The following has special meaning:
green underline denotes added text
~~red struck-out text denotes deleted text~~
red text denotes vetoed text

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80th OREGON LEGISLATIVE ASSEMBLY--2020 Second Special Session

Enrolled

House Bill 4304

Sponsored by Representative KOTEK (at the request of Joint Committee on the Second Special Session of 2020)

CHAPTER 010

AN ACT

Relating to state financial administration; creating new provisions; amending ORS 147.225, 147.390, 180.095, 238.670, 276A.253, 285B.746, 285B.749, 291.227, 293.195, 293.229, 293.252, 329A.430, 410.612, 443.733 and 458.620 and section 20, chapter 725, Oregon Laws 2017, sections 3, 12b, 23 and 24, chapter 105, Oregon Laws 2018, section 3, chapter 122, Oregon Laws 2019, section 45a, chapter 355, Oregon Laws 2019, section 4, chapter 574, Oregon Laws 2019, sections 4 and 6, chapter 609, Oregon Laws 2019, section 5a, chapter 642, Oregon Laws 2019, sections 2, 3, 4 and 7, chapter 643, Oregon Laws 2019, section 85, chapter 678, Oregon Laws 2019, and section 7, chapter 680, Oregon Laws 2019; repealing ORS 458.667 and section 21, chapter 725, Oregon Laws 2017, section 31, chapter 101, Oregon Laws 2018, sections 12a, 13, 14, 15 and 16, chapter 105, Oregon Laws 2018, section 63, chapter 355, Oregon Laws 2019, section 6, chapter 643, Oregon Laws 2019, and section 8, chapter 680, Oregon Laws 2019; and declaring an emergency.

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

FISCAL REPORTING

SECTION 1. ORS 293.229 is amended to read:

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

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

(b) New liquidated and delinquent accounts added during the last preceding fiscal year;

(c) Total collections of liquidated and delinquent accounts;

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

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

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

(g) Total amount of liquidated and delinquent accounts assigned to private collection agencies and the total amount collected by private collection agencies under ORS 293.231;

(h) Total number and total amount of all liquidated and delinquent accounts exempted under ORS 293.233;

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

(j) A statement indicating whether the agency has liquidated and delinquent accounts that are not exempt under ORS 293.233, or are otherwise prohibited or exempted by law from assignment, for which no payment has been received for more than 90 days and that

have not been assigned to the Department of Revenue under ORS 293.231.

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

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

(b) Describes circumstances under which the state agency writes off or adjusts liquidated and delinquent amounts or removes an account from liquidated and delinquent status;

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

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

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

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

(a) List those state agencies, including the judicial branch of state government, that have liquidated and delinquent accounts that are not exempt under ORS 1.198, 1.199 or 293.233, or are otherwise prohibited or exempted by law from assignment, for which no payment has been received for more than 90 days and that have not been assigned to a private collection agency or to the Department of Revenue under ORS 1.197 or assigned to the Department of Revenue under 293.231;

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

(c) Include any other information the Legislative Fiscal Office determines is necessary to describe the status of liquidated and delinquent accounts across offices and branches of state government.

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

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

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

SECTION 2. ORS 293.252 is amended to read:

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

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

(b) Providing technical assistance to state agencies in resolving challenges in processing and managing accounts receivable and developing financial administrative systems to improve the handling of liquidated and delinquent accounts.

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

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

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

(2) The department shall adopt policies:

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

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

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

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

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

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

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

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

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

SECTION 3. ORS 291.227 is amended to read:

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

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

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

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

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

(c) Complexity of the agency’s duties;

(d) Industry best practices and standards;

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

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

(g) Financial scope and responsibility of the agency.

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

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

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

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

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

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

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

(8) As used in this section:

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

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

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

(B) “State agency” does not include:

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

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

(iii) The Public Defense Services Commission;

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

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

(vi) The Oregon Tourism Commission;

(vii) The Oregon Film and Video Office;

(viii) Public universities listed in ORS 352.002;

(ix) The Oregon Health and Science University;

(x) The Travel Information Council;

(xi) Oregon Corrections Enterprises;

(xii) The Oregon State Lottery Commission;

(xiii) The State Accident Insurance Fund Corporation;

(xiv) The Oregon Utility Notification Center;

(xv) Oregon Community Power;

(xvi) The Citizens’ Utility Board;

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

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

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

(d) “Supervisory employee” has the meaning given that term in ORS 243.650.

(e) “Supervisory ratio” means the ratio of employees who are supervisory employees to employees who are not supervisory employees.

OREGON MEDICAL BOARD

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

OREGON TRANSPARENCY WEBSITE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The names and addresses of vendors.

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

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

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

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

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

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

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

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

(A) May not include proprietary information; and

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

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

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

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

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

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

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

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

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

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

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

(D) Public universities listed in ORS 352.002.

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

(F) The Oregon Health and Science University.

(G) The Oregon Tourism Commission.

(H) The Oregon Film and Video Office.

(I) The Travel Information Council.

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

(K) Oregon Corrections Enterprises.

(L) The State Accident Insurance Fund Corporation.

(M) The Oregon Utility Notification Center.

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

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

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

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

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

SECTION 6. ORS 410.612 is amended to read:

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

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

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

(b) The Oregon Department of Administrative Services shall report to the legislative review agency, as defined in ORS 291.371, on any new or changed provisions relating to compensation in a collective bargaining agreement negotiated under this section.

SECTION 7. ORS 329A.430 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(6) Notwithstanding ORS 243.650 (1):

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

(b) The appropriate bargaining unit for exempt family child care providers is a bargaining unit of all exempt family child care providers in the state.

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

SECTION 8. ORS 443.733 is amended to read:

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

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

(b) Who is not a natural person; or

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

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

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

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

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

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

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

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

DEBT SERVICE

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

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

SECTION 10. Section 6, chapter 609, Oregon Laws 2019, is amended to read:

Sec. 6. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2019, as the maximum limits for payment of expenses, other than expenses described in sections 7 and 10, chapter 609, Oregon Laws 2019 ~~, of this 2019 Act~~, from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education, for the following purposes:

(1) Capital bonding.....	$ 130,000,000
(2) Operations.....	$ 46,360,200
(3) Oregon School for the Deaf.....	$ 6,281,693
(4) Debt service for outstanding general obligation bonds ~~sold pursuant to Article XI-P of the Oregon Constitution~~.....	$ 1

SECTION 11. Section 5a, chapter 642, Oregon Laws 2019, is amended to read:

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

PUBLIC EMPLOYEES RETIREMENT SYSTEM

SECTION 12. Section 13 of this 2020 second special session Act is added to and made a part of ORS chapter 238.

SECTION 13. At least 30 days before crediting any interest or other income received through investment of moneys to any fund or account, the Public Employees Retirement Board shall submit a preliminary proposal for crediting to the appropriate legislative review

agency, as defined in ORS 291.371, for its review and comment. The proposal shall identify gross earnings, investment expenses and administrative expenses, by fund or account, related to the crediting of the interest or other income.

SECTION 14. ORS 238.670 is amended to read:

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

(a) To prevent any deficit in the fund by reason of the insolvency of a participating public employer. Reserves under this paragraph may be funded only from the earnings on employer contributions made under ORS 238.225.

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

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

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

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

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

SECTION 15. Section 63, chapter 355, Oregon Laws 2019, is repealed.

SECTION 15a. Section 45a, chapter 355, Oregon Laws 2019, is amended to read:

Sec. 45a. Sections 44 and 45 ~~of this 2019 Act~~ , chapter 355, Oregon Laws 2019, are repealed on ~~December 31, 2041~~ the effective date of this 2020 second special session Act.

SECTION 16. Section 3, chapter 105, Oregon Laws 2018, as amended by section 48, chapter 355, Oregon Laws 2019, is amended to read:

Sec. 3. (1) Section 2, chapter 105, Oregon Laws 2018, as amended by section 47, chapter 355, Oregon Laws 2019 ~~, of this 2019 Act~~, is repealed July 1, 2042.

(2)(a) The Employer Incentive Fund established under section 1, chapter 105, Oregon Laws 2018, is abolished on July 1, 2042.

(b)~~(A) Except as provided in subparagraph (B) of this paragraph,~~ The unexpended moneys remaining in the Employer Incentive Fund on July 1, 2042, shall be transferred to the General Fund.

~~(B) The unexpended moneys remaining in the Employer Incentive Fund on July 1, 2042, that are attributable to sports betting games, as defined in ORS 461.010, shall be transferred to the Administrative Services Economic Development Fund.~~

SECTION 17. Section 31, chapter 101, Oregon Laws 2018, is repealed.

SECTION 18. (1) Sections 12a, 14 and 16, chapter 105, Oregon Laws 2018, are repealed.

(2) Section 13, chapter 105, Oregon Laws 2018, as amended by section 49, chapter 355, Oregon Laws 2019, is repealed.

(3) Section 15, chapter 105, Oregon Laws 2018, as amended by section 50, chapter 355, Oregon Laws 2019, is repealed.

SECTION 18a. Section 12b, chapter 105, Oregon Laws 2018, is amended to read:

Sec. 12b. Section 12, chapter 105, Oregon Laws 2018, ~~of this 2018 Act~~ is repealed on ~~December 31, 2024~~ the effective date of this 2020 second special session Act.

SECTION 18b. Section 85, chapter 678, Oregon Laws 2019, is amended to read:

Sec. 85. (1) Sections 1 to 6, chapter 678, Oregon Laws 2019, ~~of this 2019 Act~~ become operative on July 1, 2021.

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

(3) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 81, chapter 678, Oregon Laws 2019, ~~of this 2019 Act~~ become operative on ~~January 1, 2022~~ the effective date of this 2020 second special session Act.

(4) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 82, chapter 678, Oregon Laws 2019, ~~of this 2019 Act~~ become operative on ~~January 1, 2023~~ the effective date of this 2020 second special session Act.

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

SECTION 18c. Section 23, chapter 105, Oregon Laws 2018, as amended by section 83, chapter 678, Oregon Laws 2019, is amended to read:

Sec. 23. Section 22, chapter 105, Oregon Laws 2018, as amended by sections 81 and 82, chapter 678, Oregon Laws 2019 ~~of this 2019 Act~~, is repealed on ~~January 2, 2027~~ the effective date of this 2020 second special session Act.

SECTION 19. Section 24, chapter 105, Oregon Laws 2018, as amended by section 51, chapter 355, Oregon Laws 2019 is amended to read:

Sec. 24. (1) The School Districts Unfunded Liability Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the School Districts Unfunded Liability Fund shall be credited to the fund. The fund consists of ~~moneys transferred to the fund under sections 12, 13, 15 and 22, chapter 105, Oregon Laws 2018, and other~~ moneys transferred, allocated or appropriated to the fund.

(2) Moneys in the fund are continuously appropriated to the Public Employees Retirement Board for the purpose of establishing and funding a pooled account to be applied against the liabilities of participating public employers, as defined in ORS 238.005, that are school districts.

(3) Moneys in the fund shall be invested in the Oregon Short Term Fund established under ORS 293.728.

(4) The board shall establish an account in the Public Employees Retirement Fund for the moneys in the School Districts Unfunded Liability Fund.

(5) The board shall adopt rules providing for:

(a) Proportional distribution to school districts of the moneys in the account established under subsection (4) of this section;

(b) Amortization of the moneys distributed; and

(c) Administration of the account established under subsection (4) of this section in the same manner as accounts established under ORS 238.229 (2).

(6) No later than February 1 of each odd-numbered year, the board shall report to the Oregon Department of Administrative Services and the Legislative Fiscal Officer an estimate of how moneys will be distributed under this section in the following biennium.

GENERAL FUND APPROPRIATION BALANCES

SECTION 20. ORS 293.195 is amended to read:

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

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

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

OREGON BUSINESS DEVELOPMENT DEPARTMENT

SECTION 21. (1) The Tide Gate Grant and Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Tide Gate Grant and Loan Fund must be credited to the fund.

(2) The fund consists of:

(a) Moneys allocated to the Oregon Business Development Department under section 3 (4), chapter 670, Oregon Laws 2019;

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

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

(d) Moneys received for deposit in the fund from the federal government, state agencies or local governments; and

(e) Interest earned on moneys in the fund.

(3) The moneys in the fund are continuously appropriated to the department for the purposes specified in section 22 of this 2020 second special session Act.

SECTION 22. (1) The Oregon Business Development Department may directly or indirectly grant, expend or lend moneys from the Tide Gate Grant and Loan Fund established under section 21 of this 2020 second special session Act to:

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

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

(c) Pay administrative expenses of the department incurred in carrying out the provisions of this section, including costs of investigating and processing an application, developing contracts, monitoring use of grants or loans by a recipient, investigating and resolving budget discrepancies, closing a project and providing financial and other assistance associated with expenditures from the fund.

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

SECTION 22a. The Tide Gate Grant and Loan Fund established under section 21 of this 2020 second special session Act is abolished on June 30, 2023. Any moneys remaining in the fund on that date shall be transferred to the Administrative Services Economic Development Fund established under ORS 461.540.

SECTION 23. Sections 21 and 22 of this 2020 second special session Act are repealed on June 30, 2023.

SECTION 24. ORS 285B.746 is amended to read:

285B.746. (1) The Oregon Business Development Department may approve a loan requested in an application filed under ORS 285B.743 if, after investigation, it finds that:

(a) The applicant is enrolled in a small business management program with a small business development center or certified entity;

(b) The applicant has prepared a business plan for the business, which has been reviewed by a small business development center or other entity certified by the department to review business plans; and

(c) The applicant is not effectively owned or controlled by another business entity or other person that, either by itself or when combined with the applicant, is not eligible for a loan under ORS 285B.740 to 285B.758.

(2) In addition to the requirements for loan approval described in subsection (1) of this section, in order to obtain a loan under ORS 285B.740 to 285B.758, an applicant must also satisfy one of the following conditions:

(a) The business must have annual revenues of ~~$500,000~~ $1,500,000 or less in the 12-month period immediately preceding the date of application.

(b) The business or proposed business must be owned, in whole or in part, by a person certified as having a severe disability by the Department of Human Services or the Commission for the Blind.

(c) The applicant must submit proof to the Oregon Business Development Department that the applicant is a veteran who:

(A) Has a United States Department of Veterans Affairs total disability rating of at least 70 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service; and

(B) Received a discharge or release under other than dishonorable conditions.

SECTION 25. ORS 285B.746, as amended by section 24 of this 2020 second special session Act, is amended to read:

285B.746. (1) The Oregon Business Development Department may approve a loan requested in an application filed under ORS 285B.743 if, after investigation, it finds that:

(a) The applicant is enrolled in a small business management program with a small business development center or certified entity;

(b) The applicant has prepared a business plan for the business, which has been reviewed by a small business development center or other entity certified by the department to review business plans; and

(c) The applicant is not effectively owned or controlled by another business entity or other person that, either by itself or when combined with the applicant, is not eligible for a loan under ORS 285B.740 to 285B.758.

(2) In addition to the requirements for loan approval described in subsection (1) of this section, in order to obtain a loan under ORS 285B.740 to 285B.758, an applicant must also satisfy one of the following conditions:

(a) The business must have annual revenues of ~~$1,500,000~~ $500,000 or less in the 12-month period immediately preceding the date of application.

(b) The business or proposed business must be owned, in whole or in part, by a person certified as having a severe disability by the Department of Human Services or the Commission for the Blind.

(c) The applicant must submit proof to the Oregon Business Development Department that the applicant is a veteran who:

(A) Has a United States Department of Veterans Affairs total disability rating of at least 70 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service; and

(B) Received a discharge or release under other than dishonorable conditions.

SECTION 26. ORS 285B.749 is amended to read:

285B.749. (1) The Oregon Business Development Department may approve an entrepreneurial development loan under ORS 285B.740 to 285B.758 if, after investigation, it finds that:

(a) The loan has a reasonable prospect of repayment from cash flow and collateral and is secured by good and sufficient collateral; and

(b) The applicant provides equity funds for the project in the form of cash or property in an amount equal to or greater than 20 percent of the amount of the loan.

(2) The department shall determine the amount of the initial loan and any subsequent loan to the borrower. The maximum of all loans to a borrower from the Oregon Entrepreneurial Development Loan Fund may not exceed ~~$100,000~~ $250,000.

(3) Entrepreneurial development loans shall be made for a period not exceeding 10 years at a rate of interest that does not exceed 18 percent per annum.

SECTION 27. ORS 285B.749, as amended by section 26 of this 2020 second special session Act, is amended to read:

285B.749. (1) The Oregon Business Development Department may approve an entrepreneurial development loan under ORS 285B.740 to 285B.758 if, after investigation, it finds that:

(a) The loan has a reasonable prospect of repayment from cash flow and collateral and is secured by good and sufficient collateral; and

(b) The applicant provides equity funds for the project in the form of cash or property in an amount equal to or greater than 20 percent of the amount of the loan.

(2) The department shall determine the amount of the initial loan and any subsequent loan to the borrower. The maximum of all loans to a borrower from the Oregon Entrepreneurial Development Loan Fund may not exceed ~~$250,000~~ $100,000.

(3) Entrepreneurial development loans shall be made for a period not exceeding 10 years at a rate of interest that does not exceed 18 percent per annum.

SECTION 28. The amendments to ORS 285B.746 and 285B.749 by sections 24 and 26 of this 2020 second special session Act apply to loans approved on or before December 31, 2021.

SECTION 29. (1) The amendments to ORS 285B.746 and 285B.749 by sections 25 and 27 of this 2020 second special session Act become operative January 1, 2022.

(2) The amendments to ORS 285B.746 and 285B.749 by sections 25 and 27 of this 2020 second special session Act apply to loans approved on or after the date specified in subsection (1) of this section.

DEPARTMENT OF JUSTICE

SECTION 30. ORS 147.225 is amended to read:

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

SECTION 31. ORS 147.390 is amended to read:

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

~~(a) The expenses are actually paid or incurred by the applicant; and~~

~~(b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.~~

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

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

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

(3) As used in this section, "child abuse assessment," "children's advocacy center," "forensic interview" and "medical assessment" have the meanings given those terms in ORS 418.782.

SECTION 32. ORS 180.095 is amended to read:

180.095. (1) The Department of Justice Protection and Education Revolving Account is created in the General Fund. All moneys in the account are continuously appropriated to the Department of Justice and may be used to pay for only the following activities:

(a) Restitution and refunds in proceedings described in paragraph (c) of this subsection;

(b) Consumer and business education relating to the laws governing antitrust~~,~~ and unlawful trade practices ~~and the environment~~; and

(c) Personal services, travel, meals, lodging and all other costs and expenses incurred by the department in investigating, preparing, commencing and prosecuting the following actions and suits, and enforcing judgments, settlements, compromises and assurances of voluntary compliance arising out of the following actions and suits:

(A) Actions and suits under the state and federal antitrust laws;

(B) Actions and suits under ORS 336.184 and 646.605 to 646.656;

~~(C) Criminal prosecutions under state and federal environmental laws;~~

~~(D)~~ (C) Actions commenced under ORS 59.331; and

~~(E)~~ (D) Actions and suits under ORS 180.750 to 180.785.

(2) Moneys in the Department of Justice Protection and Education Revolving Account are not subject to allotment. Upon request of the Attorney General, the State Treasurer shall create subaccounts within the account for the purposes of managing moneys in the account and allocating those moneys to the activities described in subsection (1) of this section.

(3) Except as otherwise provided by law, all sums of money received by the Department of Justice under a judgment, settlement, compromise or assurance of voluntary compliance, including damages, restitution, refunds, attorney fees, costs, disbursements and other recoveries, but excluding civil penalties under ORS 646.642, in proceedings described in subsection (1)(c) of this section shall, upon receipt, be deposited with the State Treasurer to the credit of the Department of Justice Protection and Education Revolving Account. However, if the action or suit was based on an expenditure or loss from a public body or a dedicated fund, the amount of such expenditure or loss, after deduction of attorney fees and expenses awarded to the department by the court or agreed to by the parties, if any, shall be credited to the public body or dedicated fund and the remainder thereof credited to the Department of Justice Protection and Education Revolving Account.

(4) If the Department of Justice recovers restitution or refunds in a proceeding described in subsection (1)(c) of this section, and the department cannot determine the persons to whom the restitution or refunds should be paid or the amount of the restitution or refund payable to individual claimants is de minimis, the restitution or refunds may not be deposited in the Department of Justice Protection and Education Revolving Account and shall be deposited in the General Fund.

(5) Before April 1 of each odd-numbered year, the Department of Justice shall report to the Joint Committee on Ways and Means:

(a) The department's projection of the balance in the Department of Justice Protection and Education Revolving Account at the end of the biennium in which the report is made and at the end of the following biennium;

(b) The amount of the balance held for restitution and refunds;

(c) An estimate of the department's anticipated costs and expenses under subsection (1)(b) and (c) of this section for the biennium in which the report is made and for the following biennium; and

(d) Any judgment, settlement, compromise or other recovery, the proceeds of which are used for purposes other than:

(A) For deposit into the Department of Justice Protection and Education Revolving Account; or

(B) For payment of legal costs related to the judgment, settlement, compromise or other recovery.

(6) The Joint Committee on Ways and Means, after consideration of recommendations made by the Department of Justice, shall use the information reported under subsection (5) of this section to determine an appropriate balance for the revolving account.

SECTION 33. The amendments to ORS 180.095 by section 32 of this 2020 second special session Act become operative September 1, 2020.

HOUSING AND COMMUNITY SERVICES DEPARTMENT AND DEPARTMENT OF HUMAN SERVICES

SECTION 34. Moneys allocated to the Housing and Community Services Department by the Emergency Board at its March 9, 2020, meeting (Item No. 2), for the provision of rapid rehousing, including rental assistance, to victims of February 2020 flooding in Umatilla County, including residents of the Umatilla Indian reservation, may be utilized for development of new affordable housing units for victims of February 2020 flooding in Umatilla County, including residents of the Umatilla Indian reservation.

SECTION 35. Of the moneys allocated to the Housing and Community Services Department by the Emergency Board at its March 9, 2020, meeting (Item No. 3), to replace housing and infrastructure damaged or lost in Umatilla County or on the Umatilla Indian reservation due to flooding in February 2020, up to $3,000,000 may be utilized for the development of new affordable housing units for victims of February 2020 flooding in Umatilla County, including residents of the Umatilla Indian reservation.

SECTION 36. The amount of $3,000,000 is transferred from the Manufactured Dwelling Parks Account established under ORS 456.579 to the General Housing Account of the Oregon Housing Fund established under ORS 458.620 (1)(e) to be utilized for providing operating support to affordable rental housing properties with long-term affordability covenants with the Housing and Community Services Department that have been impacted by tenants' reduction of income due to the COVID-19 pandemic or eviction moratoria established by chapter 13, Oregon Laws 2020 (first special session).

SECTION 37. Section 4, chapter 574, Oregon Laws 2019, is amended to read:

Sec. 4. (1) Sections 1 ~~to~~ and 3 ~~of this 2019 Act~~ , chapter 574, Oregon Laws 2019, are repealed on ~~July 1, 2022~~ the effective date of this 2020 second special session Act.

(2) Section 2, chapter 574, Oregon Laws 2019, is repealed on July 1, 2022.

SECTION 38. The Wildfire Damage Housing Relief Account of the Oregon Housing Fund established under ORS 458.620 is abolished. Any moneys remaining in the account on the operative date of this section shall be transferred to the General Fund for general governmental purposes.

SECTION 39. ORS 458.620 is amended to read:

458.620. (1) There is created, separate and distinct from the General Fund of the State Treasury, the Oregon Housing Fund, which consists of ~~six~~ five separate revolving accounts:

(a) The Housing Development and Guarantee Account;

(b) The Emergency Housing Account;

(c) The Home Ownership Assistance Account;

(d) The Farmworker Housing Development Account; and

(e) The General Housing Account~~; and~~ .

~~(f) The Wildfire Damage Housing Relief Account.~~

(2) Earnings on investment of moneys in:

(a) The Housing Development and Guarantee Account accrue to that account.

(b) The Emergency Housing Account accrue to that account.

(c) The Home Ownership Assistance Account accrue to that account.

(d) The Farmworker Housing Development Account accrue to that account.

(e) The General Housing Account accrue to that account.

~~(f) The Wildfire Damage Housing Relief Account accrue to that account.~~

(3)(a) Moneys in the Housing Development and Guarantee Account are continuously appropriated to the Housing and Community Services Department to carry out the provisions of ORS 458.630.

(b) Moneys in the Emergency Housing Account are continuously appropriated to the department to carry out the provisions of ORS 458.650.

(c) Moneys in the Home Ownership Assistance Account are continuously appropriated to the department to carry out the provisions of ORS 458.655.

(d) Moneys in the Farmworker Housing Development Account are continuously appropriated to the department to carry out the provisions of ORS 458.660.

(e) Moneys in the General Housing Account are continuously appropriated to the department to carry out the provisions of ORS 456.515 to 456.725.

~~(f) Moneys in the Wildfire Damage Housing Relief Account are continuously appropriated to the department to carry out the provisions of ORS 458.667.~~

(4) Individuals and corporations, both for profit or nonprofit, may make monetary contributions to be credited to:

(a) The Housing Development and Guarantee Account; or

(b) The General Housing Account.

SECTION 40. ORS 458.667 is repealed.

SECTION 40a. Section 38 of this 2020 second special session Act, the amendments to ORS 458.620 by section 39 of this 2020 second special session Act and the repeal of ORS 458.667 by section 40 of this 2020 second special session Act become operative May 31, 2021.

SECTION 41. (1) As used in this section, "COVID-19 housing funds" means:

(a) Federal funds that the Housing and Community Services Department administers if the funds are designated for mortgage assistance and are made available through a federal law whose purpose is providing aid in response to COVID-19; and

(b) Federal funds received by the state under the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), as amended, and made available under the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136).

(2) Notwithstanding ORS 458.505, the department may disburse COVID-19 housing funds through grants and loans to local governments as defined in ORS 197.015, tribes as defined in ORS 273.462, individuals, housing authorities as defined in ORS 456.005, nonprofit corporations as defined in ORS 65.001 and community action agencies as described in ORS 458.505.

(3) The department, in its sole discretion, may allocate the funds in any method that ensures statewide geographic coverage without regard to an existing distribution formula, including through a competitive grant or contract process.

SECRETARY OF STATE

SECTION 42. Notwithstanding ORS 56.041, and in addition to transfers required by ORS 56.041 (4), the amount of $263,037 is transferred from the Operating Account to the General Fund for general governmental purposes. The transfer shall be made on September 30, 2020.

SECTION 43. Notwithstanding ORS 177.140, the amount of $583,292 is transferred from the Secretary of State Administration Division Account to the General Fund for general governmental purposes. The transfer shall be made on September 30, 2020.

SECTION 44. Notwithstanding ORS 297.535, the amount of $921,869 is transferred from the Division of Audits Account to the General Fund for general governmental purposes. The transfer shall be made on September 30, 2020.

OREGON DEPARTMENT OF AVIATION

SECTION 45. (1) Notwithstanding ORS 835.060, the Oregon Department of Aviation may expend moneys in the State Aviation Account for operating expenses of the department.

(2) Notwithstanding ORS 836.072 (6), the percentage of the combined tax revenue from aircraft fuel used or distributed by a dealer and aircraft fuel usable in aircraft operated by turbine engines that may be used for operating expenses of the department is not limited.

(3) Notwithstanding section 7 (4), chapter 700, Oregon Laws 2015:

(a) Ten percent of the amounts described in section 7 (1), chapter 700, Oregon Laws 2015, are appropriated to the department for the purposes specified in section 7 (4)(a), chapter 700, Oregon Laws 2015, and for operating expenses of the department.

(b) The remaining 90 percent of the amounts described in section 7 (1), chapter 700, Oregon Laws 2015, shall be distributed as specified in section 7 (4)(b), chapter 700, Oregon Laws 2015.

SECTION 46. Section 45 of this 2020 second special session Act is repealed on June 30, 2021.

IN-HOME ASSISTANCE PROGRAMS

SECTION 47. Section 7, chapter 680, Oregon Laws 2019, is amended to read:

Sec. 7. (1) Section 1 ~~of this 2019 Act~~ , chapter 680, Oregon Laws 2019, and the amendments to ORS 443.065~~, 443.315~~ and 443.325 ~~and section 2, chapter 75, Oregon Laws 2018,~~ by sections 3 ~~to 6~~ and 5 ~~of this 2019 Act~~ , chapter 680, Oregon Laws 2019, become operative on ~~January~~ July 1, 2021.

(2) The amendments to ORS 443.315 by section 4, chapter 680, Oregon Laws 2019, become operative on January 1, 2022.

(3) The amendments to ORS 410.598 by section 6, chapter 680, Oregon Laws 2019, become operative on January 1, 2021.

SECTION 48. Section 8, chapter 680, Oregon Laws 2019, is repealed.

TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES

SECTION 49. Section 4, chapter 643, Oregon Laws 2019 is amended to read:

Sec 4. Notwithstanding ORS 180.095, the amount of ~~$46,000,000~~ $50,666,667 is transferred from the Department of Justice Protection and Education Revolving Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 50. Section 2, chapter 643, Oregon Laws 2019, is amended to read:

Sec. 2. Notwithstanding ORS 283.076, the amount of ~~$50,900,000~~ $58,900,000 is transferred from the Oregon Department of Administrative Services Operating Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 51. Section 3, chapter 643, Oregon Laws 2019, is amended to read:

Sec. 3. Notwithstanding ORS 276A.209, the amount of ~~$26,500,000~~ $33,500,000 is transferred from the State Information Technology Operating Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 52. Section 7, chapter 643, Oregon Laws 2019, is amended to read:

Sec. 7. Notwithstanding ORS 243.167, the amount of ~~$15,000,000~~ $63,000,000 is transferred from the Public Employees' Revolving Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 53. Notwithstanding ORS 180.180, the amount of $2,000,000 is transferred from the Department of Justice Operating Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 54. Notwithstanding ORS 128.670, 128.675 and 180.180, the amount of $2,300,000 is transferred from the Department of Justice Operating Account, from moneys subject to ORS 128.670 (9), to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 55. Notwithstanding ORS 180.180, the amount of $800,000 is transferred from the Department of Justice Operating Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 56. Notwithstanding ORS 180.205, the amount of $500,000 is transferred from the Tobacco Enforcement Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 57. Notwithstanding ORS 279A.290, the amount of $5,000,000 is transferred from the Miscellaneous Receipts account for the State Treasurer to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 58. Notwithstanding section 24, chapter 105, Oregon Laws 2018, the amount of $33,133,022 is transferred from the School Districts Unfunded Liability Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 59. Notwithstanding ORS 414.815, the amount of $2,100,000 is transferred from the Law Enforcement Medical Liability Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 60. Notwithstanding ORS 327.008 and 327.026, the amount of $1,500,000 is transferred from the State School Fund, from moneys allocated to the Youth Corrections Education Program and the Juvenile Detention Education Program, to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 61. Notwithstanding ORS 342.953, the amount of $9,000,000 is transferred from the Educator Advancement Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 62. Notwithstanding ORS 346.315, the amount of $500,000 is transferred from the Blind and Visually Impaired Student Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

SECTION 63. Notwithstanding ORS 652.409, the amount of $1,500,000 is transferred from the Wage Security Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.

WATER SUPPLY DEVELOPMENT ACCOUNT

SECTION 64. Section 20, chapter 725, Oregon Laws 2017, is amended to read:

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

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

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

SECTION 65. Section 21, chapter 725, Oregon Laws 2017, is repealed.

EDUCATION

SECTION 66. In addition to the uses of the Early Learning Account that are authorized by ORS 327.274, for the biennium ending June 30, 2021, the Department of Education and the Early Learning Division may expend up to $6,900,000 from the Early Learning Account for the purpose of funding the construction, renovation and equipping of early learning and child care facilities in a manner that is consistent with the statewide early learning system plan overseen by the Early Learning Council.

SECTION 67. Section 3, chapter 122, Oregon Laws 2019, is amended to read:

Sec. 3. (1) In addition to and not in lieu of the transfer under ~~section 2 of this 2019 Act~~ ORS 327.001, for the biennium beginning July 1, 2019, the Department of Education shall transfer from the Fund for Student Success to the State School Fund an amount that equals ~~$200 million~~ $212,870,000.

(2) Notwithstanding ~~section 2 (4)(a) of this 2019 Act~~ ORS 327.001 (4)(a), for the biennium beginning July 1, 2019, the amount the Department of Education shall transfer from the Fund for Student Success to the State School Fund for the purpose of a transfer under ORS 327.008 (11) to the High Cost Disabilities Account established in ORS 327.348 shall be $20 million.

(3) Notwithstanding the percentage transfers prescribed by ORS 327.001 (4)(b), for the biennium beginning July 1, 2019, the Department of Education shall transfer moneys to the education accounts identified in ORS 327.001 (4)(b) as follows:

(a) To the Student Investment Account established in ORS 327.175, $150,000,000.

(b) To the Early Learning Account established in ORS 327.269, $170,518,281.

(c) To the Statewide Education Initiatives Account established in ORS 327.250, $246,622,099.

TRANSPORTATION

SECTION 68. (1) Notwithstanding ORS 367.080 to 367.086 and subject to subsection (2) of this section and the availability of funds, the Department of Transportation shall distribute $5,000,000 from the moneys in the Connect Oregon Fund, other than moneys dedicated for purposes described in Article XV, section 4a, of the Oregon Constitution, for the Oregon International Port of Coos Bay Rail Line Repairs and Bridge Replacement project.

(2) As a prerequisite to receiving a distribution under this section, and no later than November 1, 2020, the Oregon International Port of Coos Bay shall prepare and submit a plan to the Oregon Transportation Commission. The plan must, at a minimum, certify when and how the port plans to spend the moneys for the project. The plan may provide for reimbursement of a maximum of five percent of the allocated moneys for development of the plan. The commission shall promptly review a submitted plan and if the commission approves the plan, the Department of Transportation shall distribute the moneys after adopting an agreement with the port. The agreement shall follow rules adopted by the commission for projects that receive grants from the Connect Oregon Fund.

FORESTRY

SECTION 69. (1) The Oregon Department of Administrative Services may enter into a contract for an independent economist to:

(a) Collect data and other information regarding:

(A) The actual costs of wildfire protection and wildfire suppression on lands protected by the State Forestry Department; and

(B) The source of moneys used to pay costs of wildfire protection and wildfire suppression on lands protected by the State Forestry Department;

(b) Identify ways to improve tracking and substantiation for costs described in paragraph (a)(A) of this subsection and for funding sources described in paragraph (a)(B) of this subsection, including but not limited to appropriate in-kind contributions;

(c) Compare Oregon costs and funding sources for wildfire protection and wildfire suppression on lands protected by the State Forestry Department with costs and funding sources for wildfire protection and wildfire suppression in comparable states;

(d) Identify regional differences in costs and funding sources for wildfire protection and wildfire suppression on lands protected by the State Forestry Department; and

(e) Provide data and information described in paragraphs (a) to (d) of this subsection in a format that will enable an informed discussion regarding the equitable allocation of wildfire protection and wildfire suppression costs on lands protected by the State

Forestry Department and regarding the value of that wildfire protection and wildfire suppression toward the protection of private and public assets.

(2) The economist contracting with the Oregon Department of Administrative Services under subsection (1) of this section shall perform the work in collaboration with a project team or technical advisory group convened and overseen by the department. The project team or technical advisory group shall consist of the following, each of whom must have expertise regarding costs and funding sources for wildfire protection and wildfire suppression:

(a) The following members appointed by the Governor:

(A) One representative of the State Forestry Department; and

(B) One representative of the Emergency Fire Cost Committee; and

(b) The following members jointly appointed by the President of the Senate and the Speaker of the House of Representatives:

(A) One representative of the Legislative Fiscal Office;

(B) One representative of the Legislative Revenue Officer;

(C) One representative of the forest industry;

(D) One small woodland owner; and

(E) Two representatives of public interest groups.

(3) The economist and the project team or technical advisory group shall complete the work described in subsection (1) of this section and report the resulting findings and recommendations to the Governor's Council on Wildfire Response and to a committee of the Legislative Assembly relating to natural resources, in the manner provided under ORS 192.245, no later than March 1, 2021.

STUDENT INVESTMENT ACCOUNT

SECTION 70. (1) Notwithstanding ORS 327.180 and for the 2020-2021 school year only, the recipient of a grant received under ORS 327.195 is encouraged to prioritize the use of grant moneys for the purpose of meeting students' mental or behavioral health needs.

(2)(a) A school district or public charter school that submitted a grant application or entered into a grant agreement for moneys to be used for the 2020-2021 school year may submit an amended grant application or enter into an amended grant agreement for the 2020-2021 school year.

(b) For the purposes of receiving an amended grant application or amended grant agreement, the Department of Education may modify or waive processes and requirements prescribed by ORS 327.185 based on rules adopted by the State Board of Education.

(c) The department shall prescribe the format and timelines for the submission of an amended grant application or amended grant agreement under this section.

(3) Notwithstanding ORS 327.190 and for the 2020-2021 school year only, a grant recipient is not required to meet longitudinal performance growth targets. The department may, however, develop other applicable performance growth targets and indicators of progress. Nothing in this subsection prohibits the department from providing technical assistance under ORS 327.208 or from administering the intensive program under ORS 327.222.

CAPTIONS

SECTION 71. The unit captions used in this 2020 second special session Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2020 second special session Act.

EMERGENCY CLAUSE

SECTION 72. This 2020 second special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 second special session Act takes effect on its passage.

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