

OREGON OCEAN RESOURCES MANAGEMENT

196.565 Oregon Ocean Science Trust; members; terms; compensation and expenses; rules. (1) The Oregon Ocean Science Trust is established, consisting of seven members appointed as follows:

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

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

(c) The State Land Board shall appoint five members who:

(A) Are residents of this state who demonstrate a commitment and interest in the stewardship of Oregon's ocean and coastal resources; and

(B) Have not less than five years' experience in competitive granting, marine science, foundations or fiscal assurance.

(2) The term of office of each voting member appointed under subsection (1)(c) of this section is four years, but a member serves at the pleasure of the board. Before the expiration of the term of a member, the board shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(3) A majority of the voting members of the trust constitutes a quorum for the transaction of business.

(4) The trust shall select one of its voting members to be the executive director of the trust, for such terms and with the duties and powers that the trust determines are necessary for the performance of the office.

(5) The trust shall meet at least twice each year at a place, day and hour determined by the trust. The trust may also meet at other times and places specified by the call of the executive director or of a majority of the voting members of the trust.

(6) The trust may adopt any rules necessary to carry out the duties of the trust.

(7) Members of the trust who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the trust shall be paid out of funds appropriated to the Department of State Lands for purposes of administering the trust.

(8) Members of the Legislative Assembly appointed to the trust are nonvoting members of the trust and may act in an advisory capacity only.

(9) The Department of State Lands shall provide a facility and administrative support for the meetings of the trust as requested. Other agencies shall provide support as requested by the trust in order to provide the trust with assistance on the priority marine science needs of the state.

[2013 c.776 §1; 2014 c.2 §1]

Note: 196.565 to 196.569 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 196 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

196.566 Trust duties. The Oregon Ocean Science Trust shall:

- (1) Promote peer-reviewed, competitive research and monitoring that leads to increased knowledge and understanding of Oregon's ocean and coastal resources;
- (2) Promote innovative, collaborative, community-oriented, multi-institutional approaches to research and monitoring related to Oregon's ocean and coastal resources;
- (3) Enhance this state's capacity for peer-reviewed scientific ocean and coastal research; and
- (4) Subject to available funding, establish and execute a competitive grant program to conduct research and monitoring related to Oregon's ocean and coastal resources. [2013 c.776 §2]

Note: See note under 196.565.

196.567 Oregon Ocean Science Fund; sources; uses. (1) The Oregon Ocean Science Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Ocean Science Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Ocean Science Trust for the purpose of carrying out the provisions of ORS 196.565, 196.566, 196.568 and 196.569.

(2) The trust may accept grants, donations, contributions or gifts from any source for deposit in the fund.

(3) The fund shall consist of:

- (a) Moneys accepted by the trust pursuant to subsection (2) of this section;
- (b) Moneys appropriated by the Legislative Assembly;
- (c) Interest earned on moneys in the fund; and
- (d) Any moneys described in subsection (4) of this section.

(4) Subject to and consistent with federal law, any moneys received by the State of Oregon from the federal government that constitute the state's distributive share of the amounts collected under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., shall be deposited in the fund.

(5) Of the moneys in the fund that are derived from the state's distributive share of the amounts collected under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., the coastal county adjacent to the lands containing tracts for which the moneys are received by the state shall receive 30 percent of the distributive share received by the state for those lands. Where the lands containing tracts for which moneys are received are located adjacent to more than one county of this state, each county adjacent to the lands shall receive a portion of the 30 percent allocation that is proportionate to the area of the lands that are adjacent to the county. [2013 c.776 §3]

Note: See note under 196.565.

196.568 Reimbursement from fund. (1) Moneys deposited in the Oregon Ocean Science Fund may be used to reimburse:

(a) The State Treasurer for the costs of administering the fund as provided in ORS 196.567.

(b) The Department of State Lands for the costs of administering the Oregon Ocean Science Trust as provided in ORS 196.565 (7) and (9).

(c) Other agencies for the costs of providing support to the trust as requested under ORS 196.565 (9).

(2) The total amount of costs paid under this section may not exceed five percent of the total amount of moneys deposited in the fund during the biennium. [2013 c.776 §4; 2014 c.2 §2]

Note: See note under 196.565.

196.569 Report. The Oregon Ocean Science Trust shall submit a report to the Legislative Assembly, in the manner provided by ORS 192.245, by March 31 of each even-numbered year, describing the progress of the trust in carrying out its duties specified in ORS 196.566. The report may include relevant issues and trends of significance, including emerging scientific research and public policy. [2013 c.776 §5]

Note: See note under 196.565.

RECEIVING AND HANDLING MONEYS

293.265 Disposition of collected moneys; accord and satisfaction; return of checks or money orders; rules. (1)(a) Except as provided in paragraph (b) of this subsection and subsection (5) of this section, it is the duty of the officer or other person or agent collecting, receiving, in possession of, or having the control of any state moneys or other funds, contributions or donations collected or received by, and to be expended by or on behalf of the state under the approval or supervision of any state agency, recognized by the laws of this state and having the power to collect and disburse state funds, to turn over all the moneys described in this section collected or received by or on account of the state agency, to the State Treasurer not later than one business day after collection or receipt of the moneys.

(b) The state agency, or other person or agent collecting state moneys or other funds on account of the state agency, may comply with paragraph (a) of this subsection by using a reasonable, longer period for the transmittal of particularly identified funds or categories of funds if the agency documents and maintains in its official files information that:

(A) A valid business reason exists for using a longer transmittal period;

(B) The period is no longer than necessary to satisfy that business reason; and

(C) Any person or agent collecting state moneys or other funds on account of the state agency has complied with any applicable procedures, principles, standards or requirements for cash management prescribed by the State Treasurer under ORS 293.875.

(c) Upon request of the Division of Audits of the Secretary of State, the state agency shall submit a copy of the documentation required under this subsection to the division.

(2) The deposit by or on behalf of the state under the approval or supervision of any state agency of a check marked “paid in full,” “payment in full,” “full payment of a claim” or words of similar meaning does not establish an accord and satisfaction that binds the state or prevents the collection of the remaining amount owed upon the obligation unless an officer or employee with actual authority to settle claims has agreed in writing to accept the check as full payment of a disputed obligation.

(3) Notwithstanding the provisions of subsection (1) of this section, subject to limits on amount adopted pursuant to subsection (4) of this section, a state agency may return any bank check or money order received by the state agency, whenever such bank check or money order is incomplete or the report or record applied for is not available or releasable or the payment is not owed. The state agency shall keep a record of the check or money order returned, in the form prescribed by the Oregon Department of Administrative Services.

(4) After consultation with the State Treasurer, the department shall by rule limit the return, by a state agency, of a bank check or money order under subsection (3) of this section to checks or money orders of less than the amount specified in the rule.

(5) This section does not apply to moneys collected or received by a county pursuant to an agreement between the county and a state agency. The timing of a transmittal of moneys under such an agreement is governed by the terms of the agreement.

(6) As used in this section, “state agency” means any state officer, board, commission, corporation, institution, department or other state organization whose costs are paid wholly or in part from funds held in the State Treasury. [Formerly 291.436; 1969 c.141 §3; 1979 c.74 §1; 1989 c.205 §1; 1997 c.122 §1; 2015 c.17 §1; 2017 c.500 §1]

STATE PARKS AND RECREATION DEPARTMENT

390.141 Agreements between State Parks and Recreation Department and private organizations; restrictions; reports. (1) In order to further the strategic priorities of the State Parks and Recreation Department, the State Parks and Recreation Director may enter into an agreement with a private, nonprofit organization under which the organization shall solicit gifts, grants and donations for the benefit of the department.

(2) At least 30 days before the director may enter into an agreement under subsection (1) of this section, the department shall:

(a) Submit a copy of the proposed agreement to the Legislative Assembly in the manner provided by ORS 192.245; and

(b) Provide public notice of the proposed agreement on the department's website.

(3) The director may advise, and receive advice from, the organization described in subsection (1) of this section. If allowed by the charter and bylaws of the organization, the director may serve as a voting or nonvoting member of the board of directors of the organization, except that the director may not:

(a) Serve as chairperson of the board of directors of the organization.

(b) Vote for, or appoint, other members of the board of directors of the organization.

(c) Exercise any control of the financial affairs of the organization.

(d) Oversee the daily operations of the organization.

(4) In order to further the strategic priorities of the department and to increase the ability of the organization to solicit gifts, grants and donations for the benefit of the department, the department may provide the following without charge to the organization for the use of the organization's members or donors:

(a) Access to areas, and use of facilities, established and maintained by the department.

(b) The opportunity to place information relating to the cooperative efforts of the organization and the department in department publications and on the department's website.

(c) Promotional items related to the department that are sold by the department.

(5) In order to further the strategic priorities of the department and to increase the ability of the organization to solicit gifts, grants and donations for the benefit of the department, the department may provide supplies, personnel and necessary services to the organization at cost.

(6) For each calendar year, the department shall prepare a report that lists the access to areas, use of facilities, placement of information in department publications, promotional items, supplies, personnel and services described in subsections (4) and (5) of this section provided by the department to an organization described in subsection (1) of this section without charge or at reduced charge, and all related gifts, grants and donations received by the department. The department shall post the report on the department's website.

(7) If the director enters into an agreement with a private, nonprofit organization under subsection (1) of this section, the director may refuse to accept any gift, grant or donation solicited by the organization for the benefit of the department if the director determines that the gift, grant or donation is inconsistent with the best interests of the department.

(8) Each organization described in subsection (1) of this section shall maintain records regarding the gifts, grants and donations solicited for the benefit of the department and, at the

request of the department, shall provide the department with information necessary to prepare the report described in subsection (6) of this section.

(9) All funds received by the department under this section shall be deposited in the State Parks and Recreation Department Fund established by ORS 390.134 to be used to further the strategic priorities of the department as specified in subsection (1) of this section.

(10) In addition to the agreement described in subsection (1) of this section, and in order to further the strategic priorities of the department, the director may enter into an agreement with a private, nonprofit organization under which the organization shall donate goods and services to the department.

(11) The provisions of this section do not affect the authority of any state agency other than the department to enter into agreements with private organizations under which the organization shall solicit gifts, grants and donations for the benefit of the state agency. [2013 c.299 §2]

Note: 390.141 was added to and made a part of ORS chapter 390 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.