CHAPTER 643  
AN ACT  
HB 2377  


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

TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES  

SECTION 1. Notwithstanding ORS 30.282, 30.285, 278.425, 655.515 and 655.540, the amount of $10,000,000 is transferred from the Insurance Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 2. Notwithstanding ORS 283.076, the amount of $50,900,000 is transferred from the Oregon Department of Administrative Services Operating Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 3. Notwithstanding ORS 276A.209, the amount of $26,500,000 is transferred from the State Information Technology Operating Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 4. Notwithstanding ORS 180.095, the amount of $46,000,000 is transferred from the Department of Justice Protection and Education Revolving Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 5. Notwithstanding ORS 741.102, the amount of $3,800,000 is transferred from the Health Insurance Exchange Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 6. Notwithstanding ORS 677.290, the amount of $5,000,000 is transferred from the Oregon Medical Board Account to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

NOTE: Vetoed by the Governor; see Veto Summary for additional information.  

SECTION 7. Notwithstanding ORS 243.167, the amount of $15,000,000 is transferred from the Public Employees’ Revolving Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

SECTION 8. Notwithstanding ORS 274.064, the amount of $3,000,000 is transferred from the Portland Harbor Cleanup Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

MARIJUANA REVENUE DISTRIBUTION  

SECTION 9. Section 3, chapter 81, Oregon Laws 2018, is repealed.  

SECTION 10. ORS 475B.759, as amended by sections 1 and 2, chapter 81, Oregon Laws 2018, is amended to read:  

475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the General Fund.  

(2) The account shall consist of moneys transferred to the account under ORS 475B.760.  

(3) (a) The Department of Revenue shall certify quarterly the amount of moneys available in the Oregon Marijuana Account.  

(b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent of the moneys in the Oregon Marijuana Account as follows:  

(A) Ten percent of the moneys in the account must be transferred to the cities of this state in the following shares:  

(i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the population of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a) of this section compared to the population of all cities of this state that are not exempt from this paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and  

(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state located in cities; and  

(B) Ten percent of the moneys in the account shall be transferred to counties in the following shares:  

(i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 and the Portland Harbor Cleanup Fund to the General Fund for general governmental purposes. The transfer shall be made on May 31, 2021.  

(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state located in cities; and  

(B) Ten percent of the moneys in the account must be transferred to counties in the following shares:  

(i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer for all premises located in each county compared to the
total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of that calendar quarter for all premises located in this state; and
(ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each county compared to the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state.
(c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as follows:

(1) The Legal Aid Accounts established under ORS 9.577 is repealed.

SECTION 11. ORS 21.007 is amended to read:
21.007. It is the intent of the Legislative Assembly that funding be provided to the following entities by appropriations each biennium to fund programs, services and activities that were funded through court fees before the 2011-2013 biennium:

(1) To the counties of this state for the purposes of funding mediation services, conciliation services and other services in domestic relations cases.

(2) To the counties of this state for the purposes of funding the operation of law libraries or of providing law library services.

(3) To Portland State University and the University of Oregon to fund the programs and expenses of the Mark O. Hatfield School of Government and the University of Oregon School of Law under ORS 36.100 to 36.238 and 183.502.

(4) To the Housing and Community Services Department for the purpose of funding programs that defray the cost of rent for dwelling units for very low income households.

(5) To the Higher Education Coordinating Commission to fund clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking or sexual assault.

(6) To the State Department of Agriculture for the purpose of funding mediation programs established by the department, other than individual farm credit mediations.

(7) To the Judicial Department for the purposes of funding the appellate settlement program established under ORS 2.560.

(8) To the Department of Human Services for the funding of the Office of Children’s Advocate.

SECTION 12. Section 5, chapter 775, Oregon Laws 2009, is repealed.

SECTION 13. ORS 9.577 is repealed.

SECTION 14. (1) The Legal Aid Account established under ORS 9.577 is abolished on the effective date of this 2019 Act.

(2) Any moneys remaining in the account specified in subsection (1) of this section on the effective date of this 2019 Act shall be transferred, on the effective date of this 2019 Act, to the General Fund for general governmental purposes.
SECTION 15. ORS 292.406, as amended by section 19, chapter 98, Oregon Laws 2018, is amended to read:

292.406. (1)(a) The annual salary of the Chief Judge of the Court of Appeals shall be $147,560 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(b) On July 1, 2018, the annual salary of the Chief Judge of the Court of Appeals, as adjusted under ORS 292.428, shall be increased by $5,000.

(2)(a) The annual salary of each other judge of the Court of Appeals shall be $144,536 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(b) On July 1, 2018, the annual salary of each other judge of the Court of Appeals, as adjusted under ORS 292.428, shall be increased by $5,000.

SECTION 16. ORS 292.411, as amended by section 20, chapter 98, Oregon Laws 2018, is amended to read:

292.411. (1)(a) The annual salary of the Chief Justice of the Supreme Court shall be $150,572 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(b) On July 1, 2018, the annual salary of the Chief Justice of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(2)(a) The annual salary of each other judge of the Supreme Court shall be $154,040 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(b) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

SECTION 17. ORS 292.416, as amended by section 21, chapter 98, Oregon Laws 2018, is amended to read:

292.416. (1) The annual salary of each judge of a circuit court shall be $135,776 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(2) On July 1, 2018, the annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

SECTION 18. ORS 292.426, as amended by section 22, chapter 98, Oregon Laws 2018, is amended to read:

292.426. (1) The annual salary of the judge of the Oregon Tax Court shall be $139,652 for the period beginning on January 1, 2017, and ending on June 30, 2018, and shall be increased by $5,000.

(2) On July 1, 2018, the annual salary of the judge of the Oregon Tax Court, as adjusted under ORS 292.428, shall be increased by $5,000.

SECTION 18a. ORS 3.012, as amended by section 1, chapter 63, Oregon Laws 2017, is amended to read:

3.012. Under ORS 292.428, shall be increased by $5,000.

(a) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(b) On July 1, 2018, the annual salary of the Chief Judge of the Court of Appeals, as adjusted under ORS 292.428, shall be increased by $5,000.

(c) The annual salary of each other judge of the Court of Appeals, as adjusted under ORS 292.428, shall be increased by $5,000.

(d) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(e) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(f) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(g) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(h) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(i) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(j) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(k) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(l) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(m) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(n) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(o) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(p) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(q) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(r) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(s) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(t) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted under ORS 292.428, shall be increased by $5,000.

(u) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(v) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(w) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(x) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(y) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.

(z) The annual salary of each judge of a circuit court, as adjusted under ORS 292.428, shall be increased by $5,000.
of the judicial districts established by this section. The positions shall reflect any qualifications established by ORS 3.041.

**LEGISLATIVE BRANCH**

**SECTION 19.** ORS 171.072, as amended by section 1, chapter 578, Oregon Laws 2013, and section 17, chapter 98, Oregon Laws 2018, is amended to read:

171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary that equals [the greater of:]

[(a) one step below the maximum step of Salary Range 1 in the Management Service Compensation Plan in the executive department as defined in ORS 174.112; or]

[(b) Seventeen percent of the salary of a circuit court judge].

(2) The President of the Senate and the Speaker of the House of Representatives each shall receive for services, as additional salary, an amount equal to the salary allowed each of them as a member under subsection (1) of this section.

(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, a per diem determined as provided in subsection (9) of this section for each day within the period that the Legislative Assembly is in session, to be paid with the salary provided for in subsection (1) of this section. Pursuant to procedures determined by the Legislative Administration Committee, a member may draw from an accrued allowance.

(4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, $400 for each calendar month or part of a calendar month during those periods, to be paid monthly, and subject to approval of the President of the Senate or Speaker of the House of Representatives, mileage expenses and a per diem determined as provided in subsection (9) of this section for each day a member is engaged in the business of legislative interim and statutory committees, including advisory committees and subcommittees of advisory committees, and task forces for each day a member serves on interstate bodies, advisory committees and other entities on which the member serves ex officio, whether or not the entity is a legislative one.

(5) In addition to the mileage and per diem expense payments provided by this section, a member of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject to approval by the President of the Senate or Speaker of the House of Representatives, for legislative business outside of the state.

(6) The President of the Senate and the Speaker of the House of Representatives may delegate to the chairpersons of interim and statutory committees and task forces the approval authority granted to the President and the Speaker by subsection (4) of this section, with respect to expenses incurred in attending any meeting of a particular committee or task force.

(7) Amounts received under subsections (3) to (5) of this section are excluded from gross income and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter 316. If there is attached to the personal income return a schedule of all ordinary and necessary business expenses paid during the tax year as a member of the Legislative Assembly, a deduction may be claimed on the return for legislative expenses paid in excess of the amounts received under subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly who are reimbursed by the state for actual expenses for meals and lodging associated with state travel for the same period during which a legislator receives per diem are subject to state income tax.

(8) For periods when the Legislative Assembly is not in session, [the Legislative Administration Committee shall provide for a telephone and] a member of the Legislative Assembly shall receive an expense allowance [for members of the Legislative Assembly] that is in addition to the amount allowed under subsection (4) of this section. [In determining the amount of allowance for members, the committee shall consider the geographic area of the member's district. The additional allowance shall] The amount allocated to a member under this subsection must be adjusted based on the geographic area of the member's district to reflect travel expenses necessary to communicate in [districts of varying sizes] the district.

(9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income without itemization.

**SECTION 20.** ORS 291.278 is amended to read:

291.278. (1) Upon completion of the determination by the Oregon Department of Administrative Services under ORS 291.274 and 291.276, the department shall:

(a) Transfer to the Legislative Fiscal Office Operating Fund, with appropriate notice to the State Treasurer, out of moneys appropriated to each state agency, the amount of $4 million.

(b) After deducting the amounts specified in paragraph (a) of this subsection, transfer to the General Fund, with appropriate notice to the State Treasurer, out of moneys appropriated to each state agency, the amount of governmental service expenses certified for the agency.

(2) In the case of a state agency that collects or receives moneys for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes, if moneys available to such state agency are not sufficient to permit the transfers under subsection (1) of this section, the department shall notify the state agency of the
amount certified with respect to the state agency under ORS 291.274 and 291.276, less any amount transferred out of moneys appropriated to such state agency under subsection (1) of this section. Thereafter, until such balance has been paid into the General Fund, 10 percent of all moneys collected or received by the state agency for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes shall be:

(a) Transferred by the department to and made a part of the General Fund available for general governmental purposes if such moneys are paid to the State Treasurer by the state agency; or

(b) Paid to the State Treasurer by the state agency receiving such moneys at the time when they are received by the state agency if such moneys are authorized by law to be kept and disbursed other than by and through the State Treasurer, and be credited by the State Treasurer to and made a part of the General Fund available for general governmental purposes.

(3) The transfers and payments to the Legislative Fiscal Office Operating Fund and the General Fund required by this section shall be made notwithstanding any law that appropriates such moneys or any of them to any other purposes, and such portion so paid and transferred is not subject to any special uses thereby provided.

ECONOMIC DEVELOPMENT

SECTION 21. The University Innovation Research Fund is established in the State Treasurer, separate and distinct from the General Fund. Interest earned by the University Innovation Research Fund must be credited to the fund. The fund consists of all moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and any donations or grants received for the purpose of the fund. Moneys in the fund are continuously appropriated to the Oregon Business Development Department to make grants to public universities listed in ORS 352.002 or grants to the Oregon Health and Science University for the purpose of matching competitive federal research grant awards.

DEPARTMENT OF JUSTICE

SECTION 22. ORS 180.160 is amended to read: 180.160. (1) Subject to rules prescribed by the Attorney General, in rendering assistance to the respective officers, departments, boards and commissions of state government, and other public bodies, the Department of Justice may charge such officers, agencies and public bodies (including, when appropriate, the Department of Justice itself) separately for the cost of such assistance, said cost including, but not limited to salaries of assistants and administrative and clerical salaries, investigative services, and capital outlay; and shall also charge such officers, departments, boards, commissions or public bodies for other costs incurred and disbursements made pursuant to request or authorization in connection with such assistance, and not paid directly out of moneys appropriated or otherwise available for expenditure by such officers, agencies or public bodies.

(2) The Department of Justice may not impose charges under subsection (1) of this section at rates greater than the rates established for the biennium through the biennium budgeting process in the preceding odd-numbered year regular session of the Legislative Assembly unless the department first notifies the Joint Committee on Ways and Means, the Joint Interim Committee on Ways and Means or the Emergency Board.

SECTION 23. ORS 180.095 is amended to read: 180.095. (1) The Department of Justice Protection and Education Revolving Account is created in the General Fund. All moneys in the account are continuously appropriated to the Department of Justice and may be used to pay for only the following activities:

(a) Restitution and refunds in proceedings described in paragraph (c) of this subsection;

(b) Consumer and business education relating to the laws governing antitrust, unlawful trade practices and the environment; and

(c) Personal services, travel, meals, lodging and all other costs and expenses incurred by the department in investigating, preparing, commencing and prosecuting the following actions and suits, and enforcing judgments, settlements, compromises and assurances of voluntary compliance arising out of the following actions and suits:

(A) Actions and suits under the state and federal antitrust laws;

(B) Actions and suits under ORS 336.184 and 646.605 to 646.656;

(C) Criminal prosecutions under state and federal environmental laws;

(D) Actions commenced under ORS 59.331; and

(E) Actions and suits under ORS 180.750 to 180.785.

(2) Moneys in the Department of Justice Protection and Education Revolving Account are not subject to allotment. Upon request of the Attorney General, the State Treasurer shall create subaccounts within the account for the purposes of managing moneys in the account and allocating those moneys to the activities described in subsection (1) of this section.

(3) Except as otherwise provided by law, all sums of money received by the Department of Justice under a judgment, settlement, compromise or assurance of voluntary compliance, including damages, restitution, refunds, attorney fees, costs, disbursements and other recoveries, but excluding civil penalties under ORS 646.642, in proceedings described in subsection (1)(c) of this section shall, upon re-
receipt, be deposited with the State Treasurer to the credit of the Department of Justice Protection and Education Revolving Account. However, if the action or suit was based on an expenditure or loss from a public body or a dedicated fund, the amount of such expenditure or loss, after deduction of attorney fees and expenses awarded to the department by the court or agreed to by the parties, if any, shall be credited to the public body or dedicated fund and the remainder thereof credited to the Department of Justice Protection and Education Revolving Account.

(4) If the Department of Justice recovers restitution or refunds in a proceeding described in subsection (1)(c) of this section, and the department cannot determine the persons to whom the restitution or refunds should be paid or the amount of the restitution or refund payable to individual claimants is de minimis, the restitution or refunds may not be deposited in the Department of Justice Protection and Education Revolving Account and shall be deposited in the General Fund.

(5) Before April 1 of each odd-numbered year, the Department of Justice shall report to the Joint Committee on Ways and Means:

(a) The department’s projection of the balance in the Department of Justice Protection and Education Revolving Account at the end of the biennium in which the report is made and at the end of the following biennium;

(b) The amount of the balance held for restitution and refunds; and

(c) An estimate of the department’s anticipated costs and expenses under subsection (1)(b) and (c) of this section for the biennium in which the report is made and for the following biennium.

(d) Any judgment, settlement, compromise or other recovery, the proceeds of which are used for purposes other than:

(A) For deposit into the Department of Justice Protection and Education Revolving Account; or

(B) For payment of legal costs related to the judgment, settlement, compromise or other recovery.

(6) The Joint Committee on Ways and Means, after consideration of recommendations made by the Department of Justice, shall use the information reported under subsection (5) of this section to determine an appropriate balance for the revolving account.

TRANSPORTATION

SECTION 24. Notwithstanding ORS 184.751, the Department of Transportation shall transfer the amount of $10,100,000 from the Statewide Transportation Improvement Fund established under ORS 184.751 to the Elderly and Disabled Special Transportation Fund established under ORS 391.800, to be used for the purposes of distribution to transit entities to support elderly and disabled transit services. The transfer shall be made on July 1, 2019.

CAPTIONS

SECTION 25. The unit captions used in this 2019 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 2019 Act.

EMERGENCY CLAUSE

SECTION 26. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Approved by the Governor August 9, 2019
Section 6 vetoed by the Governor
Filed in the office of Secretary of State August 9, 2019
Effective date August 9, 2019