

Enrolled
House Bill 2174

Sponsored by Representative OWENS; Representatives KOTEK, LEIF, SMITH DB, SMITH WARNER, ZIKA (at the request of Association of Oregon Counties) (Presession filed.)

CHAPTER

AN ACT

Relating to the distribution of federal forest reserve moneys; amending ORS 294.060.

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

SECTION 1. ORS 294.060 is amended to read:

294.060. (1) The moneys received by each county under ORS 293.560 shall be divided 75 percent to the road fund and 25 percent to the school fund of the county and, subject to subsection (2) of this section, the moneys shall be expended as other moneys in those funds are expended.

(2) The moneys apportioned to the county road fund may be applied in payment of any outstanding road bonds or may be placed in any county road bond sinking fund for the purpose of being so applied.

(3) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 9,000 and more than 6,500, according to the 1990 federal decennial census, moneys from the road fund in excess of \$2 million may be transferred to the school fund when the amount of [money] **moneys** credited to the road fund under subsection (1) of this section exceeds the amount needed for county roads, as determined by the board of county commissioners. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(4) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 58,000 and more than 55,000, according to the 1990 federal decennial census, if the moneys credited to the road fund under subsection (1) of this section exceed the amount needed for county roads, as determined by the county governing body, the portion of such moneys in excess of an amount specified by the county governing body may be transferred to the school fund of the county or may be transferred directly to the school districts of the county in accordance with procedures established by the county governing body. The county governing body may distribute moneys under this subsection among the several school districts without regard to the percentage of the resident average daily membership in each school district. Moneys transferred under this subsection may be transferred upon the condition that any school district receiving a share of such moneys must use the moneys only for a purpose described in ORS 328.205 (1)(a) or (c). Any amount received by a school district from the county under this subsection that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(5) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 6,500, according to the 1990 federal decennial census, moneys received by the county under ORS 293.560 may be divided between the road fund and the school fund of the county as specified under an agreement between the county governing body and the education service district board of the county that provides for a different apportionment of those moneys. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(6) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county west of the summit of the Cascade Mountains with a population of less than 19,500 and more than 6,500, according to the 1990 federal decennial census, moneys from the road fund in excess of \$1 million may be transferred to the school fund when the amount of *[money]* **moneys** credited to the road fund under subsection (1) of this section exceeds the amount needed for county roads, as determined by the board of county commissioners. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(7) As used in subsections (3) to (6) of this section, "summit of the Cascade Mountains" has the meaning *[for that term provided]* **given that term** in ORS 477.001.

(8)(a) Notwithstanding the division of receipts specified in subsection (1) of this section, the moneys that would otherwise be credited to the road fund of a county under subsection (1) of this section may instead be credited in accordance with this subsection.

(b) Upon request of the governing body of a county, the Oregon Department of Administrative Services shall credit the moneys described in paragraph (a) of this subsection to one of the following public bodies, provided the service territory of the public body includes the entire county:

(A) An intergovernmental entity created by agreement under ORS 190.003 to 190.130;

(B) A county road district formed under ORS 371.055 to 371.110; or

(C) A service district for roads established under ORS chapter 451.

(c) Moneys credited to a public body under this subsection shall be used in the same manner and subject to the same restrictions as would have applied to the moneys in the hands of the county that made the request under paragraph (b) of this subsection, including, but not limited to, the requirements of ORS chapter 368 related to the use of moneys in a county road fund.

(d) The governing body of the county may request that the department discontinue crediting the moneys to the public body at any time. Not later than 30 days after receiving a request under this paragraph, the department shall resume crediting the moneys in accordance with subsection (1) of this section.

Passed by House April 15, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 18, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State