

House Bill 3142

Sponsored by Representative BARNHART

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires school-based health center to be established in each school district. Directs State Board of Education to adopt criteria to determine whether centers will be provided by school districts or education service districts.

Establishes School-Based Health Center Fund. Appropriates moneys continuously to Department of Education for purpose of grants for centers.

Appropriates moneys from General Fund to Department of Education for School-Based Health Center Fund.

Modifies requirements for certification of facilities as eligible for pollution control facility tax credit to limit certification to facilities that are entirely voluntary and not otherwise required under federal, state or regional authority law.

Applies to applications for pollution control facility certification made on or after January 1, 2006.

A BILL FOR AN ACT

1
2 Relating to school-based health centers; creating new provisions; amending ORS 468.173 and 468.183;
3 repealing ORS 468.172; appropriating money; and providing for revenue raising that requires
4 approval by a three-fifths majority.

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

6 **SECTION 1. (1) A school-based health center shall be established in each school district.**
7 **Based on criteria adopted by the State Board of Education, each center shall be provided by**
8 **a school district or education service district.**

9 **(2) Each school-based health center shall be available to every child who is 18 years of**
10 **age or younger and who resides within the school district in which the center is located.**

11 **(3) The board shall adopt by rule:**

12 **(a) Criteria for determining whether a school-based health center is provided by a school**
13 **district or an education service district;**

14 **(b) Criteria for awarding grants to school districts and education service districts for**
15 **school-based health centers; and**

16 **(c) Any other rules necessary to administer this section.**

17 **SECTION 2. There is established within the State Treasury, separate and distinct from**
18 **the General Fund, the School-Based Health Center Fund. Moneys in the School-Based Health**
19 **Center Fund are continuously appropriated to the Department of Education for the purpose**
20 **of awarding grants under section 1 of this 2005 Act.**

21 **SECTION 3. There is appropriated to the Department of Education, for the biennium**
22 **beginning July 1, 2005, out of the General Fund, the amount of \$_____ for the School-Based**
23 **Health Center Fund established under section 2 of this 2005 Act.**

24 **SECTION 4. ORS 468.173 is amended to read:**

25 **468.173. For purposes of ORS 315.304, the applicable percentage of the certified cost of a facility**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 shall be one of the following:

2 (1) If the facility is certified under ORS 468.155 to 468.190 (1999 Edition) or if construction or
3 installation of the facility is commenced prior to January 1, 2001, and completed prior to January
4 1, 2004, 50 percent.

5 (2) Except as provided in subsection (1) or (3) of this section, if the facility is certified pursuant
6 to application for certification filed on or after January 1, 2002, and:

7 (a) Construction or installation of the facility is commenced on or after January 1, 2001, and on
8 or before December 31, 2003, 25 percent; or

9 (b) Construction or installation of the facility is commenced after December 31, 2003, and on or
10 before December 31, 2005, 15 percent.

11 (3) If **the facility is** certified pursuant to application for certification filed on or after January
12 1, 2002, 35 percent if[.]

13 [(a) *The applicant is certified under International Organization for Standardization standard ISO*
14 *14001;*]

15 [(b) *A Green Permit that applies to the facility has been issued under ORS 468.501 to 468.521;*]

16 [(c) *The facility is a nonpoint source or is regulated as a confined animal feeding operation under*
17 *ORS 468B.200 to 468B.230;*]

18 [(d) *The facility is used for material recovery or recycling, as those terms are defined in ORS*
19 *459.005;*]

20 [(e) *The facility is used in an agricultural or forest products operation and is used for energy re-*
21 *covery, as defined in ORS 459.005;*]

22 [(f) *The certified cost of the facility does not exceed \$200,000;*]

23 [(g)] construction or installation of the facility is entirely voluntary and no portion of it is re-
24 quired in order to comply with a federal law administered by the United States Environmental
25 Protection Agency, a state law administered by the Department of Environmental Quality or a law
26 administered by a regional air pollution authority[.];

27 [(h) *The facility is, at the time of certification, located within an enterprise zone established under*
28 *ORS 285C.050 to 285C.250 or within an area that has been designated a distressed area, as defined in*
29 *ORS 285A.010, by the Economic and Community Development Department; or]*

30 [(i) *The applicant demonstrates to the Department of Environmental Quality that the applicant uses*
31 *an environmental management system at the facility. In order for the department to determine that the*
32 *applicant uses an environmental management system at the facility:*]

33 [(A) *The applicant must have the environmental management system used at the facility reviewed*
34 *by an independent third party familiar with environmental management systems and submit a report*
35 *to the department stating that the provisions of this paragraph have been met. The report shall be ac-*
36 *companied by supporting materials that document compliance with the provisions of this paragraph.*
37 *The report shall include certification from a registered or certified environmental management auditor*
38 *employed by, or under contract with, the independent third party that reviewed the environmental*
39 *management system; or]*

40 [(B) *The department shall contract with an independent third party familiar with environmental*
41 *management systems to review the environmental management system employed at the facility. The*
42 *third party shall review the environmental management system, and, if the third party determines that*
43 *the environmental management system meets the provisions of this paragraph, a registered or certified*
44 *environmental management system auditor employed by, or contracted with, the third party shall certify*
45 *that determination to the department. The department shall recover from the applicant the costs in-*

1 *curred by the department as prescribed in ORS 468.073. An applicant shall be liable for the costs of*
 2 *the department under this subparagraph without regard to whether the department certifies the facility*
 3 *as a pollution control facility. The department may not certify a facility to which this subparagraph*
 4 *applies until the department has received full payment from the applicant.]*

5 **SECTION 5. The amendments to ORS 468.173 by section 4 of this 2005 Act apply to facil-**
 6 **ities for which an application for pollution control tax credit certification is made on or after**
 7 **January 1, 2006.**

8 **SECTION 6.** ORS 468.183 is amended to read:

9 468.183. (1) If a person has obtained pollution control facility certification in which the appli-
 10 cable percentage is 35 percent because of issuance of a Green Permit described under ORS 468.173
 11 (3)(b) **(2003 Edition)** that applies to the certified facility and the Green Permit is revoked, the ap-
 12 plicable percentage for any remaining tax credit to be claimed under ORS 315.304 shall be the ap-
 13 plicable percentage described under ORS 468.173 (2). If the construction or installation of the facility
 14 is commenced on or after January 1, 2006, the pollution control facility certification shall be re-
 15 voked.

16 (2) The Department of Environmental Quality shall inform the Department of Revenue of the
 17 revocation.

18 **SECTION 7. ORS 468.172 is repealed.**

19 **SECTION 8. The repeal of ORS 468.172 by section 7 of this 2005 Act does not affect the**
 20 **eligibility of a pollution control facility at which an environmental management system is**
 21 **used for a tax credit under ORS 315.304, if the application for pollution control facility cer-**
 22 **tification was made before January 1, 2006.**

23 **SECTION 9. The intent of the amendments to ORS 468.173 by section 4 of this 2005 Act**
 24 **and the repeal of ORS 468.172 by section 7 of this 2005 Act is to raise revenue to fund**
 25 **school-based health centers as provided in section 1 of this 2005 Act.**

26 **SECTION 10. Section 9 of this 2005 Act is repealed on January 2, 2008.**

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