

HB 4163-7
(LC 295)
3/3/20 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 4163**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete line 3 and insert “creating new provisions;
3 amending ORS 3.012, 147.225, 147.390, 184.642, 184.675, 184.751, 184.758,
4 184.761, 184.766, 238.670, 276A.253, 291.227, 293.195, 293.229, 293.252, 293.701,
5 323.455, 323.457, 329A.430, 410.612, 443.733, 541.561 and 541.659 and section 20,
6 chapter 725, Oregon Laws 2017, sections 22 and 23, chapter 105, Oregon Laws
7 2018, section 44, chapter 355, Oregon Laws 2019, sections 4 and 6, chapter
8 609, Oregon Laws 2019, section 5a, chapter 642, Oregon Laws 2019, section
9 85, chapter 678, Oregon Laws 2019, and section 15, chapter __, Oregon Laws
10 2020 (Enrolled House Bill 4001); repealing ORS 391.800, 391.802, 391.810,
11 391.815, 391.820 and 391.830 and section 21, chapter 725, Oregon Laws 2017,
12 and sections 1, 2, 3, 4, 6 and 7, chapter 643, Oregon Laws 2019; and declaring
13 an emergency.”.

14 Delete lines 5 through 30 and delete pages 2 through 5 and insert:
15

16 **“FISCAL REPORTING**

17
18 **“SECTION 1.** ORS 293.229 is amended to read:

19 “293.229. (1) Not later than October 1 of each fiscal year, each state
20 agency shall submit a report to the Legislative Fiscal Office that describes
21 the status of that agency’s liquidated and delinquent accounts and efforts

1 made by that agency to collect liquidated and delinquent accounts during the
2 previous fiscal year. The report required under this subsection shall be in a
3 form prescribed by the Legislative Fiscal Office and shall include but not
4 be limited to:

5 “(a) Beginning balance and total number of all liquidated and delinquent
6 accounts;

7 “(b) New liquidated and delinquent accounts added during the last pre-
8 ceding fiscal year;

9 “(c) Total collections of liquidated and delinquent accounts;

10 “(d) Total amount and total number of liquidated and delinquent accounts
11 that have been written off;

12 “(e) Total number and ending balance of all liquidated and delinquent
13 accounts;

14 “(f) Total amount of liquidated and delinquent accounts assigned to the
15 Department of Revenue and the total amount collected by the department
16 under ORS 293.250;

17 “(g) Total amount of liquidated and delinquent accounts assigned to pri-
18 vate collection agencies and the total amount collected by private collection
19 agencies under ORS 293.231;

20 “(h) Total number and total amount of all liquidated and delinquent ac-
21 counts exempted under ORS 293.233;

22 “(i) Total number and ending balance of all liquidated and delinquent
23 accounts that have been placed in suspended collection status under ORS
24 305.155; and

25 “(j) A statement indicating whether the agency has liquidated and delin-
26 quent accounts that are not exempt under ORS 293.233, or are otherwise
27 prohibited or exempted by law from assignment, for which no payment has
28 been received for more than 90 days and that have not been assigned to the
29 Department of Revenue under ORS 293.231.

30 “(2) If a state agency reports under subsection (1) of this section that the

1 total ending balance of its liquidated and delinquent accounts is \$50 million
2 or greater, the state agency shall, not later than three months after it sub-
3 mits the report under subsection (1) of this section, submit an additional
4 report to the committees or interim committees of the Legislative Assembly
5 related to ways and means that:

6 “(a) Describes major categories of liquidated and delinquent accounts held
7 by the state agency;

8 “(b) Describes circumstances under which the state agency writes off or
9 adjusts liquidated and delinquent amounts or removes an account from liq-
10 uidated and delinquent status;

11 “(c) Describes actions undertaken by the state agency to reduce the
12 amount of liquidated and delinquent debt owed to it at the end of each fiscal
13 year; and

14 “(d) Sets forth a plan for future actions that will reduce the amount of
15 liquidated and delinquent debt owed to the state agency at the end of each
16 fiscal year and describes any additional resources that are necessary to carry
17 out the plan.

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

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

25 “(a) List those state agencies, including the judicial branch of state gov-
26 ernment, that have liquidated and delinquent accounts that are not exempt
27 under ORS 1.198, 1.199 or 293.233, or are otherwise prohibited or exempted
28 by law from assignment, for which no payment has been received for more
29 than 90 days and that have not been assigned to a private collection agency
30 or to the Department of Revenue under ORS 1.197 or assigned to the De-

1 department of Revenue under 293.231;

2 “(b) List separately information about the liquidated and delinquent ac-
3 counts of the Secretary of State, the State Treasurer, other state agencies in
4 the executive branch of state government and the judicial branch of state
5 government; and

6 “(c) Include any other information the Legislative Fiscal Office deter-
7 mines is necessary to describe the status of liquidated and delinquent ac-
8 counts across offices and branches of state government.

9 “(5) Notwithstanding ORS 293.227, as used in this section, ‘state agency’
10 has the meaning given that term in ORS 293.226, except that it:

11 “(a) Does not include the judicial department as defined in ORS 174.113
12 or the legislative department as defined in ORS 174.114; and

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

15 **“SECTION 2.** ORS 293.252 is amended to read:

16 “293.252. (1) The Oregon Department of Administrative Services shall
17 monitor state agency debt collection functions described by law and assist
18 state agencies in efforts to improve the collection of delinquent debts owed
19 to state agencies. The department’s duties under this subsection include, but
20 are not limited to:

21 “(a) Providing training to state agencies regarding processing and man-
22 aging accounts receivable in compliance with applicable law and state poli-
23 cies.

24 “(b) Providing technical assistance to state agencies in resolving chal-
25 lenges in processing and managing accounts receivable and developing fi-
26 nancial administrative systems to improve the handling of liquidated and
27 delinquent accounts.

28 “(c) Developing performance standards for state debt collection, including
29 but not limited to standards defining what constitutes liquidated and delin-
30 quent accounts and when debt may be written off pursuant to ORS 293.240.

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

4 “(e) Submitting an annual management report to the Legislative Assembly
5 not later than [*December 31*] **February 1** of each fiscal year, in conjunction
6 with the report of the Legislative Fiscal Office produced under ORS 293.229,
7 that identifies important issues and significant trends in state agency debt
8 collection practices and describes and evaluates efforts by state agencies to
9 improve the collection of delinquent debt.

10 “(2) The department shall adopt policies:

11 “(a) Providing guidance for the collection of liquidated and delinquent
12 accounts owing to state agencies.

13 “(b) Setting procedures for state agencies to account for and manage in-
14 formation regarding the agency’s liquidated and delinquent accounts.

15 “(c) After consultation with the Attorney General, setting criteria for ef-
16 fective and efficient assignment of liquidated and delinquent accounts to the
17 Department of Revenue or private collection agencies, and setting perform-
18 ance measurements to be used in the application of the criteria.

19 “(d) For the allocation, form and amount of charges or fees added to liq-
20 uidated and delinquent accounts under ORS 293.231, 293.250 and 697.105.

21 “(e) Setting exemptions or adjustments for state agencies that are pro-
22 hibited by law from adding or collecting fees under ORS 293.231, 293.250 or
23 697.105 and for agencies for which the addition or collection of the fees is
24 not feasible given the agency resources available for collection of accounts
25 receivable.

26 “(f) For the improvement of communications regarding liquidated and
27 delinquent accounts among state agencies and between private collection
28 agencies and the Department of Revenue.

29 “(g) Describing conditions under which a state agency may request and
30 collect Social Security numbers in accordance with state and federal law

1 when it is reasonably foreseeable that a person may owe the state agency a
2 liquidated and delinquent amount as a result of a transaction or activity.

3 “(h) After consultation with the Attorney General, setting criteria under
4 which state agencies, the Department of Revenue and private collection
5 agencies may propose and accept offers of compromise as provided in ORS
6 293.240.

7 “(3) As used in this section, ‘state agency’ has the meaning given that
8 term in ORS 293.226, except that it does not include the judicial department
9 as defined in ORS 174.113, the Secretary of State or the State Treasurer.

10 **“SECTION 3.** ORS 291.227 is amended to read:

11 “291.227. (1)(a) As part of the development of the legislatively adopted
12 budget, each state agency that employs more than 100 employees shall report
13 to the Joint Committee on Ways and Means the state agency’s maximum
14 supervisory ratio for the biennium.

15 “(b) Before submitting the report to the committee, a state agency shall
16 provide a copy of the report to all labor organizations that represent em-
17 ployees of the state agency.

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

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

22 “(b) Geographic location of the agency’s employees;

23 “(c) Complexity of the agency’s duties;

24 “(d) Industry best practices and standards;

25 “(e) Size and hours of operation of the agency;

26 “(f) Unique personnel needs of the agency, including the agency’s use of
27 volunteers or seasonal or temporary employees, or the exercise of supervisory
28 authority by agency supervisory employees over personnel who are not
29 agency employees; and

30 “(g) Financial scope and responsibility of the agency.

1 “(3) The Joint Committee on Ways and Means shall review the maximum
2 supervisory ratios reported by state agencies. [*The committee shall include*
3 *the maximum supervisory ratio in a budget report or budget note for each state*
4 *agency that reported a maximum supervisory ratio.*]

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

8 “(5)(a) The Oregon Department of Administrative Services may exempt a
9 state agency from the limitations of subsection (4) of this section if the de-
10 partment determines that an additional supervisory position is reasonably
11 necessary to the state agency. The department must make the determination
12 with reference to some or all of the factors set forth in subsection (2) of this
13 section.

14 “(b) At least five business days before granting an exemption under this
15 subsection, the department shall notify all labor organizations that represent
16 employees of the state agency of its intent to grant the exemption.

17 “(6)(a) The department shall, once per quarter, produce reports on the
18 actual supervisory ratio of each state agency. The reports must include data
19 on job families within each state agency to the extent such data is reason-
20 ably available.

21 “(b) The department shall make the reports publicly available on the
22 Internet and shall notify all labor organizations that represent state em-
23 ployees when the reports are available.

24 “(7) The department may adopt rules for the administration of this sec-
25 tion, including rules governing how temporary, seasonal or part-time em-
26 ployees are accounted for in the calculation of a supervisory ratio.

27 “(8) As used in this section:

28 “(a) ‘Job families’ means groups of occupations based upon work per-
29 formed, skills, education, training and credentials.

30 “(b) ‘Legislatively adopted budget’ has the meaning given that term in

1 ORS 291.002.

2 “(c)(A) ‘State agency’ means all state officers, boards, commissions, de-
3 partments, institutions, branches, agencies, divisions and other entities,
4 without regard to the designation given to those entities, that are within the
5 executive branch of government as described in Article III, section 1, of the
6 Oregon Constitution.

7 “(B) ‘State agency’ does not include:

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

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

10 “(iii) The Public Defense Services Commission;

11 “(iv) The Secretary of State and the State Treasurer;

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

13 “(vi) The Oregon Tourism Commission;

14 “(vii) The Oregon Film and Video Office;

15 “(viii) Public universities listed in ORS 352.002;

16 “(ix) The Oregon Health and Science University;

17 “(x) The Travel Information Council;

18 “(xi) Oregon Corrections Enterprises;

19 “(xii) The Oregon State Lottery Commission;

20 “(xiii) The State Accident Insurance Fund Corporation;

21 “(xiv) The Oregon Utility Notification Center;

22 “(xv) Oregon Community Power;

23 “(xvi) The Citizens’ Utility Board;

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

25 “(xviii) Any other public corporation created under a statute of this state
26 and specifically designated as a public corporation; and

27 “(xix) Any other semi-independent state agency denominated by statute
28 as a semi-independent state agency.

29 “(d) ‘Supervisory employee’ has the meaning given that term in ORS
30 243.650.

1 “(e) ‘Supervisory ratio’ means the ratio of employees who are supervisory
2 employees to employees who are not supervisory employees.

3
4 **“OREGON MEDICAL BOARD**

5
6 **“SECTION 4. Section 6, chapter 643, Oregon Laws 2019, is repealed.**

7
8 **“LOTTERY TRANSFER TO EMPLOYER INCENTIVE FUND**

9
10 **“SECTION 5. Section 44, chapter 355, Oregon Laws 2019, is amended to**
11 **read:**

12 **“Sec. 44. (1) The Oregon State Lottery Commission shall separately re-**
13 **cord and account for the costs and net proceeds of sports betting games.**

14 **“(2) When the commission transfers net lottery proceeds to the Adminis-**
15 **trative Services Economic Development Fund established under ORS**
16 **461.540[.]:**

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

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

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

29 **“(A) The amount certified under subsection (2)(a) of this section,**
30 **reduced by the percentage of net lottery proceeds dedicated to specific**

1 **purposes under the Oregon Constitution; or**

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

3
4 **“OREGON TRANSPARENCY WEBSITE**

5
6 **“SECTION 6.** ORS 276A.253 is amended to read:

7 “276A.253. (1)(a) The State Chief Information Officer shall maintain and
8 make available an Oregon transparency website. The website must allow any
9 person to view information that is a public record and is not exempt from
10 disclosure under ORS 192.311 to 192.478, including but not limited to infor-
11 mation described in subsection (3) of this section. The State Chief Informa-
12 tion Officer shall provide on the home page of the website a method for users
13 to offer suggestions regarding the form or content of the website.

14 “(b) The Oregon Department of Administrative Services shall assist the
15 State Chief Information Officer in performing duties under paragraph (a) of
16 this subsection to the extent the State Chief Information Officer deems the
17 assistance necessary.

18 “(2) State agencies and education service districts, to the extent practi-
19 cable and subject to laws relating to confidentiality, when at no additional
20 cost, using existing data and existing resources of the state agency or edu-
21 cation service district and without reallocation of resources, shall:

22 “(a) Furnish information to the Oregon transparency website by posting
23 reports and providing links to existing information system applications in
24 accordance with standards that the State Chief Information Officer estab-
25 lishes; and

26 “(b) Provide the information in the format and manner that the State
27 Chief Information Officer requires.

28 “(3) To the extent practicable and subject to laws relating to
29 confidentiality, when at no additional cost, using existing data and existing
30 resources of the state agency or education service district and without real-

1 location of resources, the Oregon transparency website must contain infor-
2 mation about each state agency and education service district, including but
3 not limited to:

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

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

6 “(c) Annual human resources expenses, including compensation, of state
7 agencies and education service districts;

8 “(d) Annual tax expenditures of state agencies, including, when possible,
9 the identity of the recipients of each tax expenditure;

10 “(e) For each state agency, a description of the percentage of expenditures
11 made in this state and the percentage of expenditures made outside this state
12 under all contracts for goods or services the state agency enters into during
13 each biennium;

14 “(f) A prominently placed graphic representation of the primary funding
15 categories and approximate number of individuals that the state agency or
16 the education service district serves;

17 “(g) A description of the mission, function and program categories of the
18 state agency or education service district;

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

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

22 “(j) A copy of each report required by statute for education service dis-
23 tricts; and

24 “(k) A copy of all notices of public meetings of the education service
25 districts.

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

28 “(a) The State Chief Information Officer shall post on the Oregon trans-
29 parency website notices of public meetings the state agency must provide
30 under ORS 192.640. If the state agency maintains a website where minutes

1 or summaries of the public meetings are available, the state agency shall
2 provide the State Chief Information Officer with the link to the state agency
3 website for posting on the Oregon transparency website.

4 “(b) The State Chief Information Officer shall post on the Oregon trans-
5 parency website a link for the website that the Secretary of State maintains
6 for rules that the state agency adopts. If the state agency maintains a
7 website where the state agency posts the rules, or where any information
8 relating to the rules of the agency is posted, the state agency shall provide
9 the State Chief Information Officer with the link to the website for posting
10 on the Oregon transparency website.

11 “(c) The State Chief Information Officer shall provide links on the Oregon
12 transparency website for information that the State Chief Information Offi-
13 cer receives concerning contracts and subcontracts that a state agency or
14 education service district enters into, to the extent that disclosing the in-
15 formation is allowed by law and the information is already available on
16 websites that the state agency or education service district maintains. To the
17 extent available, the information to which the State Chief Information Offi-
18 cer links under this section must include:

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

20 “(B) The date of each contract and the amount payable under the con-
21 tract;

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

23 “(D) The names and addresses of vendors.

24 “(d) The State Chief Information Officer shall provide an economic de-
25 velopment section on the Oregon transparency website for posting of infor-
26 mation submitted to the State Chief Information Officer by state agencies
27 responsible for administering specific economic development programs. The
28 section shall include, but not be limited to, the following information, if it
29 is already collected or available within an existing database maintained by
30 the state agency in the course of administering the economic development

1 program:

2 “(A) The names of filmmakers or companies that have received re-
3 imbursements from the Oregon Production Investment Fund under ORS
4 284.368 and the amount of each reimbursement;

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

8 “(C) The names of persons who received grants, loans or equity invest-
9 ments from the Oregon Innovation Council under ORS 284.742 and the pur-
10 pose and amount of the grant, loan or equity investment;

11 “(D) Copies of, or links to, annual reports required to be filed under ORS
12 285C.615 under the strategic investment program;

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

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

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

18 “(A) May not include proprietary information; and

19 “(B) Shall be provided to the State Chief Information Officer by the state
20 agency in the format and manner required by the State Chief Information
21 Officer.

22 “(f) The State Chief Information Officer shall post on the Oregon trans-
23 parency website information describing the process for requesting copies of
24 public records from a public body, including a link to the public records
25 section of the Department of Justice webpage. At the request of a state
26 agency or education service district, the State Chief Information Officer
27 shall include a link to a location on the webpage of the agency or district
28 that describes the process for requesting public records from the agency or
29 district.

30 “(5) In operating, refining and recommending enhancements to the Oregon

1 transparency website, the State Chief Information Officer and the Transpar-
2 ency Oregon Advisory Commission created in ORS 276A.259 shall consider
3 and, to the extent practicable, adhere to the following principles:

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

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

7 “(c) The website should teach users about how state government and ed-
8 ucation service districts work and provide users with the opportunity to
9 learn something about how state government and education service districts
10 raise and spend revenue.

11 “(6) If a state agency or an education service district is not able to in-
12 clude information described in this section on the Oregon transparency
13 website because of the lack of availability of information or cost in acquiring
14 information, the Transparency Oregon Advisory Commission created in ORS
15 276A.259 shall list the information that is not included for the state agency
16 or education service district in the commission’s report to the Legislative
17 Assembly required under ORS 276A.259.

18 “(7)(a) For the purpose of providing transparency in the revenues, ex-
19 penditures and budgets of the following entities, the State Chief Information
20 Officer shall include on the Oregon transparency website a page that pro-
21 vides links to websites established by:

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

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

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

25 “(D) Public universities listed in ORS 352.002.

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

28 “(F) The Oregon Health and Science University.

29 “(G) The Oregon Tourism Commission.

30 “(H) The Oregon Film and Video Office.

1 “(I) The Travel Information Council.

2 “(J) The Children’s Trust Fund of Oregon Foundation.

3 “(K) Oregon Corrections Enterprises.

4 “(L) The State Accident Insurance Fund Corporation.

5 “(M) The Oregon Utility Notification Center.

6 “(N) Any public corporation created under a statute of this state and
7 specifically designated as a public corporation.

8 “(b) The State Chief Information Officer shall include a link to an entity’s
9 website after receiving a request from the entity and shall consider recom-
10 mendations from the Transparency Oregon Advisory Commission for includ-
11 ing other links to websites of the entities listed in paragraph (a) of this
12 subsection.

13 “(c) At the request of any local government, as defined in ORS 174.116,
14 or special government body, as defined in ORS 174.117, the State Chief In-
15 formation Officer shall include on the Oregon transparency website notices
16 of public meetings required to be provided under ORS 192.640 by the local
17 government or special government body. The local government or special
18 government body must submit public meeting notice information in the for-
19 mat and manner required by the State Chief Information Officer.

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

23 **“(8) Nothing in this section prohibits the State Chief Information**
24 **Officer or the Oregon Department of Administrative Services from**
25 **incurring costs or requesting additional resources to develop, maintain**
26 **or enhance the Oregon transparency website.**

27

28 **“COMMON SCHOOL FUND**

29

30 **“SECTION 7.** Section 22, chapter 105, Oregon Laws 2018, as amended by

1 sections 81 and 82, chapter 678, Oregon Laws 2019, is amended to read:

2 “**Sec. 22.** (1) On **or before** January [1] **31** of each year, the [*State Treas-*
3 *urer*] **Department of State Lands** shall transfer from the Common School
4 Fund Account to the School Districts Unfunded Liability Fund established
5 in section 24, chapter 105, Oregon Laws 2018, [*all or part of the interest*
6 *earned*] **30 percent of the difference of:**

7 “**(a) The investment earnings** in the previous [*calendar*] **state fiscal**
8 year from the cumulative unclaimed property deposited in the Common
9 School Fund Account under ORS 98.386 [*to which the state has not taken title,*
10 *as described in subsection (2) of this section.*]

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

14 “[*(a) The amount paid for unclaimed property claims under ORS 98.396 in*
15 *the previous calendar year;*]; **and**

16 “**(b) The sum of:**

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

19 “[*(c)*] **(B)** Operating expenses [*that the State Treasurer is entitled to re-*
20 *cover for*] **of the department for programs managed by the department**
21 **paid from the Common School Fund in** the previous [*calendar*] **state**
22 **fiscal** year.

23 “**(2) Notwithstanding subsection (1) of this section, if the amount**
24 **described in subsection (1)(b) of this section is greater than the**
25 **amount described in subsection (1)(a) of this section, no moneys may**
26 **be transferred under this section.**

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

29 “**Sec. 85.** (1) Sections 1 to 6, **chapter 678, Oregon Laws 2019,** [*of this*
30 *2019 Act*] become operative on July 1, 2021.

1 “(2) The amendments to statutes and session law by sections 7 to 80,
2 **chapter 678, Oregon Laws 2019**, [of this 2019 Act] become operative on July
3 1, 2021.

4 “(3) The amendments to section 22, chapter 105, Oregon Laws 2018, by
5 section 81, **chapter 678, Oregon Laws 2019**, [of this 2019 Act] become oper-
6 ative on January 1, [2022] **2021**.

7 “(4) The amendments to section 22, chapter 105, Oregon Laws 2018, by
8 section 82, **chapter 678, Oregon Laws 2019**, [of this 2019 Act] become oper-
9 ative on January 1, [2023] **2021**.

10 “(5) The State Treasurer, the Department of State Lands and the State
11 Land Board may take any actions before the operative dates specified in
12 subsections (1) to (4) of this section necessary to enable the State Treasurer
13 to exercise, on and after the operative dates specified in subsections (1) to
14 (4) of this section, the duties, functions and powers required under [this 2019
15 Act] **chapter 678, Oregon Laws 2019**.

16 “**SECTION 9.** The amendments to section 22, chapter 678, Oregon
17 Laws 2019, by section 7 of this 2020 Act become operative on January
18 1, 2021.

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

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

24

25 “**NONSTATE EMPLOYEE COLLECTIVE BARGAINING**

26

27 “**SECTION 11.** ORS 410.612 is amended to read:

28 “410.612. (1) For purposes of collective bargaining under ORS 243.650 to
29 243.806, the Home Care Commission is the employer of record for home care
30 workers and personal support workers.

1 “(2) Except as provided in ORS 410.614 and 410.619, home care workers
2 and personal support workers may not be considered to be employees of the
3 State of Oregon, an area agency, a support services brokerage or other public
4 agency.

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

11 **“(b) The Oregon Department of Administrative Services shall report**
12 **to the legislative review agency, as defined in ORS 291.371, on any new**
13 **or changed provisions relating to compensation in a collective bar-**
14 **gaining agreement negotiated under this section.**

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

16 “329A.430. (1) As used in this section:

17 “(a) ‘Certified family child care provider’ means an individual who oper-
18 ates a family child care home that is certified under ORS 329A.280.

19 “(b) ‘Child care subsidy’ means a payment made by the state on behalf
20 of eligible children for child care services provided for periods of less than
21 24 hours in a day.

22 “(c) ‘Exempt family child care provider’ means an individual who provides
23 child care services in the home of the individual or in the home of the child,
24 whose services are not required to be certified or registered under ORS
25 329A.250 to 329A.450 and who receives a child care subsidy.

26 “(d) ‘Family child care provider’ means an individual who is a certified,
27 registered or exempt family child care provider.

28 “(e) ‘Registered family child care provider’ means an individual who op-
29 erates a family child care home that is registered under ORS 329A.330.

30 “(2) For purposes of collective bargaining under ORS 243.650 to 243.806,

1 the State of Oregon is the public employer of record of family child care
2 providers.

3 “(3) Notwithstanding ORS 243.650 (19), family child care providers are
4 considered to be public employees governed by ORS 243.650 to 243.806. Fam-
5 ily child care providers have the right to form, join and participate in the
6 activities of labor organizations of their own choosing for the purpose of
7 representation and collective bargaining on matters concerning labor re-
8 lations. These rights shall be exercised in accordance with the rights granted
9 to public employees, with mediation and interest arbitration under ORS
10 243.742 as the method of concluding the collective bargaining process. Family
11 child care providers may not strike.

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

15 “(5)(a) The Oregon Department of Administrative Services shall represent
16 the State of Oregon in collective bargaining negotiations with the certified
17 or recognized exclusive representatives of all appropriate bargaining units
18 of family child care providers. The Oregon Department of Administrative
19 Services is authorized to agree to terms and conditions of collective bar-
20 gaining agreements on behalf of the State of Oregon.

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

25 “(6) Notwithstanding ORS 243.650 (1):

26 “(a) The appropriate bargaining unit for certified and registered family
27 child care providers is a bargaining unit of all certified and registered family
28 child care providers in the state.

29 “(b) The appropriate bargaining unit for exempt family child care pro-
30 viders is a bargaining unit of all exempt family child care providers in the

1 state.

2 “(7) This section does not modify any right of a parent or legal guardian
3 to choose and terminate 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’
6 means a person who operates an adult foster home in the provider’s home
7 and who receives fees or payments from state funds for providing adult foster
8 care home services. ‘Adult foster care home provider’ does not include a
9 person:

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

14 “(b) Who is not a natural person; or

15 “(c) Whose participation in collective bargaining is determined by the li-
16 censing agency to be inconsistent with this section or in violation of state
17 or federal law.

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

21 “(3) Notwithstanding ORS 243.650 (19), adult foster care home providers
22 are considered to be public employees governed by ORS 243.650 to 243.806.
23 Adult foster care home providers have the right to form, join and participate
24 in the activities of labor organizations of their own choosing for the pur-
25 poses of representation and collective bargaining on matters concerning la-
26 bor relations. Mandatory subjects of collective bargaining include but are
27 not limited to provider base rates and add-on payments. These rights shall
28 be exercised in accordance with the rights granted to public employees, with
29 mediation and interest arbitration under ORS 243.742 as the method of con-
30 cluding the collective bargaining process. Adult foster care home providers

1 may not strike.

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

5 “(5)(a) The Oregon Department of Administrative Services shall represent
6 the State of Oregon in collective bargaining negotiations with the certified
7 or recognized exclusive representative of an appropriate bargaining unit of
8 adult foster care home providers. The Oregon Department of Administrative
9 Services is authorized to agree to terms and conditions of collective bar-
10 gaining agreements on behalf of the State of Oregon.

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

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

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

20

21 “**WATER SUPPLY DEVELOPMENT ACCOUNT**

22

23 “**SECTION 14.** Section 20, chapter 725, Oregon Laws 2017, is amended to
24 read:

25 “**Sec. 20.** An expenditure of moneys from the Water Supply Development
26 Account is not subject to any application process or public benefit scoring
27 or ranking under ORS 541.663, 541.666, 541.669, 541.673 or 541.677 if the ex-
28 penditure is for a purpose:

29 “(1) Specifically identified in an appropriation to the account from the
30 General Fund [*for the biennium beginning July 1, 2017,*] for carrying out the

1 purpose; or

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

5 **“SECTION 15. Section 21, chapter 725, Oregon Laws 2017, is re-**
6 **pealed.**

7

8

“DEBT SERVICE

9

10 **“SECTION 16.** Section 4, chapter 609, Oregon Laws 2019, is amended to
11 read:

12 **“Sec. 4.** There is appropriated to the Department of Education, for the
13 biennium beginning July 1, 2019, out of the General Fund, the amount of
14 \$32,479,290 for debt service on [*Article XI-P*] general obligation bonds.

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

17 **“Sec. 6.** Notwithstanding any other law limiting expenditures, the fol-
18 lowing amounts are established for the biennium beginning July 1, 2019, as
19 the maximum limits for payment of expenses, other than expenses described
20 in sections 7 and 10 of this 2019 Act, from fees, moneys or other revenues,
21 including Miscellaneous Receipts, but excluding lottery funds and federal
22 funds, collected or received by the Department of Education, for the follow-
23 ing purposes:

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

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

3 **“Sec. 5a.** Notwithstanding any other law limiting expenditures, the
4 amount of \$1 is established for the biennium beginning July 1, 2019, as the
5 maximum limit for payment of expenses from fees, moneys or other revenues,
6 including Miscellaneous Receipts and federal funds from the United States
7 Department of Housing and Urban Development for contract services, but
8 excluding lottery funds and federal funds not described in this section, col-
9 lected or received by the Housing and Community Services Department, for
10 debt service [*and related costs for outstanding general obligation bonds sold*
11 *pursuant to Article XI-Q of the Oregon Constitution*].

12

13 **“PUBLIC EMPLOYEES RETIREMENT SYSTEM**

14

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

17 **SECTION 20.** At least 30 days before crediting any interest or other
18 income received through investment of moneys to any fund or ac-
19 count, the Public Employees Retirement Board shall submit a prelim-
20 inary proposal for crediting to the appropriate legislative review
21 agency, as defined in ORS 291.371 (1), for its review and comment. The
22 proposal shall identify gross earnings, investment expenses and ad-
23 ministrative expenses, by fund or account, related to the crediting of
24 the interest or other income.

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

26 “238.670. (1) At the close of each calendar year in which the earnings on
27 the Public Employees Retirement Fund equal or exceed the assumed interest
28 rate established by the Public Employees Retirement Board under ORS
29 238.255, the board shall set aside, out of interest and other income received
30 through investment of the Public Employees Retirement Fund during that

1 calendar year, such part of the income as the board may deem advisable, not
2 exceeding seven and one-half percent of the combined total of such income,
3 which moneys so segregated shall remain in the fund and constitute therein
4 a reserve account. The board shall continue to credit the reserve account in
5 the manner required by this subsection until the board determines that the
6 reserve account is adequately funded for the purposes specified in this sub-
7 section, but the board may not credit further amounts to the reserve account
8 if the amounts in the reserve account exceed \$50 million. Such reserve ac-
9 count shall be maintained and used by the board to prevent any deficit of
10 moneys available for the payment of retirement allowances, due to interest
11 fluctuations, changes in mortality rate or, except as provided in subsection
12 (3) or (4) of this section, other contingency. In addition, the reserve account
13 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
15 participating public employer. Reserves under this paragraph may be funded
16 only from the earnings on employer contributions made under ORS 238.225.

17 “(b) To pay any legal expenses or judgments that do not arise in the or-
18 dinary course of adjudicating an individual member’s benefits or an individ-
19 ual employer’s liabilities.

20 “(2) At the close of each calendar year, the board shall set aside, out of
21 interest and other income received during the calendar year, after deducting
22 the amounts provided by law and to the extent that such income is available,
23 a sufficient amount to credit to the reserves for pension accounts and an-
24 nuities varying percentage amounts adopted by the board as a result of pe-
25 riodic actuarial investigations. If total income available for distribution
26 exceeds those percentages of the total accumulated contributions of employ-
27 ees and employers, the reserves for pensions and annuities shall participate
28 in such excess.

29 “(3) The board may set aside, out of interest and other income received
30 through investment of the fund, such part of the income as the board con-

1 siders necessary, which moneys so segregated shall remain in the fund and
2 constitute one or more reserve accounts. Such reserve accounts shall be
3 maintained and used by the board to offset gains and losses of invested
4 capital. The board, from time to time, may cause to be transferred from the
5 reserve account provided for in subsection (1) of this section to a reserve
6 account provided for in this subsection such amount as the board determines
7 to be unnecessary for the purposes set forth in subsection (1) of this section
8 and to be necessary for the purposes set forth in this subsection.

9 “(4) The board may provide for amortizing gains and losses of invested
10 capital in such instances as the board determines that amortization is pref-
11 erable to a reserve account provided for in subsection (3) of this section.

12 “[(5) *At least 30 days before crediting any interest and other income re-*
13 *ceived through investment of the Public Employees Retirement Fund to any*
14 *reserve account in the fund, the board shall submit a preliminary proposal for*
15 *crediting to the appropriate legislative review agency, as defined in ORS*
16 *291.371 (1), for its review and comment.*]

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

23

24 **“GENERAL FUND APPROPRIATION BALANCES**

25

26 **“SECTION 23.** ORS 293.195 is amended to read:

27 “293.195. (1) Any difference between the amount appropriated for a
28 biennium to the judicial department as defined in ORS 174.113, including
29 amounts appropriated to any agency of the judicial department, and the
30 amount of the appropriation actually expended on or before the end of the

1 biennium, is [*continuously*] appropriated to the judicial department, **out of**
2 **the General Fund**, for payment of expenses of the judicial department for
3 the next biennium.

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

11 “(3) **The appropriations made by subsections (1) and (2) of this sec-**
12 **tion are subject to adjustment by the Legislative Assembly. The Leg-**
13 **islative Assembly shall reflect the appropriations, including any**
14 **adjustments thereto, in an appropriation measure during each**
15 **biennium.**

16

17 “**OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES**

18

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

21

22 “**PUBLIC EMPLOYEES’ BENEFIT BOARD**

23

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

25

26 “**JUDICIARY**

27

28 “**SECTION 26. ORS 3.012 is amended to read:**

29 “3.012. (1) The judicial districts, the counties constituting the judicial
30 districts and the number of circuit court judges for each judicial district are

1 as follows:

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

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

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

8 “(d) The fourth judicial district consists of Multnomah County and has
9 38 judges.

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

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

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

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

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

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

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

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

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

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

30 “(o) The fifteenth judicial district consists of the counties of Coos and

1 Curry and has six judges.

2 “(p) The sixteenth judicial district consists of Douglas County and has
3 [*five*] **six** judges.

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

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

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

10 “(t) The twentieth judicial district consists of Washington County and has
11 15 judges.

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

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

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

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

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

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

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

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

29

30 **“OREGON BUSINESS DEVELOPMENT DEPARTMENT**

1 **“SECTION 27. (1) The Tide Gate Grant and Loan Fund is established**
2 **in the State Treasury, separate and distinct from the General Fund.**
3 **Interest earned by the Tide Gate Grant and Loan Fund must be cred-**
4 **ited to the fund.**

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

6 **“(a) Moneys allocated to the Oregon Business Development De-**
7 **partment under section 3 (4), chapter 670, Oregon Laws 2019;**

8 **“(b) Moneys appropriated, allocated, deposited or transferred to the**
9 **fund by the Legislative Assembly or otherwise;**

10 **“(c) Repayments, including interest, of disbursements from the**
11 **fund;**

12 **“(d) Moneys received for deposit in the fund from the federal gov-**
13 **ernment, state agencies or local governments; and**

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

15 **“(3) The moneys in the fund are continuously appropriated to the**
16 **department for the purposes specified in section 28 of this 2020 Act.**

17 **“SECTION 28. (1) The Oregon Business Development Department**
18 **may directly or indirectly grant, expend or lend moneys from the Tide**
19 **Gate Grant and Loan Fund established under section 27 of this 2020**
20 **Act to:**

21 **“(a) Provide grants or loans to plan or construct tide gates, culverts**
22 **and associated drainage infrastructure;**

23 **“(b) Obtain professional services for tide gate coordination or for**
24 **technical studies that have a statewide benefit for tide gate project**
25 **development; or**

26 **“(c) Pay administrative expenses of the department incurred in**
27 **carrying out the provisions of this section, including costs of investi-**
28 **gating and processing an application, developing contracts, monitoring**
29 **use of grants or loans by a recipient, investigating and resolving**
30 **budget discrepancies, closing a project and providing financial and**

1 other assistance associated with expenditures from the fund.

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

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

6
7 “DEPARTMENT OF EDUCATION

8
9 “SECTION 30. (1) As used in this section, ‘alternative education
10 program’ means an education program or school that:

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

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

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

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

22 “(b) Racial or ethnic groups that have historically experienced ac-
23 ademic disparities, as described in ORS 327.180 (2)(b)(B); or

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

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

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

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

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

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

8 “(c) Reporting requirements or other accountability measures; and

9 “(d) Calculations of grant amounts, which must:

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

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

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

15
16 “DEPARTMENT OF JUSTICE
17

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

19 “SECTION 33. ORS 147.225 is amended to read:

20 “147.225. There is established the Criminal Injuries Compensation Ac-
21 count. All moneys in the account are continuously appropriated for and may
22 be used by the Department of Justice for the purposes authorized in ORS
23 147.005 to 147.367, **147.390** and 147.397.

24 “SECTION 34. ORS 147.390 is amended to read:

25 “147.390. *[(1) Notwithstanding that a child is not a victim under ORS*
26 *147.015 (1)(a), in cases of suspected child sexual abuse as described in ORS*
27 *419B.005 (1)(a)(C), (D) or (E), or child physical abuse by an adult or caretaker*
28 *as otherwise described in ORS 419B.005 (1)(a)(A), compensation may be made*
29 *on behalf of the child for services provided by a children’s advocacy center,*
30 *including a child abuse assessment, a medical assessment or a forensic inter-*

1 view, if:]

2 “[a) The expenses are actually paid or incurred by the applicant; and]

3 “[b) A claim is filed on behalf of the child in the manner provided in ORS
4 147.015.]

5 “[2) The Department of Justice may pay compensation for child abuse as-
6 sessments or medical assessments required by ORS 419B.023 regardless of
7 whether a finding of abuse is made and only if other insurance is unavailable.
8 If the department pays compensation, the department shall pay the compen-
9 sation directly to the provider of the services. The medical fee schedules for
10 payment under this section shall be the schedules adopted under ORS
11 147.035.]

12 **“(1) In cases of suspected child sexual abuse as described in ORS**
13 **419B.005 (1)(a)(C), (D) or (E), or child physical abuse by an adult or**
14 **caretaker as otherwise described in ORS 419B.005 (1)(a)(A), the De-**
15 **partment of Justice may pay for services provided by a children’s ad-**
16 **vocacy center, including child abuse assessments, medical assessments**
17 **and forensic interviews. Payments under this section may be made**
18 **regardless of whether a finding of abuse is made. The department shall**
19 **make payments under this section directly to the children’s advocacy**
20 **center.**

21 **“(2) A children’s advocacy center may not charge the department**
22 **more for medical services than the maximum amounts established in**
23 **the medical fee schedules adopted under ORS 147.035.**

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

27

28 **“OREGON TOURISM COMMISSION**

29

30 **“SECTION 35. The Oregon Tourism Commission shall, upon re-**

1 **quest, provide information and assistance to the Oregon Business De-**
2 **velopment Department, the Oregon Department of Administrative**
3 **Services and the Legislative Fiscal Officer for purposes of a report by**
4 **the Oregon Business Development Department on budgetary, admin-**
5 **istrative and statutory adjustments necessary to establish the com-**
6 **mission as a program within the department.**

7 **“SECTION 36. Notwithstanding ORS 192.311 to 192.478, the Oregon**
8 **Business Development Department, the Oregon Department of Ad-**
9 **ministrative Services and the Legislative Fiscal Officer may not dis-**
10 **close, in response to a public records request under ORS 192.311 to**
11 **192.478, any information or records received from the Oregon Tourism**
12 **Commission pursuant to section 35 of this 2020 Act.**

13 **“SECTION 37. Section 35 of this 2020 Act is repealed on June 30,**
14 **2021.**

15
16 **“HOUSING AND COMMUNITY SERVICES**
17

18 **“SECTION 38. Section 15, chapter __, Oregon Laws 2020 (Enrolled House**
19 **Bill 4001) is amended to read:**

20 **“Sec. 15. In addition to and not in lieu of any other appropriation, there**
21 **is appropriated to the Oregon Department of Administrative Services, for the**
22 **biennium ending June 30, 2021, out of the General Fund, the following**
23 **amounts:**

24 **“(1) \$1,500,000 to Yamhill County for a navigation center within the urban**
25 **growth boundary of the City of McMinnville, pursuant to section 10 of this**
26 **2020 Act;**

27 **“(2) \$2,500,000 to the City of Bend for a navigation center pursuant to**
28 **section 10 of this 2020 Act;**

29 **“(3) \$2,500,000 to the City of Medford for a navigation center pursuant to**
30 **section 10 of this 2020 Act;**

1 “(4) \$5,000,000 to the City of Salem for a navigation center pursuant to
2 section 10 of this 2020 Act; and

3 “(5) \$5,000,000 to **Lane County, for use within** the City of Eugene, for
4 a navigation center pursuant to section 10 of this 2020 Act.

5

6 “**DEPARTMENT OF TRANSPORTATION**

7

8 “**SECTION 39. ORS 391.800, 391.802, 391.810, 391.815, 391.820 and**
9 **391.830 are repealed.**

10 “**SECTION 40. No later than July 1, 2021, the Department of**
11 **Transportation shall transfer from the Elderly and Disabled Special**
12 **Transportation Fund established under ORS 391.800 to the Statewide**
13 **Transportation Improvement Fund established under ORS 184.751 any**
14 **amounts remaining in the Elderly and Disabled Special Transportation**
15 **Fund.**

16 “**SECTION 41. ORS 184.751 is amended to read:**

17 “184.751. (1) The Statewide Transportation Improvement Fund is estab-
18 lished in the State Treasury, separate and distinct from the General Fund.
19 Interest earned by the Statewide Transportation Improvement Fund shall be
20 credited to the fund. Moneys in the fund are continuously appropriated to
21 the Department of Transportation to finance investments and improvements
22 [in] **or to maintain existing** public transportation services, except that the
23 moneys may not be used for light rail capital expenses but may be used for
24 light rail operation expenses.

25 “(2) The Statewide Transportation Improvement Fund consists of:

26 “(a) All moneys received from the tax imposed under ORS 320.550;

27 “(b) Moneys appropriated or otherwise transferred to the fund by the
28 Legislative Assembly; [and]

29 “(c) **Moneys transferred to the fund under ORS 184.642, 323.455 or**
30 **323.457 (1)(d) and (2)(b);**

1 “(d) **Distribution repayments, if any; and**

2 “[(c)] (e) Other moneys deposited in the fund from any source.

3 “(3) **Unless approved by the department, the moneys in the State-**
4 **wide Transportation Improvement Fund may not be used to supplant**
5 **local and regional agency moneys currently directed to public trans-**
6 **portation service providers.**

7 “SECTION 42. ORS 184.758 is amended to read:

8 “184.758. (1) The Oregon Transportation Commission shall distribute the
9 moneys in the Statewide Transportation Improvement Fund established under
10 ORS 184.751 [*as follows:*] **to the Department of Transportation to pay for:**

11 “(a) **Program administration; and**

12 “(b) **Projects of statewide significance that support the transit net-**
13 **work and manage the operation of public transportation services.**

14 “(2) **The moneys described in subsection (1) of this section that re-**
15 **main after the allocation of moneys described in subsection (1) of this**
16 **section shall be allocated as follows:**

17 “(a) Conditioned upon the commission’s approval of a public transporta-
18 tion improvement plan, 90 percent to qualified entities;

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

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

24 “(d) One percent to the Department of Transportation [*to pay the*
25 *department’s administrative costs and expenses associated with carrying out*
26 *the provisions of ORS 184.752 to 184.766 and*] to establish a statewide public
27 transportation technical resource center, the purpose of which is to assist
28 public transportation service providers in rural areas with technical assist-
29 ance, training, transportation planning and information technology.

30 “(3) **A portion of the percentage distributions under subsection**

1 (2)(a) of this section shall be dedicated to transit services for older
2 adults and individuals with disabilities. Each biennium the commission
3 shall first distribute the moneys transferred to the fund under ORS
4 184.751 as needed to maintain funding that benefits older adults and
5 individuals with disabilities in the amount distributed during the
6 2019-2021 biennium. However, this amount shall be adjusted upwards
7 or downwards by the commission biennially based on the rate of
8 growth or decline of the Statewide Transportation Improvement Fund.
9 The percentage distributions under subsection (2)(a) of this section
10 shall be distributed as follows:

11 “(a) Each transportation district and mass transit district shall re-
12 ceive that share of the moneys as the population of the counties in
13 which the district is situated, determined under ORS 190.510 to 190.610
14 last preceding apportionment of the moneys, bears to the total popu-
15 lation of this state. However, if two or more districts are situated in
16 a single county, distribution of moneys under this subsection shall be
17 determined as though only the mass transit district is located in that
18 county or, if there are two or more transportation districts in the
19 county, as though only the transportation district with the highest
20 population is located in that county.

21 “(b) Each county in which no part of a mass transit district or
22 transportation district is located shall receive that share of the mon-
23 eys as its population, determined under ORS 190.510 to 190.610 last
24 preceding apportionment of the moneys, bears to the total population
25 of this state.

26 “(c) Each federally recognized Indian tribe shall receive that share
27 of the moneys as the population of the tribe residing in Oregon, de-
28 termined by the commission by rule, bears to the total population of
29 this state.

30 “(4) Each qualified entity under subsection (3) of this section shall

1 **receive an annual amount of no less than \$67,700. However, this**
2 **amount shall be adjusted upwards or downwards by the commission**
3 **biennially based on the rate of growth or decline of the Statewide**
4 **Transportation Improvement Fund.**

5 “[2] (5) For purposes of the percentage distributions under subsection
6 [(1)(a)] (2)(a) of this section:

7 “(a) Each distribution must be in such shares that the amount of tax paid,
8 as required under ORS 320.550, in the area of each qualified entity bears to
9 the total amount of the tax paid statewide, provided that each qualified en-
10 tity receives an annual amount of [*at least \$100,000*] **no less than \$100,000.**
11 **However, this amount shall be adjusted upwards or downwards by the**
12 **commission biennially based on the rate of growth or decline of the**
13 **Statewide Transportation Improvement Fund.**

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

17 “[3] (6) The commission shall adopt by rule:

18 “(a) A competitive grant program, by which a public transportation ser-
19 vice provider may apply for a percentage distribution under subsection
20 [(1)(b)] (2)(b) of this section, and the terms and conditions of grants.

21 “(b) A competitive grant program, by which a public transportation ser-
22 vice provider may apply for a percentage distribution under subsection
23 [(1)(c)] (2)(c) of this section, and the terms and conditions of grants.

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

26 “(d) Procedures for appealing a rejection of a public transportation im-
27 provement plan submitted under subsection [(4)] (7) of this section.

28 “(e) Any other provisions or procedures that are necessary for the com-
29 mission to carry out the provisions of ORS 184.758 to 184.766.

30 “[4] (7) To be eligible to receive a percentage distribution under sub-

1 section [(1)(a)] **(2)(a)** of this section, a qualified entity shall prepare and
2 submit a public transportation improvement plan to the commission. The
3 commission must approve the plan submitted by the qualified entity before
4 the commission may make a percentage distribution to the qualified entity.

5 “[5] **(8)** At a minimum, a public transportation improvement plan sub-
6 mitted under this section must include:

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

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

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

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

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

17 “(E) Improvement in the frequency and reliability of service connections
18 between communities inside and outside of the qualified entity’s service area;

19 “(F) Coordination between public transportation service providers to re-
20 duce fragmentation in the provision of transportation services; [and]

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

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

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

26 “(c) If a qualified entity was a recipient of a percentage distribution in
27 the preceding fiscal year, the amount of moneys received from the distrib-
28 ution that were allocated to a project for the purposes described under par-
29 agraph (a) of this subsection.

30 “[6] **(9)** If practicable, as determined by the commission by rule each

1 qualified entity shall spend at least one percent of the amount received each
2 year under subsection [(1)(a)] **(2)(a)** of this section to implement programs
3 to provide student transit services for students in grades 9 through 12.

4 “[7] **(10)** After the commission makes a distribution under subsection
5 [(1)] **(2)** of this section, qualified entities may enter into intergovernmental
6 agreements under ORS chapter 190 to combine the moneys received for public
7 transportation improvements.

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

12 “[9] **(12)** The Department of Transportation shall make all grant appli-
13 cations submitted under this section available to the public.

14 **“SECTION 43.** ORS 184.761 is amended to read:

15 “184.761. (1) The governing body of each qualified entity shall appoint an
16 advisory committee to advise and assist the governing body in prioritizing
17 plans or projects to be funded from the moneys received from a percentage
18 distribution under ORS 184.758 to public transportation service providers
19 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
21 public transportation service provider that provides services [*within the ju-*
22 *risdiction of a qualified entity*] shall submit a plan or project proposal to the
23 governing body of the qualified entity and receive the advisory committee’s
24 approval of the plan or project proposal. The plans or project proposals
25 submitted under this subsection must describe how the funds would be used.
26 **Client-only projects, as defined by the Oregon Transportation Com-**
27 **mission by rule, may be eligible for consideration if the project is part**
28 **of a planned and coordinated community transportation program.**

29 “(3) An advisory committee appointed under this section shall review ev-
30 ery plan or project proposal required under subsection (2) of this section and

1 may propose any changes to the policies or practices of the governing body
2 **relating to the distribution of funding under ORS 184.758 (2)(a) and** that
3 the advisory committee considers necessary to ensure that:

4 “(a) A public transportation service provider that has received funding
5 under ORS 184.758 (2)(a) has applied the moneys received in accordance with
6 and for the purposes described in the provider’s plan or project proposal; and

7 “(b) A plan or project proposal submitted by a public transportation ser-
8 vice provider does not fragment the provision of public transportation ser-
9 vices.

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

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

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

15 “(c) A process by which an advisory committee shall review and approve
16 a plan or project proposal.

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

21 **“SECTION 44.** ORS 184.766 is amended to read:

22 “184.766. (1) Every qualified entity that receives a percentage distribution
23 under ORS 184.758 shall submit the following to the Department of Trans-
24 portation:

25 “[1] (a) No later than 60 days after the end of the fiscal year, a report
26 on any actions taken by a public transportation service provider located
27 within the area of a qualified entity to mitigate the impact of the tax im-
28 posed under ORS 320.550 on passengers who reside in low-income communi-
29 ties;

30 “[2] (b) No later than 30 days after adoption, the annual budget for the

1 upcoming fiscal year; and

2 “[3] (c) No later than 30 days after receipt of the final results of any
3 audits of the qualified entity or of a public transportation service provider
4 located within the area of the qualified entity as required by a local, state
5 or federal oversight agency for purposes of statewide reporting, the final re-
6 sults including, but not limited to:

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

8 “[b] (B) The results of any comprehensive review completed by the
9 Federal Transit Administration or the department; [and]

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

14 **“(D) Any quarterly reports that detail project progress, outcomes
15 achieved and the expenditure of funds described under ORS 184.758
16 (2)(a).**

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

23 **“SECTION 45. The amendments to ORS 184.766 by section 44 of this
24 2020 Act apply to distributions made on or after the effective date of
25 this 2020 Act.**

26

27 **“(Conforming amendments)**

28

29 **“SECTION 46. ORS 184.642 is amended to read:**

30 **“184.642. (1) The Department of Transportation Operating Fund is estab-**

1 lished in the State Treasury separate and distinct from the General Fund and
2 separate and distinct from the State Highway Fund. Except as otherwise
3 provided in subsection (3)(e) of this section, moneys in the Department of
4 Transportation Operating Fund are continuously appropriated to the De-
5 partment of Transportation to pay expenses of the department that are in-
6 curred in the performance of functions the department is statutorily required
7 or authorized to perform and that may not constitutionally be paid from
8 revenues described in section 3a, Article IX of the Oregon Constitution.

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

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

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

16 “(A) Dismantler certificates;

17 “(B) Vehicle dealer certificates;

18 “(C) Show licenses;

19 “(D) Vehicle transporter certificates;

20 “(E) Driver training instructor certificates;

21 “(F) Commercial driver training school certificates; and

22 “(G) Vehicle appraiser certificates.

23 “(c) Late fees collected under ORS 822.700.

24 “(d) Fees collected under ORS 822.705.

25 “(e) Moneys from civil penalties imposed under ORS 822.009.

26 “(f) Fees collected under ORS 807.410 for identification cards.

27 “(g) Fees collected by the department for issuance of permits to engage
28 in activities described in ORS 374.302 to 374.334 that are not directly con-
29 nected to the construction, reconstruction, improvement, repair, mainte-
30 nance, operation and use of a public highway, road, street or roadside rest

1 area.

2 “(h) Fees collected under ORS 835.017 for services provided to the Oregon
3 Department of Aviation.

4 “(i) Interest and other earnings on moneys in the operating fund.

5 “(3) Moneys in the Department of Transportation Operating Fund estab-
6 lished by subsections (1) and (2) of this section may be spent only as follows:

7 “(a) Taxes described in subsection (2)(a) of this section may be used only
8 for payment of expenses of the Department of Transportation that:

9 “(A) May not constitutionally be paid from revenues described in section
10 3a, Article IX of the Oregon Constitution;

11 “(B) Are incurred in the performance of functions the department is
12 statutorily required or authorized to perform; and

13 “(C) Are not payable from moneys described in paragraphs (b) to (e) of
14 this subsection.

15 “(b) Fees collected under subsection (2)(b) of this section may be used
16 only to carry out the regulatory functions of the department relating to the
17 businesses that generate the fees.

18 “(c) Fees collected under ORS 822.705 may be used only for the purposes
19 described in ORS 822.705.

20 “(d) Moneys collected from civil penalties imposed under ORS 822.009 may
21 be used only for regulation of vehicle dealers.

22 “(e) Moneys collected under ORS 807.410 from fees for identification cards
23 shall be used first to pay the expenses of the department for performing the
24 functions of the department relating to identification cards. After paying the
25 expenses related to identification cards, the department shall transfer the
26 remaining moneys collected under ORS 807.410 to the [*Elderly and Disabled*
27 *Special Transportation Fund established in ORS 391.800*] **Statewide Trans-**
28 **portation Improvement Fund established in ORS 184.751.**

29 “(f) Moneys from the permits described in subsection (2)(g) of this section
30 may be used for costs of issuing the permits and monitoring the activities

1 that generate the fees.

2 “(g) Moneys from interest and other earnings on moneys in the operating
3 fund may be used for any purpose for which other moneys in the fund may
4 be used.

5 **“SECTION 47.** ORS 323.455 is amended to read:

6 “323.455. (1) All moneys received by the Department of Revenue from the
7 tax imposed by ORS 323.030 (1) shall be paid over to the State Treasurer to
8 be held in a suspense account established under ORS 293.445. The department
9 may pay expenses for administration and enforcement of ORS 323.005 to
10 323.482 out of moneys received from the tax imposed under ORS 323.030 (1).
11 Amounts necessary to pay administrative and enforcement expenses are
12 continuously appropriated to the department from the suspense account. Af-
13 ter the payment of administrative and enforcement expenses and refunds,
14 89.65 percent shall be credited to the General Fund, 3.45 percent is appro-
15 priated to the cities of this state, 3.45 percent is appropriated to the counties
16 of this state and 3.45 percent is continuously appropriated to the Department
17 of Transportation for the purpose of financing and improving transportation
18 services for [*elderly individuals*] **older adults** and individuals with disabili-
19 ties [*as provided in ORS 391.800 to 391.830*].

20 “(2) The moneys appropriated to cities and counties under subsection (1)
21 of this section shall be paid on a monthly basis within 35 days after the end
22 of the month for which a distribution is made. Each city shall receive such
23 share of the money appropriated to all cities as its population, as determined
24 under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
25 total population of the cities of the state, and each county shall receive such
26 share of the money as its population, determined under ORS 190.510 to
27 190.590 last preceding such apportionment, bears to the total population of
28 the state.

29 “(3) The moneys appropriated to the Department of Transportation under
30 subsection (1) of this section shall be distributed and transferred to the [*EL-*

1 *derly and Disabled Special Transportation Fund established by ORS 391.800]*
2 **Statewide Transportation Improvement Fund established in ORS**
3 **184.751** at the same time as the cigarette tax moneys are distributed to cities
4 and counties under this section.

5 “(4) Of the moneys credited to the General Fund under subsection (1) of
6 this section, 51.92 percent shall be dedicated to funding the maintenance and
7 expansion of the number of persons eligible for the medical assistance pro-
8 gram under ORS chapter 414, or to funding the maintenance of the benefits
9 available under the program, or both, and 5.77 percent shall be credited to
10 the Tobacco Use Reduction Account established under ORS 431A.153.

11 “(5) All moneys received by the Department of Revenue from the tax im-
12 posed by ORS 323.030 (4) shall be paid over to the State Treasurer to be held
13 in a suspense account established under ORS 293.445. After the payment of
14 refunds, the balance shall be credited to the Oregon Health Authority Fund
15 established by ORS 413.101 and shall be used to provide the services de-
16 scribed in ORS 430.630.

17 **“SECTION 48.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved
18 by the voters at the general election held throughout this state on November
19 3, 2020, ORS 323.455, as amended by section 4, chapter 525, Oregon Laws
20 2019, is amended to read:

21 “323.455. (1) All moneys received by the Department of Revenue from the
22 tax imposed by ORS 323.030 (1) shall be paid over to the State Treasurer to
23 be held in a suspense account established under ORS 293.445. The department
24 may pay expenses for administration and enforcement of ORS 323.005 to
25 323.482 out of moneys received from the tax imposed under ORS 323.030 (1),
26 after all amounts available under section 3, chapter 525, Oregon Laws 2019,
27 for expenses for administration and enforcement of ORS 323.005 to 323.482
28 have been used. Amounts necessary to pay administrative and enforcement
29 expenses are continuously appropriated to the department from the suspense
30 account. After the payment of administrative and enforcement expenses and

1 refunds, 89.65 percent shall be credited to the General Fund, 3.45 percent is
2 appropriated to the cities of this state, 3.45 percent is appropriated to the
3 counties of this state and 3.45 percent is continuously appropriated to the
4 Department of Transportation for the purpose of financing and improving
5 transportation services for [*elderly individuals*] **older adults** and individuals
6 with disabilities [*as provided in ORS 391.800 to 391.830*].

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

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

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

28 “(5) All moneys received by the Department of Revenue from the tax im-
29 posed by ORS 323.030 (4) shall be paid over to the State Treasurer to be held
30 in a suspense account established under ORS 293.445. After the payment of

1 refunds, the balance shall be credited to the Oregon Health Authority Fund
2 established by ORS 413.101 and shall be used to provide the services de-
3 scribed in ORS 430.630.

4 **“SECTION 49.** ORS 323.457 is amended to read:

5 “323.457. (1) Moneys received under ORS 323.031 shall be paid over to the
6 State Treasurer to be held in a suspense account established under ORS
7 293.445. After the payment of refunds:

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

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

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

16 “(d) 0.14/30 of the moneys are continuously appropriated to the Depart-
17 ment of Transportation to be distributed and transferred to the [*Elderly and*
18 *Disabled Special Transportation Fund established under ORS 391.800*]
19 **Statewide Transportation Improvement Fund established in ORS**
20 **184.751**; and

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

23 “(2)(a) Moneys distributed to cities and counties under this section shall
24 be distributed to each city or county using the proportions used for distrib-
25 utions made under ORS 323.455.

26 “(b) Moneys shall be distributed to cities, counties and the [*Elderly and*
27 *Disabled Special Transportation Fund*] **Statewide Transportation Im-**
28 **provement Fund** at the same time moneys are distributed to cities, counties
29 and the [*Elderly and Disabled Special Transportation Fund*] **Statewide**
30 **Transportation Improvement Fund** under ORS 323.455.

1 **“SECTION 50.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved
2 by the voters at the general election held throughout this state on November
3 3, 2020, ORS 323.457, as amended by section 5, chapter 525, Oregon Laws
4 2019, is amended to read:

5 “323.457. (1) Moneys received under ORS 323.031 (1) shall be paid over to
6 the State Treasurer to be held in a suspense account established under ORS
7 293.445. After the payment of refunds:

8 “(a) 29.37/30 of the moneys shall be credited to the Oregon Health Au-
9 thority Fund established under ORS 413.101;

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

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

16 “(d) 0.14/30 of the moneys are continuously appropriated to the Depart-
17 ment of Transportation to be distributed and transferred to the [*Elderly and*
18 *Disabled Special Transportation Fund established under ORS 391.800*]
19 **Statewide Transportation Improvement Fund established in ORS**
20 **184.751**; and

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

23 “(2)(a) Moneys distributed to cities and counties under this section shall
24 be distributed to each city or county using the proportions used for distrib-
25 utions made under ORS 323.455.

26 “(b) Moneys shall be distributed to cities, counties and the [*Elderly and*
27 *Disabled Special Transportation Fund*] **Statewide Transportation Im-**
28 **provement Fund** at the same time moneys are distributed to cities, counties
29 and the [*Elderly and Disabled Special Transportation Fund*] **Statewide**
30 **Transportation Improvement Fund** under ORS 323.455.

1 **“SECTION 51.** ORS 184.675 is amended to read:

2 “184.675. As used in ORS 184.670 to 184.733, unless the context requires
3 otherwise:

4 “(1) ‘Director’ means Director of Transportation.

5 “(2) ‘Department’ means the Department of Transportation.

6 **“(3) ‘Indian tribe’ means a federally recognized Indian tribe in
7 Oregon that has members residing on a reservation or tribal trust
8 lands in Oregon.**

9 “[(3)] (4) ‘Operating agreement’ means an agreement for the operation or
10 maintenance on behalf of the Department of Transportation of all or part
11 of a public transportation system, but does not include agreements by which
12 the department provides only financial or technical assistance or transpor-
13 tation facilities or equipment and which do not control routes, rates or levels
14 of service, or agreements under which such control is exercised by the fed-
15 eral government through the department.

16 “[(4)] (5) ‘Public transportation system’ means any form of passenger
17 transportation system, whether or not for hire, including but not limited to
18 air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger
19 transportation systems within, between and outside of urban and urbanized
20 areas, and including related passenger terminal facilities and motor vehicle
21 parking facilities.

22 “[(5)] (6) ‘Person’ means the United States or any state or any department
23 or agency of any of the above, or any nonprofit corporation or entity or any
24 other individual, corporation or entity, either public or private.

25 “[(6) ‘Bus’ means a motor vehicle designed for carrying 15 or more passen-
26 gers, exclusive of the driver, and used for the transportation of persons.]

27 “(7) ‘Public transportation entity’ includes a city, county, transportation
28 district, mass transit district, metropolitan service district, Indian tribe [*as
29 defined in ORS 391.802*] or private nonprofit corporation operating a public
30 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
3 otherwise:
4 “(1) ‘Council’ means the Oregon Investment Council.
5 “(2) ‘Investment funds’ means:
6 “(a) Public Employees Retirement Fund referred to in ORS 238.660;
7 “(b) Industrial Accident Fund referred to in ORS 656.632;
8 “(c) Consumer and Business Services Fund referred to in ORS 705.145;
9 “(d) Employment Department Special Administrative Fund referred to in
10 ORS 657.822;
11 “(e) Insurance Fund referred to in ORS 278.425;
12 “(f) Funds under the control and administration of the Department of
13 State Lands;
14 “(g) Oregon Student Assistance Fund referred to in ORS 348.570;
15 “(h) Moneys made available to the Commission for the Blind under ORS
16 346.270 and 346.569 or rules adopted thereunder;
17 “(i) Forest Development Revenue Bond Fund referred to in ORS 530.147
18 and State Forestry General Obligation Bond Fund referred to in ORS 530.280;
19 “(j) Oregon War Veterans’ Fund referred to in ORS 407.495;
20 “(k) Oregon War Veterans’ Bond Sinking Account referred to in ORS
21 407.515;
22 “(L) World War II Veterans’ Compensation Fund;
23 “(m) World War II Veterans’ Bond Sinking Fund;
24 “(n) Funds in the hands of the State Treasurer that are not required to
25 meet current demands and that are invested in the Oregon Short Term Fund
26 established under ORS 293.728 or in another commingled investment vehicle;
27 “(o) State funds that are not subject to the control and administration
28 of officers or bodies specifically designated by law;
29 “(p) Funds derived from the sale of state bonds;
30 “(q) Social Security Revolving Account referred to in ORS 237.490;

1 “(r) Public University Fund established by ORS 352.450;

2 “(s) Local Government Employer Benefit Trust Fund referred to in ORS

3 657.513;

4 “[*t*] *Elderly and Disabled Special Transportation Fund established by*

5 *ORS 391.800;*]

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

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

8 “[*w*] (v) Trust for Cultural Development Account established under ORS

9 359.405; and

10 “[*x*] (w) The State Library Donation Fund and the Talking Book and

11 Braille Library Endowment Fund subaccount established under ORS 357.195.

12 “(3) ‘Investment officer’ means the State Treasurer in the capacity as in-

13 vestment officer for the council.

14 **“SECTION 53.** ORS 293.701, as amended by section 64, chapter 678,

15 Oregon Laws 2019, is amended to read:

16 “293.701. As used in ORS 293.701 to 293.857, unless the context requires

17 otherwise:

18 “(1) ‘Council’ means the Oregon Investment Council.

19 “(2) ‘Investment funds’ means:

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

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

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

23 “(d) Employment Department Special Administrative Fund referred to in

24 ORS 657.822;

25 “(e) Insurance Fund referred to in ORS 278.425;

26 “(f) Funds under the control and administration of the Department of

27 State Lands;

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

29 “(h) Moneys made available to the Commission for the Blind under ORS

30 346.270 and 346.569 or rules adopted thereunder;

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

1 vestment officer for the council.

2 **“SECTION 54.** ORS 541.561 is amended to read:

3 “541.561. (1) The Water Resources Department shall establish a grant
4 program to pay the qualifying costs of planning studies performed to evalu-
5 ate the feasibility of developing a water conservation, reuse or storage
6 project, as described in ORS 541.566. A grant under this section may be made
7 to a local government as defined in ORS 174.116, [*to an Indian tribe as de-*
8 *fin**ed in ORS 391.802*] **a federally recognized Indian tribe in Oregon that**
9 **has members residing on a reservation or tribal trust lands in Oregon**
10 or to a person.

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

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

19 “(4) Grants and the cost of direct services provided under this section
20 must be paid for from moneys available in the Water Conservation, Reuse
21 and Storage Investment Fund.

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

27 “(b) In evaluating all other eligible projects, the department shall give
28 priority to projects identified by the department in a statewide water as-
29 sessment and inventory for the award of grants or provision of payment for
30 direct services under this section.

1 **“SECTION 55.** ORS 541.659 is amended to read:

2 “541.659. Loans and grants may be made from the Water Supply Develop-
3 ment Account to persons as defined in ORS 536.007, [*Indian tribes as defined*
4 *in ORS 391.802*] **a federally recognized Indian tribe in Oregon that has**
5 **members residing on a reservation or tribal trust lands in Oregon** and
6 nonprofit organizations. If an applicant is required to have a water man-
7 agement and conservation plan, the plan must be submitted to the Water
8 Resources Department and receive approval prior to department acceptance
9 of an application for a loan or grant from the account.

10

11

“CAPTIONS

12

13 **“SECTION 56.** The unit captions used in this 2020 Act are provided
14 **only for the convenience of the reader and do not become part of the**
15 **statutory law of this state or express any legislative intent in the**
16 **enactment of this 2020 Act.**

17

18

“EMERGENCY CLAUSE

19

20 **“SECTION 57.** This 2020 Act being necessary for the immediate
21 **preservation of the public peace, health and safety, an emergency is**
22 **declared to exist, and this 2020 Act takes effect on its passage.”.**

23
