

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3048**

1 In line 2 of the printed bill, before the period insert “creating new pro-
2 visions; amending ORS 276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226,
3 293.250, 359.025, 359.040, 359.120, 359.130, 359.400, 359.405, 359.407, 359.423,
4 359.426, 359.431, 359.436, 359.441, 359.444 and 805.260; and repealing ORS
5 359.020, 359.030, 359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142,
6 359.410, 359.413, 359.416 and 359.421”.

7 Delete lines 4 through 8 and insert:
8

9 **“ABOLISH AND TRANSFER**

10

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

16 **“(2) All the duties, functions and powers of the Oregon Arts Com-**
17 **mission, the Arts Program of the Oregon Business Development De-**
18 **partment and the Trust for Cultural Development Board are imposed**
19 **upon, transferred to and vested in the Oregon Arts and Cultural De-**
20 **velopment Board and the Oregon Arts and Cultural Development Of-**
21 **fice.**

1 **“RECORDS, PROPERTY, EMPLOYEES**

2
3 **“SECTION 2. (1) The Director of the Oregon Business Development**
4 **Department and the Administrator of the Arts Program shall:**

5 **“(a) Deliver to the Oregon Arts and Cultural Development Office**
6 **all records and property within the jurisdiction of the director and the**
7 **administrator that relate to the duties, functions and powers trans-**
8 **ferred by section 1 of this 2025 Act; and**

9 **“(b) Transfer to the Oregon Arts and Cultural Development Office**
10 **those employees engaged primarily in the exercise of the duties,**
11 **functions and powers transferred by section 1 of this 2025 Act.**

12 **“(2) The Director of the Oregon Arts and Cultural Development**
13 **Office shall take possession of the records and property, and shall take**
14 **charge of the employees and employ them in the exercise of the duties,**
15 **functions and powers transferred by section 1 of this 2025 Act, without**
16 **reduction of compensation but subject to change or termination of**
17 **employment or compensation as provided by law.**

18 **“(3) The Governor shall resolve any dispute between the department**
19 **or program and the office relating to transfers of records, property and**
20 **employees under this section, and the Governor’s decision is final.**

21
22 **“ACTION, PROCEEDING, PROSECUTION**

23
24 **“SECTION 3. The transfer of duties, functions and powers to the**
25 **Oregon Arts and Cultural Development Office by section 1 of this 2025**
26 **Act does not affect any action, proceeding or prosecution involving or**
27 **with respect to such duties, functions and powers begun before and**
28 **pending at the time of the transfer, except that the Oregon Arts and**
29 **Cultural Development Office is substituted for the Oregon Business**
30 **Development Department, the Oregon Arts Commission or the Trust**

1 for Cultural Development Board, as appropriate, in the action, pro-
2 ceeding or prosecution.

3
4 **“LIABILITY, DUTY, OBLIGATION**

5
6 **“SECTION 4. (1) Nothing in sections 1 to 14 of this 2025 Act, the**
7 **amendments to ORS 276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226,**
8 **293.250, 359.025, 359.040, 359.120, 359.130, 359.400, 359.405, 359.407, 359.423,**
9 **359.426, 359.431, 359.436, 359.441, 359.444 and 805.260 by sections 15 to 18,**
10 **20, 21 and 23 to 37 of this 2025 Act or the repeals of ORS 359.020, 359.030,**
11 **359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142, 359.410, 359.413,**
12 **359.416 and 359.421 by section 39 of this 2025 Act relieves a person of a**
13 **liability, duty or obligation accruing under or with respect to the du-**
14 **ties, functions and powers transferred by section 1 of this 2025 Act.**
15 **The Oregon Arts and Cultural Development Office may undertake the**
16 **collection or enforcement of any such liability, duty or obligation.**

17 **“(2) The rights and obligations of the Oregon Business Development**
18 **Department, Oregon Arts Commission and the Trust for Cultural De-**
19 **velopment Board with respect to the duties, functions and powers**
20 **transferred by section 1 of this 2025 Act legally incurred under con-**
21 **tracts, leases and business transactions executed, entered into or be-**
22 **gun before the operative date specified in section 40 of this 2025 Act**
23 **are transferred to the Oregon Arts and Cultural Development Office.**
24 **For the purpose of succession to these rights and obligations, the**
25 **Oregon Arts and Cultural Development Office is a continuation of the**
26 **Oregon Business Development Department, the Oregon Arts Commis-**
27 **sion and the Trust for Cultural Development Board and not a new**
28 **authority.**

29
30 **“RULES**

1 **“SECTION 5. Notwithstanding the transfer of duties, functions and**
2 **powers by section 1 of this 2025 Act, the rules of the Oregon Business**
3 **Development Department, the Oregon Arts Commission and the Trust**
4 **for Cultural Development Board with respect to the duties, functions**
5 **and powers transferred by section 1 of this 2025 Act that are in effect**
6 **on the operative date specified in section 40 of this 2025 Act continue**
7 **in effect until superseded or repealed by rules of the Oregon Arts and**
8 **Cultural Development Office. References in rules of the Oregon Busi-**
9 **ness Development Department, the Oregon Arts Commission and the**
10 **Trust for Cultural Development Board to the Oregon Arts Commission**
11 **and the Trust for Cultural Development Board or an officer or em-**
12 **ployee of the Oregon Business Development Department, the Oregon**
13 **Arts Commission and the Trust for Cultural Development Board with**
14 **respect to the duties, functions and powers transferred by section 1**
15 **of this 2025 Act are considered to be references to the Oregon Arts and**
16 **Cultural Development Board or the Oregon Arts and Cultural Devel-**
17 **opment Office, as appropriate, or an officer or employee of the board**
18 **or office.**

19
20 **“INITIAL APPOINTMENTS**

21
22 **“SECTION 6. (1) The Governor may appoint an interim director of**
23 **the Oregon Arts and Cultural Development Office before the operative**
24 **date specified in section 40 of this 2025 Act. The Governor may appoint**
25 **the Administrator of the Arts Program as the interim director of the**
26 **office. In consultation with the Oregon Business Development De-**
27 **partment, the Oregon Arts Commission and the Trust for Cultural**
28 **Development Board, the interim director may take any action before**
29 **the operative date specified in section 40 of this 2025 Act that is nec-**
30 **essary to enable the Director of the Oregon Arts and Cultural Devel-**

1 opment Office to exercise, on and after the operative date specified in
2 section 40 of this 2025 Act, the duties, functions and powers of the di-
3 rector transferred pursuant to section 1 of this 2025 Act.

4 “(2) The President of the Senate, the Speaker of the House of Rep-
5 resentatives and the Governor shall make appointments to the Oregon
6 Arts and Cultural Development Board as provided in section 9 of this
7 2025 Act to allow the members first appointed to the board to serve for
8 terms beginning on the operative date specified in section 40 of this
9 2025 Act.

10
11 **“OREGON ARTS AND CULTURAL DEVELOPMENT OFFICE**

12
13 **“SECTION 7. Sections 8 to 14 of this 2025 Act are added to and made**
14 **a part of ORS 359.010 to 359.142.**

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

18 **“(2) Subject to legislative appropriations, the State of Oregon re-**
19 **cognizes a continuing obligation to contribute to the support of the**
20 **office and that a continued financial partnership with the office is es-**
21 **sential to securing federal matching funds through the National**
22 **Endowment for the Arts.**

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

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

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

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

1 “(c) The Governor shall appoint 11 members, including at least one
2 member with expertise in each of the following fields:

3 “(A) Heritage.

4 “(B) Historic preservation.

5 “(C) The humanities.

6 “(D) The arts.

7 “(E) Museums.

8 “(3) To the greatest extent possible, the membership of the board
9 must reflect the geographic and cultural diversity of this state.

10 “(4) The term of a voting member of the board is four years. A
11 member may be reappointed once. A member shall hold office for the
12 term of the appointment and until a successor is appointed, but a
13 member serves at the pleasure of the appointing authority.

14 “(5) If there is a vacancy for any cause, the appointing authority
15 shall make an appointment to become effective immediately.

16 “(6) The board shall elect one of its members to serve as chair-
17 person and one of its members to serve as vice chairperson for the
18 terms and with the duties and powers necessary to perform the func-
19 tions of such offices as the board determines.

20 “(7) A majority of the voting members of the board constitutes a
21 quorum for the transaction of business.

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

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

28 “SECTION 10. Former members of the Oregon Arts Commission and
29 the Trust for Cultural Development Board may be appointed as mem-
30 bers of the Oregon Arts and Cultural Development Board.

1 **“SECTION 11. The Oregon Arts and Cultural Development Office**
2 **shall be under the administrative control of the Director of the Oregon**
3 **Arts and Cultural Development Office, who is appointed by and who**
4 **holds office at the pleasure of the Oregon Arts and Cultural Develop-**
5 **ment Board. The board shall set the compensation of the director. The**
6 **director may appoint all subordinate officers and employees of the of-**
7 **fice and may prescribe their duties and fix their compensation. The**
8 **director may delegate to any subordinate officer or employee any ad-**
9 **ministrative duty, function or power imposed upon the office by law.**

10 **“SECTION 12. (1) Except as provided in subsection (2) of this sec-**
11 **tion, when carrying out the duties, functions and powers of the Oregon**
12 **Arts and Cultural Development Office, the Director of the Oregon Arts**
13 **and Cultural Development Office may contract with any state agency**
14 **for the performance of such duties, functions and powers that the di-**
15 **rector considers appropriate.**

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

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

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

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

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

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

26 **“(f) Borrow money and give guarantees; or**

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

29 **“(3) In accordance with ORS chapter 183, and with the prior ap-**
30 **proval of the board, the director may adopt rules necessary for the**

1 administration of laws that the office is charged with administering.

2 “(4) The board shall approve the lease of property to a tenant only
3 when the sale, transfer or conveyance of the property cannot be ef-
4 fected with reasonable promptness or at a reasonable price.

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

10 “(6) The office shall file with the Governor, the Legislative Assem-
11 bly and the Legislative Fiscal Officer a biennial report of the activities
12 and operations of the office. The report shall include a full and com-
13 plete reporting of the financial activities and transactions of the office
14 during the biennium, including at least the information required under
15 section 13 (5) of this 2025 Act.

16 **“SECTION 13. (1) All moneys collected by, received by or appropri-
17 ated to the Oregon Arts and Cultural Development Office shall be de-
18 posited in an account established in accordance with ORS 295.001 to
19 295.108. Subject to approval by the chairperson, the Oregon Arts and
20 Cultural Development Board may invest moneys collected or received
21 by the office. Investments made by the board are limited to the types
22 of investments listed in ORS 294.035 (3)(a) to (i). Interest earned from
23 any amounts invested must be made available to the office in a man-
24 ner consistent with the biennial budget approved by the board.**

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

29 “(3) The board shall adopt a budget for the office on a biennial basis
30 using the classifications of expenditures and revenues required by ORS

1 **291.206 (1). The budget is not subject to review and approval by the**
2 **Legislative Assembly or to modification by the Emergency Board or**
3 **the Legislative Assembly. However, the budget must be included in the**
4 **biennial report required by section 12 of this 2025 Act.**

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

10 **“(5) All expenditures from the account established for the office**
11 **under subsection (1) of this section are exempt from any state ex-**
12 **penditure limitation. The office shall follow generally accepted ac-**
13 **counting principles and keep such financial and statistical information**
14 **that is necessary to completely and accurately disclose the financial**
15 **condition and financial operations of the office as may be required by**
16 **the Secretary of State.**

17 **“SECTION 14. (1) Except as otherwise provided by law, ORS 279.835**
18 **to 279.855 and 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B,**
19 **279C, 282, 283, 291, 292 and 293 do not apply to the Oregon Arts and**
20 **Cultural Development Office.**

21 **“(2) Notwithstanding subsection (1) of this section, ORS 279A.100,**
22 **279A.250 to 279A.290, 282.210 to 282.230, 293.235, 293.240, 293.245, 293.260,**
23 **293.262, 293.611, 293.625 and 293.630 apply to the Oregon Arts and Cul-**
24 **tural Development Office.**

25 **“SECTION 15. ORS 359.025 is amended to read:**

26 **“359.025. [(1)] The [Oregon Arts Commission] Oregon Arts and Cultural**
27 **Development Board shall perform the following duties:**

28 **“[(a)] (1) Serve as a body to advise governmental bodies and agencies and**
29 **private persons on the development and implementation of state policies and**
30 **programs relating to the arts, heritage, historic preservation, humanities and**

1 culture, and to assist in the coordination of these activities.

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

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

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

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

14 “[(f)] (3) Establish policies and procedures for grant programs adminis-
15 tered by the [Arts Program] **Oregon Arts and Cultural Development Of-**
16 **fice**, including policies and procedures that:

17 “[(A)] (a) Ensure that the criteria used to determine eligibility for grant
18 awards are designed to take into consideration the regional differences in
19 public access to, or in opportunities for engagement in, arts and cultural
20 development in this state; and

21 “[(B)] (b) Promote investment in communities where opportunities for
22 engagement in arts and cultural development are limited.

23 “[(g) Suggest rules to the director for grant programs administered by the
24 Arts Program, including rules that are consistent with the policies and pro-
25 cedures established by the commission under this section.]

26 “[(2)(a) In addition to the duties imposed by subsection (1) of this section,
27 the Oregon Arts Commission shall establish policies and provide management
28 and operational staff support for the Trust for Cultural Development Board.]

29 “[(b) Notwithstanding paragraph (a) of this subsection, the Trust for Cul-
30 tural Development Board shall make any decisions relating to the investment

1 *and disbursement of moneys in the Trust for Cultural Development Account.]*

2 “(4) Provide direction to the Oregon Arts and Cultural Development
3 Office for the coordination, administration and evaluation of the Cul-
4 tural Development Grant Program, the Community Cultural Partic-
5 ipation Grant Program and the use of funds received by core partner
6 agencies under ORS 359.441.

7 “SECTION 16. ORS 359.040 is amended to read:

8 “359.040. (1) The objectives of the Oregon Arts and Cultural Devel-
9 opment Office are:

10 “(a) To complement, assist and strengthen existing or planned pro-
11 grams and activities of public and private associations in the arts and
12 cultural development to promote the broadest statewide public benefit,
13 while maintaining high artistic and scholarly standards.

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

17 “(c) To stimulate and encourage private and local initiative and fi-
18 nancial support in connection with programs and activities in the arts
19 and cultural development.

20 “(2) To carry out its objectives the [*Arts Program of the Oregon Business*
21 *Development Department*] **office** shall:

22 “[*(1)*] (a) Develop programs and plans:

23 “[*(a)*] (A) To encourage broad public participation in, and understanding
24 of, programs in the arts.

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

27 “[*(c)*] (C) To encourage increased recognition of the contributions of the
28 arts to the richness of community life and to the development of the indi-
29 vidual.

30 “[*(d)*] (D) To assist communities within the state in establishing or con-

1 serving local cultural, historical and artistic programs.

2 “[*e*] (E) To stimulate and encourage throughout the state the presenta-
3 tion, enjoyment and study of the arts among the youth and elderly people.

4 “[*f*] (F) To encourage and facilitate, where feasible, wider circulation
5 throughout the state of noteworthy programs, productions, exhibitions and
6 performances which demonstrate the artistic and cultural resources and ac-
7 complishments of the people of Oregon.

8 “[*g*] (G) To encourage and facilitate, where feasible, programs, pro-
9 ductions, exhibitions and performances in Oregon of outstanding works of
10 art and artistic talent in the fields of the arts, which may be brought from
11 outside the state.

12 “[**H**] **For participation of public agencies and associations in federal**
13 **government programs for the support and encouragement of the arts**
14 **and cultural development.**

15 “[*2*] (b) Develop, maintain and make available to the public, information
16 concerning:

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

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

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

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

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

30 “[*4*] (d) Develop an honors program in the arts, which includes the

1 means for recognizing distinguished artists and other Oregon citizens whose
2 creative works or effort or whose services of philanthropy on behalf of the
3 arts are such as to merit the official appreciation of the people of Oregon.

4 “[5] *Manage the Trust for Cultural Development Account established by*
5 *ORS 359.405.*]

6 **“(e) Work with cultural agencies and their constituents to commu-**
7 **nicate with and educate the public on the role culture plays in the**
8 **lives of citizens and communities.**

9 **“(f) Evaluate the Cultural Development Grant Program, the Com-**
10 **munity Cultural Participation Grant Program and the use of funds by**
11 **core partner agencies.**

12 **“(3) The office may:**

13 **“(a) Enter into agreements with other public agencies of Oregon**
14 **or with agencies of other states or the federal government and with**
15 **private corporations, associations and individuals in Oregon or other**
16 **states for cooperative endeavors that further the objectives of the of-**
17 **fice.**

18 **“(b) Make grants to local agencies, to associations or to individuals**
19 **for the development and conservation of programs in the arts and**
20 **cultural development, in accordance with policies and procedures**
21 **adopted by the Oregon Arts and Cultural Development Board.**

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

24 **“(d) Acquire real property or an interest in real property, by pur-**
25 **chase or foreclosure, when the acquisition is necessary or appropriate**
26 **to promote the arts or cultural development.**

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

29 **“(f) Appoint committees, consultants, artists and other persons ex-**
30 **pert in subjects of concern to the office to advise and assist the office.**

1 “(g) Appear in its own behalf before boards, commissions, depart-
2 ments or other agencies of municipal or county governments, the state
3 government or the federal government.

4 “(h) Procure insurance against any losses in connection with its
5 properties in such amounts and from such insurers as may be neces-
6 sary or desirable.

7 “(i) Accept any and all donations, grants, gifts, bequests and de-
8 vises, conditional or otherwise, of money, property, services or other
9 things of value, including any interest or earnings thereon, that may
10 be received from the United States or any agency thereof, any gov-
11 ernmental agency or any institution or person, public or private, to
12 be held, used or applied for any or all of the purposes specified in this
13 section, in accordance with the terms and conditions of the grant.

14 “(j) Organize, conduct, sponsor, cooperate with and assist the pri-
15 vate sector and other state agencies in the conduct of conferences and
16 tours relating to the arts and cultural development.

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

18 “(L) Conduct hearings and conferences to develop facts, to explain
19 programs and activities, and to obtain advice.

20 “(m) Exercise any other powers necessary for the operation and
21 functioning of the office within the purposes authorized by this sec-
22 tion.

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

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

26 “359.120. There hereby is established an account separate and distinct
27 from the General Fund to be known as the Arts Trust Account. [*Except for*
28 *moneys received for the purposes of the Trust for Cultural Development Ac-*
29 *count, all moneys received by the Arts Program of the Oregon Business De-*
30 *velopment Department pursuant to ORS 359.100 and 359.110 shall be paid into*

1 *the State Treasury and credited to the Arts Trust Account.*] All moneys in the
2 Arts Trust Account are continuously appropriated to the Oregon Business
3 Development Department **for distribution to the Oregon Arts and Cul-**
4 **tural Development Office** and shall be used by the *[program]* **office** in
5 carrying out the purposes for which the funds were received.

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

7 *“359.130. (1) The [Arts Program of the Oregon Business Development De-*
8 *partment shall]* **Oregon Arts and Cultural Development Office** may not
9 direct, supervise or control the policy, programs, personnel, curriculum or
10 administration of any public or private agency, school, association or entity
11 having to do with the arts.

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

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

17 **“SECTION 20.** ORS 359.400 is amended to read:

18 *“359.400. As used in ORS 359.400 to 359.444:*

19 *“(1) ‘Community Cultural Participation Grant Program’ means the pro-*
20 *gram created by ORS 359.436.*

21 *“(2) ‘Core partner agencies’ means [the Oregon Arts Commission,] the*
22 *Oregon Council for the Humanities, the Oregon Heritage Commission, the*
23 *Oregon Historical Society and the State Historic Preservation Officer.*

24 *“(3) ‘Cultural Development Grant Program’ means the program created*
25 *by ORS 359.431.*

26 *“(4) ‘Cultural organization’ means:*

27 *“(a) An entity that is:*

28 *“(A) Exempt from federal income tax under section 501(c)(3) of the Inter-*
29 *nal Revenue Code; and*

30 *“(B) Organized primarily for the purpose of producing, promoting or pre-*

1 sending the arts, heritage and humanities to the public or organized prima-
2 rily for identifying, documenting, interpreting and preserving cultural
3 resources.

4 “(b) A federally recognized Indian tribe.

5 “(5) ‘Trust for Cultural Development Account’ means the account estab-
6 lished by ORS 359.405.

7 **“SECTION 21.** ORS 359.405 is amended to read:

8 “359.405. (1) The Trust for Cultural Development Account is established
9 in the State Treasury, separate and distinct from the General Fund. Invest-
10 ment earnings, interest and other income earned by the Trust for Cultural
11 Development Account shall be credited to the account. The primary purpose
12 of the account is to serve as a repository for both public and private moneys
13 designated to fund specific arts, heritage and humanities programs.

14 “(2) All moneys in the Trust for Cultural Development Account are [*ap-*
15 *propriated*] continuously **appropriated** to the Oregon Business Development
16 Department for [*the Arts Program*] **distribution to the Oregon Arts and**
17 **Cultural Development Office** for the purposes of ORS 359.400 to 359.444.

18 **“SECTION 22.** ORS 359.407 is added to and made a part of ORS
19 **359.400 to 359.444.**

20 **“SECTION 23.** ORS 359.407 is amended to read:

21 “359.407. (1) Notwithstanding ORS 359.405, **the Oregon Business Devel-**
22 **opment Department may transfer** moneys transferred to the Trust for
23 Cultural Development Account pursuant to ORS 805.261 [*may*] **to the**
24 **Oregon Arts and Cultural Development Office to** be used for marketing
25 and promotional costs to increase the amount of moneys in the Trust for
26 Cultural Development Account.

27 “(2) Amounts used for marketing and promotional costs as described in
28 subsection (1) of this section are not considered part of the Trust for Cul-
29 tural Development Account for the purpose of making disbursements under
30 ORS 359.426.

1 **“SECTION 24.** ORS 359.423 is amended to read:

2 “359.423. (1)(a) The [*Trust for Cultural Development Board*] **Oregon Arts**
3 **and Cultural Development Board** may solicit and accept gifts, bequests
4 or devises of money, securities or other property of any kind to carry out the
5 purposes of ORS 359.400 to 359.444.

6 “(b) Notwithstanding paragraph (a) of this subsection, a restricted gift,
7 bequest or devise may not be accepted if the restriction is contrary to the
8 laws of this state.

9 “(2)(a) The board shall be the custodian of any property accepted pursuant
10 to this section.

11 “(b) The board shall hold the property as trustee for the state and shall
12 conserve and administer the property to carry out the purposes of ORS
13 359.400 to 359.444.

14 “(c) Except as prohibited by law or restricted by the terms of the gift,
15 bequest or devise, the board may from time to time sell or exchange any
16 property accepted as a gift, bequest or devise as the board determines ap-
17 propriate.

18 “(3) Moneys, and any income from property, accepted pursuant to this
19 section shall be paid into the State Treasury and deposited to the credit of
20 the Trust for Cultural Development Account established by ORS 359.405.

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

22 “359.426. (1) [*Under the direction of the Trust for Cultural Development*
23 *Board*] **As directed by the Oregon Arts and Cultural Development**
24 **Board**, each fiscal year the [*Arts Program*] **Oregon Business Development**
25 **Department shall disburse to the Oregon Arts and Cultural Develop-**
26 **ment Office** no less than 50 percent, but no more than 60 percent, of all
27 moneys raised for and deposited in the Trust for Cultural Development Ac-
28 count during the previous fiscal year, and all interest earned on the moneys,
29 as of July 1.

30 “(2) The **office shall distribute the** amount [*determined*] **disbursed un-**

1 der subsection (1) of this section [*shall be distributed*] as follows:

2 “(a) 50 percent to the preservation of, stabilization of and investment in
3 Oregon’s cultural resources through the Cultural Development Grant Pro-
4 gram as provided under ORS 359.431.

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

8 “(c) 25 percent to the core partner agencies as provided under ORS
9 359.441.

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

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

17 “(b) Facilitating technical assistance;

18 “(c) Local cultural planning; and

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

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

21 “359.431. (1) There is created the Cultural Development Grant Program
22 to be administered by the [*Administrator of the Arts Program under the di-*
23 *rection of the Trust for Cultural Development Board*] **Director of the Oregon**
24 **Arts and Cultural Development Office under the direction of the**
25 **Oregon Arts and Cultural Development Board.** The purpose of the pro-
26 gram is to provide preservation of, stabilization of and investment in
27 Oregon’s cultural resources. The [*Arts Program under the direction of the*
28 *Trust for Cultural Development Board*] **office under the direction of the**
29 **board** shall make Cultural Development Grants to cultural organizations
30 through a request for proposal process.

1 “(2) The grants may be used:

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

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

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

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

9 “(b) Proposals from applicants that have culture as a priority within the
10 mission of the applicant.

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

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

14 “359.436. (1) There is created the Community Cultural Participation Grant
15 Program to be administered by the [*Administrator of the Arts Program under*
16 *the direction of the Trust for Cultural Development Board*] **Director of the**
17 **Oregon Arts and Cultural Development Office under the direction of**
18 **the Oregon Arts and Cultural Development Board.** The purpose of the
19 program is to provide funds to counties and federally recognized Indian
20 tribes for local cultural activities. The [*Arts Program*] **office** under the di-
21 rection of the board shall make Community Cultural Participation Grants
22 to counties and tribes.

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

24 “(3) A local cultural plan shall:

25 “(a) Identify priorities and specific strategies for building public cultural
26 participation across cultural disciplines and organizations. The strategies
27 may include the involvement of partners outside of the cultural sector such
28 as business organizations, schools and health and human services organiza-
29 tions.

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

1 “(c) Specify local leadership and governance for grant fund management
2 and for ongoing planning and development of benchmarks.

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

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

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

9 “359.441. (1) The [*Arts Program, under the direction of the Trust for Cul-*
10 *tural Development Board*] **Oregon Arts and Cultural Development Office,**
11 **under the direction of the Oregon Arts and Cultural Development**
12 **Board,** shall distribute the amount disbursed from the Trust for Cultural
13 Development Account under ORS 359.426 (2)(c) to the core partner agencies
14 as follows:

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

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

21 “[*(b)*] (c) The [*Arts Program shall allocate 80*] **office shall allocate 53.3**
22 percent of the amount disbursed under ORS 359.426 (2)(c) to the core partner
23 agencies for the purposes described in ORS 359.444. The [*Trust for Cultural*
24 *Development Board*] **board** shall determine the amount or percent of avail-
25 able funds that each core partner agency shall receive under this paragraph.

26 “(2) The core partner agencies are not eligible to apply for grants from
27 the Community Cultural Participation Grant Program or the Cultural De-
28 velopment Grant Program.

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

30 “359.444. (1) A core partner agency may use funds received under ORS

1 359.426 (2)(c) to:

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

3 “(b) Serve more grantees; and

4 “(c) Encourage new cultural undertakings.

5 “(2) Each core partner agency shall expend a portion of the amount re-
6 ceived under ORS 359.426 (2)(c) as determined by the [*Trust for Cultural*
7 *Development Board*] **Oregon Arts and Cultural Development Board** each
8 fiscal year to fund development of qualitative benchmarks and culture within
9 Oregon. The evaluation of benchmarks may be done in partnership with one
10 or more higher education institutions in Oregon. It is intended that this
11 partnership will stimulate research and investigation of the ways in which
12 culture and related cultural policy will impact the state over a 10-year pe-
13 riod.

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

15 “276.090. (1) The [*Arts Program of the Oregon Business Development De-*
16 *partment*] **Oregon Arts and Cultural Development Office** and the Oregon
17 Department of Administrative Services, if the construction project is located
18 within the area described in ORS 276.054, and the [*Arts Program of the*
19 *Oregon Business Development Department*] **Oregon Arts and Cultural De-**
20 **velopment Office**, the Oregon Department of Administrative Services and
21 the contracting agency if the project is located outside the area described in
22 ORS 276.054, in consultation with the architect for the particular building
23 shall determine the amount available for each state building and shall com-
24 mission by contract or shall purchase suitable works of art for each building.
25 The agencies designated by this section are solely responsible for selection,
26 review of design, execution, placement and acceptance of works of art ac-
27 quired pursuant to ORS 276.073 to 276.090. The designated agencies, to the
28 extent reasonable, shall consult with appropriate local citizens groups and
29 the occupants of the affected state building in determining the selection of
30 the works of art.

1 “(2) Of the amount determined to be available for a state building under
2 subsection (1) of this section, a portion may be assessed by the [*Arts Program*
3 *of the Oregon Business Development Department*] **Oregon Arts and Cultural**
4 **Development Office** and used to reimburse the [*program*] **office** for costs
5 incurred under ORS 276.073 to 276.090 as administrative expenses or as ex-
6 penses for maintaining the works of art acquired. No more than 10 percent
7 of the amount available for a state building may be assessed under this
8 subsection.

9 “(3) Title to works of art acquired pursuant to ORS 276.073 to 276.090
10 vests with the contracting agency in the name of the state. The agencies
11 designated by this section may lend works of art between public buildings
12 whenever in their judgment the loan will be to the benefit of the citizens of
13 this state. However, the works of art shall be returned to the contracting
14 agency at its request.

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

16 “276.096. (1) In carrying out the duties of the Director of the Oregon De-
17 partment of Administrative Services under ORS 276.095, the director shall
18 consult with the Capitol Planning Commission, the designated State Historic
19 Preservation Officer, the State Parks and Recreation Department, the Oregon
20 Historical Society, the [*Arts Program of the Oregon Business Development*
21 *Department*] **Oregon Arts and Cultural Development Office**, local land-
22 mark commissions and historic societies and the chief executive officers of
23 those units of local government in each area served by existing or proposed
24 state offices and shall solicit the comments of other community leaders and
25 members of the general public that the director considers appropriate.

26 “(2) Whenever the director undertakes a review of state building needs
27 within a geographical area, the director shall request the cooperation of the
28 State Historic Preservation Officer to identify an existing building within
29 the geographical areas that is of historical, architectural or cultural signif-
30 icance and that is suitable, whether or not in need of repair, alteration or

1 addition, for acquisition or purchase to meet the building needs of state
2 government.

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

4 “805.260. (1) The Department of Transportation shall establish a cultural
5 registration plate program to issue special registration plates called ‘cultural
6 registration plates’ upon request to owners of motor vehicles registered un-
7 der the provisions of ORS 803.420 (6)(a) to observe the importance of culture
8 to Oregon. In addition, the department may adopt rules for issuance of cul-
9 tural registration plates for vehicles not registered under the provisions of
10 ORS 803.420 (6)(a).

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

16 “(3) The department, in consultation with the [*Trust for Cultural Devel-*
17 *opment Board*] **Oregon Arts and Cultural Development Office**, shall de-
18 sign the cultural registration plates. The plates shall meet the requirements
19 for registration plates described in ORS 803.535.

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

21 “276A.253. (1)(a) The State Chief Information Officer shall maintain and
22 make available an Oregon transparency website. The website must allow any
23 person to view information that is a public record and is not exempt from
24 disclosure under ORS 192.311 to 192.478, including but not limited to infor-
25 mation described in subsection (3) of this section. The State Chief Informa-
26 tion Officer shall provide on the home page of the website a method for users
27 to offer suggestions regarding the form or content of the website.

28 “(b) The Oregon Department of Administrative Services shall assist the
29 State Chief Information Officer in performing duties under paragraph (a) of
30 this subsection to the extent the State Chief Information Officer deems the

1 assistance necessary.

2 “(2) State agencies and education service districts, to the extent practi-
3 cable and subject to laws relating to confidentiality, when at no additional
4 cost, using existing data and existing resources of the state agency or edu-
5 cation service district and without reallocation of resources, shall:

6 “(a) Furnish information to the Oregon transparency website by posting
7 reports and providing links to existing information system applications in
8 accordance with standards that the State Chief Information Officer estab-
9 lishes; and

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

12 “(3) To the extent practicable and subject to laws relating to
13 confidentiality, when at no additional cost, using existing data and existing
14 resources of the state agency or education service district and without real-
15 location of resources, the Oregon transparency website must contain infor-
16 mation about each state agency and education service district, including but
17 not limited to:

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

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

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

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

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

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

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

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

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

6 “(j) A copy of each report required by statute for education service dis-
7 tricts; and

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

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

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

18 “(b) The State Chief Information Officer shall post on the Oregon trans-
19 parency website a link for the website that the Secretary of State maintains
20 for rules that the state agency adopts. If the state agency maintains a
21 website where the state agency posts the rules, or where any information
22 relating to the rules of the agency is posted, the state agency shall provide
23 the State Chief Information Officer with the link to the website for posting
24 on the Oregon transparency website.

25 “(c) The State Chief Information Officer shall provide links on the Oregon
26 transparency website for information that the State Chief Information Offi-
27 cer receives concerning contracts and subcontracts that a state agency or
28 education service district enters into, to the extent that disclosing the in-
29 formation is allowed by law and the information is already available on
30 websites that the state agency or education service district maintains. To the

1 extent available, the information to which the State Chief Information Offi-
2 cer links under this section must include:

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

4 “(B) The date of each contract and the amount payable under the con-
5 tract;

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

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

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

16 “(A) The names of filmmakers or companies that have received re-
17 imbursements from the Oregon Production Investment Fund under ORS
18 284.368 and the amount of each reimbursement;

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

22 “(C) The names of persons who received grants, loans or equity invest-
23 ments from the Oregon Innovation Council under ORS 284.742 and the pur-
24 pose and amount of the grant, loan or equity investment;

25 “(D) Copies of, or links to, annual reports required to be filed under ORS
26 285C.615 under the strategic investment program;

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

29 “(F) Information required to be posted on the Oregon transparency
30 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
4 agency in the format and manner required by the State Chief Information
5 Officer.

6 “(f) The State Chief Information Officer shall post on the Oregon trans-
7 parency website information describing the process for requesting copies of
8 public records from a public body, including a link to the public records
9 section of the Department of Justice webpage. At the request of a state
10 agency or education service district, the State Chief Information Officer
11 shall include a link to a location on the webpage of the agency or district
12 that describes the process for requesting public records from the agency or
13 district.

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

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

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

21 “(c) The website should teach users about how state government and ed-
22 ucation service districts work and provide users with the opportunity to
23 learn something about how state government and education service districts
24 raise and spend revenue.

25 “(6) If a state agency or an education service district is not able to in-
26 clude information described in this section on the Oregon transparency
27 website because of the lack of availability of information or cost in acquiring
28 information, the Transparency Oregon Advisory Commission created in ORS
29 276A.259 shall list the information that is not included for the state agency
30 or education service district in the commission’s report to the Legislative

1 Assembly required under ORS 276A.259.

2 “(7)(a) For the purpose of providing transparency in the revenues, ex-
3 penditures and budgets of the following entities, the State Chief Information
4 Officer shall include on the Oregon transparency website a page that pro-
5 vides links to websites established by:

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

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

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

9 “(D) Public universities listed in ORS 352.002.

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

12 “(F) The Oregon Health and Science University.

13 “(G) The Oregon Tourism Commission.

14 “(H) The Oregon Film and Video Office.

15 “**(I) The Oregon Arts and Cultural Development Office.**

16 “[*I*] **(J)** The Travel Information Council.

17 “[*J*] **(K)** The Children’s Trust Fund of Oregon Foundation.

18 “[*K*] **(L)** Oregon Corrections Enterprises.

19 “[*L*] **(M)** The State Accident Insurance Fund Corporation.

20 “[*M*] **(N)** The Oregon Utility Notification Center.

21 “[*N*] **(O)** Any public corporation created under a statute of this state
22 and specifically designated as a public corporation.

23 “(b) The State Chief Information Officer shall include a link to an entity’s
24 website after receiving a request from the entity and shall consider recom-
25 mendations from the Transparency Oregon Advisory Commission for includ-
26 ing other links to websites of the entities listed in paragraph (a) of this
27 subsection.

28 “(c) At the request of any local government, as defined in ORS 174.116,
29 or special government body, as defined in ORS 174.117, the State Chief In-
30 formation Officer shall include on the Oregon transparency website notices

1 of public meetings required to be provided under ORS 192.640 by the local
2 government or special government body. The local government or special
3 government body must submit public meeting notice information in the for-
4 mat and manner required by the State Chief Information Officer.

5 “(d) The office of Enterprise Information Services shall include a promi-
6 nent link on the home page of the Oregon transparency website for infor-
7 mation posted to the page described in paragraph (a) of this subsection.

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

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

13 “279A.025. (1) Except as provided in subsections (2) to (4) of this section,
14 the Public Contracting Code applies to all public contracting.

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

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

17 “(A) Another contracting agency;

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

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

20 “(D) The Oregon State Bar;

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

22 “(F) The federal government;

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

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

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

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

28 “(ii) The federal government;

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

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

1 “(v) A governmental body in a nation other than the United States;
2 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter
3 provision, ordinance or other authority for establishing agreements between
4 or among governmental bodies or agencies or tribal governing bodies or
5 agencies;
6 “(c) Insurance and service contracts as provided for under ORS 414.115,
7 414.125, 414.135 and 414.145 for purposes of source selection;
8 “(d) Grants;
9 “(e) Contracts for professional or expert witnesses or consultants to pro-
10 vide services or testimony relating to existing or potential litigation or legal
11 matters in which a public body is or may become interested;
12 “(f) Acquisitions or disposals of real property or interest in real property;
13 “(g) Sole-source expenditures when rates are set by law or ordinance for
14 purposes of source selection;
15 “(h) Contracts for the procurement or distribution of textbooks;
16 “(i) Procurements by a contracting agency from an Oregon Corrections
17 Enterprises program;
18 “(j) The procurement, transportation, sale or distribution of distilled li-
19 quor, as defined in ORS 471.001, or the appointment of agents under ORS
20 471.230 or 471.750 by the Oregon Liquor and Cannabis Commission;
21 “(k) Contracts entered into under ORS chapter 180 between the Attorney
22 General and private counsel or special legal assistants;
23 “(L) Contracts for the sale of timber from lands that the State Board of
24 Forestry, the State Forestry Department, the State Parks and Recreation
25 Commission or the State Parks and Recreation Department owns or manages;
26 “(m) Contracts for activities necessary or convenient for the sale of tim-
27 ber under paragraph (L) of this subsection, either separately from or in
28 conjunction with contracts for the sale of timber, including but not limited
29 to activities such as timber harvesting and sorting, transporting, gravel pit
30 development or operation, and road construction, maintenance or improve-

1 ment;

2 “(n) Contracts for forest protection or forest related activities, as de-
3 scribed in ORS 477.406, by the State Forester or the State Board of Forestry;

4 “(o) Contracts that the Housing and Community Services Department
5 enters into in exercising the department’s duties prescribed in ORS chapters
6 456 and 458, or procurements described in ORS 456.625 (19);

7 “(p) Contracts that the State Treasurer enters into in exercising the
8 powers of that office prescribed in ORS 178.010 to 178.090 and 276A.242 and
9 ORS chapters 286A, 287A, 289, 293, 294 and 295, including but not limited to
10 investment contracts and agreements, banking services, clearing house ser-
11 vices and collateralization agreements, bond documents, certificates of par-
12 ticipation and other debt repayment agreements, and any associated
13 contracts, agreements and documents, regardless of whether the obligations
14 that the contracts, agreements or documents establish are general, special
15 or limited, except that the State Treasurer’s public contracting for goods and
16 services is subject to ORS chapter 279B;

17 “(q) Contracts, agreements or other documents entered into, issued or es-
18 tablished in connection with:

19 “(A) The issuance of obligations, as defined in ORS 286A.100 and
20 287A.310, of a public body;

21 “(B) Program loans and similar extensions or advances of funds, aid or
22 assistance that a public body makes to a public or private body for the pur-
23 pose of carrying out, promoting or sustaining activities or programs author-
24 ized by law; or

25 “(C) The investment of funds by a public body as authorized by law, and
26 other financial transactions of a public body that by their character cannot
27 practically be established under the competitive contractor selection proce-
28 dures of ORS 279B.050 to 279B.085;

29 “(r) Contracts for employee benefit plans as provided in ORS 243.105 (1),
30 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565;

1 “(s) Contracts for employee benefit plans as provided in ORS 243.860 to
2 243.886; or

3 “(t) Any other public contracting of a public body specifically exempted
4 from the code by another provision of law.

5 “(3) The Public Contracting Code does not apply to the contracting ac-
6 tivities of:

7 “(a) The Oregon State Lottery Commission;

8 “(b) The legislative department;

9 “(c) The judicial department;

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

12 “(e) Oregon Corrections Enterprises;

13 “(f) The Oregon Film and Video Office, except as provided in ORS
14 279A.100 and 279A.250 to 279A.290;

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

17 “[g] (h) The Travel Information Council, except as provided in ORS
18 279A.250 to 279A.290;

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

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

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

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

25 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to
26 contracts made with qualified nonprofit agencies providing employment op-
27 portunities for individuals with disabilities under ORS 279.835 to 279.855.

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

30 “291.227. (1)(a) As part of the development of the legislatively adopted

1 budget, each state agency that employs more than 100 employees shall report
2 to the Joint Committee on Ways and Means the state agency's maximum
3 supervisory ratio for the biennium.

4 “(b) Before submitting the report to the committee, a state agency shall
5 provide a copy of the report to all labor organizations that represent em-
6 ployees of the state agency.

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

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

11 “(b) Geographic location of the agency's employees;

12 “(c) Complexity of the agency's duties;

13 “(d) Industry best practices and standards;

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

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

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

20 “(3) The Joint Committee on Ways and Means shall review the maximum
21 supervisory ratios reported by state agencies.

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

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

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

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

8 “(b) The department shall make the reports publicly available on the
9 Internet and shall notify all labor organizations that represent state em-
10 ployees when the reports are available.

11 “(7) The department may adopt rules for the administration of this sec-
12 tion, including rules governing how temporary, seasonal or part-time em-
13 ployees are accounted for in the calculation of a supervisory ratio.

14 “(8) As used in this section:

15 “(a) ‘Job families’ means groups of occupations based upon work per-
16 formed, skills, education, training and credentials.

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

19 “(c)(A) ‘State agency’ means all state officers, boards, commissions, de-
20 partments, institutions, branches, agencies, divisions and other entities,
21 without regard to the designation given to those entities, that are within the
22 executive branch of government as described in Article III, section 1, of the
23 Oregon Constitution.

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

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

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

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

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

29 “(v) The Oregon Tourism Commission;

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

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

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

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

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

5 “[(x)] (xi) Oregon Corrections Enterprises;

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

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

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

9 “[(xiv)] (xv) Oregon Community Power;

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

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

12 “[(xvii)] (xviii) Any other public corporation created under a statute of
13 this state and specifically designated as a public corporation; and

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

16 “(d) ‘Supervisory employee’ has the meaning given that term in ORS
17 243.650.

18 “(e) ‘Supervisory ratio’ means the ratio of employees who are supervisory
19 employees to employees who are not supervisory employees.

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

21 “293.226. (1) Subject to subsection (2) of this section, a state agency may
22 request that a person voluntarily supply the person’s Social Security number
23 for use in collecting debts owed to the State of Oregon on any document
24 relating to any monetary obligation or transaction. A state agency that so
25 requests shall include on the document a notice disclosing that the Social
26 Security number is requested for and may be used for state agency debt col-
27 lection activities.

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

29 “(a) Specifying the form of the notice, including provisions specifying
30 when the notice must state whether the disclosure of a Social Security

1 number is voluntary or mandatory; and

2 “(b) Setting procedures for the sharing of Social Security numbers be-
3 tween state agencies, and between the Department of Revenue and private
4 collection agencies, for the purpose of collecting debts owed state agencies.

5 “(3) If a person is required to provide the person’s Social Security number
6 to a state agency under federal or state law for purposes other than col-
7 lection of a debt owed to the State of Oregon, the agency may not use the
8 Social Security number for debt collection purposes, except:

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

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

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

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

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

27 “(7)(a) As used in this section, ‘state agency’ means any state officer,
28 board, commission, corporation, institution, department or other state or-
29 ganization.

30 “(b) Notwithstanding ORS 182.460, 284.118, 284.375, 377.836, 421.352,

1 656.753 and 757.552, 'state agency' includes semi-independent state agencies
2 listed in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and
3 Video Office, **the Oregon Arts and Cultural Development Office**, the
4 Travel Information Council, the Children's Trust Fund of Oregon Founda-
5 tion, Oregon Corrections Enterprises, the State Accident Insurance Fund
6 Corporation and the Oregon Utility Notification Center.

7 **SECTION 37.** ORS 293.250 is amended to read:

8 "293.250. (1) There is created a Collections Unit in the Department of
9 Revenue.

10 "(2) The Department of Revenue may render assistance in the collection
11 of any delinquent account owing to any of the following entities, if the ac-
12 count is assigned by the entity to the department for collection:

13 "(a) A state agency;

14 "(b) A public university listed in ORS 352.002, notwithstanding ORS
15 352.138;

16 "(c) The Oregon Health and Science University, notwithstanding ORS
17 353.100;

18 "(d) A community college or community college district;

19 "(e) A county, for debts arising pursuant to a judgment obtained under
20 ORS 169.151; or

21 "(f) The Oregon State Bar, notwithstanding ORS 9.010, for the purpose
22 of collecting assignments to a client security fund established under ORS
23 9.625.

24 "(3) The Department of Revenue may render assistance in the collection
25 of any delinquent account owing to any of the following entities, if the ac-
26 count is assigned to the department for the limited purpose of collection
27 through setoff against any refunds or sums due to a debtor from the depart-
28 ment or any other state agency:

29 "(a) Any local government, as defined in ORS 174.116; or

30 "(b) Any special government body, as defined in ORS 174.117.

1 “(4)(a) The Department of Revenue may prescribe criteria for the kinds
2 of accounts for which the department will render assistance under sub-
3 sections (2) and (3) of this section, including a minimum dollar amount owed.

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

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

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

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

28 “(d) At the time any setoff is made, the Department of Revenue shall no-
29 tify the debtor of the sums due to the debtor from a state agency that are
30 applied against the debtor’s delinquent account. The notice must provide that

1 the debtor may, within 30 days and in a manner prescribed by the depart-
2 ment, contest the setoff and request a hearing before the department. No is-
3 sues may be considered at the hearing that were previously litigated or that
4 the debtor failed to raise timely after being given due notice of rights of
5 appeal.

6 “(e) All moneys received by the Department of Revenue in payment of
7 charges made under paragraph (a) of this subsection shall be paid into the
8 State Treasury and deposited in a miscellaneous receipts account for the
9 department.

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

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

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

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

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

25 “(7) Except as prohibited by federal law and notwithstanding any pro-
26 vision of state law, for purposes of collecting debts assigned to the Depart-
27 ment of Revenue under ORS 293.231, the Collections Unit created under
28 subsection (1) of this section has access to all data and other information
29 available to the department for any purpose allowed by law.

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

1 amendments to ORS 276.090, 276.096, 276A.253, 279A.025, 291.227, 293.226,
2 293.250, 359.025, 359.040, 359.120, 359.130, 359.400, 359.405, 359.407, 359.423,
3 359.426, 359.431, 359.436, 359.441, 359.444 and 805.260 by sections 15 to 18,
4 20, 21 and 23 to 37 of this 2025 Act and the repeal of ORS 359.020,
5 359.030, 359.050, 359.065, 359.100, 359.110, 359.135, 359.137, 359.142, 359.410,
6 359.413, 359.416 and 359.421 by section 39 of this 2025 Act become oper-
7 ative on July 1, 2027.

8

9

“CAPTIONS

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11 “SECTION 41. The unit captions used in this 2025 Act are provided
12 only for the convenience of the reader and do not become part of the
13 statutory law of this state or express any legislative intent in the
14 enactment of this 2025 Act.”.

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