

Enrolled
Senate Bill 1092

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

Relating to state financial administration; amending ORS 171.206, 179.105, 182.080, 221.770, 237.960, 243.930, 246.590, 258.250, 276.224, 276.385, 276.412, 276.429, 276.431, 276.435, 297.535, 305.794, 319.330, 319.410, 326.540, 327.099, 327.101, 344.530, 344.620, 346.230, 351.450, 351.460, 352.510, 352.560, 357.195, 390.134, 401.535, 408.090, 409.260, 416.830, 419A.170, 431.210, 442.480, 444.040, 450.285, 450.303, 456.535, 456.543, 468.215, 468.230, 471.805, 496.340, 566.340, 567.010, 567.015, 567.025, 567.030, 635.030, 705.145, 705.165, 805.261, 835.025 and 835.060; repealing ORS 237.520, 246.610, 273.111, 274.310 and 734.577; and declaring an emergency.

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

SECTION 1. ORS 171.206 is amended to read:

171.206. (1) Except as provided in ORS 171.236 and 171.275, all publications printed for either house of the Legislative Assembly and their committees, including joint committees created by law, rule or joint resolution, shall be published and distributed by the Legislative Administrator, subject to the rules of each house and under the direction of the Legislative Administration Committee.

(2) Unless otherwise directed by joint resolution and except as otherwise provided by law, the Legislative Administrator may cause to be distributed the publications of the Legislative Assembly among such state officers, departments and agencies, public officers and state institutions of higher learning as the Legislative Administration Committee determines necessary for their requirements. Each house shall receive from the Legislative Administrator such number of publications as it deems necessary.

(3) Notwithstanding any other provision of law, the Legislative Administrator shall make available to the State Librarian for distribution and exchange purposes 50 copies of each printed measure and daily calendar issued by authority of the Legislative Assembly and 50 copies of each legislative interim committee report, or such lesser number as is desired by the State Librarian.

(4) Unless otherwise directed by joint resolution, the Legislative Administration Committee shall determine the form, number and distribution of and charges for, if any, the materials referred to in subsection (1) of this section. In determining charges, the committee shall take into account the cost of publishing and distributing copies other than those it distributes under subsections (2) and (3) of this section.

(5) All [*money*] **moneys** received under subsection (4) of this section [*shall be deposited in the General Fund and be available for payment of the general expenses of the state, except that so much thereof is appropriated as is necessary to reimburse*] **are continuously appropriated to** the Legislative Administration Committee for its actual costs incurred in publishing and distributing the copies for which it charges a fee.

(6) The Legislative Administration Committee may order the disposition of legislative publications *[which]* **that** in its judgment are no longer of value to the state.

SECTION 2. ORS 179.105 is amended to read:

179.105. (1) For a purpose of ORS 179.040, including aid and support of research in any of the institutions, the Department of Corrections and the Department of Human Services may in their respective discretions accept from the United States or any of its agencies financial assistance and grants in the form of money or labor, or from any other source any donation or grant of land or gift of money or any other thing. *[Any]* Funds accepted in accordance with the provisions of this section and ORS 179.110 shall be deposited with the State Treasurer and, subject to subsection (2) of this section, are **continuously** appropriated to the Department of Corrections or Department of Human Services, **as appropriate**, and may be expended by the department according to the conditions and terms of the grant or donation.

(2) Funds received under subsection (1) of this section or ORS 179.110 shall be expended subject to expenditure limitations imposed on the Department of Corrections or Department of Human Services by the Legislative Assembly or, in the absence of such limitations, only after approval of the Legislative Assembly or of the Emergency Board, if approval is required during the interim between sessions of the Legislative Assembly.

(3) In any case where prior approval of the authority to expend any funds available under subsection (1) of this section or ORS 179.110 is imposed as a term or condition of receipt of such funds, the Legislative Assembly or the Emergency Board may approve expenditures of such funds prior to their receipt.

SECTION 3. ORS 182.080 is amended to read:

182.080. (1) *[In the event of]* **The** repeal of a statute or **the deletion by amendment of** a part thereof *[which]* **that** granted or conferred power to any state officer, board, commission, corporation, institution, department, agency or other state organization to collect, receive and expend *[money]* **moneys** for or on behalf of the state or for any purpose authorized by law, *[such repeal shall]* **does** not affect or impair any act done, or right accruing, accrued or acquired, or liability, or obligation to pay the state a license or other fee, or payment exacted or required by law to be made or authorized by *[said]* **the** repealed **or amended** statute and the rules, regulations and orders, if any, promulgated thereunder and in effect at the time of *[such]* **the** repeal **or amendment**, unless otherwise specifically provided by law. In the event of such repeal **or amendment** of a statute, the Secretary of State *[shall have the authority to]* **may** determine, collect and disburse any moneys due the state, or payable by or through the state, representing such license or other fee, or payment exacted or required by law in accordance with the provisions of such repealed **or amended** statute and such rules, regulations and orders promulgated thereunder, and as otherwise provided by law, in order to secure the full force, effect and operation of such statute up to the time of its repeal **or amendment**, but not thereafter.

(2) Upon repeal **or amendment** of a statute *[or a part thereof]* as described in subsection (1) of this section, **so much as may be necessary, and no more, of the balance in the General Fund appropriated for the use, operation and function of the state officer, board, commission, corporation, institution, department, agency or other state organization is transferred to the Secretary of State** *[there hereby is appropriated]* for the payment of all expenses incurred by the Secretary of State in winding up and concluding administration of *[such]* **the** repealed **or amended** statute, as authorized in subsection (1) of this section. *[, so much as may be necessary, and no more, of the balance in the General Fund theretofore appropriated for the use, operation and function of such state officer, board, commission, corporation, institution, department or other state organization or agency. Should]* **If** the balance of *[such]* **the** unexpended appropriation *[be]* **is** insufficient to cover *[said]* **the** costs and expenses of the Secretary of State in administering and concluding the operation of *[such]* **the** repealed **or amended** statute, *[then, in addition thereto, such amount as may be necessary, and no more, hereby is appropriated out of]* **the secretary may request transfer or appropriation of** any funds, accounts and receipts belonging to the state in the custody or control of such state officer, board, commission, corporation, institution, department, **agency** or other state

organization, to cover in full the costs of winding up and concluding the administration of [such] the statute.

SECTION 4. ORS 221.770 is amended to read:

221.770. (1) A share of certain revenues of this state shall be apportioned among and distributed to the cities of this state for general purposes as provided in this section. A city shall not be included in apportionments or receive distributions under this section for a fiscal year commencing on July 1 unless the city:

(a) Elects to receive distributions under this section for the fiscal year by enactment of an ordinance or resolution expressing that election and filing a copy of that ordinance or resolution with the Oregon Department of Administrative Services not later than July 31 of the fiscal year;

(b) Holds at least one public hearing, after adequate public notice, at which citizens have the opportunity to provide written and oral comment to the authority responsible for approving the proposed budget of the city for the fiscal year on the possible uses of the distributions, including offset against property tax levies by the city for the fiscal year, and certifies its compliance with this paragraph to the Oregon Department of Administrative Services not later than July 31 of the fiscal year;

(c) Holds at least one public hearing, after adequate public notice, at which citizens have the opportunity to provide written and oral comment to, and ask questions of, the authority responsible for adopting the budget of the city for the fiscal year on the proposed use of the distributions in relation to the entire budget of the city for the fiscal year, including possible offset of the distributions against property tax levies by the city for the fiscal year, and certifies its compliance with this paragraph to the Oregon Department of Administrative Services not later than July 31 of the fiscal year; and

(d) Levied a property tax for the year preceding the year in which revenue sharing is due under ORS 471.810 and this section.

(2) Not later than 35 days after the last day of each calendar quarter ending March 31, June 30, September 30 and December 31, the Oregon Liquor Control Commission shall determine the amount of the net revenue under ORS [471.810] **471.805**, received during the preceding calendar quarter and shall certify that amount to the Oregon Department of Administrative Services.

(3) In addition to amounts otherwise apportioned to cities under ORS 471.810, not later than 20 days after the date the Oregon Department of Administrative Services receives a certification under subsection (2) of this section, the department shall apportion among the cities of this state in the manner provided in subsection (4) of this section an amount equal to 14 percent of the amount so certified, and shall pay to each city the amount so apportioned to the city. Payments shall be made from the [General Fund, and amounts necessary to make those payments are appropriated to the Oregon Department of Administrative Services out of the General Fund] **Oregon Liquor Control Commission Account**.

(4) The amount apportioned to each city under subsection (3) of this section shall be a percentage of the total amount to be apportioned among the cities determined by dividing the adjusted population of the city by the sum of the adjusted populations of all cities. The adjusted population of a city shall be determined by multiplying the city's population by the sum of:

(a) The city's local consolidated property taxes per capita divided by the average consolidated property taxes per capita for all cities in the state; and

(b) The amount of state income per capita divided by the amount of city income per capita.

(5) The amount apportioned to each city shall be further limited to an amount no greater than the amount of all property taxes levied by the city during the year previous to the year in which distributions are made.

(6) For purposes of the formula set forth in subsection (4) of this section, "city population" is the population of a city as last determined under ORS 190.510 to 190.590.

(7)(a) For purposes of the formula set forth in subsection (4) of this section, "local consolidated property taxes" has the meaning given in subsection (8) of this section, for a city divided by the population of the city as last determined under ORS 190.510 to 190.590.

(b) The Oregon Department of Administrative Services shall determine the amounts of property taxes for each city during the fiscal year closing on June 30 preceding the fiscal year commencing on July 1 for which calendar quarter apportionments are made, and that determination shall be used for each calendar quarter apportionment for that fiscal year commencing on July 1.

(8) For purposes of subsection (7) of this section “consolidated property taxes” are the total of all compulsory contributions in the form of ad valorem taxes on property located within a city levied during a one-year period by the city, a county, any school district and any special governmental district for public purposes and in amounts as compiled by the Department of Revenue on the basis of application of consolidated tax rates to assessor code area valuations.

(9) For purposes of the formula set forth in subsection (4) of this section, “income per capita” is the estimated average annual money income of residents of this state and of residents of each city of this state, respectively, based upon the latest information available from the most recent federal decennial census.

(10) A city receiving a distribution under this section may return all or any part of the distribution to the Oregon Department of Administrative Services, which shall deposit the returned distribution or part thereof in the General Fund to be available for payment of the general expenses of the state.

SECTION 5. ORS 243.930 is amended to read:

243.930. (1) If an employee assisted under ORS 243.920 (1) has made contributions to the Public Employees Retirement Fund during each of five calendar years, the board shall contribute an amount toward the purchase of the supplemental retirement benefits equal to the contributions toward the purchase made by the employee on annual salary in excess of \$4,800. The amounts of those contributions by the board shall be paid promptly by the board to the life insurance or annuity company in accordance with the terms of the applicable contract.

(2) If an employee assisted under ORS 243.920 (1) has not made contributions to the Public Employees Retirement Fund during each of five calendar years, the board shall contribute an amount toward the purchase of the supplemental retirement benefits equal to that which it would contribute for current service under the Public Employees Retirement System with respect to the annual salary in excess of \$4,800 of the employee if the employee contributed under the system on that part of the salary.

(3) The amounts of contributions by the board under subsection (2) of this section, at intervals designated by the Public Employees Retirement Board, shall be paid into the Public Employees Retirement Fund. The Public Employees Retirement Board shall keep a separate account for those amounts and prorated earnings thereof, and for investment purposes the moneys in the separate account shall be commingled with those of the Public Employees Retirement Fund and shall be invested in the same manner as moneys of the Public Employees Retirement Fund are invested.

(4) When an employee, with respect to whose annual salary in excess of \$4,800 the board has contributed under subsection (2) of this section, has made contributions to the Public Employees Retirement Fund during each of five calendar years, an amount equal to the contributions made under ORS 243.920 (2) shall be paid promptly to the life insurance or annuity company out of the separate account referred to in subsection (3) of this section[, *which hereby is appropriated for that purpose,*] for the purchase of additional supplemental retirement benefits for the employee. If the moneys in the separate account are not sufficient for that purpose, the amount of the deficiency shall be paid promptly by the board to the life insurance or annuity company for that purchase.

(5) If an employee is separated from the service of the board before the employee has made contributions to the Public Employees Retirement Fund during each of five calendar years, the amounts of contributions by the board paid into the Public Employees Retirement Fund under subsection (3) of this section and prorated earnings thereof shall remain in the separate account referred to in subsection (3) of this section for the purpose described in subsection (4) of this section, and the employee is not entitled to any part thereof or any benefit derived therefrom.

SECTION 6. ORS 246.590 is amended to read:

246.590. (1) The State Treasurer, in the capacity of investment officer for the Oregon Investment Council, may lend moneys in the investment funds as provided in ORS 293.701 to 293.820 for the acquisition of:

(a) The voting machines or vote tally systems that the Secretary of State has contracted to sell to a county.

(b) Computers or computer systems for the purpose of maintaining and updating elector registration files or for establishing cross-county elector registration files, including those that the Secretary of State has contracted to sell to a county.

(2) The Voting Machine Account is established in the General Fund. **The account consists of moneys lent to the Secretary of State under this section and payments collected from counties under ORS 246.600. Moneys in the account are continuously appropriated to the secretary** [*Money lent under this section shall be deposited in the Voting Machine Account and is appropriated*] for:

(a) The purchase of voting machines or vote tally systems or computers or computer systems described in subsection (1) of this section[.]; **and**

(b) Repayment of moneys lent under this section, plus interest.

(3) [*Money*] **Moneys** lent under this section shall be repaid within five years together with interest at a rate agreed upon by the State Treasurer and the Secretary of State.

SECTION 7. ORS 258.250 is amended to read:

258.250. (1) If the abstract of votes resulting from a full recount shows that the outcome of the election on the measure was changed or that a candidate for whose benefit the recount was demanded received a plurality of the votes, the deposit required by ORS 258.161 shall be refunded by the Secretary of State to the person who filed the demand.

(2) The Secretary of State shall transfer the deposit required by ORS 258.161 and any additional amount paid pursuant to subsection (5) of this section to a special account in the General Fund if:

(a) A full recount was not conducted; or

(b) The abstract of votes resulting from a full recount shows that:

(A) The outcome of the election on the measure was not changed; or

(B) A candidate for whose benefit the recount was demanded did not receive a plurality of the votes.

(3) [*All*] Moneys deposited in the special account under subsection (2) of this section are **continuously** appropriated for the purpose of reimbursing the county, city or other political subdivision or public corporation for the cost of the recount **and paying any refunds required by subsection (4) of this section.**

(4) Upon receipt from the official directed to conduct the recount of a signed certificate itemizing the cost of the recount, the Secretary of State shall request the Oregon Department of Administrative Services to issue warrants for the amount so certified. Any portion of the deposit required by ORS 258.161 remaining after the cost of the recount has been paid shall be refunded to the person who filed the demand upon receipt of a warrant from the Oregon Department of Administrative Services showing the amount of the refund to which the person is entitled.

(5) If the cost of the recount exceeds the amount of the deposit required by ORS 258.161, and if the person who filed the demand does not qualify for a refund under subsection (1) of this section, the person shall pay to the Secretary of State the amount of the excess cost.

SECTION 8. ORS 276.224 is amended to read:

276.224. In addition to any other lawful method of paying the costs and expenses incurred under the provisions of ORS 276.210 to 276.228, the Oregon Department of Administrative Services may at its discretion estimate the cost to each and every state building or department affected by the cost and expense of any construction, contract, maintenance and operation made under ORS 276.210 to 276.228 and direct the State Treasurer to transfer from any appropriate or corresponding appropriation theretofore or hereafter made for such state buildings or departments, the amount thus determined by the department to a revolving fund hereby created. [*For this purpose such respective*

amounts hereby are further appropriated.] All obligations incurred under ORS 276.210 to 276.228 shall be paid from such revolving fund.

SECTION 9. ORS 276.385 is amended to read:

276.385. (1) Notwithstanding any other provision of law, the Oregon Department of Administrative Services shall fix rentals for space in buildings specified in ORS 276.004, and rentals or other charges for parking facilities. The rentals shall be fixed on a basis as nearly uniform as practicable to provide amounts:

(a) To pay the expenses of operating, maintaining and insuring and paying depreciation on the buildings controlled and managed by the department;

(b) To construct, improve, repair, equip and furnish additional buildings, structures and other projects for state government, and to purchase or improve sites therefor; and

(c) To provide amounts necessary to repay indebtedness, and the interest thereon, incurred to construct, improve, repair, equip and furnish buildings, structures and other projects for state government.

(2) The Oregon Department of Administrative Services shall negotiate with the Department of Transportation and other state agencies who own, operate or control state buildings to determine a fair rental rate when such facilities are to be used by other than the owning agency.

(3) Except in the case of the State Transportation Building and such other buildings owned or controlled by other state agencies, all rentals under this section shall be credited to the Oregon Department of Administrative Services Operating Fund [*and are appropriated for the purposes of the fund*]. Rentals for the State Transportation Building, and such other state-owned buildings, are credited to the appropriate state fund for the purposes of that fund.

SECTION 10. ORS 276.412 is amended to read:

276.412. (1) Each month the Oregon Department of Administrative Services may bill state agencies to which quarters in any state building have been assigned an amount fixed by the department as rent for the preceding month for the quarters assigned to such agencies.

(2) Moneys so collected shall be deposited in the Oregon Department of Administrative Services Operating Fund [*and such moneys are appropriated for the purposes of that fund*].

(3) This section applies to quarters occupied by the Department of State Lands and to quarters leased with option to purchase or under installment purchase agreement under ORS 276.429 (1).

SECTION 11. ORS 276.429 is amended to read:

276.429. (1) The Oregon Department of Administrative Services may enter into, as appropriate, leases, including lease with option to purchase, installment purchases and rental agreements, as lessee, for office quarters for state agencies. In determining which method of acquiring office quarters is most appropriate under the circumstances, the department shall consider cost and the long-term best interests of the state. It is the policy of the state, in fulfilling the objectives set forth in ORS 276.426, to acquire office quarters in the most cost-effective manner feasible.

(2) The costs to the department incurred for the purpose of making such office space ready for occupancy, including professional services, remodeling, equipment acquisition and other similar costs paid to others or incurred by the department, may be advanced out of the Oregon Department of Administrative Services Operating Fund. The fund shall be reimbursed for costs so advanced from charges paid to the department by the agency leasing the space as a tenant. Where more than one agency occupies the space, the charges shall be assessed and collected from the agencies in the manner determined by the department.

(3) Immediately following each monthly rental period, the department shall bill each state agency occupying office quarters leased under subsection (1) of this section, a sum equal to such part of the total amount required for the rent of such quarters as the rental value of the space occupied by each of the state agencies bears to the whole amount of the rental value of such space so leased by the state. Such sums and rental values shall be determined by the department. Moneys collected therefor shall be placed in the Oregon Department of Administrative Services Operating Fund established in ORS 283.076 and [*such moneys are appropriated*] **used** for the payment of the rental and operating expenses of such office quarters.

(4) Prior to entering into any lease purchase or installment purchase agreement or before exercising any purchase option in agreements made under subsection (1) of this section, the department shall report to the legislative review agency established in ORS 291.371. However, the department shall not enter into any lease purchase or installment purchase agreement under any provision of law other than ORS 283.085 to 283.092, 286.515 and 286.525.

(5) The title to properties acquired through lease-purchase options authorized in subsection (1) of this section shall vest automatically in the Oregon Department of Administrative Services in the name of the state. Properties so acquired shall be operated as office buildings as provided in ORS 276.004.

SECTION 12. ORS 276.431 is amended to read:

276.431. (1) The Director of the Oregon Department of Administrative Services, as custodian of the capitol area and state office buildings, with the advice of the occupying agency, may make available on occasion or lease at such rates as the director considers to be in the public interest auditoriums, meeting rooms, courtyards, suitable rooftops and lobbies of state buildings to persons, firms or organizations engaged in commercial, cultural, educational or recreational activities that do not disrupt the operations of the building and of state government. Where rent is charged, the director shall set a rate consistent with the public interest. The director may impose terms and conditions on use that are consistent with the public interest.

(2) The director may enter into leases of space in state buildings with persons, firms and organizations engaged in commercial, cultural, educational or recreational activities for terms not to exceed five years. The rental rate for the space shall be equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the state building notwithstanding the cost to the state government of making such space available for such activities. Such leases may be negotiated without competitive bid, subject to rules adopted by the director, and shall contain terms and conditions necessary to protect the public interest.

(3) The moneys collected under this section shall be deposited in the Oregon Department of Administrative Services Operating Fund [*and are appropriated for the purposes of that fund*].

SECTION 13. ORS 276.435 is amended to read:

276.435. Space in a branch office building not needed or available to state agencies may be rented in order of priority first to other public agencies, then to private citizens to enhance the social and economic environment of the surrounding area. The Oregon Department of Administrative Services shall establish such rates, charges and fees for use and rental of space in branch office buildings under ORS 276.385 and 276.390. A branch office building may contain space [*which*] **that** may be rented for private concessions. Receipts from rentals to other than state agencies shall be placed in the Oregon Department of Administrative Services Operating Fund [*and such receipts are appropriated for the purposes of that fund*].

SECTION 14. ORS 297.535 is amended to read:

297.535. (1) All moneys received by the Secretary of State under ORS 297.210, 297.230, 297.425 and 297.445 shall be immediately turned over to the State Treasurer, who shall deposit the moneys in the General Fund to the credit of an account to be known as the Division of Audits Account.

(2) The moneys received under subsection (1) of this section and deposited in the Division of Audits Account [*hereby*] are **continuously appropriated to the Secretary of State** for use in payment of salaries and other expenses or costs of the Division of Audits.

(3) The moneys received under ORS 297.545 and deposited in the Division of Audits Account [*hereby*] are **continuously appropriated to the Secretary of State** for use in payment of salaries and other expenses or costs incurred by the Division of Audits of the Office of the Secretary of State in connection with the carrying out of the provisions of ORS 297.020, 297.230, 297.405 to 297.740 and 297.990.

(4) The Secretary of State may use [*the*] moneys [*to the credit of*] **in** the Division of Audits Account[, *or any part thereof,*] for cash advances for travel expenses necessary in carrying out the provisions of ORS 297.020 to 297.555 and 297.990. Any moneys received in reimbursement of these cash advances shall be deposited in the Division of Audits Account.

(5) The Secretary of State shall keep a record of all moneys deposited in the Division of Audits Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

SECTION 15. ORS 305.794 is amended to read:

305.794. *[In addition to and not in lieu of any other appropriation,]* Amounts certified by the Department of Revenue to the State Treasurer under ORS 305.792 *[are appropriated from the General Fund]* **shall be transferred by the department** to the State School Fund for the purposes for which State School Fund moneys may be used.

SECTION 16. ORS 319.330 is amended to read:

319.330. (1) Whenever any statement and invoices are presented to the Department of Transportation showing that motor vehicle fuel or aircraft fuel has been purchased and used in operating aircraft engines and upon which the full tax for motor vehicle fuel has been paid, the department shall refund the tax paid, but only after deducting from the tax paid nine cents for each gallon of such fuel so purchased and used, except that when such fuel is used in operating aircraft turbine engines (turbo-prop or jet) the deduction shall be one cent for each gallon. No deduction provided under this subsection shall be made on claims presented by the United States or on claims presented where a satisfactory showing has been made to the department that such aircraft fuel has been used solely in aircraft operations from a point within the State of Oregon directly to a point not within any state of the United States. The amount so deducted shall be paid on warrant of the Oregon Department of Administrative Services to the State Treasurer, who shall credit *[such]* **the** amount to the State Aviation Account for the purpose of carrying out the provisions of the state aviation law*[,]*. **Moneys credited to the account under this section** *[and such amounts hereby]* are **continuously** appropriated *[for such purposes]* **to the Oregon Department of Aviation.**

(2) If satisfactory evidence is presented to the Department of Transportation showing that aircraft fuel upon which the tax has been paid has been purchased and used solely in aircraft operations from a point within the State of Oregon directly to a point not within any state of the United States, the department shall refund the tax paid.

SECTION 17. ORS 319.410 is amended to read:

319.410. (1) The Department of Transportation shall promptly turn over the license tax to the State Treasurer to be disposed of as provided in ORS 802.110.

(2) The revenue from the license tax collected from the use, sale or distribution of aircraft fuel as imposed by ORS 319.020 (2) shall be transferred upon certification of the department to the State Treasurer, who shall credit *[such]* **the certified** amount to the State Aviation Account for the purpose of carrying out the provisions of the state aviation laws*[,] and such amount hereby is appropriated for such purpose]*.

SECTION 18. ORS 326.540 is amended to read:

326.540. (1) *[Money]* **Moneys** received by the State Board of Education as a result of ownership or management of property acquired under ORS 326.520 or of transactions regarding such property shall be deposited in the State Treasury and credited to a special fund separate and distinct from the General Fund *[and designated “] to be known as the Board of Education Invention Fund.[”]*

(2) The moneys in the Board of Education Invention Fund *[hereby]* are **continuously** appropriated to the board for the following purposes:

- (a) To pay the agreed share of an assignor of intellectual property.
- (b) For the advancement of research in an institution under its control.
- (c) For the acquisition, management or development of intellectual property.

SECTION 19. ORS 327.099 is amended to read:

327.099. (1) The Department of Education shall adjust the distribution to a school district to reflect the difference between the estimated level of local revenues to the district under ORS 327.013 and the projected level of those same local revenues used to calculate the State School Fund apportionment to the district. The adjustment shall be incorporated in the May 15 apportionment to the district in the distribution year.

(2) The department shall adjust the May 15 apportionment to a school district in the distribution year to reflect an ADMw of the district equal to the higher of the ADMw of the prior year or the adjusted ADMw for the December quarter. Adjusted ADMw for the December quarter shall equal:

(a) ADMw as determined by the department from information provided in the December quarterly report for the current distribution year filed with the department under ORS 327.133;

(b) Multiplied by the lesser of 1.0 or the average of the ratios for the preceding two years of the ADM for the year ending June 30 to the ADM for the quarter ending December 31 for the same school year as filed under ORS 327.133.

(3) The sum equal to the sum of all negative adjustments made to the May 15 apportionment under subsection (1) of this section [*is appropriated to*] **shall be used by** the department for purposes of funding positive adjustments required under subsection (1) of this section and adjustments required under subsection (2) of this section.

(4) The department shall also set aside an amount of the funds appropriated to the State School Fund for the fiscal year to fund any positive adjustments required under subsection (1) of this section and adjustments required under subsection (2) of this section in excess of the amount available under subsection (3) of this section. The amount set aside shall be as determined by law.

(5) If the amounts available under subsections (3) and (4) of this section are either not sufficient to fund the positive adjustments or exceed the positive adjustments to districts required under subsections (1) and (2) of this section and the adjustments required under subsection (2) of this section, the Superintendent of Public Instruction shall recalculate the funding percentage in ORS 327.013 (2) to distribute as nearly as practicable the total sum available for distribution.

SECTION 20. ORS 327.101 is amended to read:

327.101. (1) For fiscal years beginning on or after July 1, 1993, the distribution to a school district under ORS 327.008 and 327.013 shall be adjusted to fully reflect the difference between the apportionment due to the district for the prior fiscal year under ORS 327.008 and 327.013, and the amounts actually distributed to the district in the prior fiscal year under ORS 327.008, 327.013 and 327.099. The adjustment shall be made to the May 15 apportionment to the district.

(2) No consideration shall be made in the adjustment made under subsection (1) of this section for any penalties, forfeitures or additional receipts of State School Fund moneys, except when expressly directed by law.

(3) An amount of funds equal to the sum of all negative adjustments made to the May 15 apportionment under subsection (1) of this section shall be [*appropriated to*] **used by** the Department of Education for purposes of funding positive adjustments required under subsection (1) of this section in the same fiscal year.

(4) If the amounts available under subsection (3) of this section are either not sufficient or exceed the adjustments to districts required under subsection (1) of this section, the Superintendent of Public Instruction shall recalculate the funding percentage in ORS 327.013 (2) to distribute as nearly as practicable the total sum available for distribution.

SECTION 21. ORS 344.530 is amended to read:

344.530. Notwithstanding any other provisions of the law, the Department of Human Services shall perform the following vocational rehabilitation functions:

(1) Establish and enforce such rules as may be necessary to:

(a) Carry out ORS 344.511 to 344.690 and 344.710 to 344.730; and

(b) Safeguard the confidential character of vocational rehabilitation information and records.

(2) Cooperate with public and private departments, agencies and institutions in:

(a) Providing for the vocational rehabilitation of individuals with occupational disabilities;

(b) Studying the problems involved therein; and

(c) Establishing, developing and providing, in conformity with ORS 344.511 to 344.690 and 344.710 to 344.730, such programs, facilities and services as may be necessary.

(3) Enter into reciprocal agreements with other states relative to the provision of vocational rehabilitation to residents of the states concerned.

(4) Conduct research and compile statistics relating to the vocational rehabilitation of individuals with occupational disabilities.

(5) Encourage and assist severely disabled individuals in the establishment, maintenance and conduct of appropriate home industries within their capacities and in the promotion of the sale and distribution of the products of such home industries. All funds collected or received from such activities shall be deposited in a permanent special fund in the State Treasury and shall be used for the operation of such home industries as determined by the department.

(6) For rehabilitation facilities:

(a) Establish, conduct and maintain facilities necessary for the sheltered employment of severely disabled individuals;

(b) Pay the individuals employed in the facilities suitable wages;

(c) Devise means for the sale and distribution of the products of the facilities;

(d) Devise a subsidy program, and include a plan for its funding in each biennial budget submitted to the Legislative Assembly; and

(e) Take such other action as may be necessary to insure the successful operation of the facilities established.

(7) **Deposit in the State Vocational Rehabilitation Account** all funds collected or received from activities described in subsection (6) of this section [*shall be deposited in the State Vocational Rehabilitation Account and are appropriated and*], **which** shall be used for the operation of facilities necessary for the sheltered employment of severely disabled individuals as determined by the department.

(8) Take such other action as may be necessary to carry out ORS 344.511 to 344.690 and 344.710 to 344.730.

SECTION 22. ORS 344.620 is amended to read:

344.620. (1) There is established in the General Fund of the State Treasury[,] a State Vocational Rehabilitation Account. [*which*] **The account** shall consist of all moneys made available to the Department of Human Services for rehabilitation purposes. All moneys in [*such special*] **the** account [*hereby*] are **continuously** appropriated for the purposes of the administration of ORS 344.511 to 344.690, 344.710 to 344.730 and 344.850.

(2) The State Treasurer is designated custodian of all funds received from the federal government for the purpose of carrying out any federal Act pertaining to vocational rehabilitation. The State Treasurer shall receive such funds and provide for their custody.

(3) Disbursements from the State Vocational Rehabilitation Account shall be made as directed by the department. The department shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the departmental activity against which each withdrawal is charged.

SECTION 23. ORS 346.230 is amended to read:

346.230. (1) The Commission for the Blind shall keep separate books of accounts for its industries. All negotiable funds received by the commission from the sale of any products made at its workshops, or from the sale of products made under its supervision to which it has title, shall be paid into the State Treasury and by that office kept separate and apart from other funds. Funds so paid in shall be paid out only on warrants of the Oregon Department of Administrative Services, based on duly verified vouchers, as other claims are paid, for the support and maintenance of the industries, the payment of workers in such industries, the purchase of real estate, the planning, construction and remodeling of buildings for workshops and the carrying on of the work of the commission. The sums of money so paid in [*hereby*] are **continuously** appropriated **to the commission** for the purposes stated.

(2) Subject to any other applicable law regulating the sale of goods on credit, the commission may sell products on credit as well as for cash.

SECTION 24. ORS 351.450 is amended to read:

351.450. (1) The moneys realized from sales of bonds issued to construct, improve, repair, equip and furnish buildings and other structures for higher education, and to purchase and improve sites

therefor, shall be credited to a special fund in the State Treasury separate and distinct from the General Fund, to be designated the Higher Education Bond Building Fund.

(2) In the Higher Education Bond Building Fund there shall be:

(a) A separate subfund for the credit of moneys realized from sales of bonds issued pursuant to Article XI-F(1) of the Oregon Constitution and ORS 351.350;

(b) A separate subfund for the credit of moneys realized from sales of bonds issued pursuant to Article XI-G of the Oregon Constitution and ORS 351.345; and

(c) A separate subfund for the credit of moneys realized from the sales of revenue bonds issued pursuant to ORS 288.855.

(3) The moneys received from the issuance of temporary bonds under ORS 351.470 for the purpose of interim financing pending the sale of the bonds shall also be credited to the appropriate subfund of the Higher Education Bond Building Fund.

(4) The moneys in the fund [*hereby*] are **continuously** appropriated to defray the costs of the projects to be financed through sale of the bonds and for the purpose of retiring temporary bonds issued under ORS 351.470 and shall not be used for any other purpose, except that such moneys may, with the approval of the State Treasurer, be invested until needed. If a surplus remains after application to such purpose, the surplus, and earnings from temporary investments, shall be credited to the Higher Education Bond Sinking Fund by the appropriate subfund.

SECTION 25. ORS 351.460 is amended to read:

351.460. (1) The State Board of Higher Education shall maintain with the State Treasurer, a Higher Education Bond Sinking Fund, separate and distinct from the General Fund. The Higher Education Bond Sinking Fund shall comprise three separate subfunds to provide for the payment of the principal of and the interest upon the bonds issued under authority of Article XI-F(1) of the Oregon Constitution and ORS 351.350, under authority of Article XI-G of the Oregon Constitution and ORS 351.345, and revenue bonds issued under authority of ORS 288.855. The moneys in the sinking fund [*hereby*] are **continuously** appropriated **to the board** for such purposes. The fund may be invested by the State Treasurer, and the earnings from such investments shall be credited to the appropriate subfunds of the fund.

(2) The Higher Education Bond Sinking Fund shall consist of all moneys received from ad valorem taxes levied pursuant to ORS 291.445, all moneys that the Legislative Assembly may provide in lieu of such taxes, all of the net revenues received from the projects or undertakings for the financing of which the bonds were issued, including gifts, grants and building fees, such unpledged revenues of buildings and projects of like character as shall be allocated by the board, all moneys received as accrued interest upon bonds sold, all earnings from investments of the fund and the proceeds of the sale of refunding bonds. Moneys credited to the Higher Education Bond Sinking Fund shall be credited to the appropriate subfunds of the fund.

(3) The board may credit the Higher Education Bond Sinking Fund with moneys received from either a sale or interfund transfer of land, buildings and facilities. When the land, buildings or facilities are sold, or the use thereof is rededicated so that a transfer from one subfund to the other is appropriate, the moneys received shall be credited to the appropriate subfund.

(4) The board shall apply student building fees, revenues, gifts and grants for the payment of the principal of and the interest upon the bonds issued under authority of Article XI-F(1) of the Oregon Constitution and ORS 351.350 and under authority of ORS 288.855 until such time as the proper subfund of the sinking fund and investments thereof, as supplemented by expected future income will, in the judgment of the board, be sufficient to meet in full the principal of and the interest upon all such outstanding bonds. Except for student building fees, income not thus required for the sinking fund shall be transferred to such other fund and account as the board shall designate. Student building fees for buildings constructed from the proceeds of bonds issued under Article XI-F(1) of the Oregon Constitution or ORS 288.855 shall be applied only to those projects authorized under Article XI-F(1) of the Oregon Constitution or ORS 288.855.

(5)(a) The board may not use the sinking fund for any purpose other than the purposes for which the fund was created.

(b) Notwithstanding paragraph (a) of this subsection, the board may transfer any surplus in the sinking fund to other funds designated by the board if a balance remains in the sinking fund from sources other than student building fees for buildings constructed from the proceeds of bonds issued under Article XI-F(1) of the Oregon Constitution and:

(A) The purposes for which the fund was created have been fulfilled; or

(B) A reserve sufficient to meet all existing and future obligations and liabilities of the fund has been set aside.

SECTION 26. ORS 352.510 is amended to read:

352.510. The interest [which] **that** may hereafter accrue on the fund arising from the sale of the university lands donated to the state by Act of Congress of February 14, 1859, is set apart, separate and distinct from the General Fund, and [perpetually] **continuously** appropriated to the maintenance, use and support of the University of Oregon. Until otherwise provided by law, no part of said interest shall be [appropriated or] expended otherwise than in the payment of the salaries of its president, professors and teachers, and other current expenses. If at the close of any fiscal year a sum equal to \$500 of said interest remains unexpended [or unappropriated] after the full payment of such salaries and expenses for said year, the same shall be added to and become a part of the principal of said fund forever. The State Board of Higher Education, the faculty or other officers of the state university shall in no case pledge the faith or credit of the university of the state in excess of the interest annually accruing on the University Fund, together with the receipts from tuitions and other sources during the current year.

SECTION 27. ORS 352.560 is amended to read:

352.560. For the endowment, maintenance and support of Oregon State University, there is set apart, separate and distinct from the General Fund, and **continuously** appropriated the interest on the Oregon State University Fund, arising from the sale of all lands granted to the State of Oregon, or to which the state was entitled, under the Act of July 2, 1862 (12 Stat. 503), as amended, or so much thereof as may be necessary. In no case shall the interest arising from the fund be applied to the purchase of sites, or for buildings for Oregon State University, but only in the payment of the salaries of professors, officers and other current expenses. The remainder of such interest remaining over at the close of each fiscal year after the payment of such expenses shall be added to and become a part of the principal or endowment fund forever.

SECTION 28. ORS 357.195 is amended to read:

357.195. (1) **The State Library Donation Fund is established separate and distinct from the General Fund. The following moneys shall be placed in the fund:**

(a) **Gifts and donations to the State Library;**

[1] (b) The interest, income, dividends or profits received on any property or funds of the State Library derived from gifts, legacies, devises, bequests, [or] endowments **or other donations;**

(c) **Other interest earned by the fund; and**

(d) **Any other moneys placed in the fund as provided by law.**

(2) **Moneys in the fund that are derived from profits, interest or other earnings traceable to a specific gift, legacy, devise, bequest, endowment or other donation shall be used in the same manner as the principal or corpus of the gift, legacy, devise, bequest, endowment or other donation.** [shall be deposited with the State Treasurer and are set apart and appropriated to the use, maintenance and support of the State Library, in like manner as the principal or corpus of each such gift or donation is set apart or appropriated. All such gifts or donations shall be placed by the State Treasurer to the credit of a fund, separate and distinct from the General Fund, to be known as the State Library Donation Fund.]

(3) The State Treasurer shall credit monthly to the fund any interest or other income derived from the fund or the investing thereof.

[2] (4) The Trustees of the State Library may establish a Talking Book and Braille Library Endowment Fund as a subaccount of the State Library Donation Fund.

[3] (5) **Moneys in the State Library Donation Fund are continuously appropriated to the State Library for use by, and support and maintenance of, the State Library.** Claims against

the [State Library Donation] fund shall be approved and warrants issued in the manner provided by law.

SECTION 29. ORS 390.134, as amended by section 74, chapter 655, Oregon Laws 2003, is amended to read:

390.134. (1) As used in this section:

(a) The terms “camper,” “motor home” and “travel trailer” have the meanings given those terms in ORS chapter 801.

(b) “County” includes a metropolitan service district organized under ORS chapter 268, but only to the extent that the district has acquired, through title transfer, and is operating a park or recreation site of a county pursuant to an intergovernmental agreement.

(2) The State Parks and Recreation Department Fund is established separate and distinct from the General Fund. **Moneys in the fund are continuously appropriated to the State Parks and Recreation Department for the purposes provided by law.** The fund shall consist of the following:

(a) All moneys placed in the fund as provided by law. Any interest or other income derived from the depositing or other investing of the fund must be credited to the fund.

(b) All registration fees received by the Department of Transportation for campers, motor homes and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited in a separate subaccount established under subsection (3) of this section.

(c) Revenue from fees and charges pursuant to ORS 390.124.

(3) Any moneys placed in the fund for a particular purpose may be placed in a separate subaccount within the fund. Each separate subaccount established under this subsection must be separately accounted for. Moneys placed in a subaccount must be used for the purposes for which they are deposited.

(4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6) or (7) of this section must be deposited in a separate subaccount within the fund and used by the State Parks and Recreation Department for the acquisition, development, maintenance, care and use of park and recreation sites. The moneys in the subaccount under this subsection must be accounted for separately and stated separately in the State Parks and Recreation Department’s biennial budget.

(5) Thirty percent of the amount transferred to the State Parks and Recreation Department under ORS 366.512 from the registration of travel trailers, campers and motor homes and under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount within the fund [and is appropriated] **to be distributed** for the maintenance, care and use of county park and recreation sites. The moneys in the subaccount under this subsection must be accounted for separately. The following apply to the distribution of moneys under this subsection:

(a) The [appropriation] **moneys** must be distributed among the several counties for the purposes described in this subsection. The distribution shall be made at times determined by the State Parks and Recreation Department but must be made not less than once a year.

(b) The sums designated under this subsection must be remitted to the county treasurers of the several counties by warrant.

(c) The department shall establish an advisory committee to advise the department in the performance of its duties under this subsection. The composition of the advisory committee under this subsection is as determined by the department by rule. In determining the composition of the advisory committee, the department shall attempt to provide reasonable representation for county officials or employees with responsibilities relating to county parks and recreation sites.

(d) The department, by rule, shall establish a program to provide moneys to counties for the acquisition, development, maintenance, care and use of county park and recreation areas. The rules under this paragraph shall provide for distribution of moneys based on use and need and, as the department determines necessary, on the need for the development and maintenance of facilities to provide camping sites for campers, motor homes and travel trailers.

(6) The department shall create a separate City and County Subaccount within the fund to be used to reimburse cities and counties as provided in ORS 390.290.

(7) The department shall create a separate rural Fire Protection District Subaccount to be used to provide funds for the fire protection districts as provided in ORS 390.290.

(8) On or before January 15 of each odd-numbered year, the State Parks and Recreation Director shall report to the Joint Legislative Committee on Ways and Means created by ORS 171.555 on the use of moneys deposited pursuant to ORS 805.256 in the fund. The director shall make the report in a form and manner as the committee may prescribe.

SECTION 30. ORS 401.535 is amended to read:

401.535. There *[hereby]* is created in the General Fund in the State Treasury an account to be known as the Emergency Management Revolving Account. All contributions, grants-in-aid or other moneys received or collected by the Office of Emergency Management of the Department of State Police, and any other funds contributed, granted or appropriated for transfer to the revolving account under authority of law shall be placed in the General Fund and credited to the Emergency Management Revolving Account.*[, which account hereby is appropriated]* **Moneys in the Emergency Management Revolving Account are continuously appropriated to the Office of Emergency Management** for the purpose of this section. The office may use the revolving account to pay for the purchase of organizational and mobile support equipment and surplus property, for shelter construction, administration and personal services, when the purchase or expense is incurred pursuant to the office's agreements with the federal government, other state agencies or political subdivisions of the state.

SECTION 31. ORS 408.090 is amended to read:

408.090. (1) The Director of Veterans' Affairs, acting *[in]* **on** behalf of the State of Oregon, is authorized to accept any donation, gift, grant, bequest or devise made in furtherance of the purposes of ORS 408.010 to 408.090, and if made in cash or its equivalent or reduced thereto, shall be promptly paid by the director to the State Treasurer, who shall credit the amount so received to the Veterans' Educational Aid Account in the General Fund. The director shall make such disposition of donations, gifts, grants, bequests or devises, not made in cash or its equivalent, as is specified by the donor thereof, and their earnings and proceeds shall inure to said account. All such donations, gifts, grants, bequests or devises accepted by the director are transfers exempt from taxes imposed on inheritances under the laws of this state.

(2) All moneys in the Veterans' Educational Aid Account are **continuously** appropriated *[for]* **to the director** and may be used by the director for the purposes authorized in ORS 408.010 to 408.090.

SECTION 32. ORS 409.260 is amended to read:

409.260. (1) There *[hereby]* is established in the General Fund of the State Treasury an account to be known as the Services to Children and Families Account. All moneys in the Services to Children and Families Account are **continuously** appropriated *[for]* **to the Department of Human Services** and shall be used by the department *[of Human Services]* for the *[respective]* purposes authorized by law. The moneys in the Services to Children and Families Account *[shall be]* **are** subject to allotment **control** *[made under ORS 291.232 to 291.260]* by the Oregon Department of Administrative Services **under ORS 291.232 to 291.260**.

(2) The Department of Human Services shall keep a record of all moneys credited to and deposited in the Services to Children and Families Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) In addition to sources provided under other laws, the sources of revenues in the Services to Children and Families Account may include recoveries of the cost of care provided to clients, amounts paid to the Department of Human Services by other organizations and state agencies in support of the department's programs and activities and other moneys received by the department that are incidental to its operations.

SECTION 33. ORS 416.830 is amended to read:

416.830. The Department of Human Services may accept from persons, corporations and organizations contributions or gifts in cash or otherwise [*which*] **that** shall be disbursed in the same manner as [*the money*] **moneys** appropriated for public assistance purposes[; *provided, however, that*], **unless** the donor of [*such gifts may stipulate the*] **a gift stipulates a different** manner in which [*such gifts*] **a gift** shall be expended. Moneys received under this section shall be deposited with the State Treasurer in an account separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. **Moneys in the account are continuously appropriated to the department for the purposes specified in this section.**

NOTE: Section 34 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 35. ORS 419A.170 is amended to read:

419A.170. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate. The court appointed special advocate is deemed a party in these proceedings, and in the furtherance thereof, may be represented by counsel, file pleadings and request hearings and may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel shall be paid from funds available to the Court Appointed Special Advocate Volunteer Program. No funds from the Public Defense Services Account or Judicial Department operating funds may be used for this purpose.

(2) Subject to the direction of the court, the duties of the court appointed special advocate are to:

- (a) Investigate all relevant information about the case;
- (b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;
- (c) Facilitate and negotiate to ensure that the court, Department of Human Services, if applicable, and the child or ward's attorney, if any, fulfill their obligations to the child or ward in a timely fashion; and

(d) Monitor all court orders to ensure compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order.

(3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this section, appoint a juvenile department employee or other suitable person to represent the child or ward's interest in court pursuant to ORS 419A.012 or 419B.195.

(4) Any person appointed as a court appointed special advocate in any judicial proceeding on behalf of the child or ward is immune from any liability for defamation or statements made in good faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

(5) Any person appointed as a court appointed special advocate, CASA Volunteer Program director, CASA Volunteer Program employee or member of the board of directors or trustees of any CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment made in good faith in the course or scope of that person's duties or employment as part of a CASA Volunteer Program.

(6) Whenever the court appoints a court appointed special advocate or other person under subsections (1) to (3) of this section to represent the child or ward, it may require a parent, if able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of CASA services including reasonable attorney fees. The court's order of payment is enforceable in the same manner as an order of support under ORS 419B.408.

(7) Upon presentation of the order of appointment by the court appointed special advocate, any agency, hospital, school organization, division, office or department of the state, doctor, nurse or other health care provider, psychologist, psychiatrist, police department or mental health clinic shall permit the court appointed special advocate to inspect and copy any records relating to the child or ward involved in the case, without the consent of the child, ward or parents.

(8) All records and information acquired or reviewed by a court appointed special advocate during the course of official duties are deemed confidential under ORS 419A.255.

(9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court

appointed special advocate or other person appointed pursuant to subsections (1) to (3) of this section is deemed a guardian ad litem to represent the interests of the child or ward in proceedings before the court. Any provisions of this section and ORS 419B.035 and 419B.045 that cause this state to lose federal funding are null and void.

(10) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund. The fund consists of all moneys credited to it. Moneys [*appropriated to*] in the Court Appointed Special Advocate Fund [*by this section and ORS 419B.035 and 419B.045*] **are continuously appropriated to the State Commission on Children and Families and** may be used only to carry out the purposes of this section. The [*State Commission on Children and Families*] **commission** may apply for and receive funds from federal and private sources for carrying out the provisions of this section [*and ORS 419B.035 and 419B.045*].

(11) The state commission may expend moneys from the Court Appointed Special Advocate Fund directly or indirectly through contracts or grants for the creation, supervision and operation of CASA Volunteer Programs statewide in accordance with the provisions of ORS 419A.045 to 419A.048. The commission may also expend moneys from the Court Appointed Special Advocate Fund to pay the reasonable costs of its administration of the Court Appointed Special Advocate Fund. The commission shall adopt rules for carrying out its responsibilities under this section and ORS 419B.035 and 419B.045.

SECTION 36. ORS 431.210 is amended to read:

431.210. (1) There is established in the General Fund the Public Health Account, classified separately as to federal and other moneys.

(2) All fines, fees, penalties, federal apportionments or contributions and other moneys received by the Department of Human Services relating to public health shall be turned over to the State Treasurer not later than the 10th day of the calendar month next succeeding their receipt by the department and shall be credited to the Public Health Account.

(3) All moneys credited to the Public Health Account [*hereby*] are **continuously appropriated to the department** [*and made available*] for the payment of expenses of the department.

SECTION 37. ORS 442.480 is amended to read:

442.480. (1) There is established the Rural Health Care Revolving Account in the General Fund.

(2) All moneys appropriated for the purposes of ORS 442.470 to 442.507 and all moneys paid to the [*agency*] **Office of Rural Health** by reason of loans, fees, gifts or grants for the purposes of ORS 442.470 to 442.507[,] shall be credited to the Rural Health Care Revolving Account.

(3) All moneys contained in the Rural Health Care Revolving Account **are continuously appropriated to the Oregon Department of Administrative Services for the Office of Rural Health and** shall be used for the purposes of ORS 442.470 to 442.507.

SECTION 38. ORS 444.040 is amended to read:

444.040. (1) There is created in the General Fund of the State Treasury an account to be known as the Services for Children with Special Health Needs Account.

(2) All moneys received under ORS 444.020 shall be deposited in the Services for Children with Special Health Needs Account and shall be disbursed in the same manner as the moneys appropriated for carrying out ORS 444.010 to 444.050.

(3) **Moneys in the account are continuously appropriated to the Oregon Department of Administrative Services for use by** the Oregon Health and Science University [*may expend from the Services for Children with Special Health Needs Account, and there hereby are appropriated, any amounts necessary to carry*] **in carrying out the program described in ORS 444.010.**

(4) The Oregon Department of Administrative Services shall draw warrants to pay all claims duly approved by the Oregon Health and Science University, which have been incurred in pursuance of law and the appropriation in subsection (3) of this section.

SECTION 39. ORS 450.285 is amended to read:

450.285. (1) [*There hereby is created in the State Treasury a fund, separate and apart from the General Fund, to be known as the State Sanitary District Sewer Bond Fund, for investment under authority of ORS 450.250 to 450.300, and for payment of costs of the State Treasurer in connection*

therewith for which purposes such fund hereby is appropriated.] **The State Sanitary District Sewer Bond Fund is established separate and distinct from the General Fund. Moneys in the State Sanitary District Sewer Bond Fund are continuously appropriated to the State Treasurer for investment under authority of ORS 450.250 to 450.300, and for payment of costs of the State Treasurer in connection with the investment.**

(2) The earnings of the fund established under this section shall accrue to the General Fund, and the amounts received in payment of the principal of investments of the fund established under this section shall be credited to the General Fund, to be available for the payment of general governmental expenses.

(3) The State Treasurer may engage such assistance and incur such expenses to carry out the purposes of ORS 450.250 to 450.300 as may be necessary. [The earnings of the fund shall accrue to the General Fund, and the amounts received in payment of the principal of investments thereof shall be credited to the General Fund, to be available for the payment of general governmental expenses.]

SECTION 40. ORS 450.303 is amended to read:

450.303. (1) Any sanitary district in the state having an actual value in excess of \$750,000, that has not been able to sell its general obligation bonds on the market upon competitive bids or has not been able to obtain a bid for its bonds pursuant to notice of sale of the bonds published in a newspaper of general circulation printed and published for a period of two consecutive weeks in the county in which the major portion of the assessed value of the district is located, may sell its bonds to the State of Oregon, if the bonds are approved for investment by the State Treasurer. For the purposes of this section, actual value shall be determined in the manner prescribed by ORS 450.120. Bonds issued under authority of this section, together with other outstanding indebtedness of the district, shall not exceed in the aggregate 15 percent of the actual value of the district. For the purposes of this section, the 15 percent limitation shall supersede the limitation imposed by ORS 450.120 or any other law in conflict with this section. Only bonds authorized and issued in compliance with ORS 450.005 to 450.080, 450.085 to 450.115, 450.125 to 450.245 and the provisions of this section may be purchased by the State of Oregon as investments of the fund designated in subsection (2) of this section.

(2) [A fund in the State Treasury, separate and apart from the General Fund, to be known as the Sanitary District Sewerage System Revolving Fund, hereby is created. The moneys in the Sanitary District Sewerage System Revolving Fund are available for investment under the authority of this section for which purposes such fund hereby is appropriated.] The Sanitary District Sewerage System Revolving Fund is established separate and distinct from the General Fund. Moneys in the Sanitary District Sewerage System Revolving Fund are continuously appropriated to the State Treasurer for investment under the authority of this section. The interest paid on the investments purchased pursuant to this section shall be credited to the General Fund of the State of Oregon, and the principal, as it is repaid to the state by sanitary districts, shall be credited to the General Fund to be available for the payment of general governmental expenses. The State Treasurer is authorized to sell at not less than cost, the bonds, in whole or in part, that have been purchased under the authority of this section. The proceeds of sale of the bonds shall be credited to the General Fund to be available for the payment of general governmental expenses.

SECTION 41. ORS 456.535 is amended to read:

456.535. The money realized from the sale of each issue of bonds shall be credited to a special fund in the State Treasury, separate and distinct from the General Fund, to be designated the Elderly and Disabled Housing Fund. [*which fund is hereby appropriated*] **Moneys in the Elderly and Disabled Housing Fund are continuously appropriated to the Housing and Community Services Department** for the purpose of carrying out the provisions of ORS 456.515 to 456.725. [*It shall*] **Moneys in the fund may not be used for any other purpose, except that [this money] the moneys, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.820 and the earnings from the investments [inure to] shall be deposited into the Elderly and Disabled Housing Sinking Fund maintained under ORS 456.543.**

SECTION 42. ORS 456.543 is amended to read:

456.543. (1) The Housing and Community Services Department shall maintain, with the State Treasurer, an Elderly and Disabled Housing Sinking Fund, separate and distinct from the General Fund. The Elderly and Disabled Housing Sinking Fund shall provide for the payment of the principal and interest upon bonds issued under authority of Article XI-I(2), Oregon Constitution, and ORS 456.515 to 456.725. Moneys [of] in the sinking fund are [hereby] **continuously appropriated to the department** for such purpose. With the approval of the department, the moneys in the Elderly and Disabled Housing Sinking Fund may be invested as provided by ORS 293.701 to 293.820, and earnings from the investment shall be credited to the Elderly and Disabled Housing Sinking Fund.

(2) The Elderly and Disabled Housing Sinking Fund shall consist of:

(a) All moneys received from contract or loan proceeds;

(b) Bond reserves;

(c) Other funds available for these purposes; and[,]

(d) If necessary, state ad valorem taxes provided by Article XI-I(2), Oregon Constitution, and by ORS 456.515 to 456.725.

(3) The Elderly and Disabled Housing Sinking Fund shall not be used for any purpose other than that for which the fund was created provided, however, that amounts on deposit in the fund may be applied to the payment of operating and administrative expenses of the department allocable to its elderly and disabled housing program under ORS 456.515 to 456.725, and for transfers under subsections (4) and (5) of this section. Should a balance remain therein after the purposes for which the fund was created have been fulfilled or after a reserve sufficient to meet all existing obligations and liabilities of the fund has been set aside, the surplus remaining may be transferred to the Elderly and Disabled Housing Fund at the direction of the department.

(4) The Director of the Housing and Community Services Department may transfer moneys from the Elderly and Disabled Housing Sinking Fund, with the approval of the State Treasurer, for the purpose of financing multifamily housing for the elderly and the disabled. The State Treasurer shall approve such request if:

(a) The cash flow projection required by ORS 286.105 shows that, for the term of the bonds outstanding at the time the director transfers the moneys, remaining moneys in the sinking fund, together with expected loan proceeds and fund earnings, will continue to be adequate to pay bond principal, interest and administrative costs; and

(b) The transfer will not create the need for issuance of any bonds.

(5) The director shall deposit loan prepayments in the Elderly and Disabled Housing Fund, and lend such prepayments for the purpose of financing multifamily housing for the elderly and the disabled for a term not exceeding the term of the bonds associated with the loan that was prepaid, if the director determines that such a deposit and loan will not adversely affect the ability of the department to pay outstanding bonds.

SECTION 43. ORS 468.215 is amended to read:

468.215. The money realized from the sale of each issue of bonds **under ORS 468.195** shall be credited to a special fund in the State Treasury, separate and distinct from the General Fund, to be designated the Pollution Control Fund.[,] *which fund is hereby appropriated* **Moneys in the Pollution Control Fund are continuously appropriated to the Department of Environmental Quality** for the purpose of carrying out the provisions of ORS 468.195 to 468.260. *[It shall]* **Moneys in the fund may** not be used for any other purpose, except that *[this money]* **these moneys**, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.820, and the earnings from such investments *[inure to]* **shall be credited to** the Pollution Control Sinking Fund **maintained under ORS 468.230.**

SECTION 44. ORS 468.230 is amended to read:

468.230. (1) The Environmental Quality Commission shall maintain, with the State Treasurer, a Pollution Control Sinking Fund, separate and distinct from the General Fund. The Pollution Control Sinking Fund shall provide for the payment of the principal and interest upon bonds issued under authority of Article XI-H of the Constitution of Oregon and ORS 468.195 to 468.260 and administrative expenses incurred in issuing the bonds. Moneys [of] in the sinking fund are [hereby] **contin-**

uously appropriated to the commission for such purpose. With the approval of the commission, the moneys in the Pollution Control Sinking Fund may be invested as provided by ORS 293.701 to 293.820, and earnings from such investment shall be credited to the Pollution Control Sinking Fund.

(2) The Pollution Control Sinking Fund shall consist of all moneys received from ad valorem taxes levied pursuant to ORS 291.445 and assessments collected under ORS 468.220 (8), moneys transferred from the Orphan Site Account under ORS 465.381 (6), moneys transferred from the Water Pollution Control Revolving Fund under ORS 468.429 (3), all moneys that the Legislative Assembly may provide in lieu of such taxes, all earnings on the Pollution Control Fund, Pollution Control Sinking Fund, and all other revenues derived from contracts, bonds, notes or other obligations, acquired, by the commission by purchase, loan or otherwise, as provided by Article XI-H of the Constitution of Oregon and by ORS 468.195 to 468.260.

(3) The Pollution Control Sinking Fund shall not be used for any purpose other than that for which the fund was created. Should a balance remain therein after the purposes for which the fund was created have been fulfilled or after a reserve sufficient to meet all existing obligations and liabilities of the fund has been set aside, the surplus remaining may be transferred to the Pollution Control Fund at the direction of the commission.

SECTION 45. ORS 471.805 is amended to read:

471.805. (1) Except as otherwise provided in ORS 471.810 (2), all money collected by the Oregon Liquor Control Commission under this chapter and ORS chapter 473 and privilege taxes shall be remitted to the State Treasurer who shall credit it to a suspense account of the commission. Whenever the commission determines that moneys have been received by it in excess of the amount legally due and payable to the commission or that it has received money to which it has no legal interest, or that any license fee or deposit is properly refundable, the commission is authorized and directed to refund such money by check drawn upon the State Treasurer and charged to the suspense account of the commission. After withholding refundable license fees and such sum, not to exceed \$250,000, as it considers necessary as a revolving fund for a working cash balance for the purpose of paying travel expenses, advances, other miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation, the commission shall direct the State Treasurer to transfer the money remaining in the suspense account to the Oregon Liquor Control Commission Account in the General Fund. **Moneys in the Oregon Liquor Control Commission Account are continuously appropriated to the commission to be distributed and used as required or allowed by law.**

(2) All necessary expenditures of the commission incurred in carrying out the purposes [*and provisions*] required of the commission by law, including the salaries of its employees, purchases made by the commission and such sums necessary to reimburse the \$250,000 revolving fund, shall be audited and paid from the Oregon Liquor Control Commission Account in the General Fund, upon warrants drawn by the Oregon Department of Administrative Services, pursuant to claims duly approved by the commission.

[(3) Money produced by the operation of this chapter and ORS chapter 473 necessary to pay such expenditures is appropriated from the Oregon Liquor Control Commission Account in the General Fund for such purposes.]

SECTION 46. ORS 496.340 is amended to read:

496.340. (1) Except as provided in subsection (3) of this section, whenever real property owned by the State Fish and Wildlife Commission is exempt from taxation on January 1 of any year by reason of its ownership by the state, the commission shall pay to the county in which the property is situated an amount equal to the ad valorem taxes [*which*] **that** would have been charged against the property if it had been assessed to a taxable owner as of January 1 of such year as provided in subsection (2) of this section. The county assessor shall determine the value of such property and shall notify the commission of the determination of the county assessor. Upon request of the commission, the Department of Revenue shall review the determination of value and shall redetermine the value if it concludes the value initially determined was substantially incorrect.

(2)(a) Except as provided in paragraph (b) or (c) of this subsection, the value of the property shall be computed at its assessed value under ORS 308A.107 or for forestland use, whichever is applicable.

(b) Paragraph (a) of this subsection shall not apply to any property upon which open field burning takes place. If open field burning takes place on any property described in this section, the property shall be valued at its highest and best use rather than the values authorized in paragraph (a) of this subsection on the January 1 following the date of the open field burning. If in the next year, the open field burning is discontinued, paragraph (a) of this subsection shall apply the next January 1 and each year thereafter as long as no open field burning occurs.

(c) Paragraph (a) of this subsection shall not apply to any property acquired by the commission after September 9, 1971, if such property was valued under farm use or forestland use special assessment provisions, at the time the property was acquired by the commission. However, no payments in lieu of taxes made to a county pursuant to this section prior to January 1, 1974, shall be refunded to the commission.

(3) This section does not apply to real property used for bird farms, fish hatcheries, office quarters, fishing access sites or impoundments, capital improvements or real property acquired pursuant to the Act of May 19, 1948 (62 Stat. 240), Public Law 80-537.

(4) The amount prescribed in subsection (1) of this section shall be determined annually by the assessor of the county in which the property is situated and certified by the assessor to the county court or the board of county commissioners. A notice of the determination, signed by the county judge or the chairperson of the board of county commissioners, shall be mailed to the principal office of the commission not later than October 15. The notice shall contain a statement of the value of the property and a complete explanation of the method used in computing the amount claimed pursuant to subsection (1) of this section. Not later than November 15, the commission shall pay each amount, less a discount equivalent to that which is provided in ORS 311.505. Payment shall be made to the county treasurer, who shall distribute the payment to the taxing districts of the county in accordance with the schedule of percentages computed under ORS 311.390.

(5) Notwithstanding any other provision of the wildlife laws, *[there is appropriated]* **the commission shall make the payments to counties required by this section** annually from the moneys in the State Wildlife Fund **established by ORS 496.300** *[in the State Treasury such amounts as are necessary for the purpose of making the payments to counties required by this section]*.

SECTION 47. ORS 566.340 is amended to read:

566.340. Notwithstanding any other provisions of law, the funds and proceeds of the trust assets *[which]* **that** are not authorized to be administered by the Secretary of Agriculture of the United States under the provisions of ORS 566.330 shall be received by the Department of State Lands and by it deposited in the State Treasury in an account, separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. *[Notwithstanding the provisions of ORS 291.238, such funds]* **Moneys in the account are continuously appropriated to the Housing and Community Services Department** and may be expended or obligated by the Housing and Community Services Department for the purposes of ORS 566.330 or for *[use by the Housing and Community Services Department for]* farmworker housing permissible under the charter of the now dissolved Oregon Rural Rehabilitation Corporation.

SECTION 48. ORS 567.010 is amended to read:

567.010. *[For the purpose of carrying out ORS 567.005, \$22,500 is appropriated out of any moneys in the General Fund not otherwise appropriated. All or any part of the funds appropriated by this section shall become available only when a like or matching amount is made available for the construction referred to in ORS 567.005 from gifts, donations or other sources and deposited in the General Fund. Such deposits, together with matching amounts available out of the funds appropriated in this section, shall be credited to and combined in]* A separate account in the General Fund **is established** *[which is appropriated]* for the purposes *[of]* **described in ORS 567.005. Moneys in the account are continuously appropriated to the Department of Higher Education for the purposes described in ORS 567.005.**

SECTION 49. ORS 567.015 is amended to read:

567.015. The cost of operation of the greenhouse facilities **described in ORS 567.005** for testing seed potatoes of individual growers shall be paid by *[such]* **the** growers in such proportionate amounts as shall be agreed upon as being equitable and just considering the service rendered. The amount *[so]* paid shall be deposited in the *[separate account referred to]* **account established** in ORS 567.010 and *[such money hereby is appropriated for expenditure in paying]* **used to pay** the cost of operation of such facilities.

SECTION 50. ORS 567.025 is amended to read:

567.025. *[(1) There is appropriated out of the General Fund \$6,000 for investigations and experimentation to be expended under the direction of]* The State Board of Higher Education, acting through the Oregon agricultural experiment station, *[for the purpose of defraying]* **shall use moneys in the Gorse Control Account established in ORS 567.030 to defray** the expenses of research, including salaries of investigators, supplies and apparatus, traveling expenses, and other expenses necessary in conducting the research, and publication of reports and bulletins upon results of the research for investigating problems relating to gorse with special reference to determining methods of controlling gorse. *[The funds hereby appropriated are in addition to and not in lieu of any funds available for such purpose.]*

[(2) The funds appropriated by this section shall not be expended unless and until a sum equal to the amount of any proposed expenditure is also made available for the same purpose from other sources. Such funds or any portion thereof may also be used to match available federal funds to be expended for the same purpose.]

SECTION 51. ORS 567.030 is amended to read:

567.030. There is *[created]* **established** a Gorse Control Account in the General Fund *[to facilitate the administration of]* **for the purposes described in ORS 567.025.** All funds made available for the purposes of ORS 567.025 shall be credited to the Gorse Control Account and are **continuously appropriated to the State Board of Higher Education** for the purposes of ORS 567.025.

SECTION 52. ORS 635.030 is amended to read:

635.030. (1) Any person desiring to or who does engage in the business of a nonalcoholic beverage manufacturer shall apply to the State Department of Agriculture for a license for each plant operated by such person. The application shall be in such form and contain such information as the department may prescribe.

(2) Each nonalcoholic beverage manufacturer doing business in this state shall pay a license fee established by the department in accordance with ORS chapter 183, which shall be no less than \$25 nor more than \$750 for each establishment. The license fees may be established at a specified amount for each establishment or may be established on the basis of the annual gross dollar volume of sales of each establishment. In establishing the basis and amounts for the license fees, the department shall consider, among other things, the number of nonalcoholic beverage manufacturers, the various gross annual dollar volumes of business of the establishments and the costs of administration and enforcement of this chapter.

(3) All such licenses shall expire June 30 next following the date of issuance. The department shall collect for each license and for each renewal thereof the license fee computed as provided in subsection (2) of this section. The fee shall be remitted by the department to the State Treasurer. The State Treasurer shall place all moneys *[so]* received **under this section** in the Department of Agriculture Service Fund. *[and such fees are]* **Moneys from fees imposed under this section are continuously** appropriated to the department for the purpose of administering and enforcing the provisions of this chapter.

SECTION 53. ORS 705.145, as amended by section 84a, chapter 655, Oregon Laws 2003, and section 322, chapter 794, Oregon Laws 2003, is amended to read:

705.145. (1) There is created in the State Treasury a fund to be known as the Consumer and Business Services Fund, separate **and distinct** from the General Fund. All moneys collected or received by the Department of Consumer and Business Services, except moneys collected pursuant to ORS 735.612 and those moneys required to be paid into the Workers' Benefit Fund, shall be paid into

the State Treasury and credited to the Consumer and Business Services Fund. Moneys in the fund may be invested in the same manner as other state moneys and any interest earned shall be credited to the fund.

(2) The department shall keep a record of all moneys deposited in the Consumer and Business Services Fund that shall indicate, by separate account, the source from which the moneys are derived, the interest earned and the activity or program against which any withdrawal is charged.

(3) [Should] If moneys credited to any one account [be] are withdrawn, transferred or otherwise used for purposes other than the program or activity for which the account is established, interest shall accrue on the amount withdrawn from the date of withdrawal and until such funds are restored.

(4) Moneys in the fund [shall provide and] are **continuously** appropriated to the department for [the] its administrative expenses [of the department] and for its expenses in carrying out its functions and duties under any provision of law.

(5) Except as provided in ORS 705.165, it is the intention of the Legislative Assembly that the performance of the various duties and functions of the department in connection with each of its programs shall be financed by the fees, assessments and charges established and collected in connection with those programs.

(6) There is created by transfer from the Consumer and Business Services Fund a revolving administrative account in the amount of \$100,000. The revolving account shall be disbursed by checks or orders issued by the director or the Workers' Compensation Board and drawn upon the State Treasury, to carry on the duties and functions of the department and the board. All checks or orders paid from the revolving account shall be reimbursed by a warrant drawn in favor of the department charged against the Consumer and Business Services Fund and recorded in the appropriate subsidiary record.

(7) For the purposes of ORS chapter 656, the revolving account created pursuant to subsection (6) of this section may also be used to:

(a) Pay compensation benefits; and

(b) Refund to employers amounts paid to the Consumer and Business Services Fund in excess of the amounts required by ORS chapter 656.

(8) Notwithstanding subsections (2), (3) and (5) of this section and except as provided in ORS 455.220 (1), the moneys derived pursuant to ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.756 and 455.220 (1) and deposited to the fund, interest earned on those moneys and withdrawals of moneys for activities or programs under ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.666 to 446.756, or education and training programs pertaining thereto, must be assigned to a single account within the fund.

(9) Notwithstanding subsections (2), (3) and (5) of this section, the moneys derived pursuant to ORS 455.240 or 460.370 or from state building code or specialty code program fees for which the amount is established by department rule pursuant to ORS 455.020 (2) and deposited to the fund, interest earned on those moneys and withdrawals of moneys for activities or programs described under ORS 455.240 or 446.566 to 446.646, 446.666 to 446.756 and 460.310 to 460.370, structural or mechanical specialty code programs or activities for which a fee is collected under ORS 455.020 (2), or programs described under subsection (10) of this section that provide training and education for persons employed in producing, selling, installing, delivering or inspecting manufactured structures or manufactured dwelling parks or recreation parks, must be assigned to a single account within the fund.

(10) Notwithstanding ORS chapters 279, 279A and 279B, the department may, after consultation with the appropriate specialty code advisory boards established under ORS 446.280, 455.132, 455.138, 480.535 and 693.115, contract for public or private parties to develop or provide training and education programs relating to the state building code and associated licensing or certification programs.

SECTION 54. ORS 705.165 is amended to read:

705.165. (1) Except as provided in ORS 59.255, 59.890, 59.995, 59.996, 645.950 and 697.832, the net amount accruing to the Department of Consumer and Business Services from all fees, charges, interest, fines, penalties and miscellaneous revenues from all sources under ORS chapters 59, 645, 706 to 716, 722, 723, 725 and 726 and ORS 646.382 to 646.396, 650.005 to 650.085, 697.005 to 697.095, 697.602 to 697.842, 705.350 and 717.200 to 717.320 shall, after deduction of refunds, be paid over to the State Treasurer and deposited in a separate subaccount in the Consumer and Business Services Fund created under ORS 705.145 at least monthly and *[is appropriated]* **may be used** only for the expenses of the department in carrying out its functions and duties under ORS chapters 59, 645, 706 to 716, 722, 723, 725 and 726 and ORS 646.382 to 646.396, 650.005 to 650.085, 697.005 to 697.095, 697.602 to 697.842, 705.350 and 717.200 to 717.320.

(2) Any amount deposited in the separate subaccount in the Consumer and Business Services Fund as provided in subsection (1) of this section that at the end of each quarter is determined by the Director of the Department of Consumer and Business Services to be in excess of the amount needed to administer ORS chapters 59, 645, 706 to 716, 722, 723, 725 and 726 and ORS 646.382 to 646.396, 650.005 to 650.085, 697.005 to 697.095, 697.602 to 697.842 and 717.200 to 717.320 shall be transferred to the General Fund and shall become available for general governmental expenses.

SECTION 55. ORS 705.165, as amended by section 3, chapter 319, Oregon Laws 2001, is amended to read:

705.165. (1) Except as provided in ORS 59.255, 59.890, 59.995, 59.996 and 645.950, the net amount accruing to the Department of Consumer and Business Services from all fees, charges, interest, fines, penalties and miscellaneous revenues from all sources under ORS chapter 645 and ORS 59.005 to 59.451, 59.660 to 59.830, 59.840 to 59.965, 59.991, 650.005 to 650.085 and 705.350 shall, after deduction of refunds, be paid over to the State Treasurer and deposited in a separate subaccount in the Consumer and Business Services Fund created under ORS 705.145 at least monthly and *[is appropriated]* **may be used** only for the expenses of the department in carrying out its functions and duties under ORS chapter 645 and ORS 59.005 to 59.451, 59.660 to 59.830, 59.840 to 59.965, 59.991, 59.995, 650.005 to 650.085 and 705.350.

(2) Any amount deposited in the separate subaccount in the Consumer and Business Services Fund as provided in subsection (1) of this section that at the end of each quarter is determined by the Director of the Department of Consumer and Business Services to be in excess of the amount needed to administer ORS chapter 645 and ORS 59.005 to 59.451, 59.660 to 59.830, 59.840 to 59.965, 59.991, 59.995 and 650.005 to 650.085 shall be transferred to the General Fund and shall become available for general governmental expenses.

SECTION 56. ORS 805.261 is amended to read:

805.261. (1) After deduction of the cost of administration of the cultural registration plate program, moneys from the surcharge imposed by ORS 805.260 shall be transferred *[and appropriated]* to the Trust for Cultural Development Account established under ORS 359.405.

(2) As used in this section, "the cost of administration of the cultural registration plate program" is the sum of all Department of Transportation expenses for the issuance or transfer of cultural registration plates under ORS 805.260 that are above the normal costs of issuing, renewing and transferring registration plates in the normal course of the business of the department. These expenses include, but are not limited to, the costs of collecting the cultural registration plate surcharge and transferring cultural registration plates.

SECTION 57. ORS 835.025 is amended to read:

835.025. The Director of the Oregon Department of Aviation as authorized by the State Aviation Board may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, made available to accomplish in whole or in part the acquisition, construction, improvement, maintenance and operation of airports, and other aviation facilities in this state. All federal moneys accepted under this section and ORS 836.070 shall be accepted and transferred or expended upon such terms and conditions as are prescribed by the United States. All moneys received pursuant to this section and ORS 836.070 shall be deposited in the State Treasury and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds

designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys [*hereby*] are **continuously** appropriated to the **department** for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

SECTION 58. ORS 835.060 is amended to read:

835.060. (1) All fees and other moneys received by the Oregon Department of Aviation under ORS chapter 835, 836 or 837, except moneys received under the provisions of ORS 835.025, 836.070 and 837.035, shall be paid into the State Treasury monthly. The State Treasurer shall credit such payments to the State Aviation Account in the General Fund. [*Payments so made shall constitute, and hereby are made, an appropriation of such sums from the General Fund*] **Moneys in the account are continuously appropriated to the department** for the purpose of carrying out the provisions of this chapter. None of the funds in this section appropriated or hereafter made available for aviation purposes shall be expended upon any aviation project that is not carried out under the supervision and direction of the State Aviation Board. Fees paid into the account pursuant to ORS 837.045 shall be expended only for airport maintenance and capital construction and for payment of expenses of air search and rescue.

(2) The fiscal officer of the department shall keep a true and accurate account of all sums received and all vouchers issued by the department under this section.

SECTION 59. ORS 237.520, 246.610, 273.111, 274.310 and 734.577 are repealed.

SECTION 60. ORS 237.960 is amended to read:

237.960. (1) All assets of the previously existing Public Employees Retirement System, as of March 27, 1953, including moneys and securities, accounts receivable, office equipment and all personal property of any description, hereby are transferred to the Public Employees Retirement Board created and established by ORS 237.952, which board shall have control thereof for the purpose of liquidating the obligations of the Public Employees Retirement System and otherwise applying such assets as herein directed.

(2) During the period of liquidation the board may invest and reinvest moneys, purchase, sell and exchange securities as in its judgment to the best interest of beneficiaries.

(3) The board shall succeed to all the duties and prerogatives of the Public Employees Retirement Board created by chapter 401, Oregon Laws 1945, as amended, in relation to the Public Employees Retirement Fund. Said fund shall be and remain a trust fund for the purpose of liquidating the obligations of the abolished retirement system, and the Public Employees Retirement Board created by ORS 237.952 hereby is declared to be the trustee of said fund.

(4) From the current service account of the State of Oregon in the Public Employees Retirement Fund there shall be transferred to the Social Security Revolving Account an amount of \$60,000 which shall be recovered from the participating employers in the manner prescribed by ORS 237.520 (2003 Edition), and upon recovery shall be repaid to the Public Employees Retirement Board.

SECTION 61. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect July 1, 2005.

Passed by Senate July 13, 2005

Repassed by Senate July 29, 2005

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Secretary of Senate

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President of Senate

Passed by House July 27, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State