39 (xiii) The State Accident Insurance Fund Corporation;

40 (xiv) The Oregon Utility Notification Center;

41 (xv) Oregon Community Power;

42 (xvi) The Citizens' Utility Board;

43 (xvii) A special government body as defined in ORS 174.117;

44 (xviii) Any other public corporation created under a statute of this state and specifically desig-
45 nated as a public corporation; and

1 (xix) Any other semi-independent state agency denominated by statute as a semi-independent
2 state agency.

3 (d) "Supervisory employee" has the meaning given that term in ORS 243.650.

4 (e) "Supervisory ratio" means the ratio of employees who are supervisory employees to em-
5 ployees who are not supervisory employees.

6
7 **OREGON MEDICAL BOARD**

8
9 **SECTION 4. Section 6, chapter 643, Oregon Laws 2019, is repealed.**

10
11 **LOTTERY TRANSFER TO EMPLOYER INCENTIVE FUND**

12
13 **SECTION 5.** Section 44, chapter 355, Oregon Laws 2019, is amended to read:

14 **Sec. 44.** (1) The Oregon State Lottery Commission shall separately record and account for the
15 costs and net proceeds of sports betting games.

16 (2) When the commission transfers net lottery proceeds to the Administrative Services Economic
17 Development Fund established under ORS 461.540[.];

18 (a) The commission shall certify to the Oregon Department of Administrative Services the
19 amount of such transfer that represents the net proceeds of sports betting games[.];

20 (b) **The Public Employees Retirement Board shall certify to the department the total**
21 **amount of matching amounts approved for disbursement, but not yet disbursed, from the**
22 **Employer Incentive Fund pursuant to section 2, chapter 105, Oregon Laws 2018; and**

23 [(3)] (c) The department shall transfer an amount [*equal to the net proceeds of sports betting*
24 *games to the Employer Incentive Fund established under section 1, chapter 105, Oregon Laws 2018.*]
25 **to the Employer Incentive Fund from the Administrative Services Economic Development**
26 **Fund equal to the lesser of:**

27 **(A) The amount certified under subsection (2)(a) of this section, reduced by the percent-**
28 **age of net lottery proceeds dedicated to specific purposes under the Oregon Constitution; or**

29 **(B) The amount certified under subsection (2)(b) of this section.**

30
31 **OREGON TRANSPARENCY WEBSITE**

32
33 **SECTION 6.** ORS 276A.253 is amended to read:

34 276A.253. (1)(a) The State Chief Information Officer shall maintain and make available an
35 Oregon transparency website. The website must allow any person to view information that is a
36 public record and is not exempt from disclosure under ORS 192.311 to 192.478, including but not
37 limited to information described in subsection (3) of this section. The State Chief Information Officer
38 shall provide on the home page of the website a method for users to offer suggestions regarding the
39 form or content of the website.

40 (b) The Oregon Department of Administrative Services shall assist the State Chief Information
41 Officer in performing duties under paragraph (a) of this subsection to the extent the State Chief
42 Information Officer deems the assistance necessary.

43 (2) State agencies and education service districts, to the extent practicable and subject to laws
44 relating to confidentiality, when at no additional cost, using existing data and existing resources of
45 the state agency or education service district and without reallocation of resources, shall:

1 (a) Furnish information to the Oregon transparency website by posting reports and providing
2 links to existing information system applications in accordance with standards that the State Chief
3 Information Officer establishes; and

4 (b) Provide the information in the format and manner that the State Chief Information Officer
5 requires.

6 (3) To the extent practicable and subject to laws relating to confidentiality, when at no addi-
7 tional cost, using existing data and existing resources of the state agency or education service dis-
8 trict and without reallocation of resources, the Oregon transparency website must contain
9 information about each state agency and education service district, including but not limited to:

10 (a) Annual revenues of state agencies and education service districts;

11 (b) Annual expenditures of state agencies and education service districts;

12 (c) Annual human resources expenses, including compensation, of state agencies and education
13 service districts;

14 (d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-
15 cipients of each tax expenditure;

16 (e) For each state agency, a description of the percentage of expenditures made in this state and
17 the percentage of expenditures made outside this state under all contracts for goods or services the
18 state agency enters into during each biennium;

19 (f) A prominently placed graphic representation of the primary funding categories and approxi-
20 mate number of individuals that the state agency or the education service district serves;

21 (g) A description of the mission, function and program categories of the state agency or educa-
22 tion service district;

23 (h) A copy of any audit report that the Secretary of State issues for the state agency or the
24 education service district;

25 (i) The local service plans of the education service districts;

26 (j) A copy of each report required by statute for education service districts; and

27 (k) A copy of all notices of public meetings of the education service districts.

28 (4) In addition to the information described in subsection (3) of this section:

29 (a) The State Chief Information Officer shall post on the Oregon transparency website notices
30 of public meetings the state agency must provide under ORS 192.640. If the state agency maintains
31 a website where minutes or summaries of the public meetings are available, the state agency shall
32 provide the State Chief Information Officer with the link to the state agency website for posting on
33 the Oregon transparency website.

34 (b) The State Chief Information Officer shall post on the Oregon transparency website a link for
35 the website that the Secretary of State maintains for rules that the state agency adopts. If the state
36 agency maintains a website where the state agency posts the rules, or where any information re-
37 lating to the rules of the agency is posted, the state agency shall provide the State Chief Information
38 Officer with the link to the website for posting on the Oregon transparency website.

39 (c) The State Chief Information Officer shall provide links on the Oregon transparency website
40 for information that the State Chief Information Officer receives concerning contracts and subcon-
41 tracts that a state agency or education service district enters into, to the extent that disclosing the
42 information is allowed by law and the information is already available on websites that the state
43 agency or education service district maintains. To the extent available, the information to which the
44 State Chief Information Officer links under this section must include:

45 (A) Information on professional, personal and material contracts;

1 (B) The date of each contract and the amount payable under the contract;

2 (C) The period during which the contract is or was in effect; and

3 (D) The names and addresses of vendors.

4 (d) The State Chief Information Officer shall provide an economic development section on the
5 Oregon transparency website for posting of information submitted to the State Chief Information
6 Officer by state agencies responsible for administering specific economic development programs. The
7 section shall include, but not be limited to, the following information, if it is already collected or
8 available within an existing database maintained by the state agency in the course of administering
9 the economic development program:

10 (A) The names of filmmakers or companies that have received reimbursements from the Oregon
11 Production Investment Fund under ORS 284.368 and the amount of each reimbursement;

12 (B) The amount of revenue bonds issued under ORS 285A.430 for the Beginning and Expanding
13 Farmer Loan Program, the names of persons who received loans under the program and the amount
14 of the loan;

15 (C) The names of persons who received grants, loans or equity investments from the Oregon
16 Innovation Council under ORS 284.742 and the purpose and amount of the grant, loan or equity in-
17 vestment;

18 (D) Copies of, or links to, annual reports required to be filed under ORS 285C.615 under the
19 strategic investment program;

20 (E) Copies of, or links to, annual certifications required to be filed under ORS 285C.506 for the
21 business development income tax exemption; and

22 (F) Information required to be posted on the Oregon transparency website under ORS 276A.256.

23 (e) The information reported under paragraph (d) of this subsection:

24 (A) May not include proprietary information; and

25 (B) Shall be provided to the State Chief Information Officer by the state agency in the format
26 and manner required by the State Chief Information Officer.

27 (f) The State Chief Information Officer shall post on the Oregon transparency website informa-
28 tion describing the process for requesting copies of public records from a public body, including a
29 link to the public records section of the Department of Justice webpage. At the request of a state
30 agency or education service district, the State Chief Information Officer shall include a link to a
31 location on the webpage of the agency or district that describes the process for requesting public
32 records from the agency or district.

33 (5) In operating, refining and recommending enhancements to the Oregon transparency website,
34 the State Chief Information Officer and the Transparency Oregon Advisory Commission created in
35 ORS 276A.259 shall consider and, to the extent practicable, adhere to the following principles:

36 (a) The website must be accessible without cost and be easy to use;

37 (b) Information included on the Oregon transparency website must be presented using plain,
38 easily understandable language; and

39 (c) The website should teach users about how state government and education service districts
40 work and provide users with the opportunity to learn something about how state government and
41 education service districts raise and spend revenue.

42 (6) If a state agency or an education service district is not able to include information described
43 in this section on the Oregon transparency website because of the lack of availability of information
44 or cost in acquiring information, the Transparency Oregon Advisory Commission created in ORS
45 276A.259 shall list the information that is not included for the state agency or education service

1 district in the commission's report to the Legislative Assembly required under ORS 276A.259.

2 (7)(a) For the purpose of providing transparency in the revenues, expenditures and budgets of
3 the following entities, the State Chief Information Officer shall include on the Oregon transparency
4 website a page that provides links to websites established by:

5 (A) Local governments, as defined in ORS 174.116.

6 (B) Special government bodies, as defined in ORS 174.117.

7 (C) Semi-independent state agencies listed in ORS 182.454.

8 (D) Public universities listed in ORS 352.002.

9 (E) Public university statewide programs operated by a public university listed in ORS 352.002.

10 (F) The Oregon Health and Science University.

11 (G) The Oregon Tourism Commission.

12 (H) The Oregon Film and Video Office.

13 (I) The Travel Information Council.

14 (J) The Children's Trust Fund of Oregon Foundation.

15 (K) Oregon Corrections Enterprises.

16 (L) The State Accident Insurance Fund Corporation.

17 (M) The Oregon Utility Notification Center.

18 (N) Any public corporation created under a statute of this state and specifically designated as
19 a public corporation.

20 (b) The State Chief Information Officer shall include a link to an entity's website after receiving
21 a request from the entity and shall consider recommendations from the Transparency Oregon Advi-
22 sory Commission for including other links to websites of the entities listed in paragraph (a) of this
23 subsection.

24 (c) At the request of any local government, as defined in ORS 174.116, or special government
25 body, as defined in ORS 174.117, the State Chief Information Officer shall include on the Oregon
26 transparency website notices of public meetings required to be provided under ORS 192.640 by the
27 local government or special government body. The local government or special government body
28 must submit public meeting notice information in the format and manner required by the State Chief
29 Information Officer.

30 (d) The office of the State Chief Information Officer shall include a prominent link on the home
31 page of the Oregon transparency website for information posted to the page described in paragraph
32 (a) of this subsection.

33 **(8) Nothing in this section prohibits the State Chief Information Officer or the Oregon**
34 **Department of Administrative Services from incurring costs or requesting additional re-**
35 **sources to develop, maintain or enhance the Oregon transparency website.**

36
37 **COMMON SCHOOL FUND**

38
39 **SECTION 7.** Section 22, chapter 105, Oregon Laws 2018, as amended by sections 81 and 82,
40 chapter 678, Oregon Laws 2019, is amended to read:

41 **Sec. 22.** (1) On **or before** January [1] **31** of each year, the [State Treasurer] **Department of**
42 **State Lands** shall transfer from the Common School Fund Account to the School Districts Unfunded
43 Liability Fund established in section 24, chapter 105, Oregon Laws 2018, [all or part of the interest
44 earned] **30 percent of the difference of:**

45 **(a) The investment earnings** in the previous [calendar] **state fiscal** year from the cumulative

1 unclaimed property deposited in the Common School Fund Account under ORS 98.386 [to which the
2 state has not taken title, as described in subsection (2) of this section.]

3 [(2) The amount made available under subsection (1) of this section may not exceed an amount
4 equal to the proceeds from unclaimed property received by the State Treasurer in the previous calendar
5 year, minus:]

6 [(a) The amount paid for unclaimed property claims under ORS 98.396 in the previous calendar
7 year;]; and

8 (b) **The sum of:**

9 (A) The investment expenses [of] **for** [the State Treasurer related to] the Common School Fund
10 [for] **in** the previous [calendar] **state fiscal** year; and

11 [(c) (B) Operating expenses [that the State Treasurer is entitled to recover for] **of the depart-**
12 **ment for programs managed by the department paid from the Common School Fund in** the
13 previous [calendar] **state fiscal** year.

14 (2) **Notwithstanding subsection (1) of this section, if the amount described in subsection**
15 **(1)(b) of this section is greater than the amount described in subsection (1)(a) of this section,**
16 **no moneys may be transferred under this section.**

17 **SECTION 8.** Section 85, chapter 678, Oregon Laws 2019, is amended to read:

18 **Sec. 85.** (1) Sections 1 to 6, **chapter 678, Oregon Laws 2019**, [of this 2019 Act] become opera-
19 tive on July 1, 2021.

20 (2) The amendments to statutes and session law by sections 7 to 80, **chapter 678, Oregon Laws**
21 **2019**, [of this 2019 Act] become operative on July 1, 2021.

22 (3) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 81, **chapter 678,**
23 **Oregon Laws 2019**, [of this 2019 Act] become operative on January 1, [2022] **2021**.

24 (4) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 82, **chapter 678,**
25 **Oregon Laws 2019**, [of this 2019 Act] become operative on January 1, [2023] **2021**.

26 (5) The State Treasurer, the Department of State Lands and the State Land Board may take any
27 actions before the operative dates specified in subsections (1) to (4) of this section necessary to en-
28 able the State Treasurer to exercise, on and after the operative dates specified in subsections (1) to
29 (4) of this section, the duties, functions and powers required under [this 2019 Act] **chapter 678,**
30 **Oregon Laws 2019**.

31 **SECTION 9.** The amendments to section 22, **chapter 678, Oregon Laws 2019, by section 7**
32 **of this 2020 Act become operative on January 1, 2021.**

33 **SECTION 10.** Section 23, chapter 105, Oregon Laws 2018, as amended by section 83, chapter
34 678, Oregon Laws 2019, is amended to read:

35 **Sec. 23.** Section 22, chapter 105, Oregon Laws 2018, as amended by sections 81 and 82, **chapter**
36 **678, Oregon Laws 2019, and section 7 of this 2020 Act** [of this 2019 Act], is repealed on January
37 2, 2027.

38
39 **NONSTATE EMPLOYEE COLLECTIVE BARGAINING**

40
41 **SECTION 11.** ORS 410.612 is amended to read:

42 410.612. (1) For purposes of collective bargaining under ORS 243.650 to 243.806, the Home Care
43 Commission is the employer of record for home care workers and personal support workers.

44 (2) Except as provided in ORS 410.614 and 410.619, home care workers and personal support
45 workers may not be considered to be employees of the State of Oregon, an area agency, a support

1 services brokerage or other public agency.

2 (3)(a) The Oregon Department of Administrative Services shall represent the commission in
3 collective bargaining negotiations with the certified or recognized exclusive representatives of all
4 appropriate bargaining units of home care workers and personal support workers. The department
5 is authorized to agree to terms and conditions of collective bargaining agreements on behalf of the
6 commission and the Department of Human Services.

7 **(b) The Oregon Department of Administrative Services shall report to the legislative re-**
8 **view agency, as defined in ORS 291.371, on any new or changed provisions relating to com-**
9 **penetration in a collective bargaining agreement negotiated under this section.**

10 **SECTION 12.** ORS 329A.430 is amended to read:

11 329A.430. (1) As used in this section:

12 (a) "Certified family child care provider" means an individual who operates a family child care
13 home that is certified under ORS 329A.280.

14 (b) "Child care subsidy" means a payment made by the state on behalf of eligible children for
15 child care services provided for periods of less than 24 hours in a day.

16 (c) "Exempt family child care provider" means an individual who provides child care services
17 in the home of the individual or in the home of the child, whose services are not required to be
18 certified or registered under ORS 329A.250 to 329A.450 and who receives a child care subsidy.

19 (d) "Family child care provider" means an individual who is a certified, registered or exempt
20 family child care provider.

21 (e) "Registered family child care provider" means an individual who operates a family child care
22 home that is registered under ORS 329A.330.

23 (2) For purposes of collective bargaining under ORS 243.650 to 243.806, the State of Oregon is
24 the public employer of record of family child care providers.

25 (3) Notwithstanding ORS 243.650 (19), family child care providers are considered to be public
26 employees governed by ORS 243.650 to 243.806. Family child care providers have the right to form,
27 join and participate in the activities of labor organizations of their own choosing for the purpose
28 of representation and collective bargaining on matters concerning labor relations. These rights shall
29 be exercised in accordance with the rights granted to public employees, with mediation and interest
30 arbitration under ORS 243.742 as the method of concluding the collective bargaining process. Family
31 child care providers may not strike.

32 (4) Notwithstanding subsections (2) and (3) of this section, family child care providers are not
33 for any other purpose employees of the State of Oregon or any other public body.

34 (5)(a) The Oregon Department of Administrative Services shall represent the State of Oregon
35 in collective bargaining negotiations with the certified or recognized exclusive representatives of
36 all appropriate bargaining units of family child care providers. The Oregon Department of Adminis-
37 trative Services is authorized to agree to terms and conditions of collective bargaining agreements
38 on behalf of the State of Oregon.

39 **(b) The department shall report to the legislative review agency, as defined in ORS**
40 **291.371, on any new or changed provisions relating to compensation in a collective bargaining**
41 **agreement negotiated under this section.**

42 (6) Notwithstanding ORS 243.650 (1):

43 (a) The appropriate bargaining unit for certified and registered family child care providers is a
44 bargaining unit of all certified and registered family child care providers in the state.

45 (b) The appropriate bargaining unit for exempt family child care providers is a bargaining unit

1 of all exempt family child care providers in the state.

2 (7) This section does not modify any right of a parent or legal guardian to choose and terminate
3 the services of a family child care provider.

4 **SECTION 13.** ORS 443.733 is amended to read:

5 443.733. (1) As used in this section, “adult foster care home provider” means a person who op-
6 erates an adult foster home in the provider’s home and who receives fees or payments from state
7 funds for providing adult foster care home services. “Adult foster care home provider” does not in-
8 clude a person:

9 (a) Who is a resident manager of an adult foster home who does not provide adult foster care
10 home services in the resident manager’s own home or who does not have a controlling interest in,
11 or is not an officer or partner in, the entity that is the provider of adult foster care home services;

12 (b) Who is not a natural person; or

13 (c) Whose participation in collective bargaining is determined by the licensing agency to be in-
14 consistent with this section or in violation of state or federal law.

15 (2) For purposes of collective bargaining under ORS 243.650 to 243.806, the State of Oregon is
16 the public employer of record of adult foster care home providers.

17 (3) Notwithstanding ORS 243.650 (19), adult foster care home providers are considered to be
18 public employees governed by ORS 243.650 to 243.806. Adult foster care home providers have the
19 right to form, join and participate in the activities of labor organizations of their own choosing for
20 the purposes of representation and collective bargaining on matters concerning labor relations.
21 Mandatory subjects of collective bargaining include but are not limited to provider base rates and
22 add-on payments. These rights shall be exercised in accordance with the rights granted to public
23 employees, with mediation and interest arbitration under ORS 243.742 as the method of concluding
24 the collective bargaining process. Adult foster care home providers may not strike.

25 (4) Notwithstanding subsections (2) and (3) of this section, adult foster care home providers are
26 not for any other purpose employees of the State of Oregon or any other public body.

27 (5)(a) The Oregon Department of Administrative Services shall represent the State of Oregon
28 in collective bargaining negotiations with the certified or recognized exclusive representative of an
29 appropriate bargaining unit of adult foster care home providers. The Oregon Department of Admin-
30 istrative Services is authorized to agree to terms and conditions of collective bargaining agreements
31 on behalf of the State of Oregon.

32 **(b) The department shall report to the legislative review agency, as defined in ORS**
33 **291.371, on any new or changed provisions relating to compensation in a collective bargaining**
34 **agreement negotiated under this section.**

35 (6) Notwithstanding ORS 243.650 (1), an appropriate bargaining unit for adult foster care home
36 providers is any bargaining unit recognized by the Governor in an executive order issued prior to
37 January 1, 2008.

38 (7) This section does not modify any right of an adult receiving foster care.

39
40 **WATER SUPPLY DEVELOPMENT ACCOUNT**

41
42 **SECTION 14.** Section 20, chapter 725, Oregon Laws 2017, is amended to read:

43 **Sec. 20.** An expenditure of moneys from the Water Supply Development Account is not subject
44 to any application process or public benefit scoring or ranking under ORS 541.663, 541.666, 541.669,
45 541.673 or 541.677 if the expenditure is for a purpose:

1 (1) Specifically identified in an appropriation to the account from the General Fund [*for the*
2 *biennium beginning July 1, 2017,*] for carrying out the purpose; or

3 (2) Specifically identified in legislation [*enacted by the Seventy-ninth Legislative Assembly*] that
4 authorizes a transfer of lottery bond proceeds to the account for carrying out the purpose.

5 **SECTION 15. Section 21, chapter 725, Oregon Laws 2017, is repealed.**

6
7 **DEBT SERVICE**

8
9 **SECTION 16.** Section 4, chapter 609, Oregon Laws 2019, is amended to read:

10 **Sec. 4.** There is appropriated to the Department of Education, for the biennium beginning July
11 1, 2019, out of the General Fund, the amount of \$32,479,290 for debt service on [*Article XI-P*] general
12 obligation bonds.

13 **SECTION 17.** Section 6, chapter 609, Oregon Laws 2019, is amended to read:

14 **Sec. 6.** Notwithstanding any other law limiting expenditures, the following amounts are estab-
15 lished for the biennium beginning July 1, 2019, as the maximum limits for payment of expenses, other
16 than expenses described in sections 7 and 10 of this 2019 Act, from fees, moneys or other revenues,
17 including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or re-
18 ceived by the Department of Education, for the following purposes:

- 19 (1) Capital bonding \$ 130,000,000
- 20 (2) Operations..... \$ 46,360,200
- 21 (3) Oregon School for the Deaf \$ 6,281,693
- 22 (4) Debt service for outstanding
23 general obligation bonds [*sold*]
24 [*pursuant to Article XI-P of the*
25 [*Oregon Constitution*]..... \$ 1

26 **SECTION 18.** Section 5a, chapter 642, Oregon Laws 2019, is amended to read:

27 **Sec. 5a.** Notwithstanding any other law limiting expenditures, the amount of \$1 is established
28 for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from fees,
29 moneys or other revenues, including Miscellaneous Receipts and federal funds from the United
30 States Department of Housing and Urban Development for contract services, but excluding lottery
31 funds and federal funds not described in this section, collected or received by the Housing and
32 Community Services Department, for debt service [*and related costs for outstanding general obli-*
33 *gation bonds sold pursuant to Article XI-Q of the Oregon Constitution*].

34
35 **PUBLIC EMPLOYEES RETIREMENT SYSTEM**

36
37 **SECTION 19.** Section 20 of this 2020 Act is added to and made a part of ORS chapter 238.

38 **SECTION 20.** At least 30 days before crediting any interest or other income received
39 through investment of moneys to any fund or account, the Public Employees Retirement
40 Board shall submit a preliminary proposal for crediting to the appropriate legislative review
41 agency, as defined in ORS 291.371 (1), for its review and comment. The proposal shall identify
42 gross earnings, investment expenses and administrative expenses, by fund or account, re-
43 lated to the crediting of the interest or other income.

44 **SECTION 21.** ORS 238.670 is amended to read:

45 238.670. (1) At the close of each calendar year in which the earnings on the Public Employees

1 Retirement Fund equal or exceed the assumed interest rate established by the Public Employees
 2 Retirement Board under ORS 238.255, the board shall set aside, out of interest and other income
 3 received through investment of the Public Employees Retirement Fund during that calendar year,
 4 such part of the income as the board may deem advisable, not exceeding seven and one-half percent
 5 of the combined total of such income, which moneys so segregated shall remain in the fund and
 6 constitute therein a reserve account. The board shall continue to credit the reserve account in the
 7 manner required by this subsection until the board determines that the reserve account is ade-
 8 quately funded for the purposes specified in this subsection, but the board may not credit further
 9 amounts to the reserve account if the amounts in the reserve account exceed \$50 million. Such re-
 10 serve account shall be maintained and used by the board to prevent any deficit of moneys available
 11 for the payment of retirement allowances, due to interest fluctuations, changes in mortality rate or,
 12 except as provided in subsection (3) or (4) of this section, other contingency. In addition, the reserve
 13 account may be used by the board for the following purposes:

14 (a) To prevent any deficit in the fund by reason of the insolvency of a participating public em-
 15 ployer. Reserves under this paragraph may be funded only from the earnings on employer contribu-
 16 tions made under ORS 238.225.

17 (b) To pay any legal expenses or judgments that do not arise in the ordinary course of adjudi-
 18 cating an individual member's benefits or an individual employer's liabilities.

19 (2) At the close of each calendar year, the board shall set aside, out of interest and other income
 20 received during the calendar year, after deducting the amounts provided by law and to the extent
 21 that such income is available, a sufficient amount to credit to the reserves for pension accounts and
 22 annuities varying percentage amounts adopted by the board as a result of periodic actuarial inves-
 23 tigation. If total income available for distribution exceeds those percentages of the total accumu-
 24 lated contributions of employees and employers, the reserves for pensions and annuities shall
 25 participate in such excess.

26 (3) The board may set aside, out of interest and other income received through investment of
 27 the fund, such part of the income as the board considers necessary, which moneys so segregated
 28 shall remain in the fund and constitute one or more reserve accounts. Such reserve accounts shall
 29 be maintained and used by the board to offset gains and losses of invested capital. The board, from
 30 time to time, may cause to be transferred from the reserve account provided for in subsection (1)
 31 of this section to a reserve account provided for in this subsection such amount as the board de-
 32 termines to be unnecessary for the purposes set forth in subsection (1) of this section and to be
 33 necessary for the purposes set forth in this subsection.

34 (4) The board may provide for amortizing gains and losses of invested capital in such instances
 35 as the board determines that amortization is preferable to a reserve account provided for in sub-
 36 section (3) of this section.

37 *[(5) At least 30 days before crediting any interest and other income received through investment*
 38 *of the Public Employees Retirement Fund to any reserve account in the fund, the board shall submit*
 39 *a preliminary proposal for crediting to the appropriate legislative review agency, as defined in ORS*
 40 *291.371 (1), for its review and comment.]*

41 **SECTION 22. Notwithstanding section 24, chapter 105, Oregon Laws 2018, the amount of**
 42 **\$15,500,000 is transferred from the School Districts Unfunded Liability Fund to the Employer**
 43 **Incentive Fund established under section 1, chapter 105, Oregon Laws 2018, to be used to**
 44 **provide matching amounts as described in section 2, chapter 105, Oregon Laws 2018. The**
 45 **transfer shall be made on May 31, 2020.**

GENERAL FUND APPROPRIATION BALANCES

SECTION 23. ORS 293.195 is amended to read:

293.195. (1) Any difference between the amount appropriated for a biennium to the judicial department as defined in ORS 174.113, including amounts appropriated to any agency of the judicial department, and the amount of the appropriation actually expended on or before the end of the biennium, is [*continuously*] appropriated to the judicial department, **out of the General Fund**, for payment of expenses of the judicial department for the next biennium.

(2) Any difference between the amount appropriated for a biennium to the legislative department as defined in ORS 174.114, including amounts appropriated to any agency of the legislative department, and the amount of the appropriation actually expended on or before the end of the biennium, is [*continuously*] appropriated to the legislative department, **out of the General Fund**, for payment of expenses of the legislative department for the next biennium.

(3) The appropriations made by subsections (1) and (2) of this section are subject to adjustment by the Legislative Assembly. The Legislative Assembly shall reflect the appropriations, including any adjustments thereto, in an appropriation measure during each biennium.

OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES

SECTION 24. Sections 1, 2 and 3, chapter 643, Oregon Laws 2019, are repealed.

PUBLIC EMPLOYEES' BENEFIT BOARD

SECTION 25. Section 7, chapter 643, Oregon Laws 2019, is repealed.

JUDICIARY

SECTION 26. ORS 3.012 is amended to read:

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

(a) The first judicial district consists of Jackson County and has 10 judges.

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

(c) The third judicial district consists of Marion County and has 15 judges.

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

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

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

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

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

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

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

(k) The eleventh judicial district consists of Deschutes County and has [*seven*] **nine** judges.

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

- 1 (m) The thirteenth judicial district consists of Klamath County and has five judges.
- 2 (n) The fourteenth judicial district consists of Josephine County and has five judges.
- 3 (o) The fifteenth judicial district consists of the counties of Coos and Curry and has six judges.
- 4 (p) The sixteenth judicial district consists of Douglas County and has [*five*] **six** judges.
- 5 (q) The seventeenth judicial district consists of Lincoln County and has three judges.
- 6 (r) The eighteenth judicial district consists of Clatsop County and has three judges.
- 7 (s) The nineteenth judicial district consists of Columbia County and has three judges.
- 8 (t) The twentieth judicial district consists of Washington County and has 15 judges.
- 9 (u) The twenty-first judicial district consists of Benton County and has three judges.
- 10 (v) The twenty-second judicial district consists of the counties of Crook and Jefferson and has
- 11 three judges.
- 12 (w) The twenty-third judicial district consists of Linn County and has five judges.
- 13 (x) The twenty-fourth judicial district consists of the counties of Grant and Harney and has one
- 14 judge.
- 15 (y) The twenty-fifth judicial district consists of Yamhill County and has four judges.
- 16 (z) The twenty-sixth judicial district consists of Lake County and has one judge.
- 17 (aa) The twenty-seventh judicial district consists of Tillamook County and has two judges.
- 18 (2) The Secretary of State shall designate position numbers equal to the number of judges in
- 19 each of the judicial districts established by this section. The positions shall reflect any qualifications
- 20 established by ORS 3.041.

21
22 **OREGON BUSINESS DEVELOPMENT DEPARTMENT**

23
24 **SECTION 27. (1) The Tide Gate Grant and Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Tide Gate Grant**

25 **and Loan Fund must be credited to the fund.**

26

27 **(2) The Tide Gate Grant and Loan Fund consists of:**

28 **(a) Moneys allocated to the Oregon Business Development Department under section 3**

29 **(4), chapter 670, Oregon Laws 2019;**

30 **(b) Moneys appropriated, allocated, deposited or transferred to the fund by the Legisla-**

31 **tive Assembly or otherwise;**

32 **(c) Repayments, including interest, of disbursements from the fund;**

33 **(d) Moneys received for deposit in the fund from the federal government, state agencies**

34 **or local governments; and**

35 **(e) Interest earned on moneys in the fund.**

36 **(3) The moneys in the fund are continuously appropriated to the department for the**

37 **purposes specified in section 28 of this 2020 Act.**

38 **SECTION 28. (1) The Oregon Business Development Department may directly or indi-**

39 **rectly grant, expend or lend moneys from the Tide Gate Grant and Loan Fund established**

40 **under section 27 of this 2020 Act to:**

41 **(a) Provide grants or loans to plan or construct tide gates, culverts and associated**

42 **drainage infrastructure;**

43 **(b) Obtain professional services for tide gate coordination or for technical studies that**

44 **have a statewide benefit for tide gate project development; or**

45 **(c) Pay administrative expenses of the department incurred in carrying out the pro-**

visions of this section, including costs of investigating and processing an application, developing contracts, monitoring use of grants or loans by a recipient, investigating and resolving budget discrepancies, closing a project and providing financial and other assistance associated with expenditures from the fund.

(2) The department shall adopt rules necessary to carry out the provisions of this section.

SECTION 29. Sections 27 and 28 of this 2020 Act are repealed on June 30, 2023.

DEPARTMENT OF EDUCATION

SECTION 30. (1) As used in this section, “alternative education program” means an education program or school that:

(a) Primarily serves students in a physical location; and

(b) Is operated by an education service district as an alternative education program or is registered with the Department of Education as a private alternative education program as provided by ORS 336.631.

(2) An alternative education program may apply to the Department of Education for a grant under this section if the alternative education program has a student population of which at least 35 percent of the student population is composed of students from the following student groups:

(a) Economically disadvantaged, as described in ORS 327.180 (2)(b)(A);

(b) Racial or ethnic groups that have historically experienced academic disparities, as described in ORS 327.180 (2)(b)(B); or

(c) Students with disabilities, as described in ORS 327.180 (2)(b)(C).

(3) Grant moneys received under this section may be used by a grant recipient only for the purposes identified in ORS 327.180 (3).

(4) The department shall use moneys in the Statewide Education Initiatives Account to award grants as described in this section. Grants may be awarded only for the 2020-2021 and 2021-2022 school years.

(5) The State Board of Education shall adopt rules necessary for the administration of this section. The rules must include:

(a) Timelines for submitting a grant application and entering into a grant agreement;

(b) Requirements for the process an alternative education program must follow to determine the contents of the grant application and grant agreement;

(c) Reporting requirements or other accountability measures; and

(d) Calculations of grant amounts, which must:

(A) Be based, to the greatest extent practicable, on the weighted average daily membership of the alternative education program; and

(B) Identify a minimum amount to be distributed to an alternative education program.

SECTION 31. Section 30 of this 2020 Act is repealed July 1, 2022.

DEPARTMENT OF JUSTICE

SECTION 32. Section 4, chapter 643, Oregon Laws 2019, is repealed.

SECTION 33. ORS 147.225 is amended to read:

1 147.225. There is established the Criminal Injuries Compensation Account. All moneys in the
2 account are continuously appropriated for and may be used by the Department of Justice for the
3 purposes authorized in ORS 147.005 to 147.367, **147.390** and 147.397.

4 **SECTION 34.** ORS 147.390 is amended to read:

5 147.390. *[(1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of*
6 *suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical*
7 *abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may*
8 *be made on behalf of the child for services provided by a children’s advocacy center, including a child*
9 *abuse assessment, a medical assessment or a forensic interview, if:]*

10 *[(a) The expenses are actually paid or incurred by the applicant; and]*

11 *[(b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.]*

12 *[(2) The Department of Justice may pay compensation for child abuse assessments or medical as-*
13 *sessments required by ORS 419B.023 regardless of whether a finding of abuse is made and only if*
14 *other insurance is unavailable. If the department pays compensation, the department shall pay the*
15 *compensation directly to the provider of the services. The medical fee schedules for payment under this*
16 *section shall be the schedules adopted under ORS 147.035.]*

17 **(1) In cases of suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D)**
18 **or (E), or child physical abuse by an adult or caretaker as otherwise described in ORS**
19 **419B.005 (1)(a)(A), the Department of Justice may pay for services provided by a children’s**
20 **advocacy center, including child abuse assessments, medical assessments and forensic**
21 **interviews. Payments under this section may be made regardless of whether a finding of**
22 **abuse is made. The department shall make payments under this section directly to the**
23 **children’s advocacy center.**

24 **(2) A children’s advocacy center may not charge the department more for medical ser-**
25 **vices than the maximum amounts established in the medical fee schedules adopted under**
26 **ORS 147.035.**

27 **(3) As used in this section, “child abuse assessment,” “children’s advocacy center,” “forensic**
28 **interview” and “medical assessment” have the meanings given those terms in ORS 418.782.**

29
30 **OREGON TOURISM COMMISSION**

31
32 **SECTION 35.** **The Oregon Tourism Commission shall, upon request, provide information**
33 **and assistance to the Oregon Business Development Department, the Oregon Department**
34 **of Administrative Services and the Legislative Fiscal Officer for purposes of a report by the**
35 **Oregon Business Development Department on budgetary, administrative and statutory ad-**
36 **justments necessary to establish the commission as a program within the department.**

37 **SECTION 36.** **Notwithstanding ORS 192.311 to 192.478, the Oregon Business Development**
38 **Department, the Oregon Department of Administrative Services and the Legislative Fiscal**
39 **Officer may not disclose, in response to a public records request under ORS 192.311 to**
40 **192.478, any information or records received from the Oregon Tourism Commission pursuant**
41 **to section 35 of this 2020 Act.**

42 **SECTION 37.** **Section 35 of this 2020 Act is repealed on June 30, 2021.**

43
44 **HOUSING AND COMMUNITY SERVICES**

1 **(b) Projects of statewide significance that support the transit network and manage the**
2 **operation of public transportation services.**

3 **(2) The moneys described in subsection (1) of this section that remain after the allocation**
4 **of moneys described in subsection (1) of this section shall be allocated as follows:**

5 (a) Conditioned upon the commission's approval of a public transportation improvement plan, 90
6 percent to qualified entities;

7 (b) Five percent to public transportation service providers based on a competitive grant program
8 adopted by the commission by rule;

9 (c) Four percent to public transportation service providers to provide funding assistance to
10 cover the costs of improving public transportation services between two or more communities; and

11 (d) One percent to the Department of Transportation [*to pay the department's administrative costs*
12 *and expenses associated with carrying out the provisions of ORS 184.752 to 184.766 and*] to establish
13 a statewide public transportation technical resource center, the purpose of which is to assist public
14 transportation service providers in rural areas with technical assistance, training, transportation
15 planning and information technology.

16 **(3) A portion of the percentage distributions under subsection (2)(a) of this section shall**
17 **be dedicated to transit services for older adults and individuals with disabilities. Each**
18 **biennium the commission shall first distribute the moneys transferred to the fund under**
19 **ORS 184.751 as needed to maintain funding that benefits older adults and individuals with**
20 **disabilities in the amount distributed during the 2019-2021 biennium. However, this amount**
21 **shall be adjusted upwards or downwards by the commission biennially based on the rate of**
22 **growth or decline of the Statewide Transportation Improvement Fund. The percentage dis-**
23 **tributions under subsection (2)(a) of this section shall be distributed as follows:**

24 (a) Each transportation district and mass transit district shall receive that share of the
25 moneys as the population of the counties in which the district is situated, determined under
26 ORS 190.510 to 190.610 last preceding apportionment of the moneys, bears to the total popu-
27 lation of this state. However, if two or more districts are situated in a single county, dis-
28 tribution of moneys under this subsection shall be determined as though only the mass
29 transit district is located in that county or, if there are two or more transportation districts
30 in the county, as though only the transportation district with the highest population is lo-
31 cated in that county.

32 (b) Each county in which no part of a mass transit district or transportation district is
33 located shall receive that share of the moneys as its population, determined under ORS
34 190.510 to 190.610 last preceding apportionment of the moneys, bears to the total population
35 of this state.

36 (c) Each federally recognized Indian tribe shall receive that share of the moneys as the
37 population of the tribe residing in Oregon, determined by the commission by rule, bears to
38 the total population of this state.

39 **(4) Each qualified entity under subsection (3) of this section shall receive an annual**
40 **amount of no less than \$67,700. However, this amount shall be adjusted upwards or down-**
41 **wards by the commission biennially based on the rate of growth or decline of the Statewide**
42 **Transportation Improvement Fund.**

43 [(2)] **(5) For purposes of the percentage distributions under subsection [(1)(a)] (2)(a) of this sec-**
44 **tion:**

45 (a) Each distribution must be in such shares that the amount of tax paid, as required under ORS

1 320.550, in the area of each qualified entity bears to the total amount of the tax paid statewide,
2 provided that each qualified entity receives an annual amount of *[at least \$100,000]* **no less than**
3 **\$100,000. However, this amount shall be adjusted upwards or downwards by the commission**
4 **biennially based on the rate of growth or decline of the Statewide Transportation Improve-**
5 **ment Fund.**

6 (b) If more than one mass transit district or transportation district is located within a single
7 county, the commission shall distribute the moneys to the larger district.

8 [(3)] (6) The commission shall adopt by rule:

9 (a) A competitive grant program, by which a public transportation service provider may apply
10 for a percentage distribution under subsection [(1)(b)] (2)(b) of this section, and the terms and con-
11 ditions of grants.

12 (b) A competitive grant program, by which a public transportation service provider may apply
13 for a percentage distribution under subsection [(1)(c)] (2)(c) of this section, and the terms and con-
14 ditions of grants.

15 (c) A process to review and approve a public transportation improvement plan submitted under
16 subsection [(4)] (7) of this section.

17 (d) Procedures for appealing a rejection of a public transportation improvement plan submitted
18 under subsection [(4)] (7) of this section.

19 (e) Any other provisions or procedures that are necessary for the commission to carry out the
20 provisions of ORS 184.758 to 184.766.

21 [(4)] (7) To be eligible to receive a percentage distribution under subsection [(1)(a)] (2)(a) of this
22 section, a qualified entity shall prepare and submit a public transportation improvement plan to the
23 commission. The commission must approve the plan submitted by the qualified entity before the
24 commission may make a percentage distribution to the qualified entity.

25 [(5)] (8) At a minimum, a public transportation improvement plan submitted under this section
26 must include:

27 (a) For each proposed project, the amount of moneys from the percentage distribution that would
28 be allocated to the project to fund the following:

29 (A) Increased frequency of bus service schedules in communities with a high percentage of
30 low-income households;

31 (B) Procurement of buses that are powered by natural gas or electricity for use in areas with
32 a population of 200,000 or more;

33 (C) Implementation of programs to reduce fares for public transportation in communities with
34 a high percentage of low-income households;

35 (D) Expansion of bus routes and bus services to reach communities with a high percentage of
36 low-income households;

37 (E) Improvement in the frequency and reliability of service connections between communities
38 inside and outside of the qualified entity's service area;

39 (F) Coordination between public transportation service providers to reduce fragmentation in the
40 provision of transportation services; *[and]*

41 (G) Implementation of programs to provide student transit services for students in grades 9
42 through 12; **and**

43 **(H) Services for older adults and people with disabilities;**

44 (b) For the current fiscal year, a summary of any plans and project proposals approved by an
45 advisory committee under ORS 184.761; and

1 (c) If a qualified entity was a recipient of a percentage distribution in the preceding fiscal year,
2 the amount of moneys received from the distribution that were allocated to a project for the pur-
3 poses described under paragraph (a) of this subsection.

4 [(6)] (9) If practicable, as determined by the commission by rule each qualified entity shall spend
5 at least one percent of the amount received each year under subsection [(1)(a)] (2)(a) of this section
6 to implement programs to provide student transit services for students in grades 9 through 12.

7 [(7)] (10) After the commission makes a distribution under subsection [(1)] (2) of this section,
8 qualified entities may enter into intergovernmental agreements under ORS chapter 190 to combine
9 the moneys received for public transportation improvements.

10 [(8)] (11) If the commission rejects a public transportation improvement plan or a grant appli-
11 cation submitted under this section, the commission shall notify the entity or provider in writing
12 and state the reasons for the rejection.

13 [(9)] (12) The Department of Transportation shall make all grant applications submitted under
14 this section available to the public.

15 **SECTION 43.** ORS 184.761 is amended to read:

16 184.761. (1) The governing body of each qualified entity shall appoint an advisory committee to
17 advise and assist the governing body in prioritizing plans or projects to be funded from the moneys
18 received from a percentage distribution under ORS 184.758 to public transportation service provid-
19 ers that provide services within the jurisdiction of the qualified entity.

20 (2) Before receiving funding for a project under ORS 184.758 (2)(a), a public transportation
21 service provider that provides services [*within the jurisdiction of a qualified entity*] shall submit a
22 plan or project proposal to the governing body of the qualified entity and receive the advisory
23 committee's approval of the plan or project proposal. The plans or project proposals submitted under
24 this subsection must describe how the funds would be used. **Client-only projects, as defined by the**
25 **Oregon Transportation Commission by rule, may be eligible for consideration if the project**
26 **is part of a planned and coordinated community transportation program.**

27 (3) An advisory committee appointed under this section shall review every plan or project pro-
28 posal required under subsection (2) of this section and may propose any changes to the policies or
29 practices of the governing body **relating to the distribution of funding under ORS 184.758 (2)(a)**
30 **and** that the advisory committee considers necessary to ensure that:

31 (a) A public transportation service provider that has received funding under ORS 184.758 (2)(a)
32 has applied the moneys received in accordance with and for the purposes described in the provider's
33 plan or project proposal; and

34 (b) A plan or project proposal submitted by a public transportation service provider does not
35 fragment the provision of public transportation services.

36 (4) The Oregon Transportation Commission shall adopt by rule:

37 (a) Requirements for the composition of an advisory committee appointed under this section;

38 (b) Criteria that must be included in a plan or project proposal required under subsection (2)
39 of this section; and

40 (c) A process by which an advisory committee shall review and approve a plan or project pro-
41 posal.

42 (5) Notwithstanding subsection (1) of this section, the governing bodies of two or more qualified
43 entities may appoint advisory committee members to a joint advisory committee under conditions
44 determined by the commission by rule.

45 **SECTION 44.** ORS 184.766 is amended to read:

1 184.766. (1) Every qualified entity that receives a percentage distribution under ORS 184.758
2 shall submit the following to the Department of Transportation:

3 [(1)] (a) No later than 60 days after the end of the fiscal year, a report on any actions taken
4 by a public transportation service provider located within the area of a qualified entity to mitigate
5 the impact of the tax imposed under ORS 320.550 on passengers who reside in low-income commu-
6 nities;

7 [(2)] (b) No later than 30 days after adoption, the annual budget for the upcoming fiscal year;
8 and

9 [(3)] (c) No later than 30 days after receipt of the final results of any audits of the qualified
10 entity or of a public transportation service provider located within the area of the qualified entity
11 as required by a local, state or federal oversight agency for purposes of statewide reporting, the
12 final results including, but not limited to:

13 [(a)] (A) The state financial report required under ORS 291.040;

14 [(b)] (B) The results of any comprehensive review completed by the Federal Transit Adminis-
15 tration or the department; *[and]*

16 [(c)] (C) Any information submitted by the qualified entity as a part of the requirements of a
17 statewide audit in accordance with the federal Single Audit Act of 1984 (31 U.S.C. 7501 to 7507), as
18 amended by the Single Audit Act Amendments of 1996 (P.L. 104-156)[.]; **and**

19 **(D) Any quarterly reports that detail project progress, outcomes achieved and the ex-**
20 **penditure of funds described under ORS 184.758 (2)(a).**

21 **(2) The Oregon Transportation Commission shall establish rules concerning the making**
22 **of agreements for the distributions made to qualified entities under ORS 184.758. Each**
23 **agreement must include a condition that requires a qualified entity to repay, in full, distrib-**
24 **utions paid to the qualified entity, if the commission determines that the recipient has failed**
25 **meet to any terms or conditions of the agreement.**

26 **SECTION 45. The amendments to ORS 184.766 by section 44 of this 2020 Act apply to**
27 **distributions made on or after the effective date of this 2020 Act.**

28
29 **(Conforming amendments)**
30

31 **SECTION 46.** ORS 184.642 is amended to read:

32 184.642. (1) The Department of Transportation Operating Fund is established in the State
33 Treasury separate and distinct from the General Fund and separate and distinct from the State
34 Highway Fund. Except as otherwise provided in subsection (3)(e) of this section, moneys in the De-
35 partment of Transportation Operating Fund are continuously appropriated to the Department of
36 Transportation to pay expenses of the department that are incurred in the performance of functions
37 the department is statutorily required or authorized to perform and that may not constitutionally
38 be paid from revenues described in section 3a, Article IX of the Oregon Constitution.

39 (2) The operating fund shall consist of the following:

40 (a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor vehicle for which a person
41 is entitled to a refund under a provision described in this paragraph but for which no refund is
42 claimed, in amounts determined under ORS 184.643. This paragraph applies to refund entitlements
43 described in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

44 (b) Fees collected under ORS 822.700 for issuance or renewal of:

45 (A) Dismantler certificates;

- 1 (B) Vehicle dealer certificates;
2 (C) Show licenses;
3 (D) Vehicle transporter certificates;
4 (E) Driver training instructor certificates;
5 (F) Commercial driver training school certificates; and
6 (G) Vehicle appraiser certificates.
- 7 (c) Late fees collected under ORS 822.700.
8 (d) Fees collected under ORS 822.705.
9 (e) Moneys from civil penalties imposed under ORS 822.009.
10 (f) Fees collected under ORS 807.410 for identification cards.
11 (g) Fees collected by the department for issuance of permits to engage in activities described in
12 ORS 374.302 to 374.334 that are not directly connected to the construction, reconstruction, im-
13 provement, repair, maintenance, operation and use of a public highway, road, street or roadside rest
14 area.
- 15 (h) Fees collected under ORS 835.017 for services provided to the Oregon Department of Avi-
16 ation.
- 17 (i) Interest and other earnings on moneys in the operating fund.
- 18 (3) Moneys in the Department of Transportation Operating Fund established by subsections (1)
19 and (2) of this section may be spent only as follows:
- 20 (a) Taxes described in subsection (2)(a) of this section may be used only for payment of expenses
21 of the Department of Transportation that:
- 22 (A) May not constitutionally be paid from revenues described in section 3a, Article IX of the
23 Oregon Constitution;
- 24 (B) Are incurred in the performance of functions the department is statutorily required or au-
25 thorized to perform; and
- 26 (C) Are not payable from moneys described in paragraphs (b) to (e) of this subsection.
- 27 (b) Fees collected under subsection (2)(b) of this section may be used only to carry out the reg-
28 ulatory functions of the department relating to the businesses that generate the fees.
- 29 (c) Fees collected under ORS 822.705 may be used only for the purposes described in ORS
30 822.705.
- 31 (d) Moneys collected from civil penalties imposed under ORS 822.009 may be used only for reg-
32 ulation of vehicle dealers.
- 33 (e) Moneys collected under ORS 807.410 from fees for identification cards shall be used first to
34 pay the expenses of the department for performing the functions of the department relating to
35 identification cards. After paying the expenses related to identification cards, the department shall
36 transfer the remaining moneys collected under ORS 807.410 to the [*Elderly and Disabled Special*
37 *Transportation Fund established in ORS 391.800*] **Statewide Transportation Improvement Fund**
38 **established in ORS 184.751.**
- 39 (f) Moneys from the permits described in subsection (2)(g) of this section may be used for costs
40 of issuing the permits and monitoring the activities that generate the fees.
- 41 (g) Moneys from interest and other earnings on moneys in the operating fund may be used for
42 any purpose for which other moneys in the fund may be used.
- 43 **SECTION 47.** ORS 323.455 is amended to read:
- 44 323.455. (1) All moneys received by the Department of Revenue from the tax imposed by ORS
45 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established

1 under ORS 293.445. The department may pay expenses for administration and enforcement of ORS
 2 323.005 to 323.482 out of moneys received from the tax imposed under ORS 323.030 (1). Amounts
 3 necessary to pay administrative and enforcement expenses are continuously appropriated to the de-
 4 partment from the suspense account. After the payment of administrative and enforcement expenses
 5 and refunds, 89.65 percent shall be credited to the General Fund, 3.45 percent is appropriated to the
 6 cities of this state, 3.45 percent is appropriated to the counties of this state and 3.45 percent is
 7 continuously appropriated to the Department of Transportation for the purpose of financing and
 8 improving transportation services for [*elderly individuals*] **older adults** and individuals with disa-
 9 bilities [*as provided in ORS 391.800 to 391.830*].

10 (2) The moneys appropriated to cities and counties under subsection (1) of this section shall be
 11 paid on a monthly basis within 35 days after the end of the month for which a distribution is made.
 12 Each city shall receive such share of the money appropriated to all cities as its population, as de-
 13 termined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total popu-
 14 lation of the cities of the state, and each county shall receive such share of the money as its
 15 population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
 16 total population of the state.

17 (3) The moneys appropriated to the Department of Transportation under subsection (1) of this
 18 section shall be distributed and transferred to the [*Elderly and Disabled Special Transportation Fund*
 19 *established by ORS 391.800*] **Statewide Transportation Improvement Fund established in ORS**
 20 **184.751** at the same time as the cigarette tax moneys are distributed to cities and counties under
 21 this section.

22 (4) Of the moneys credited to the General Fund under subsection (1) of this section, 51.92 per-
 23 cent shall be dedicated to funding the maintenance and expansion of the number of persons eligible
 24 for the medical assistance program under ORS chapter 414, or to funding the maintenance of the
 25 benefits available under the program, or both, and 5.77 percent shall be credited to the Tobacco Use
 26 Reduction Account established under ORS 431A.153.

27 (5) All moneys received by the Department of Revenue from the tax imposed by ORS 323.030 (4)
 28 shall be paid over to the State Treasurer to be held in a suspense account established under ORS
 29 293.445. After the payment of refunds, the balance shall be credited to the Oregon Health Authority
 30 Fund established by ORS 413.101 and shall be used to provide the services described in ORS 430.630.

31 **SECTION 48.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved by the voters at the
 32 general election held throughout this state on November 3, 2020, ORS 323.455, as amended by sec-
 33 tion 4, chapter 525, Oregon Laws 2019, is amended to read:

34 323.455. (1) All moneys received by the Department of Revenue from the tax imposed by ORS
 35 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established
 36 under ORS 293.445. The department may pay expenses for administration and enforcement of ORS
 37 323.005 to 323.482 out of moneys received from the tax imposed under ORS 323.030 (1), after all
 38 amounts available under section 3, chapter 525, Oregon Laws 2019, for expenses for administration
 39 and enforcement of ORS 323.005 to 323.482 have been used. Amounts necessary to pay administrative
 40 and enforcement expenses are continuously appropriated to the department from the suspense ac-
 41 count. After the payment of administrative and enforcement expenses and refunds, 89.65 percent
 42 shall be credited to the General Fund, 3.45 percent is appropriated to the cities of this state, 3.45
 43 percent is appropriated to the counties of this state and 3.45 percent is continuously appropriated
 44 to the Department of Transportation for the purpose of financing and improving transportation ser-
 45 vices for [*elderly individuals*] **older adults** and individuals with disabilities [*as provided in ORS*

1 391.800 to 391.830].

2 (2) The moneys appropriated to cities and counties under subsection (1) of this section shall be
3 paid on a monthly basis within 35 days after the end of the month for which a distribution is made.
4 Each city shall receive such share of the money appropriated to all cities as its population, as de-
5 termined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total popu-
6 lation of the cities of the state, and each county shall receive such share of the money as its
7 population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
8 total population of the state.

9 (3) The moneys appropriated to the Department of Transportation under subsection (1) of this
10 section shall be distributed and transferred to the [*Elderly and Disabled Special Transportation Fund*
11 *established by ORS 391.800*] **Statewide Transportation Improvement Fund established in ORS**
12 **184.751** at the same time as the cigarette tax moneys are distributed to cities and counties under
13 this section.

14 (4) Of the moneys credited to the General Fund under subsection (1) of this section, 51.92 per-
15 cent shall be dedicated to funding the maintenance and expansion of the number of persons eligible
16 for the medical assistance program under ORS chapter 414, or to funding the maintenance of the
17 benefits available under the program, or both, and 5.77 percent shall be credited to the Tobacco Use
18 Reduction Account established under ORS 431A.153.

19 (5) All moneys received by the Department of Revenue from the tax imposed by ORS 323.030 (4)
20 shall be paid over to the State Treasurer to be held in a suspense account established under ORS
21 293.445. After the payment of refunds, the balance shall be credited to the Oregon Health Authority
22 Fund established by ORS 413.101 and shall be used to provide the services described in ORS 430.630.

23 **SECTION 49.** ORS 323.457 is amended to read:

24 323.457. (1) Moneys received under ORS 323.031 shall be paid over to the State Treasurer to be
25 held in a suspense account established under ORS 293.445. After the payment of refunds:

26 (a) 29.37/30 of the moneys shall be credited to the Oregon Health Plan Fund established under
27 ORS 414.109;

28 (b) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
29 trative Services for distribution to the cities of this state;

30 (c) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
31 trative Services for distribution to the counties of this state;

32 (d) 0.14/30 of the moneys are continuously appropriated to the Department of Transportation to
33 be distributed and transferred to the [*Elderly and Disabled Special Transportation Fund established*
34 *under ORS 391.800*] **Statewide Transportation Improvement Fund established in ORS 184.751**;
35 and

36 (e) 0.21/30 of the moneys shall be credited to the Tobacco Use Reduction Account established
37 under ORS 431A.153.

38 (2)(a) Moneys distributed to cities and counties under this section shall be distributed to each
39 city or county using the proportions used for distributions made under ORS 323.455.

40 (b) Moneys shall be distributed to cities, counties and the [*Elderly and Disabled Special Trans-*
41 *portation Fund*] **Statewide Transportation Improvement Fund** at the same time moneys are dis-
42 tributed to cities, counties and the [*Elderly and Disabled Special Transportation Fund*] **Statewide**
43 **Transportation Improvement Fund** under ORS 323.455.

44 **SECTION 50.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved by the voters at the
45 general election held throughout this state on November 3, 2020, ORS 323.457, as amended by sec-

tion 5, chapter 525, Oregon Laws 2019, is amended to read:

323.457. (1) Moneys received under ORS 323.031 (1) shall be paid over to the State Treasurer to be held in a suspense account established under ORS 293.445. After the payment of refunds:

(a) 29.37/30 of the moneys shall be credited to the Oregon Health Authority Fund established under ORS 413.101;

(b) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Administrative Services for distribution to the cities of this state;

(c) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Administrative Services for distribution to the counties of this state;

(d) 0.14/30 of the moneys are continuously appropriated to the Department of Transportation to be distributed and transferred to the *[Elderly and Disabled Special Transportation Fund established under ORS 391.800]* **Statewide Transportation Improvement Fund established in ORS 184.751;** and

(e) 0.21/30 of the moneys shall be credited to the Tobacco Use Reduction Account established under ORS 431A.153.

(2)(a) Moneys distributed to cities and counties under this section shall be distributed to each city or county using the proportions used for distributions made under ORS 323.455.

(b) Moneys shall be distributed to cities, counties and the *[Elderly and Disabled Special Transportation Fund]* **Statewide Transportation Improvement Fund** at the same time moneys are distributed to cities, counties and the *[Elderly and Disabled Special Transportation Fund]* **Statewide Transportation Improvement Fund** under ORS 323.455.

SECTION 51. ORS 184.675 is amended to read:

184.675. As used in ORS 184.670 to 184.733, unless the context requires otherwise:

(1) "Director" means Director of Transportation.

(2) "Department" means the Department of Transportation.

(3) **"Indian tribe" means a federally recognized Indian tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon.**

[(3)] (4) "Operating agreement" means an agreement for the operation or maintenance on behalf of the Department of Transportation of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the federal government through the department.

[(4)] (5) "Public transportation system" means any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities.

[(5)] (6) "Person" means the United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private.

[(6)] "Bus" means a motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons.]

(7) "Public transportation entity" includes a city, county, transportation district, mass transit district, metropolitan service district, Indian tribe *[as defined in ORS 391.802]* or private nonprofit corporation operating a public transportation system.

1 **SECTION 52.** ORS 293.701 is amended to read:

2 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

3 (1) “Council” means the Oregon Investment Council.

4 (2) “Investment funds” means:

5 (a) Public Employees Retirement Fund referred to in ORS 238.660;

6 (b) Industrial Accident Fund referred to in ORS 656.632;

7 (c) Consumer and Business Services Fund referred to in ORS 705.145;

8 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

9 (e) Insurance Fund referred to in ORS 278.425;

10 (f) Funds under the control and administration of the Department of State Lands;

11 (g) Oregon Student Assistance Fund referred to in ORS 348.570;

12 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.569 or
13 rules adopted thereunder;

14 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
15 General Obligation Bond Fund referred to in ORS 530.280;

16 (j) Oregon War Veterans’ Fund referred to in ORS 407.495;

17 (k) Oregon War Veterans’ Bond Sinking Account referred to in ORS 407.515;

18 (l) World War II Veterans’ Compensation Fund;

19 (m) World War II Veterans’ Bond Sinking Fund;

20 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
21 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
22 commingled investment vehicle;

23 (o) State funds that are not subject to the control and administration of officers or bodies spe-
24 cifically designated by law;

25 (p) Funds derived from the sale of state bonds;

26 (q) Social Security Revolving Account referred to in ORS 237.490;

27 (r) Public University Fund established by ORS 352.450;

28 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;

29 [*(t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;*]

30 [*(u)*] (t) Education Stability Fund established by ORS 348.696;

31 [*(v)*] (u) Deferred Compensation Fund established under ORS 243.411;

32 [*(w)*] (v) Trust for Cultural Development Account established under ORS 359.405; and

33 [*(x)*] (w) The State Library Donation Fund and the Talking Book and Braille Library Endowment
34 Fund subaccount established under ORS 357.195.

35 (3) “Investment officer” means the State Treasurer in the capacity as investment officer for the
36 council.

37 **SECTION 53.** ORS 293.701, as amended by section 64, chapter 678, Oregon Laws 2019, is
38 amended to read:

39 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

40 (1) “Council” means the Oregon Investment Council.

41 (2) “Investment funds” means:

42 (a) Public Employees Retirement Fund referred to in ORS 238.660;

43 (b) Industrial Accident Fund referred to in ORS 656.632;

44 (c) Consumer and Business Services Fund referred to in ORS 705.145;

45 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

- 1 (e) Insurance Fund referred to in ORS 278.425;
- 2 (f) Funds under the control and administration of the Department of State Lands;
- 3 (g) Oregon Student Assistance Fund referred to in ORS 348.570;
- 4 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.569 or
- 5 rules adopted thereunder;
- 6 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
- 7 General Obligation Bond Fund referred to in ORS 530.280;
- 8 (j) Oregon War Veterans' Fund referred to in ORS 407.495;
- 9 (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;
- 10 (L) World War II Veterans' Compensation Fund;
- 11 (m) World War II Veterans' Bond Sinking Fund;
- 12 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
- 13 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
- 14 commingled investment vehicle;
- 15 (o) State funds that are not subject to the control and administration of officers or bodies spe-
- 16 cifically designated by law;
- 17 (p) Funds derived from the sale of state bonds;
- 18 (q) Social Security Revolving Account referred to in ORS 237.490;
- 19 (r) Public University Fund established by ORS 352.450;
- 20 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;
- 21 *[(t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;]*
- 22 *[(u)]* (t) Education Stability Fund established by ORS 348.696;
- 23 *[(v)]* (u) Deferred Compensation Fund established under ORS 243.411;
- 24 *[(w)]* (v) Trust for Cultural Development Account established under ORS 359.405;
- 25 *[(x)]* (w) The State Library Donation Fund and the Talking Book and Braille Library Endowment
- 26 Fund subaccount established under ORS 357.195;
- 27 *[(y)]* (x) Funds in the Unclaimed Property Revolving Fund created in ORS 98.388; and
- 28 *[(z)]* (y) Funds in the Common School Fund that are available for investment.
- 29 (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the
- 30 council.

31 **SECTION 54.** ORS 541.561 is amended to read:

32 541.561. (1) The Water Resources Department shall establish a grant program to pay the quali-
33 fying costs of planning studies performed to evaluate the feasibility of developing a water conser-
34 vation, reuse or storage project, as described in ORS 541.566. A grant under this section may be
35 made to a local government as defined in ORS 174.116, *[to an Indian tribe as defined in ORS*
36 *391.802]* **a federally recognized Indian tribe in Oregon that has members residing on a reser-**
37 **vation or tribal trust lands in Oregon** or to a person.

38 (2) In lieu of grants, the department may pay the cost of providing direct services, including but
39 not limited to technical planning services, for a planning study that is eligible for a grant under this
40 section.

41 (3) A grant or the cost of direct services provided under this section may not exceed \$500,000
42 per project. A grant or payment for direct services may be provided only if the amount of the grant
43 or the cost of the direct services is matched by funding from another source that is not less than
44 a dollar-for-dollar match of the amount or cost.

45 (4) Grants and the cost of direct services provided under this section must be paid for from

1 moneys available in the Water Conservation, Reuse and Storage Investment Fund.

2 (5)(a) In evaluating above ground storage projects for awards of grants or payments for direct
3 services under this section, the department shall give priority to projects that include provisions for
4 using stored water to augment in-stream flows to conserve, maintain and enhance aquatic life, fish
5 life or other ecological values.

6 (b) In evaluating all other eligible projects, the department shall give priority to projects iden-
7 tified by the department in a statewide water assessment and inventory for the award of grants or
8 provision of payment for direct services under this section.

9 **SECTION 55.** ORS 541.659 is amended to read:

10 541.659. Loans and grants may be made from the Water Supply Development Account to persons
11 as defined in ORS 536.007, [*Indian tribes as defined in ORS 391.802*] **a federally recognized Indian**
12 **tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon**
13 and nonprofit organizations. If an applicant is required to have a water management and conserva-
14 tion plan, the plan must be submitted to the Water Resources Department and receive approval prior
15 to department acceptance of an application for a loan or grant from the account.

16
17 **CAPTIONS**

18
19 **SECTION 56.** **The unit captions used in this 2020 Act are provided only for the conven-**
20 **ience of the reader and do not become part of the statutory law of this state or express any**
21 **legislative intent in the enactment of this 2020 Act.**

22
23 **EMERGENCY CLAUSE**

24
25 **SECTION 57.** **This 2020 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
27 **on its passage.**