

**Enrolled**  
**House Bill 5055**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Budget and Management Division, Oregon Department of Administrative Services)

CHAPTER .....

AN ACT

Relating to state financial administration; creating new provisions; amending section 5, chapter 20, Oregon Laws 2011 (Enrolled Senate Bill 5552), and section 3, chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553); appropriating money; limiting expenditures; declaring an emergency; and providing for transfer of moneys from the Education Stability Fund that requires approval by a three-fifths majority.

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

**SECTION 1.** The Legislative Assembly finds that a quarterly economic and revenue forecast projects that revenues in the state's General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based.

**SECTION 2.** In addition to and not in lieu of any other transfer from the Education Stability Fund, based on the findings in section 1 of this 2011 Act, and pursuant to section 4 (6), Article XV of the Oregon Constitution:

(1) On the effective date of this 2011 Act, the State Treasurer shall transfer \$96,425,000 from the Education Stability Fund established under section 4 (4)(d), Article XV of the Oregon Constitution, and ORS 348.696 to the State School Fund established by ORS 327.008 for the biennium beginning July 1, 2009.

(2) On May 1, 2013, the State Treasurer shall transfer \$82,239,000 from the Education Stability Fund established under section 4 (4)(d), Article XV of the Oregon Constitution, and ORS 348.696 to the State School Fund established by ORS 327.008 for the biennium beginning July 1, 2011.

**SECTION 3.** Section 3, chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553), is amended to read:

**Sec. 3.** (1) Based on the findings in section 1, **chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553)** [of this 2011 Act], and pursuant to section 4 (6), Article XV of the Oregon Constitution, on [October 1, 2011] **June 1, 2012**, the State Treasurer shall transfer \$100 million from the Education Stability Fund established under section 4 (4)(d), Article XV of the Oregon Constitution, and ORS 348.696 to the 2011-2012 School Year Subaccount established by section 2, **chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553)** [of this 2011 Act].

(2) Moneys transferred under this section may be used in the manner provided by section 5, **chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553)**, [of this 2011 Act] for moneys in the 2011-2012 School Year Subaccount.

**SECTION 4.** Notwithstanding any other law limiting expenditures, for the biennium beginning July 1, 2009, the maximum limit for payment of expenses by the Department of Education from lottery moneys transferred from the Education Stability Fund to the State School Fund under section 2 (1) of this 2011 Act is \$96,425,000.

**SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1, chapter 635, Oregon Laws 2009, for the biennium beginning July 1, 2009, for the State School Fund is decreased by \$96,425,000.

**SECTION 6.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Community Colleges and Workforce Development by section 1 (2), chapter 727, Oregon Laws 2009, for the biennium beginning July 1, 2009, for the Community College Support Fund for distribution to community college districts and community college service districts is increased by \$15,000,000.

**SECTION 7.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon University System by section 1 (1), chapter 670, Oregon Laws 2009, for the biennium beginning July 1, 2009, for education and general services of higher education is increased by \$30,000,000.

**SECTION 8.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Department of Administrative Services by section 1 (1), chapter 679, Oregon Laws 2009, for the biennium beginning July 1, 2009, for education and general services of the Oregon Health and Science University is increased by \$3,700,000.

**SECTION 9.** (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2009, out of the General Fund, the amount of \$13,800,000, to be allocated to school districts for special education services as provided in this section.

(2) In addition to those moneys distributed through the State School Fund based on the calculations made under ORS 327.013 (1)(c)(A)(i), the Department of Education shall distribute amounts appropriated to the department under subsection (1) of this section to school districts exclusively for the purpose of providing special education services. The amounts shall be distributed based on the weighted average daily membership calculated under ORS 327.013 (1)(c)(A)(i).

**SECTION 10.** Notwithstanding any other law limiting expenditures, for the biennium beginning July 1, 2011, the maximum limit for payment of expenses by the Department of Education from lottery moneys transferred from the Education Stability Fund to the State School Fund under section 2 (2) of this 2011 Act is \$82,239,000.

**SECTION 11.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1, chapter 20, Oregon Laws 2011 (Enrolled Senate Bill 5552), for the biennium beginning July 1, 2011, for the State School Fund is decreased by \$82,239,000.

**SECTION 12.** (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$17,649,000 to be allocated to state agencies for early learning programs and services.

(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$5,713,750 to be allocated to state agencies for the purpose of employment-related day care or other supports and services for children and families.

(3) If any of the moneys appropriated by subsection (1) or (2) of this section are not allocated by the Emergency Board prior to December 1, 2012, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

**SECTION 13.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon University System by section 1 (2), chapter \_\_\_\_\_, Oregon Laws 2011

(Enrolled Senate Bill 5532), for the biennium beginning July 1, 2011, is increased by \$1,580,000 for the agricultural experiment station and the branch experiment stations of Oregon State University.

**SECTION 14.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon University System by section 1 (3), chapter \_\_\_\_, Oregon Laws 2011 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2011, is increased by \$1,145,000 for the Extension Service of Oregon State University.

**SECTION 15.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon University System by section 1 (4), chapter \_\_\_\_, Oregon Laws 2011 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2011, is increased by \$175,000 for the Forest Research Laboratory of Oregon State University.

**SECTION 16.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (2), chapter \_\_\_\_, Oregon Laws 2011 (Enrolled House Bill 5030), for the biennium beginning July 1, 2011, is increased by \$816,250 for employment-related day care.

**SECTION 17.** If Senate Bill 252 becomes law, in addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$5,000,000 for the purpose of implementing the provisions of chapter \_\_\_\_, Oregon Laws 2011 (Enrolled Senate Bill 252).

**SECTION 18.** If Senate Bill 453 becomes law, notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1, chapter 20, Oregon Laws 2011 (Enrolled Senate Bill 5552), for the biennium beginning July 1, 2011, is increased by \$8,660,000 for the State School Fund.

**SECTION 19.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (10), chapter \_\_\_\_, Oregon Laws 2011 (Enrolled House Bill 5020), for the biennium beginning July 1, 2011, is increased by \$16,500,000 for the Oregon prekindergarten program.

**SECTION 20.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$25,000,000 for the 2011-2012 School Year Subaccount established by section 2, chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553).

**SECTION 21.** Section 5, chapter 20, Oregon Laws 2011 (Enrolled Senate Bill 5552), is amended to read:

**Sec. 5.** (1) The Department of Education may not spend more than [~~\$2,850,000,000~~] \$2,879,330,000 from the State School Fund for the fiscal year beginning July 1, 2011.

(2) The Department of Education may not spend more than [~~\$2,850,000,000~~] \$2,854,330,000 from the State School Fund for the fiscal year beginning July 1, 2012.

**SECTION 22.** This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House June 21, 2011

*Ramona Kenady Line*  
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Ramona Kenady Line, Chief Clerk of House

*Bruce Hanna*  
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Bruce Hanna, Speaker of House

*Arnie Roblan*  
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Arnie Roblan, Speaker of House

Passed by Senate June 21, 2011

*Peter Courtney*  
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Peter Courtney, President of Senate

Received by Governor:

10:43a M. *June 23*....., 2011

Approved:

2:18p M. *June 23*....., 2011

*John Kitzhaber*  
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John Kitzhaber, Governor

Filed in Office of Secretary of State:

..... M....., 2011

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Kate Brown, Secretary of State