

A-Engrossed
Senate Bill 331

Ordered by the Senate February 27
Including Senate Amendments dated February 27

Sponsored by Senators THOMSEN, JOHNSON; Senators GIROD, HANSELL, PROZANSKI, ROBLAN, WHITSETT
(Presession 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.

Increases percentage of moneys distributed for maintenance of county parks from 35 percent to [50] **45** percent of moneys transferred to State Parks and Recreation Department from registration of travel trailers, campers and motor homes and from recreational vehicle trip permits.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to the distribution of moneys to counties from the State Parks and Recreation Department
3 Fund; creating new provisions; amending ORS 390.134; repealing section 3, chapter 792, Oregon
4 Laws 2007; and declaring an emergency.

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

6 **SECTION 1. Section 3, chapter 792, Oregon Laws 2007, is repealed.**

7 **SECTION 2.** ORS 390.134, as amended by section 24, chapter 107, Oregon Laws 2012, is
8 amended to read:

9 390.134. (1) As used in this section:

10 (a) "Camper" has the meaning given that term in ORS 801.180.

11 (b) "County" includes a metropolitan service district organized under ORS chapter 268, but only
12 to the extent that the district has acquired, through title transfer, and is operating a park or re-
13 creation site of a county pursuant to an intergovernmental agreement.

14 (c) "Motor home" has the meaning given that term in ORS 801.350.

15 (d) "Travel trailer" has the meaning given that term in ORS 801.565.

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

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

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

24 (c) Revenue from charges pursuant to ORS 390.124.

25 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-
26 count within the fund. Each separate subaccount established under this subsection must be sepa-

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 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they
2 are deposited.

3 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)
4 or (9) of this section must be deposited in a separate subaccount within the fund and used by the
5 State Parks and Recreation Department for the acquisition, development, maintenance, care and use
6 of park and recreation sites and for the maintenance and operation of the Oregon State Fair. The
7 moneys deposited in the subaccount under this subsection must be accounted for separately and
8 stated separately in the State Parks and Recreation Department's biennial budget.

9 (5)(a) [*Thirty-five*] **Forty-five** percent of the amount transferred to the State Parks and Recre-
10 ation Department under ORS 366.512 from the registration of travel trailers, campers and motor
11 homes and under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate
12 subaccount within the fund to be distributed for the acquisition, development, maintenance, care and
13 use of county park and recreation sites. The moneys deposited in the subaccount under this para-
14 graph must be accounted for separately. The following apply to the distribution of moneys under this
15 paragraph:

16 (A) The moneys must be distributed among the several counties for the purposes described in
17 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-
18 ation Department but must be made not less than once a year.

19 (B) The sums designated under this paragraph must be remitted to the county treasurers of the
20 several counties by warrant.

21 (b) The department shall establish an advisory committee to advise the department in the per-
22 formance of its duties under this subsection. The composition of the advisory committee under this
23 subsection is as determined by the department by rule. In determining the composition of the advi-
24 sory committee, the department shall attempt to provide reasonable representation for county offi-
25 cials or employees with responsibilities relating to county parks and recreation sites.

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

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

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

35 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department
36 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements
37 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government
38 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop
39 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-
40 section may not be used to pay the cost of administering grants or the cost of any Secretary of State
41 audit required under section 4c, Article XV of the Oregon Constitution.

42 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks
43 Subaccount during a biennium is more than 150 percent of the amount that was transferred during
44 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for
45 use as described in subsection (8) of this section the amount required under subsection (8) of this

1 section plus an amount equal to the difference between the amount deposited for use as described
 2 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-
 3 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the
 4 preceding biennium.

5 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-
 6 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-
 7 creation Department Fund from the Parks Subaccount to be used for the purposes described in
 8 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the
 9 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount
 10 that is deposited for use as described in subsection (8) of this section in a biennium to be less than
 11 the percentage required to be deposited under subsections (8) and (9) of this section.

12 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to
 13 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee
 14 on Ways and Means, that describes the measurable biennial and cumulative results of activities and
 15 programs financed by moneys transferred to the State Parks and Recreation Department Fund from
 16 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report
 17 in a form and manner as the committee may prescribe.

18 **SECTION 3.** ORS 390.134, as amended by section 2, chapter 792, Oregon Laws 2007, section 47,
 19 chapter 11, Oregon Laws 2009, section 5, chapter 643, Oregon Laws 2011, and section 25, chapter
 20 107, Oregon Laws 2012, is amended to read:

21 390.134. (1) As used in this section:

22 (a) "Camper" has the meaning given that term in ORS 801.180.

23 (b) "County" includes a metropolitan service district organized under ORS chapter 268, but only
 24 to the extent that the district has acquired, through title transfer, and is operating a park or re-
 25 creation site of a county pursuant to an intergovernmental agreement.

26 (c) "Motor home" has the meaning given that term in ORS 801.350.

27 (d) "Travel trailer" has the meaning given that term in ORS 801.565.

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

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

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

36 (c) Revenue from charges pursuant to ORS 390.124.

37 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-
 38 count within the fund. Each separate subaccount established under this subsection must be sepa-
 39 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they
 40 are deposited.

41 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)
 42 or (9) of this section must be deposited in a separate subaccount within the fund and used by the
 43 State Parks and Recreation Department for the acquisition, development, maintenance, care and use
 44 of park and recreation sites and for the maintenance and operation of the Oregon State Fair. The
 45 moneys deposited in the subaccount under this subsection must be accounted for separately and

1 stated separately in the State Parks and Recreation Department's biennial budget.

2 (5)(a) [Thirty] **Forty-five** percent of the amount transferred to the State Parks and Recreation
3 Department under ORS 366.512 from the registration of travel trailers, campers and motor homes
4 and under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate sub-
5 account within the fund to be distributed for the acquisition, development, maintenance, care and
6 use of county park and recreation sites. The moneys deposited in the subaccount under this para-
7 graph must be accounted for separately. The following apply to the distribution of moneys under this
8 paragraph:

9 (A) The moneys must be distributed among the several counties for the purposes described in
10 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-
11 ation Department but must be made not less than once a year.

12 (B) The sums designated under this paragraph must be remitted to the county treasurers of the
13 several counties by warrant.

14 (b) The department shall establish an advisory committee to advise the department in the per-
15 formance of its duties under this subsection. The composition of the advisory committee under this
16 subsection is as determined by the department by rule. In determining the composition of the advi-
17 sory committee, the department shall attempt to provide reasonable representation for county offi-
18 cials or employees with responsibilities relating to county parks and recreation sites.

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

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

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

28 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department
29 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements
30 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government
31 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop
32 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-
33 section may not be used to pay the cost of administering grants or the cost of any Secretary of State
34 audit required under section 4c, Article XV of the Oregon Constitution.

35 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks
36 Subaccount during a biennium is more than 150 percent of the amount that was transferred during
37 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for
38 use as described in subsection (8) of this section the amount required under subsection (8) of this
39 section plus an amount equal to the difference between the amount deposited for use as described
40 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-
41 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the
42 preceding biennium.

43 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-
44 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-
45 creation Department Fund from the Parks Subaccount to be used for the purposes described in

1 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the
2 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount
3 that is deposited for use as described in subsection (8) of this section in a biennium to be less than
4 the percentage required to be deposited under subsections (8) and (9) of this section.

5 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to
6 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee
7 on Ways and Means, that describes the measurable biennial and cumulative results of activities and
8 programs financed by moneys transferred to the State Parks and Recreation Department Fund from
9 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report
10 in a form and manner as the committee may prescribe.

11 **SECTION 4. The amendments to ORS 390.134 by sections 2 and 3 of this 2013 Act apply**
12 **to moneys transferred to the State Parks and Recreation Department under ORS 366.512**
13 **from the registration of travel trailers, campers and motor homes and under ORS 803.601**
14 **from recreational vehicle trip permits on or after July 1, 2013.**

15 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
17 **on July 1, 2013.**