

HOUSE AMENDMENTS TO HOUSE BILL 3048

By COMMITTEE ON ECONOMIC DEVELOPMENT, SMALL BUSINESS, AND TRADE

March 24

1 In line 2 of the printed bill, before the period insert “; creating new provisions; amending ORS
2 276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226, 293.250, 359.025, 359.040, 359.120, 359.130,
3 359.400, 359.405, 359.407, 359.423, 359.426, 359.431, 359.436, 359.441, 359.444 and 805.260; and repeal-
4 ing ORS 359.020, 359.030, 359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142, 359.410, 359.413,
5 359.416 and 359.421”.

6 Delete lines 4 through 8 and insert:

“ABOLISH AND TRANSFER

9
10 **“SECTION 1. (1) The Oregon Arts Commission and the Trust for Cultural Development**
11 **Board are abolished. On the operative date specified in section 40 of this 2025 Act, the tenure**
12 **of office of the members of the Oregon Arts Commission and the Trust for Cultural Devel-**
13 **opment Board ceases.**

14 **“(2) All the duties, functions and powers of the Oregon Arts Commission, the Arts Pro-**
15 **gram of the Oregon Business Development Department and the Trust for Cultural Develop-**
16 **ment Board are imposed upon, transferred to and vested in the Oregon Arts and Cultural**
17 **Development Board and the Oregon Arts and Cultural Development Office.**

“RECORDS, PROPERTY, EMPLOYEES

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19
20
21 **“SECTION 2. (1) The Director of the Oregon Business Development Department and the**
22 **Administrator of the Arts Program shall:**

23 **“(a) Deliver to the Oregon Arts and Cultural Development Office all records and property**
24 **within the jurisdiction of the director and the administrator that relate to the duties, func-**
25 **tions and powers transferred by section 1 of this 2025 Act; and**

26 **“(b) Transfer to the Oregon Arts and Cultural Development Office those employees en-**
27 **gaged primarily in the exercise of the duties, functions and powers transferred by section 1**
28 **of this 2025 Act.**

29 **“(2) The Director of the Oregon Arts and Cultural Development Office shall take pos-**
30 **session of the records and property, and shall take charge of the employees and employ them**
31 **in the exercise of the duties, functions and powers transferred by section 1 of this 2025 Act,**
32 **without reduction of compensation but subject to change or termination of employment or**
33 **compensation as provided by law.**

34 **“(3) The Governor shall resolve any dispute between the department or program and the**
35 **office relating to transfers of records, property and employees under this section, and the**

1 Governor's decision is final.

2
3 "ACTION, PROCEEDING, PROSECUTION
4

5 "SECTION 3. The transfer of duties, functions and powers to the Oregon Arts and Cul-
6 tural Development Office by section 1 of this 2025 Act does not affect any action, proceeding
7 or prosecution involving or with respect to such duties, functions and powers begun before
8 and pending at the time of the transfer, except that the Oregon Arts and Cultural Develop-
9 ment Office is substituted for the Oregon Business Development Department, the Oregon
10 Arts Commission or the Trust for Cultural Development Board, as appropriate, in the action,
11 proceeding or prosecution.
12

13 "LIABILITY, DUTY, OBLIGATION
14

15 "SECTION 4. (1) Nothing in sections 1 to 14 of this 2025 Act, the amendments to ORS
16 276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226, 293.250, 359.025, 359.040, 359.120, 359.130,
17 359.400, 359.405, 359.407, 359.423, 359.426, 359.431, 359.436, 359.441, 359.444 and 805.260 by
18 sections 15 to 18, 20, 21 and 23 to 37 of this 2025 Act or the repeals of ORS 359.020, 359.030,
19 359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142, 359.410, 359.413, 359.416 and 359.421
20 by section 39 of this 2025 Act relieves a person of a liability, duty or obligation accruing un-
21 der or with respect to the duties, functions and powers transferred by section 1 of this 2025
22 Act. The Oregon Arts and Cultural Development Office may undertake the collection or
23 enforcement of any such liability, duty or obligation.

24 "(2) The rights and obligations of the Oregon Business Development Department, Oregon
25 Arts Commission and the Trust for Cultural Development Board with respect to the duties,
26 functions and powers transferred by section 1 of this 2025 Act legally incurred under con-
27 tracts, leases and business transactions executed, entered into or begun before the operative
28 date specified in section 40 of this 2025 Act are transferred to the Oregon Arts and Cultural
29 Development Office. For the purpose of succession to these rights and obligations, the
30 Oregon Arts and Cultural Development Office is a continuation of the Oregon Business De-
31 velopment Department, the Oregon Arts Commission and the Trust for Cultural Develop-
32 ment Board and not a new authority.
33

34 "RULES
35

36 "SECTION 5. Notwithstanding the transfer of duties, functions and powers by section 1
37 of this 2025 Act, the rules of the Oregon Business Development Department, the Oregon Arts
38 Commission and the Trust for Cultural Development Board with respect to the duties,
39 functions and powers transferred by section 1 of this 2025 Act that are in effect on the op-
40 erative date specified in section 40 of this 2025 Act continue in effect until superseded or
41 repealed by rules of the Oregon Arts and Cultural Development Office. References in rules
42 of the Oregon Business Development Department, the Oregon Arts Commission and the
43 Trust for Cultural Development Board to the Oregon Arts Commission and the Trust for
44 Cultural Development Board or an officer or employee of the Oregon Business Development
45 Department, the Oregon Arts Commission and the Trust for Cultural Development Board

1 with respect to the duties, functions and powers transferred by section 1 of this 2025 Act are
2 considered to be references to the Oregon Arts and Cultural Development Board or the
3 Oregon Arts and Cultural Development Office, as appropriate, or an officer or employee of
4 the board or office.

5
6 **“INITIAL APPOINTMENTS**

7
8 **“SECTION 6. (1) The Governor may appoint an interim director of the Oregon Arts and**
9 **Cultural Development Office before the operative date specified in section 40 of this 2025 Act.**
10 **The Governor may appoint the Administrator of the Arts Program as the interim director**
11 **of the office. In consultation with the Oregon Business Development Department, the Oregon**
12 **Arts Commission and the Trust for Cultural Development Board, the interim director may**
13 **take any action before the operative date specified in section 40 of this 2025 Act that is**
14 **necessary to enable the Director of the Oregon Arts and Cultural Development Office to**
15 **exercise, on and after the operative date specified in section 40 of this 2025 Act, the duties,**
16 **functions and powers of the director transferred pursuant to section 1 of this 2025 Act.**

17 **“(2) The President of the Senate, the Speaker of the House of Representatives and the**
18 **Governor shall make appointments to the Oregon Arts and Cultural Development Board as**
19 **provided in section 9 of this 2025 Act to allow the members first appointed to the board to**
20 **serve for terms beginning on the operative date specified in section 40 of this 2025 Act.**

21
22 **“OREGON ARTS AND CULTURAL DEVELOPMENT OFFICE**

23
24 **“SECTION 7. Sections 8 to 14 of this 2025 Act are added to and made a part of ORS**
25 **359.010 to 359.142.**

26 **“SECTION 8. (1) The Oregon Arts and Cultural Development Office is created as a**
27 **semi-independent state agency subject to ORS 359.010 to 359.142.**

28 **“(2) Subject to legislative appropriations, the State of Oregon recognizes a continuing**
29 **obligation to contribute to the support of the office and that a continued financial partner-**
30 **ship with the office is essential to securing federal matching funds through the National**
31 **Endowment for the Arts.**

32 **“SECTION 9. (1) The Oregon Arts and Cultural Development Board is established. The**
33 **Oregon Arts and Cultural Development Office shall be governed by the board.**

34 **“(2) The board consists of 13 members, appointed as follows:**

35 **“(a) The President of the Senate shall appoint one member from among members of the**
36 **Senate.**

37 **“(b) The Speaker of the House of Representatives shall appoint one member from among**
38 **members of the House of Representatives.**

39 **“(c) The Governor shall appoint 11 members, including at least one member with exper-**
40 **tise in each of the following fields:**

41 **“(A) Heritage.**

42 **“(B) Historic preservation.**

43 **“(C) The humanities.**

44 **“(D) The arts.**

45 **“(E) Museums.**

1 “(3) To the greatest extent possible, the membership of the board must reflect the ge-
2 ographic and cultural diversity of this state.

3 “(4) The term of a voting member of the board is four years. A member may be reap-
4 pointed once. A member shall hold office for the term of the appointment and until a suc-
5 cessor is appointed, but a member serves at the pleasure of the appointing authority.

6 “(5) If there is a vacancy for any cause, the appointing authority shall make an appoint-
7 ment to become effective immediately.

8 “(6) The board shall elect one of its members to serve as chairperson and one of its
9 members to serve as vice chairperson for the terms and with the duties and powers neces-
10 sary to perform the functions of such offices as the board determines.

11 “(7) A majority of the voting members of the board constitutes a quorum for the trans-
12 action of business.

13 “(8) Members of the Legislative Assembly appointed to the board force are nonvoting
14 members of the board and may act in an advisory capacity only.

15 “(9) Members of the board who are not members of the Legislative Assembly are entitled
16 to compensation and expenses as provided in ORS 292.495.

17 “SECTION 10. Former members of the Oregon Arts Commission and the Trust for Cul-
18 tural Development Board may be appointed as members of the Oregon Arts and Cultural
19 Development Board.

20 “SECTION 11. The Oregon Arts and Cultural Development Office shall be under the ad-
21 ministrative control of the Director of the Oregon Arts and Cultural Development Office,
22 who is appointed by and who holds office at the pleasure of the Oregon Arts and Cultural
23 Development Board. The board shall set the compensation of the director. The director may
24 appoint all subordinate officers and employees of the office and may prescribe their duties
25 and fix their compensation. The director may delegate to any subordinate officer or employee
26 any administrative duty, function or power imposed upon the office by law.

27 “SECTION 12. (1) Except as provided in subsection (2) of this section, when carrying out
28 the duties, functions and powers of the Oregon Arts and Cultural Development Office, the
29 Director of the Oregon Arts and Cultural Development Office may contract with any state
30 agency for the performance of such duties, functions and powers that the director considers
31 appropriate.

32 “(2) The director may not, without the prior approval of the Oregon Arts and Cultural
33 Development Board:

34 “(a) Award any contract for goods or professional services in excess of \$25,000;

35 “(b) Authorize any expenditure of moneys in excess of \$25,000;

36 “(c) Sell or otherwise dispose of real or personal property valued in excess of \$25,000;

37 “(d) Commence a civil legal action or proceeding;

38 “(e) Sell, transfer and convey property to a buyer or lease property to a tenant;

39 “(f) Borrow money and give guarantees; or

40 “(g) Finance, conduct or cooperate in the financing of facilities and projects to assist the
41 arts and cultural development.

42 “(3) In accordance with ORS chapter 183, and with the prior approval of the board, the
43 director may adopt rules necessary for the administration of laws that the office is charged
44 with administering.

45 “(4) The board shall approve the lease of property to a tenant only when the sale,

1 transfer or conveyance of the property cannot be effected with reasonable promptness or at
2 a reasonable price.

3 “(5) The board may not allow the director to borrow money or give guarantees under
4 subsection (2)(f) of this section unless the indebtedness or other obligations of the office are
5 payable solely out of the office’s own resources and do not constitute a pledge of the full
6 faith and credit of the State of Oregon or any of the revenues of the state.

7 “(6) The office shall file with the Governor, the Legislative Assembly and the Legislative
8 Fiscal Officer a biennial report of the activities and operations of the office. The report shall
9 include a full and complete reporting of the financial activities and transactions of the office
10 during the biennium, including at least the information required under section 13 (5) of this
11 2025 Act.

12 “SECTION 13. (1) All moneys collected by, received by or appropriated to the Oregon Arts
13 and Cultural Development Office shall be deposited in an account established in accordance
14 with ORS 295.001 to 295.108. Subject to approval by the chairperson, the Oregon Arts and
15 Cultural Development Board may invest moneys collected or received by the office. Invest-
16 ments made by the board are limited to the types of investments listed in ORS 294.035 (3)(a)
17 to (i). Interest earned from any amounts invested must be made available to the office in a
18 manner consistent with the biennial budget approved by the board.

19 “(2) Subject to the approval of the Director of the Oregon Arts and Cultural Development
20 Office, all necessary expenses of the office and the board must be paid from the moneys
21 collected by, appropriated to or earned by the office.

22 “(3) The board shall adopt a budget for the office on a biennial basis using the classi-
23 fications of expenditures and revenues required by ORS 291.206 (1). The budget is not subject
24 to review and approval by the Legislative Assembly or to modification by the Emergency
25 Board or the Legislative Assembly. However, the budget must be included in the biennial
26 report required by section 12 of this 2025 Act.

27 “(4) The board shall adopt a budget only after holding a public hearing on the proposed
28 budget. At least 15 days prior to any public hearing on the proposed budget, the board shall
29 give notice of the hearing to all persons known to be interested in the proceedings of the
30 board and to any person who requests notice.

31 “(5) All expenditures from the account established for the office under subsection (1) of
32 this section are exempt from any state expenditure limitation. The office shall follow gener-
33 ally accepted accounting principles and keep such financial and statistical information that
34 is necessary to completely and accurately disclose the financial condition and financial op-
35 erations of the office as may be required by the Secretary of State.

36 “SECTION 14. (1) Except as otherwise provided by law, ORS 279.835 to 279.855 and 283.085
37 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply
38 to the Oregon Arts and Cultural Development Office.

39 “(2) Notwithstanding subsection (1) of this section, ORS 279A.100, 279A.250 to 279A.290,
40 282.210 to 282.230, 293.235, 293.240, 293.245, 293.260, 293.262, 293.611, 293.625 and 293.630 apply
41 to the Oregon Arts and Cultural Development Office.

42 “SECTION 15. ORS 359.025 is amended to read:

43 “359.025. [(1)] The [Oregon Arts Commission] Oregon Arts and Cultural Development Board
44 shall perform the following duties:

45 “[a] (1) Serve as a body to advise governmental bodies and agencies and private persons on

1 the development and implementation of state policies and programs relating to the arts, heritage,
2 historic preservation, humanities and culture, and to assist in the coordination of these activities.

3 *“(b) Advise the Governor, the Director of the Oregon Business Development Department and the
4 Oregon Business Development Commission on all matters relating to the arts that pertain to the pow-
5 ers, duties and functions of the Arts Program of the Oregon Business Development Department.]*

6 *“(c) Develop a recommended biennial budget for the operation of the Arts Program that will be
7 submitted to the director and the Governor.]*

8 *“(d) (2) Seek and receive the views of all levels of government and the private sector with
9 respect to state programs and policies for the promotion and assistance of the arts.*

10 *“(e) Prepare and submit suggested administrative rules to the director that the Oregon Arts
11 Commission determines are necessary for the operation of the programs of the Arts Program.]*

12 *“(f) (3) Establish policies and procedures for grant programs administered by the [Arts Pro-
13 gram] **Oregon Arts and Cultural Development Office**, including policies and procedures that:*

14 *“(A) (a) Ensure that the criteria used to determine eligibility for grant awards are designed
15 to take into consideration the regional differences in public access to, or in opportunities for en-
16 gagement in, arts and cultural development in this state; and*

17 *“(B) (b) Promote investment in communities where opportunities for engagement in arts and
18 cultural development are limited.*

19 *“(g) Suggest rules to the director for grant programs administered by the Arts Program, including
20 rules that are consistent with the policies and procedures established by the commission under this
21 section.]*

22 *“(2)(a) In addition to the duties imposed by subsection (1) of this section, the Oregon Arts Com-
23 mission shall establish policies and provide management and operational staff support for the Trust for
24 Cultural Development Board.]*

25 *“(b) Notwithstanding paragraph (a) of this subsection, the Trust for Cultural Development Board
26 shall make any decisions relating to the investment and disbursement of moneys in the Trust for Cul-
27 tural Development Account.]*

28 **“(4) Provide direction to the Oregon Arts and Cultural Development Office for the coor-
29 dination, administration and evaluation of the Cultural Development Grant Program, the
30 Community Cultural Participation Grant Program and the use of funds received by core
31 partner agencies under ORS 359.441.**

32 **“SECTION 16.** ORS 359.040 is amended to read:

33 **“359.040. (1) The objectives of the Oregon Arts and Cultural Development Office are:**

34 **“(a) To complement, assist and strengthen existing or planned programs and activities
35 of public and private associations in the arts and cultural development to promote the
36 broadest statewide public benefit, while maintaining high artistic and scholarly standards.**

37 **“(b) To encourage and give greater opportunities and recognition to individual Oregon
38 artists and cultural development practitioners whose work is, or gives promise of being, of
39 high quality.**

40 **“(c) To stimulate and encourage private and local initiative and financial support in
41 connection with programs and activities in the arts and cultural development.**

42 **“(2) To carry out its objectives the [Arts Program of the Oregon Business Development Depart-
43 ment] office shall:**

44 **“(1) (a) Develop programs and plans:**

45 **“(a) (A) To encourage broad public participation in, and understanding of, programs in the**

1 arts.

2 “[(b)] **(B)** To encourage public interest in conserving and understanding the cultural and artistic
3 heritage of the state and of its people.

4 “[(c)] **(C)** To encourage increased recognition of the contributions of the arts to the richness of
5 community life and to the development of the individual.

6 “[(d)] **(D)** To assist communities within the state in establishing or conserving local cultural,
7 historical and artistic programs.

8 “[(e)] **(E)** To stimulate and encourage throughout the state the presentation, enjoyment and
9 study of the arts among the youth and elderly people.

10 “[(f)] **(F)** To encourage and facilitate, where feasible, wider circulation throughout the state of
11 noteworthy programs, productions, exhibitions and performances which demonstrate the artistic and
12 cultural resources and accomplishments of the people of Oregon.

13 “[(g)] **(G)** To encourage and facilitate, where feasible, programs, productions, exhibitions and
14 performances in Oregon of outstanding works of art and artistic talent in the fields of the arts,
15 which may be brought from outside the state.

16 “**(H) For participation of public agencies and associations in federal government pro-**
17 **grams for the support and encouragement of the arts and cultural development.**

18 “[(2)] **(b)** Develop, maintain and make available to the public, information concerning:

19 “[(a)] **(A)** The cultural and artistic resources and activities within the state.

20 “[(b)] **(B)** The organizations and groups conducting, supporting or fostering programs and ac-
21 tivities involving the employment, conservation and presentation of such resources.

22 “[(3)] **(c)** Advise and assist upon request and within the limits of the funds available:

23 “[(a)] **(A)** The Governor and other state officers, public agencies, the legislature, communities
24 of the state and the public concerning the development, housing, presentation and conservation of
25 the artistic and cultural resources within the state.

26 “[(b)] **(B)** State agencies concerning the acceptance and disposition of gifts of art to the state.

27 “[(4)] **(d)** Develop an honors program in the arts, which includes the means for recognizing dis-
28 tinguished artists and other Oregon citizens whose creative works or effort or whose services of
29 philanthropy on behalf of the arts are such as to merit the official appreciation of the people of
30 Oregon.

31 “[(5)] *Manage the Trust for Cultural Development Account established by ORS 359.405.]*

32 “**(e) Work with cultural agencies and their constituents to communicate with and edu-**
33 **cate the public on the role culture plays in the lives of citizens and communities.**

34 “**(f) Evaluate the Cultural Development Grant Program, the Community Cultural Partic-**
35 **ipation Grant Program and the use of funds by core partner agencies.**

36 “**(3) The office may:**

37 “**(a) Enter into agreements with other public agencies of Oregon or with agencies of**
38 **other states or the federal government and with private corporations, associations and indi-**
39 **viduals in Oregon or other states for cooperative endeavors that further the objectives of the**
40 **office.**

41 “**(b) Make grants to local agencies, to associations or to individuals for the development**
42 **and conservation of programs in the arts and cultural development, in accordance with pol-**
43 **icies and procedures adopted by the Oregon Arts and Cultural Development Board.**

44 “**(c) Acquire, own, hold, dispose of and encumber real or personal property of any kind,**
45 **or any interest in that property.**

1 “(d) Acquire real property or an interest in real property, by purchase or foreclosure,
2 when the acquisition is necessary or appropriate to promote the arts or cultural develop-
3 ment.

4 “(e) Appoint staff, officers, consultants, agents and advisers, and prescribe their duties.

5 “(f) Appoint committees, consultants, artists and other persons expert in subjects of
6 concern to the office to advise and assist the office.

7 “(g) Appear in its own behalf before boards, commissions, departments or other agencies
8 of municipal or county governments, the state government or the federal government.

9 “(h) Procure insurance against any losses in connection with its properties in such
10 amounts and from such insurers as may be necessary or desirable.

11 “(i) Accept any and all donations, grants, gifts, bequests and devises, conditional or oth-
12 erwise, of money, property, services or other things of value, including any interest or
13 earnings thereon, that may be received from the United States or any agency thereof, any
14 governmental agency or any institution or person, public or private, to be held, used or ap-
15 plied for any or all of the purposes specified in this section, in accordance with the terms
16 and conditions of the grant.

17 “(j) Organize, conduct, sponsor, cooperate with and assist the private sector and other
18 state agencies in the conduct of conferences and tours relating to the arts and cultural de-
19 velopment.

20 “(k) Obtain from any state agency necessary assistance and data.

21 “(L) Conduct hearings and conferences to develop facts, to explain programs and activ-
22 ities, and to obtain advice.

23 “(m) Exercise any other powers necessary for the operation and functioning of the office
24 within the purposes authorized by this section.

25 “(n) Charge fees reasonably calculated to cover the costs incurred by the office when
26 providing services under ORS 359.010 to 359.142.

27 “**SECTION 17.** ORS 359.120 is amended to read:

28 “359.120. There hereby is established an account separate and distinct from the General Fund
29 to be known as the Arts Trust Account. [*Except for moneys received for the purposes of the Trust for*
30 *Cultural Development Account, all moneys received by the Arts Program of the Oregon Business De-*
31 *velopment Department pursuant to ORS 359.100 and 359.110 shall be paid into the State Treasury and*
32 *credited to the Arts Trust Account.*] All moneys in the Arts Trust Account are continuously appro-
33 priated to the Oregon Business Development Department **for distribution to the Oregon Arts and**
34 **Cultural Development Office** and shall be used by the [*program*] **office** in carrying out the pur-
35 poses for which the funds were received.

36 “**SECTION 18.** ORS 359.130 is amended to read:

37 “359.130. (1) The [*Arts Program of the Oregon Business Development Department shall*] **Oregon**
38 **Arts and Cultural Development Office** may not direct, supervise or control the policy, programs,
39 personnel, curriculum or administration of any public or private agency, school, association or entity
40 having to do with the arts.

41 “(2) Nothing in ORS 359.010 to 359.142 is intended to transfer from any other state agency to
42 the [*program*] **office** any duty or power granted by statute to such other state agency prior to July
43 1, 1967.

44 “**SECTION 19.** ORS 359.400 to 359.444 are added to and made a part of ORS 359.010 to
45 **359.142.**

1 “**SECTION 20.** ORS 359.400 is amended to read:
2 “359.400. As used in ORS 359.400 to 359.444:
3 “(1) ‘Community Cultural Participation Grant Program’ means the program created by ORS
4 359.436.
5 “(2) ‘Core partner agencies’ means [*the Oregon Arts Commission,*] the Oregon Council for the
6 Humanities, the Oregon Heritage Commission, the Oregon Historical Society and the State Historic
7 Preservation Officer.
8 “(3) ‘Cultural Development Grant Program’ means the program created by ORS 359.431.
9 “(4) ‘Cultural organization’ means:
10 “(a) An entity that is:
11 “(A) Exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code; and
12 “(B) Organized primarily for the purpose of producing, promoting or presenting the arts, herit-
13 age and humanities to the public or organized primarily for identifying, documenting, interpreting
14 and preserving cultural resources.
15 “(b) A federally recognized Indian tribe.
16 “(5) ‘Trust for Cultural Development Account’ means the account established by ORS 359.405.
17 “**SECTION 21.** ORS 359.405 is amended to read:
18 “359.405. (1) The Trust for Cultural Development Account is established in the State Treasury,
19 separate and distinct from the General Fund. Investment earnings, interest and other income earned
20 by the Trust for Cultural Development Account shall be credited to the account. The primary pur-
21 pose of the account is to serve as a repository for both public and private moneys designated to fund
22 specific arts, heritage and humanities programs.
23 “(2) All moneys in the Trust for Cultural Development Account are [*appropriated*] continuously
24 **appropriated** to the Oregon Business Development Department for [*the Arts Program*] **distribution**
25 **to the Oregon Arts and Cultural Development Office** for the purposes of ORS 359.400 to 359.444.
26 “**SECTION 22.** ORS 359.407 is added to and made a part of ORS 359.400 to 359.444.
27 “**SECTION 23.** ORS 359.407 is amended to read:
28 “359.407. (1) Notwithstanding ORS 359.405, **the Oregon Business Development Department**
29 **may transfer** moneys transferred to the Trust for Cultural Development Account pursuant to ORS
30 805.261 [*may*] **to the Oregon Arts and Cultural Development Office** to be used for marketing and
31 promotional costs to increase the amount of moneys in the Trust for Cultural Development Account.
32 “(2) Amounts used for marketing and promotional costs as described in subsection (1) of this
33 section are not considered part of the Trust for Cultural Development Account for the purpose of
34 making disbursements under ORS 359.426.
35 “**SECTION 24.** ORS 359.423 is amended to read:
36 “359.423. (1)(a) The [*Trust for Cultural Development Board*] **Oregon Arts and Cultural Devel-**
37 **opment Board** may solicit and accept gifts, bequests or devises of money, securities or other prop-
38 erty of any kind to carry out the purposes of ORS 359.400 to 359.444.
39 “(b) Notwithstanding paragraph (a) of this subsection, a restricted gift, bequest or devise may
40 not be accepted if the restriction is contrary to the laws of this state.
41 “(2)(a) The board shall be the custodian of any property accepted pursuant to this section.
42 “(b) The board shall hold the property as trustee for the state and shall conserve and administer
43 the property to carry out the purposes of ORS 359.400 to 359.444.
44 “(c) Except as prohibited by law or restricted by the terms of the gift, bequest or devise, the
45 board may from time to time sell or exchange any property accepted as a gift, bequest or devise as

1 the board determines appropriate.

2 “(3) Moneys, and any income from property, accepted pursuant to this section shall be paid into
3 the State Treasury and deposited to the credit of the Trust for Cultural Development Account es-
4 tablished by ORS 359.405.

5 “**SECTION 25.** ORS 359.426 is amended to read:

6 “359.426. (1) [*Under the direction of the Trust for Cultural Development Board*] **As directed by**
7 **the Oregon Arts and Cultural Development Board**, each fiscal year the [*Arts Program*] **Oregon**
8 **Business Development Department** shall disburse **to the Oregon Arts and Cultural Develop-**
9 **ment Office** no less than 50 percent, but no more than 60 percent, of all moneys raised for and
10 deposited in the Trust for Cultural Development Account during the previous fiscal year, and all
11 interest earned on the moneys, as of July 1.

12 “(2) The **office shall distribute the** amount [*determined*] **disbursed** under subsection (1) of this
13 section [*shall be distributed*] as follows:

14 “(a) 50 percent to the preservation of, stabilization of and investment in Oregon’s cultural re-
15 sources through the Cultural Development Grant Program as provided under ORS 359.431.

16 “(b) 25 percent to Oregon’s counties and to the nine federally recognized Indian tribes through
17 the Community Cultural Participation Grant Program as provided under ORS 359.436.

18 “(c) 25 percent to the core partner agencies as provided under ORS 359.441.

19 “(3) Each fiscal year, the [*Arts Program*] **office** shall assess the total value of the Trust for
20 Cultural Development Account for the previous fiscal year and may **instruct the department to**
21 distribute up to five percent of that value for administrative purposes, including:

22 “(a) Supporting the operations of the [*Trust for Cultural Development Board*] **Oregon Arts and**
23 **Cultural Development Office** and the Trust for Cultural Development Account;

24 “(b) Facilitating technical assistance;

25 “(c) Local cultural planning; and

26 “(d) Other activities that encourage cultural activity.

27 “**SECTION 26.** ORS 359.431 is amended to read:

28 “359.431. (1) There is created the Cultural Development Grant Program to be administered by
29 the [*Administrator of the Arts Program under the direction of the Trust for Cultural Development*
30 *Board*] **Director of the Oregon Arts and Cultural Development Office under the direction of**
31 **the Oregon Arts and Cultural Development Board**. The purpose of the program is to provide
32 preservation of, stabilization of and investment in Oregon’s cultural resources. The [*Arts Program*
33 *under the direction of the Trust for Cultural Development Board*] **office under the direction of the**
34 **board** shall make Cultural Development Grants to cultural organizations through a request for
35 proposal process.

36 “(2) The grants may be used:

37 “(a) To address significant opportunities to advance, preserve or stabilize cultural resources; and

38 “(b) To invest in the development of new cultural resources.

39 “(3) The [*Trust for Cultural Development Board*] **board** shall give priority when awarding grants
40 to:

41 “(a) Proposals that have a broad cultural impact beyond the applicant itself.

42 “(b) Proposals from applicants that have culture as a priority within the mission of the appli-
43 cant.

44 “(4) Applicants that receive a grant under this section shall be required to match the grant
45 amount in an amount as determined by the board.

1 “**SECTION 27.** ORS 359.436 is amended to read:

2 “359.436. (1) There is created the Community Cultural Participation Grant Program to be ad-
3 ministered by the [*Administrator of the Arts Program under the direction of the Trust for Cultural*
4 *Development Board*] **Director of the Oregon Arts and Cultural Development Office under the**
5 **direction of the Oregon Arts and Cultural Development Board.** The purpose of the program is
6 to provide funds to counties and federally recognized Indian tribes for local cultural activities. The
7 [*Arts Program*] **office** under the direction of the board shall make Community Cultural Participation
8 Grants to counties and tribes.

9 “(2) The board shall develop guidelines for local cultural plans.

10 “(3) A local cultural plan shall:

11 “(a) Identify priorities and specific strategies for building public cultural participation across
12 cultural disciplines and organizations. The strategies may include the involvement of partners out-
13 side of the cultural sector such as business organizations, schools and health and human services
14 organizations.

15 “(b) Identify annual benchmarks to determine the impact of grant funds.

16 “(c) Specify local leadership and governance for grant fund management and for ongoing plan-
17 ning and development of benchmarks.

18 “(4) Local cultural plans shall be broadly disseminated within each county or tribe. The local
19 cultural plans shall be used to encourage planning and collaboration among cultural entities.

20 “(5) The [*Administrator of the Arts Program*] **director** shall provide technical assistance to
21 counties and tribes to support local cultural planning.

22 “**SECTION 28.** ORS 359.441 is amended to read:

23 “359.441. (1) The [*Arts Program, under the direction of the Trust for Cultural Development*
24 *Board*] **Oregon Arts and Cultural Development Office, under the direction of the Oregon Arts**
25 **and Cultural Development Board,** shall distribute the amount disbursed from the Trust for Cul-
26 tural Development Account under ORS 359.426 (2)(c) to the core partner agencies as follows:

27 “(a) The [*Arts Program*] **office** shall allocate 20 percent of the amount disbursed under ORS
28 359.426 (2)(c) for joint efforts [*by*] **with** the core partner agencies in fostering cooperative cultural
29 projects, including but not limited to cultural education, cultural tourism and other cultural activ-
30 ities.

31 “(b) **The office shall allocate 26.7 percent of the amount disbursed under ORS 359.426**
32 **(2)(c) for arts-focused programs or projects.**

33 “[(b)] (c) The [*Arts Program shall allocate 80*] **office shall allocate 53.3** percent of the amount
34 disbursed under ORS 359.426 (2)(c) to the core partner agencies for the purposes described in ORS
35 359.444. The [*Trust for Cultural Development Board*] **board** shall determine the amount or percent
36 of available funds that each core partner agency shall receive under this paragraph.

37 “(2) The core partner agencies are not eligible to apply for grants from the Community Cultural
38 Participation Grant Program or the Cultural Development Grant Program.

39 “**SECTION 29.** ORS 359.444 is amended to read:

40 “359.444. (1) A core partner agency may use funds received under ORS 359.426 (2)(c) to:

41 “(a) Carry out the mission and mandate of the agency;

42 “(b) Serve more grantees; and

43 “(c) Encourage new cultural undertakings.

44 “(2) Each core partner agency shall expend a portion of the amount received under ORS 359.426
45 (2)(c) as determined by the [*Trust for Cultural Development Board*] **Oregon Arts and Cultural De-**

1 **velopment Board** each fiscal year to fund development of qualitative benchmarks and culture
2 within Oregon. The evaluation of benchmarks may be done in partnership with one or more higher
3 education institutions in Oregon. It is intended that this partnership will stimulate research and
4 investigation of the ways in which culture and related cultural policy will impact the state over a
5 10-year period.

6 “**SECTION 30.** ORS 276.090 is amended to read:

7 “276.090. (1) The [*Arts Program of the Oregon Business Development Department*] **Oregon Arts**
8 **and Cultural Development Office** and the Oregon Department of Administrative Services, if the
9 construction project is located within the area described in ORS 276.054, and the [*Arts Program of*
10 *the Oregon Business Development Department*] **Oregon Arts and Cultural Development Office**, the
11 Oregon Department of Administrative Services and the contracting agency if the project is located
12 outside the area described in ORS 276.054, in consultation with the architect for the particular
13 building shall determine the amount available for each state building and shall commission by con-
14 tract or shall purchase suitable works of art for each building. The agencies designated by this
15 section are solely responsible for selection, review of design, execution, placement and acceptance
16 of works of art acquired pursuant to ORS 276.073 to 276.090. The designated agencies, to the extent
17 reasonable, shall consult with appropriate local citizens groups and the occupants of the affected
18 state building in determining the selection of the works of art.

19 “(2) Of the amount determined to be available for a state building under subsection (1) of this
20 section, a portion may be assessed by the [*Arts Program of the Oregon Business Development De-*
21 *partment*] **Oregon Arts and Cultural Development Office** and used to reimburse the [*program*]
22 **office** for costs incurred under ORS 276.073 to 276.090 as administrative expenses or as expenses for
23 maintaining the works of art acquired. No more than 10 percent of the amount available for a state
24 building may be assessed under this subsection.

25 “(3) Title to works of art acquired pursuant to ORS 276.073 to 276.090 vests with the contracting
26 agency in the name of the state. The agencies designated by this section may lend works of art be-
27 tween public buildings whenever in their judgment the loan will be to the benefit of the citizens of
28 this state. However, the works of art shall be returned to the contracting agency at its request.

29 “**SECTION 31.** ORS 276.096 is amended to read:

30 “276.096. (1) In carrying out the duties of the Director of the Oregon Department of Adminis-
31 trative Services under ORS 276.095, the director shall consult with the Capitol Planning Commission,
32 the designated State Historic Preservation Officer, the State Parks and Recreation Department, the
33 Oregon Historical Society, the [*Arts Program of the Oregon Business Development Department*]
34 **Oregon Arts and Cultural Development Office**, local landmark commissions and historic societies
35 and the chief executive officers of those units of local government in each area served by existing
36 or proposed state offices and shall solicit the comments of other community leaders and members
37 of the general public that the director considers appropriate.

38 “(2) Whenever the director undertakes a review of state building needs within a geographical
39 area, the director shall request the cooperation of the State Historic Preservation Officer to identify
40 an existing building within the geographical areas that is of historical, architectural or cultural
41 significance and that is suitable, whether or not in need of repair, alteration or addition, for acqui-
42 sition or purchase to meet the building needs of state government.

43 “**SECTION 32.** ORS 805.260 is amended to read:

44 “805.260. (1) The Department of Transportation shall establish a cultural registration plate pro-
45 gram to issue special registration plates called ‘cultural registration plates’ upon request to owners

1 of motor vehicles registered under the provisions of ORS 803.420 (6)(a) to observe the importance
2 of culture to Oregon. In addition, the department may adopt rules for issuance of cultural registra-
3 tion plates for vehicles not registered under the provisions of ORS 803.420 (6)(a).

4 “(2) In addition to any other fee authorized by law, for each cultural registration plate issued
5 under subsection (1) of this section, the department shall collect a surcharge of \$25 payable when
6 the plate is issued and upon each subsequent renewal of registration of a vehicle bearing the plate.
7 The department shall distribute the surcharge as provided in ORS 805.261.

8 “(3) The department, in consultation with the [*Trust for Cultural Development Board*] **Oregon**
9 **Arts and Cultural Development Office**, shall design the cultural registration plates. The plates
10 shall meet the requirements for registration plates described in ORS 803.535.

11 “**SECTION 33.** ORS 276A.253 is amended to read:

12 “276A.253. (1)(a) The State Chief Information Officer shall maintain and make available an
13 Oregon transparency website. The website must allow any person to view information that is a
14 public record and is not exempt from disclosure under ORS 192.311 to 192.478, including but not
15 limited to information described in subsection (3) of this section. The State Chief Information Officer
16 shall provide on the home page of the website a method for users to offer suggestions regarding the
17 form or content of the website.

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

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

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

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

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

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

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

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

37 “(d) Annual tax expenditures of state agencies, including, when possible, the identity of the re-
38 cipients of each tax expenditure;

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

42 “(f) A prominently placed graphic representation of the primary funding categories and approx-
43 imate number of individuals that the state agency or the education service district serves;

44 “(g) A description of the mission, function and program categories of the state agency or edu-
45 cation service district;

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

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

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

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

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

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

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

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

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

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

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

26 “(D) The names and addresses of vendors.

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

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

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

38 “(C) The names of persons who received grants, loans or equity investments from the Oregon
39 Innovation Council under ORS 284.742 and the purpose and amount of the grant, loan or equity in-
40 vestment;

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

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

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

1 “(e) The information reported under paragraph (d) of this subsection:
2 “(A) May not include proprietary information; and
3 “(B) Shall be provided to the State Chief Information Officer by the state agency in the format
4 and manner required by the State Chief Information Officer.
5 “(f) The State Chief Information Officer shall post on the Oregon transparency website infor-
6 mation describing the process for requesting copies of public records from a public body, including
7 a link to the public records section of the Department of Justice webpage. At the request of a state
8 agency or education service district, the State Chief Information Officer shall include a link to a
9 location on the webpage of the agency or district that describes the process for requesting public
10 records from the agency or district.
11 “(5) In operating, refining and recommending enhancements to the Oregon transparency website,
12 the State Chief Information Officer and the Transparency Oregon Advisory Commission created in
13 ORS 276A.259 shall consider and, to the extent practicable, adhere to the following principles:
14 “(a) The website must be accessible without cost and be easy to use;
15 “(b) Information included on the Oregon transparency website must be presented using plain,
16 easily understandable language; and
17 “(c) The website should teach users about how state government and education service districts
18 work and provide users with the opportunity to learn something about how state government and
19 education service districts raise and spend revenue.
20 “(6) If a state agency or an education service district is not able to include information de-
21 scribed in this section on the Oregon transparency website because of the lack of availability of
22 information or cost in acquiring information, the Transparency Oregon Advisory Commission cre-
23 ated in ORS 276A.259 shall list the information that is not included for the state agency or educa-
24 tion service district in the commission’s report to the Legislative Assembly required under ORS
25 276A.259.
26 “(7)(a) For the purpose of providing transparency in the revenues, expenditures and budgets of
27 the following entities, the State Chief Information Officer shall include on the Oregon transparency
28 website a page that provides links to websites established by:
29 “(A) Local governments, as defined in ORS 174.116.
30 “(B) Special government bodies, as defined in ORS 174.117.
31 “(C) Semi-independent state agencies listed in ORS 182.454.
32 “(D) Public universities listed in ORS 352.002.
33 “(E) Public university statewide programs operated by a public university listed in ORS 352.002.
34 “(F) The Oregon Health and Science University.
35 “(G) The Oregon Tourism Commission.
36 “(H) The Oregon Film and Video Office.
37 “**(I) The Oregon Arts and Cultural Development Office.**
38 “[*I*] **(J)** The Travel Information Council.
39 “[*J*] **(K)** The Children’s Trust Fund of Oregon Foundation.
40 “[*K*] **(L)** Oregon Corrections Enterprises.
41 “[*L*] **(M)** The State Accident Insurance Fund Corporation.
42 “[*M*] **(N)** The Oregon Utility Notification Center.
43 “[*N*] **(O)** Any public corporation created under a statute of this state and specifically desig-
44 nated as a public corporation.
45 “(b) The State Chief Information Officer shall include a link to an entity’s website after receiv-

1 ing a request from the entity and shall consider recommendations from the Transparency Oregon
2 Advisory Commission for including other links to websites of the entities listed in paragraph (a) of
3 this subsection.

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

10 “(d) The office of Enterprise Information Services shall include a prominent link on the home
11 page of the Oregon transparency website for information posted to the page described in paragraph
12 (a) of this subsection.

13 “(8) Nothing in this section prohibits the State Chief Information Officer or the Oregon De-
14 partment of Administrative Services from incurring costs or requesting additional resources to de-
15 velop, maintain or enhance the Oregon transparency website.

16 “**SECTION 34.** ORS 279A.025 is amended to read:

17 “279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting
18 Code applies to all public contracting.

19 “(2) The Public Contracting Code does not apply to:

20 “(a) Contracts between a contracting agency and:

21 “(A) Another contracting agency;

22 “(B) The Oregon Health and Science University;

23 “(C) A public university listed in ORS 352.002;

24 “(D) The Oregon State Bar;

25 “(E) A governmental body of another state;

26 “(F) The federal government;

27 “(G) An American Indian tribe or an agency of an American Indian tribe;

28 “(H) A nation, or a governmental body in a nation, other than the United States; or

29 “(I) An intergovernmental entity formed between or among:

30 “(i) Governmental bodies of this or another state;

31 “(ii) The federal government;

32 “(iii) An American Indian tribe or an agency of an American Indian tribe;

33 “(iv) A nation other than the United States; or

34 “(v) A governmental body in a nation other than the United States;

35 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance
36 or other authority for establishing agreements between or among governmental bodies or agencies
37 or tribal governing bodies or agencies;

38 “(c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
39 414.145 for purposes of source selection;

40 “(d) Grants;

41 “(e) Contracts for professional or expert witnesses or consultants to provide services or testi-
42 mony relating to existing or potential litigation or legal matters in which a public body is or may
43 become interested;

44 “(f) Acquisitions or disposals of real property or interest in real property;

45 “(g) Sole-source expenditures when rates are set by law or ordinance for purposes of source

1 selection;

2 “(h) Contracts for the procurement or distribution of textbooks;

3 “(i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

4 “(j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS
5 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor and
6 Cannabis Commission;

7 “(k) Contracts entered into under ORS chapter 180 between the Attorney General and private
8 counsel or special legal assistants;

9 “(L) Contracts for the sale of timber from lands that the State Board of Forestry, the State
10 Forestry Department, the State Parks and Recreation Commission or the State Parks and Recreation
11 Department owns or manages;

12 “(m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L)
13 of this subsection, either separately from or in conjunction with contracts for the sale of timber,
14 including but not limited to activities such as timber harvesting and sorting, transporting, gravel
15 pit development or operation, and road construction, maintenance or improvement;

16 “(n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
17 the State Forester or the State Board of Forestry;

18 “(o) Contracts that the Housing and Community Services Department enters into in exercising
19 the department’s duties prescribed in ORS chapters 456 and 458, or procurements described in ORS
20 456.625 (19);

21 “(p) Contracts that the State Treasurer enters into in exercising the powers of that office pre-
22 scribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294 and 295,
23 including but not limited to investment contracts and agreements, banking services, clearing house
24 services and collateralization agreements, bond documents, certificates of participation and other
25 debt repayment agreements, and any associated contracts, agreements and documents, regardless of
26 whether the obligations that the contracts, agreements or documents establish are general, special
27 or limited, except that the State Treasurer’s public contracting for goods and services is subject to
28 ORS chapter 279B;

29 “(q) Contracts, agreements or other documents entered into, issued or established in connection
30 with:

31 “(A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

32 “(B) Program loans and similar extensions or advances of funds, aid or assistance that a public
33 body makes to a public or private body for the purpose of carrying out, promoting or sustaining
34 activities or programs authorized by law; or

35 “(C) The investment of funds by a public body as authorized by law, and other financial trans-
36 actions of a public body that by their character cannot practically be established under the com-
37 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

38 “(r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
39 243.275, 243.291, 243.303 and 243.565;

40 “(s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

41 “(t) Any other public contracting of a public body specifically exempted from the code by an-
42 other provision of law.

43 “(3) The Public Contracting Code does not apply to the contracting activities of:

44 “(a) The Oregon State Lottery Commission;

45 “(b) The legislative department;

1 “(c) The judicial department;

2 “(d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835
3 to 279.855 and 279A.250 to 279A.290;

4 “(e) Oregon Corrections Enterprises;

5 “(f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
6 279A.290;

7 “(g) **The Oregon Arts and Cultural Development Office, except as provided in ORS**
8 **279A.100 and 279A.250 to 279A.290;**

9 “[g] (h) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

10 “[h] (i) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

11 “[i] (j) The Oregon Innovation Council;

12 “[j] (k) The Oregon Utility Notification Center; or

13 “[k] (L) Any other public body specifically exempted from the code by another provision of law.

14 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with
15 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-
16 der ORS 279.835 to 279.855.

17 “**SECTION 35.** ORS 291.227, as amended by section 88, chapter 281, Oregon Laws 2023, is
18 amended to read:

19 “291.227. (1)(a) As part of the development of the legislatively adopted budget, each state agency
20 that employs more than 100 employees shall report to the Joint Committee on Ways and Means the
21 state agency’s maximum supervisory ratio for the biennium.

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

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

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

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

28 “(c) Complexity of the agency’s duties;

29 “(d) Industry best practices and standards;

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

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

34 “(g) Financial scope and responsibility of the agency.

35 “(3) The Joint Committee on Ways and Means shall review the maximum supervisory ratios re-
36 ported by state agencies.

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

39 “(5)(a) The Oregon Department of Administrative Services may exempt a state agency from the
40 limitations of subsection (4) of this section if the department determines that an additional supervi-
41 sory position is reasonably necessary to the state agency. The department must make the determi-
42 nation with reference to some or all of the factors set forth in subsection (2) of this section.

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

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

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

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

9 “(8) As used in this section:

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

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

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

17 “(B) ‘State agency’ does not include:

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

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

20 “(iii) The Secretary of State and the State Treasurer;

21 “(iv) Semi-independent state agencies listed in ORS 182.454;

22 “(v) The Oregon Tourism Commission;

23 “(vi) The Oregon Film and Video Office;

24 “**(vii) The Oregon Arts and Cultural Development Office;**

25 “[*vii*] **(viii)** Public universities listed in ORS 352.002;

26 “[*viii*] **(ix)** The Oregon Health and Science University;

27 “[*ix*] **(x)** The Travel Information Council;

28 “[*x*] **(xi)** Oregon Corrections Enterprises;

29 “[*xi*] **(xii)** The Oregon State Lottery Commission;

30 “[*xii*] **(xiii)** The State Accident Insurance Fund Corporation;

31 “[*xiii*] **(xiv)** The Oregon Utility Notification Center;

32 “[*xiv*] **(xv)** Oregon Community Power;

33 “[*xv*] **(xvi)** The Citizens’ Utility Board;

34 “[*xvi*] **(xvii)** A special government body as defined in ORS 174.117;

35 “[*xvii*] **(xviii)** Any other public corporation created under a statute of this state and specif-
36 ically designated as a public corporation; and

37 “[*xviii*] **(xix)** Any other semi-independent state agency denominated by statute as a semi-
38 independent state agency.

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

40 “(e) ‘Supervisory ratio’ means the ratio of employees who are supervisory employees to em-
41 ployees who are not supervisory employees.

42 “**SECTION 36.** ORS 293.226 is amended to read:

43 “293.226. (1) Subject to subsection (2) of this section, a state agency may request that a person
44 voluntarily supply the person’s Social Security number for use in collecting debts owed to the State
45 of Oregon on any document relating to any monetary obligation or transaction. A state agency that

1 so requests shall include on the document a notice disclosing that the Social Security number is
2 requested for and may be used for state agency debt collection activities.

3 “(2) The Oregon Department of Administrative Services shall adopt rules:

4 “(a) Specifying the form of the notice, including provisions specifying when the notice must state
5 whether the disclosure of a Social Security number is voluntary or mandatory; and

6 “(b) Setting procedures for the sharing of Social Security numbers between state agencies, and
7 between the Department of Revenue and private collection agencies, for the purpose of collecting
8 debts owed state agencies.

9 “(3) If a person is required to provide the person’s Social Security number to a state agency
10 under federal or state law for purposes other than collection of a debt owed to the State of Oregon,
11 the agency may not use the Social Security number for debt collection purposes, except:

12 “(a) When the agency requests that the person voluntarily disclose the person’s Social Security
13 number for the purpose of collecting debts owed to the State of Oregon, the agency provides the
14 notice required under subsection (1) of this section and the person subsequently voluntarily provides
15 the person’s Social Security number; or

16 “(b) When otherwise allowed under state or federal law.

17 “(4) A state agency, the Department of Revenue or a private collection agency that is collecting
18 a liquidated and delinquent account may use a Social Security number collected under this section,
19 or collected as otherwise allowed by law, to collect any debt owed a state agency or local govern-
20 ment by the person associated with the Social Security number.

21 “(5) Nothing in this section authorizes a state agency, the Department of Revenue or a private
22 collection agency that is collecting a liquidated and delinquent account to use or disclose a Social
23 Security number for any reason other than a reason specified in this section.

24 “(6) Rules adopted under subsection (2) of this section do not apply to the judicial department
25 as defined in ORS 174.113, the Secretary of State or the State Treasurer.

26 “(7)(a) As used in this section, ‘state agency’ means any state officer, board, commission, cor-
27 poration, institution, department or other state organization.

28 “(b) Notwithstanding ORS 182.460, 284.118, 284.375, 377.836, 421.352, 656.753 and 757.552, ‘state
29 agency’ includes semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Com-
30 mission, the Oregon Film and Video Office, **the Oregon Arts and Cultural Development Office**,
31 the Travel Information Council, the Children’s Trust Fund of Oregon Foundation, Oregon Cor-
32 rections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility No-
33 tification Center.

34 “**SECTION 37.** ORS 293.250 is amended to read:

35 “293.250. (1) There is created a Collections Unit in the Department of Revenue.

36 “(2) The Department of Revenue may render assistance in the collection of any delinquent ac-
37 count owing to any of the following entities, if the account is assigned by the entity to the depart-
38 ment for collection:

39 “(a) A state agency;

40 “(b) A public university listed in ORS 352.002, notwithstanding ORS 352.138;

41 “(c) The Oregon Health and Science University, notwithstanding ORS 353.100;

42 “(d) A community college or community college district;

43 “(e) A county, for debts arising pursuant to a judgment obtained under ORS 169.151; or

44 “(f) The Oregon State Bar, notwithstanding ORS 9.010, for the purpose of collecting assignments
45 to a client security fund established under ORS 9.625.

1 “(3) The Department of Revenue may render assistance in the collection of any delinquent ac-
2 count owing to any of the following entities, if the account is assigned to the department for the
3 limited purpose of collection through setoff against any refunds or sums due to a debtor from the
4 department or any other state agency:

5 “(a) Any local government, as defined in ORS 174.116; or

6 “(b) Any special government body, as defined in ORS 174.117.

7 “(4)(a) The Department of Revenue may prescribe criteria for the kinds of accounts for which
8 the department will render assistance under subsections (2) and (3) of this section, including a min-
9 imum dollar amount owed.

10 “(b) Nothing in this section requires the department to render assistance in the collection of any
11 delinquent account.

12 “(5)(a) Subject to rules prescribed by the Oregon Department of Administrative Services for
13 collection of delinquent accounts owing to entities listed in subsections (2) and (3) of this section,
14 the Department of Revenue may render assistance in the collection and shall charge the entities
15 separately for the cost of assistance. The charges may not exceed the proceeds of collection credited
16 to the entity for the same biennium. The Department of Revenue may designate a single percentage
17 to retain from the proceeds of collection as a charge for the cost of assistance. If the Department
18 of Revenue finds that accounts assigned to the department for collection by a particular entity lack
19 sufficient information to properly and efficiently identify the debtor or that the account information
20 must be put into a form usable by the department in order to efficiently provide collection services,
21 the department may establish a separate percentage charge to be retained from collections for that
22 entity. The charge must reflect the average of the actual cost to provide collection services for all
23 accounts assigned by the entity.

24 “(b) In providing assistance, the Department of Revenue shall make all reasonable efforts to
25 collect the delinquent accounts. The department may offset any refunds or sums due to the debtor
26 from the department or any other state agency against delinquent accounts assigned to the depart-
27 ment for collection under this section.

28 “(c) No setoff may be made by the Department of Revenue unless the debt is in a liquidated
29 amount.

30 “(d) At the time any setoff is made, the Department of Revenue shall notify the debtor of the
31 sums due to the debtor from a state agency that are applied against the debtor’s delinquent account.
32 The notice must provide that the debtor may, within 30 days and in a manner prescribed by the
33 department, contest the setoff and request a hearing before the department. No issues may be con-
34 sidered at the hearing that were previously litigated or that the debtor failed to raise timely after
35 being given due notice of rights of appeal.

36 “(e) All moneys received by the Department of Revenue in payment of charges made under
37 paragraph (a) of this subsection shall be paid into the State Treasury and deposited in a miscella-
38 neous receipts account for the department.

39 “(f) Net proceeds of collections of delinquent accounts shall be credited to the account or fund
40 of the entity to which the debt was originally owing.

41 “(6)(a) In providing assistance in the collection of any delinquent account under subsection (2)
42 of this section, the Department of Revenue may issue a warrant for the collection of the delinquent
43 account. The warrant may be recorded in the County Clerk Lien Record maintained under ORS
44 205.130.

45 “(b) A warrant may not be issued under this subsection unless the debt is in a liquidated

1 amount.

2 “(c) The amount of any warrant issued under this subsection shall include the amount of the
3 debt, any added penalties or interest attributable to the delinquent account and any costs associated
4 with recording, indexing or service of the warrant and any satisfaction or release thereof.

5 “(d) A warrant may not be issued under this subsection before the debtor has been notified that
6 the department intends to issue the warrant and of the collection action that may be taken under
7 the warrant.

8 “(7) Except as prohibited by federal law and notwithstanding any provision of state law, for
9 purposes of collecting debts assigned to the Department of Revenue under ORS 293.231, the Col-
10 lections Unit created under subsection (1) of this section has access to all data and other informa-
11 tion available to the department for any purpose allowed by law.

12 “(8) Nothing in this section prohibits the collection of:

13 “(a) A child or spousal support obligation as provided in ORS 25.610; or

14 “(b) Criminal judgments that impose monetary obligations, including judgments requiring the
15 payment of fines, costs, assessments, compensatory fines, attorney fees, forfeitures or restitution.

16 “(9)(a) As used in this section, ‘state agency’ means any state officer, board, commission, cor-
17 poration, institution, department or other state organization.

18 “(b) Notwithstanding ORS 182.460, 284.118, 284.375, 377.836, 421.352, 656.753 and 757.552, ‘state
19 agency’ includes semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Com-
20 mission, the Oregon Film and Video Office, **the Oregon Arts and Cultural Development Office**,
21 the Travel Information Council, the Children’s Trust Fund of Oregon Foundation, Oregon Cor-
22 rections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility No-
23 tification Center.

24 “**SECTION 38. Notwithstanding the term of office specified in section 9 of this 2025 Act,**
25 **of the members first appointed by the Governor to the Oregon Arts and Cultural Develop-**
26 **ment Board:**

27 “(1) **Two shall serve for a term ending July 1, 2028.**

28 “(2) **Three shall serve for a term ending July 1, 2029.**

29 “(3) **Three shall serve for a term ending July 1, 2030.**

30 “(4) **Three shall serve for a term ending July 1, 2031.**

31
32 “**REPEALS**

33
34 “**SECTION 39. ORS 359.020, 359.030, 359.050, 359.065, 359.100, 359.110, 359.135, 359.137,**
35 **359.142, 359.410, 359.413, 359.416 and 359.421 are repealed.**

36
37 “**OPERATIVE DATE**

38
39 “**SECTION 40. Sections 1 to 5 and 8 to 14 of this 2025 Act, the amendments to ORS**
40 **276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226, 293.250, 359.025, 359.040, 359.120, 359.130,**
41 **359.400, 359.405, 359.407, 359.423, 359.426, 359.431, 359.436, 359.441, 359.444 and 805.260 by**
42 **sections 15 to 18, 20, 21 and 23 to 37 of this 2025 Act and the repeal of ORS 359.020, 359.030,**
43 **359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142, 359.410, 359.413, 359.416 and 359.421**
44 **by section 39 of this 2025 Act become operative on July 1, 2027.**

“CAPTIONS

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“SECTION 41. The unit captions used in this 2025 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 2025 Act.”
