

House Bill 3696

Sponsored by JOINT COMMITTEE ON WAYS AND MEANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes interim Joint Committee on Ways and Means to review changes in state agency salary plans during interim.

Modifies periods for which semi-independent state agencies must report certain information to Governor and Legislative Assembly.

Directs Oregon Department of Administrative Services to use moneys in Oregon Judicial Facilities Fund for purpose of financing construction and maintenance of county court facilities.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public financial administration; creating new provisions; amending ORS 182.472 and
3 291.371 and section 7, chapter 218, Oregon Laws 2007, and sections 24 and 25, chapter 906,
4 Oregon Laws 2009; and declaring an emergency.

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

6 **SECTION 1.** ORS 291.371 is amended to read:

7 291.371. (1) As used in this section, "legislative review agency" means the Joint Committee on
8 Ways and Means during the period when the Legislative Assembly is in session and the Emergency
9 Board **or the interim Joint Committee on Ways and Means** during the interim period between
10 sessions.

11 (2) Prior to making any changes in a salary plan, the Oregon Department of Administrative
12 Services shall submit the proposed changes to the legislative review agency.

13 (3)(a) The Oregon Department of Administrative Services may approve the reallocation of posi-
14 tions or the establishment of new positions not specifically provided for in the budget of the affected
15 agency if it finds that the proposed change:

16 (A) Can be financed by the agency within the limits of its biennial budget and legislatively ap-
17 proved program;

18 (B) Will not produce future budgetary increases; and

19 (C) Conforms to legislatively approved salary policies.

20 (b) Proposed changes not meeting the requirements of paragraph (a) of this subsection shall be
21 presented to the legislative review agency.

22 (4) Agencies within the Department of Human Services, the Oregon Health Authority and the
23 Department of Corrections shall report on a biennial basis to the legislative review agency. Each
24 report shall include the number of vacant budgeted positions, including all job categories and clas-
25 sifications, within the agency. The legislative review agency shall order the reporting agency to
26 show cause why the budgeted positions have not been filled and shall assess fully the impact the
27 vacancies have on:

28 (a) The agency's delivery of services, accounting for any seasonal fluctuation in the need for

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 those services;

2 (b) The agency's budget due to increased use of overtime;

3 (c) The agency's use of temporary employees; and

4 (d) Employee workload.

5 (5) It is declared to be the policy of this state that the total personal services, budget and full-
6 time equivalent positions approved for any state agency shall be the maximum amount necessary to
7 meet the requirements of the agency for the biennium. Notwithstanding ORS 291.232 to 291.260, the
8 Governor and the Oregon Department of Administrative Services may transfer vacant position au-
9 thority among and within state agencies to achieve maximum utilization of authorized positions
10 within agencies.

11 **SECTION 2.** ORS 182.472 is amended to read:

12 182.472. Not later than [*January 1*] **April 1** of each even-numbered year, each board subject to
13 ORS 182.456 to 182.472 shall submit a report to the Governor, the President of the Senate, the
14 Speaker of the House of Representatives and the Legislative Fiscal Officer. The Legislative Fiscal
15 Officer shall review the reports and shall prepare and submit a statement of findings and conclu-
16 sions to the Joint Legislative Audit Committee **and the Joint Committee on Ways and Means.**
17 The report must include the following:

18 (1) A copy of the most recent audit or financial review of the board.

19 (2) A copy of the actual budget for the prior biennium and a copy of the board's adopted budget
20 for the biennium in which the report is made. The budget documents must show:

21 (a) The beginning balance and ending balance for each of the two biennia;

22 (b) A description of material changes between the two biennia;

23 (c) A description of the public hearing process used to establish the budget adopted for the
24 current biennium; and

25 (d) A description of current fees and proposed changes to fees, along with information support-
26 ing the amounts of the current fees and any proposed changes to the fees.

27 (3) A description of all temporary and permanent rules adopted by the board [*since the last report*
28 *was submitted*] **during the prior biennium.**

29 (4) A description of board actions promoting consumer protection that were taken [*since the last*
30 *report was submitted*] **during the prior biennium.**

31 (5) If the board issues licenses, a description of the board's licensing activities performed [*since*
32 *the last report*] **during the prior biennium** that is adequate to allow evaluation of the board's per-
33 formance of its licensing responsibilities, including:

34 (a) The number of license applications;

35 (b) The number of licenses issued;

36 (c) The number of examinations conducted;

37 (d) The average time between application for and issuance of licenses;

38 (e) The number and types of complaints received about persons holding licenses;

39 (f) The number and types of investigations conducted;

40 (g) The number and types of resolutions of complaints;

41 (h) The number and type of sanctions imposed; and

42 (i) The number of days between beginning an investigation and reaching a resolution.

43 (6) A description of all other actions taken [*since the last report*] **during the prior biennium** in
44 the performance of the board's statutory responsibilities that is adequate to allow evaluation of the
45 board's performance.

1 **SECTION 3.** The amendments to ORS 182.472 by section 2 of this 2010 Act apply to re-
 2 ports, audits and financial reviews required to be submitted on or after the effective date of
 3 this 2010 Act.

4 **SECTION 4.** Section 7, chapter 218, Oregon Laws 2007, is amended to read:

5 **Sec. 7.** (1) The amendments to ORS 182.464 and 182.472 by sections 1 and 2 [*of this 2007 Act*],
 6 chapter 218, Oregon Laws 2007, apply to financial review schedules for financial reviews to be
 7 included in reports to be submitted to the Governor and the Legislative Assembly [*not later than the*
 8 *date on which the Seventy-fifth Legislative Assembly convenes*] on or after **January 12, 2009**.

9 (2) The amendments to ORS 297.210 by section 3 [*of this 2007 Act*], **chapter 218, Oregon Laws**
 10 **2007**, apply to audits or reviews required to be made of an institution or department of state gov-
 11 ernment when the executive head of the institution or department retires on or after [*the effective*
 12 *date of this 2007 Act*] **May 30, 2007**.

13 (3) The amendments to ORS 406.085 by section 4 [*of this 2007 Act*], **chapter 218, Oregon Laws**
 14 **2007**, apply to disbursements made from the Conservatorship Revolving Account on or after [*the ef-*
 15 *fective date of this 2007 Act*] **May 30, 2007**.

16 (4) The repeal of ORS 206.320 by section 6 [*of this 2007 Act*], **chapter 218, Oregon Laws 2007**,
 17 applies to services performed by a sheriff on behalf of the state on or after [*the effective date of this*
 18 *2007 Act*] **May 30, 2007**.

19 **SECTION 5.** Section 24, chapter 906, Oregon Laws 2009, is amended to read:

20 **Sec. 24.** (1) The Legislative Assembly finds that:

21 (a) The Oregon judicial system is an essential component of the public safety system that fosters
 22 an orderly and stable environment in which business can develop and thrive.

23 (b) Construction and maintenance of **county** court facilities is necessary so that the judicial
 24 system can continue to function effectively.

25 (c) The factors described in paragraphs (a) and (b) of this subsection will create construction
 26 jobs and encourage and promote economic development through the maintenance of an orderly and
 27 stable business environment, and the issuance of lottery bonds for the purpose described in sub-
 28 section (3) of this section is therefore an appropriate use of state lottery funds under section 4,
 29 Article XV of the Oregon Constitution, and ORS 461.510.

30 (2) For the biennium beginning July 1, 2009, at the request of the Oregon Department of Ad-
 31 ministrative Services, after consultation with the Judicial Department, the State Treasurer is au-
 32 thorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount not to exceed
 33 net proceeds of \$11,271,656 for the purpose described in subsection (3) of this section, plus an addi-
 34 tional amount, to be estimated by the State Treasurer, for payment of bond-related costs.

35 (3) Net proceeds of bonds issued pursuant to this section shall be deposited in the Oregon Ju-
 36 dicial Facilities Fund to finance construction and maintenance of **county** court facilities.

37 (4) Bond-related costs for the lottery bonds authorized by this section must be paid from the
 38 gross proceeds of the lottery bonds and from allocations for the purposes of ORS 286A.576 (1)(c).

39 **SECTION 6.** Section 25, chapter 906, Oregon Laws 2009, is amended to read:

40 **Sec. 25.** The Oregon Judicial Facilities Fund is established in the State Treasury, separate and
 41 distinct from the General Fund. The Oregon Judicial Facilities Fund shall consist of moneys depos-
 42 ited in the fund under section 24 [*of this 2009 Act*], **chapter 906, Oregon Laws 2009**. The moneys
 43 in the Oregon Judicial Facilities Fund and the interest earnings on moneys in the fund are contin-
 44 uously appropriated to the Oregon Department of Administrative Services for [*disbursement to*
 45 *Oregon counties to finance*] **the purpose of financing** construction and maintenance of **county** court

1 facilities.

2 **SECTION 7. This 2010 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
4 **on its passage.**

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