

294.060 Apportionment of moneys received by counties from federal forest reserves to road and school funds. (1) The moneys received by each county under ORS 293.560 shall be divided 75 percent to the road fund and 25 percent to the school fund of the county and, subject to subsection (2) of this section, the moneys shall be expended as other moneys in those funds are expended.

(2) The moneys apportioned to the county road fund may be applied in payment of any outstanding road bonds or may be placed in any county road bond sinking fund for the purpose of being so applied.

(3) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 9,000 and more than 6,500, according to the 1990 federal decennial census, moneys from the road fund in excess of \$2 million may be transferred to the school fund when the amount of money credited to the road fund under subsection (1) of this section exceeds the amount needed for county roads, as determined by the board of county commissioners. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(4) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 58,000 and more than 55,000, according to the 1990 federal decennial census, if the moneys credited to the road fund under subsection (1) of this section exceed the amount needed for county roads, as determined by the county governing body, the portion of such moneys in excess of an amount specified by the county governing body may be transferred to the school fund of the county or may be transferred directly to the school districts of the county in accordance with procedures established by the county governing body. The county governing body may distribute moneys under this subsection among the several school districts without regard to the percentage of the resident average daily membership in each school district. Moneys transferred under this subsection may be transferred upon the condition that any school district receiving a share of such moneys must use the moneys only for a purpose described in ORS 328.205 (1)(a) or (c). Any amount received by a school district from the county under this subsection that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(5) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county east of the summit of the Cascade Mountains with a population of less than 6,500, according to the 1990 federal decennial census, moneys received by the county under ORS 293.560 may be divided between the road fund and the school fund of the county as specified under an agreement between the county governing body and the education service district board of the county that provides for a different apportionment of those moneys. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(6) Notwithstanding the division of receipts specified in subsection (1) of this section, in any county west of the summit of the Cascade Mountains with a population of less than 19,500 and more than 6,500, according to the 1990 federal decennial census, moneys from the road fund in excess of \$1 million may be transferred to the school fund when the amount of money credited to the road fund under subsection (1) of this section exceeds the amount needed for county roads, as determined by the board of county commissioners. Any amount received by a school district from the school fund of the county that is in excess of the 25 percent required under subsection (1) of this section may not be considered as a receipt that would reduce the district's apportionments from the State School Fund.

(7) As used in subsections (3) to (6) of this section, "summit of the Cascade Mountains" has the meaning for that term provided in ORS 477.001. [Amended by 1969 c.327 §1; 1971 c.539 §1; 1977 c.776 §1; 1981 c.342 §1; 1987 c.315 §1; 1989 c.579 §1; 1991 c.309 §1; 2003 c.226 §21]

Note: Section 4, chapter 894, Oregon Laws 2007, provides:

Sec. 4. (1) Notwithstanding ORS 294.060 and 368.705, moneys described in ORS 294.060 (1) that are received by a county listed in subsection (2) of this section and deposited into that county's road fund may be expended for patrolling within the county by the county's law enforcement officials.

(2) Subsection (1) of this section applies to:

- (a) Coos County;
- (b) Curry County;
- (c) Douglas County;
- (d) Josephine County;
- (e) Klamath County;
- (f) Lane County; and
- (g) Linn County.

(3) Moneys in a county's road fund and expended for patrolling under subsection (1) of this section may be used solely for direct costs and indirect costs associated with patrolling.

(4) As used in this section:

(a)(A) "Direct costs" means costs that can, with a high degree of accuracy, be identified specifically with or directly assigned to a particular award, project, program, service or other organizational activity.

(B) “Direct costs” includes, but is not limited to, salaries, travel, equipment and supplies directly related to patrolling by the county’s law enforcement officials.

(b)(A) “Indirect costs” means costs incurred for common or joint objectives that are not direct costs.

(B) “Indirect costs” includes, but is not limited to, the costs of operating and maintaining facilities, depreciation, administrative expenses and dispatch.

(c) “Patrolling” means the activities of a county law enforcement official that are in response to calls for service or initiated by the county law enforcement official. [2007 c.894 §4; 2011 c.556 §1; 2012 c.75 §1; 2013 c.479 §1]

Note: Section 3, chapter 75, Oregon Laws 2012, provides:

Sec. 3. Section 4, chapter 894, Oregon Laws 2007, as amended by section 1, chapter 556, Oregon Laws 2011, section 1, chapter 75, Oregon Laws 2012, and section 1 of this 2013 Act, is repealed on January 2, 2016. [2012 c.75 §3; 2013 c.479 §3]

294.063 Interfund loan of road fund moneys for patrolling. (1) Notwithstanding ORS 294.060, 294.468 (1)(c) and 368.705, a county that receives moneys described in ORS 294.060 (1) and deposits those moneys into the county’s road fund may make an interfund loan of the moneys described in ORS 294.060 (1) to any other fund of that county for the purpose of patrolling by county law enforcement officials.

(2) Notwithstanding ORS 294.468 (2)(c) and (3), an interfund loan by a county that loans moneys described in ORS 294.060 (1) from the county’s road fund into any other fund of that county to be used for the purpose of patrolling by county law enforcement officials shall be budgeted and repaid into the county road fund within three years following the end of the ensuing year or ensuing budget period. [2012 c.75 §§4,5; 2013 c.479 §§4,5]

Note: 294.063 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 294 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.