

# Senate Bill 276

Sponsored by Senators THOMSEN, COURTNEY, Representatives READ, HUFFMAN (at the request of Travel Information Council) (Pre-session filed.)

## SUMMARY

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

Directs Secretary of State to conduct annual financial review of moneys collected, borrowed, received and expended by Travel Information Council. Provides that Secretary of State may contract with independent certified public accountant for review, or accept financial review conducted by independent certified public accountant.

## A BILL FOR AN ACT

1  
2 Relating to the Travel Information Council; creating new provisions; and amending ORS 377.840 and  
3 section 32, chapter 865, Oregon Laws 2009.

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

5 **SECTION 1.** ORS 377.840 is amended to read:

6 377.840. (1) All moneys collected, borrowed or received by the Travel Information Council shall  
7 be deposited into a Travel Information Council account established in a depository insured by the  
8 Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a  
9 manner consistent with the requirements of ORS 295.001 to 295.108, [*the chairperson of*] the council  
10 shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits  
11 of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share  
12 Insurance Fund. [*Subject to the chairperson's approval,*] The council may invest moneys collected,  
13 borrowed or received by the council. Investments made by the council are limited to the types of  
14 investments listed in ORS 294.035. Interest earned from any amounts invested shall be made avail-  
15 able to the council in a manner consistent with the council's approved biennial budget.

16 (2) Subject to the approval of the [*chairperson*] **Travel Information Council** or **the** director of  
17 the Travel Information Council, all necessary council expenses shall be paid from the moneys col-  
18 lected, borrowed or earned by the council.

19 (3) Upon approval of a majority of the Travel Information Council, the director may borrow  
20 money. The council may not borrow an amount that exceeds the estimated revenues from amounts  
21 collected, received or earned by the council for the year.

22 (4) The Travel Information Council may not borrow money under subsection (3) of this section  
23 unless the indebtedness or other obligations of the council attributable to the borrowing are payable  
24 solely out of the council's own resources. Such indebtedness or other obligations of the council do  
25 not constitute a pledge of the full faith and credit of the State of Oregon or any of the revenues of  
26 this state.

27 (5)(a) The Travel Information Council shall adopt a budget on a biennial basis using the classi-  
28 fications of expenditures and revenues required by ORS 291.206 (1). However, the budget shall not  
29 be subject to review and approval by the Legislative Assembly or to future modification by the  
30 Emergency Board or Legislative Assembly.

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

1 (b) The **Travel Information** Council shall adopt a budget only after a public hearing thereon.  
 2 At least 15 days prior to any public hearing on the budget, the council shall give notice of the  
 3 hearing to all persons known to be interested in the proceedings of the council and to any person  
 4 who requests notice.

5 (6) All expenditures from the Travel Information Council account are exempt from any state  
 6 expenditure limitation. The Travel Information Council shall follow generally accepted accounting  
 7 principles and keep such other financial and statistical information as may be necessary to com-  
 8 pletely and accurately disclose the financial condition and financial operations of the council as may  
 9 be required by the Secretary of State.

10 (7) **The Secretary of State shall conduct an annual financial review of the moneys col-**  
 11 **lected, borrowed or received by the Travel Information Council and the expenditure of those**  
 12 **moneys. The Secretary of State may:**

13 (a) **Contract for the financial review with an independent certified public accountant; or**

14 (b) **Accept a financial review conducted by an independent certified public accountant.**

15 [(7)] (8) As used in this section, “depository” has the meaning given in ORS 295.001.

16 **SECTION 2. The first financial review under the amendments to ORS 377.840 by section**  
 17 **1 of this 2013 Act must be completed no later than April 1, 2014.**

18 **SECTION 3.** Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8 and 13,  
 19 chapter 63, Oregon Laws 2012, is amended to read:

20 **Sec. 32.** (1) The Travel Information Council shall manage, maintain, improve and develop for  
 21 local economic development and other purposes identified in ORS 377.705 roadside rest areas along  
 22 the following highways:

23 (a) Interstate 5, northbound, near milepost 63.

24 (b) Interstate 5, southbound, near milepost 63.

25 (c) Interstate 5, northbound, near milepost 241.

26 (d) Interstate 5, southbound, near milepost 241.

27 (e) Interstate 5, northbound, near milepost 281.

28 (f) Interstate 5, southbound, near milepost 281.

29 (g) Interstate 84, eastbound, near milepost 73.

30 (h) Interstate 84, westbound, near milepost 73.

31 (i) Interstate 84, eastbound, near milepost 160.

32 (j) Interstate 84, westbound, near milepost 160.

33 (k) Interstate 84, eastbound, near milepost 187.

34 (L) Interstate 84, westbound, near milepost 187.

35 (m) Interstate 84, eastbound, near milepost 269.

36 (n) Interstate 84, westbound, near milepost 269.

37 (o) Interstate 84, eastbound, near milepost 295.

38 (p) Interstate 84, westbound, near milepost 295.

39 (q) Interstate 84, westbound, near milepost 336.

40 (r) Interstate 84, westbound, near milepost 377.

41 (s) U.S. Highway 26, westbound, near milepost 54.

42 (t) U.S. Highway 101, southbound, near milepost 70.

43 (2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of  
 44 this section, the council may enter into contracts necessary to accomplish the purposes of sub-  
 45 section (1) of this section.

1 (3) The Department of Transportation shall:

2 (a) Maintain ownership of any roadside rest area located along an interstate highway that the  
3 council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

4 (b) Enter into an intergovernmental agreement with the council under which the council has the  
5 authority to manage, maintain, improve and develop those rest areas owned by the department that  
6 are listed in subsection (1) of this section.

7 (4) Under the intergovernmental agreement entered into under subsection (3) of this section, the  
8 council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

9 (5) For the purpose of funding the management, maintenance, improvement and development of  
10 roadside rest areas under this section, the department shall allocate to the council, no later than  
11 January 2, 2013, \$4.96 million from the State Highway Fund.

12 *[(6) The Secretary of State shall enter into agreements with the council to set an appropriate fi-*  
13 *ncial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu*  
14 *of conducting a financial review as required by that schedule, the Secretary of State may:]*

15 *[(a) Contract for the financial review with an independent certified public accountant; or]*

16 *[(b) Accept a financial review conducted by an independent certified public accountant.]*

17 *[(7)]* (6) The council may not use any moneys originating from a local transient lodging tax or  
18 a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding  
19 the management, maintenance, improvement and development of roadside rest areas under this sec-  
20 tion.

21 **SECTION 4.** Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8, 13 and 15,  
22 chapter 63, Oregon Laws 2012, is amended to read:

23 **Sec. 32.** (1) The Travel Information Council shall manage, maintain, improve and develop for  
24 local economic development and other purposes identified in ORS 377.705 roadside rest areas along  
25 the following highways:

26 (a) Interstate 5, northbound, near milepost 63.

27 (b) Interstate 5, southbound, near milepost 63.

28 (c) Interstate 5, northbound, near milepost 143.

29 (d) Interstate 5, southbound, near milepost 143.

30 (e) Interstate 5, northbound, near milepost 178.

31 (f) Interstate 5, southbound, near milepost 178.

32 (g) Interstate 5, northbound, near milepost 206.

33 (h) Interstate 5, southbound, near milepost 206.

34 (i) Interstate 5, northbound, near milepost 241.

35 (j) Interstate 5, southbound, near milepost 241.

36 (k) Interstate 5, northbound, near milepost 281.

37 (L) Interstate 5, southbound, near milepost 281.

38 (m) Interstate 84, eastbound, near milepost 73.

39 (n) Interstate 84, westbound, near milepost 73.

40 (o) Interstate 84, eastbound, near milepost 160.

41 (p) Interstate 84, westbound, near milepost 160.

42 (q) Interstate 84, eastbound, near milepost 187.

43 (r) Interstate 84, westbound, near milepost 187.

44 (s) Interstate 84, eastbound, near milepost 269.

45 (t) Interstate 84, westbound, near milepost 269.

1 (u) Interstate 84, eastbound, near milepost 295.

2 (v) Interstate 84, westbound, near milepost 295.

3 (w) Interstate 84, westbound, near milepost 336.

4 (x) Interstate 84, westbound, near milepost 377.

5 (y) U.S. Highway 26, westbound, near milepost 54.

6 (z) U.S. Highway 101, southbound, near milepost 70.

7 (2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of  
8 this section, the council may enter into contracts necessary to accomplish the purposes of sub-  
9 section (1) of this section.

10 (3) The Department of Transportation shall:

11 (a) Maintain ownership of any roadside rest area located along an interstate highway that the  
12 council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

13 (b) Enter into an intergovernmental agreement with the council under which the council has the  
14 authority to manage, maintain, improve and develop those rest areas owned by the department that  
15 are listed in subsection (1) of this section.

16 (4) Under the intergovernmental agreement entered into under subsection (3) of this section, the  
17 council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

18 (5) For the purpose of funding the management, maintenance, improvement and development of  
19 roadside rest areas under this section, the department shall allocate to the council, no later than  
20 January 2 of each year, \$6.55 million from the State Highway Fund.

21 *[(6) The Secretary of State shall enter into agreements with the council to set an appropriate fi-  
22 nancial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu  
23 of conducting a financial review as required by that schedule, the Secretary of State may:]*

24 *[(a) Contract for the financial review with an independent certified public accountant; or]*

25 *[(b) Accept a financial review conducted by an independent certified public accountant.]*

26 **[(7)] (6)** The council may not use any moneys originating from a local transient lodging tax or  
27 a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding  
28 the management, maintenance, improvement and development of roadside rest areas under this sec-  
29 tion.

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