

# Enrolled House Bill 5050

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 sections 1, 2 and 7, chapter 727, Oregon Laws 2009, and section 87, chapter 95, Oregon Laws 2010; appropriating money; limiting expenditures; and declaring an emergency.

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

**SECTION 1.** (1) 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, is increased by \$16,933,881 for the State School Fund.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 635, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Department of Education, is increased by \$18,610,922 for the State School Fund.

**SECTION 2.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (6), chapter 657, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Department of Administrative Services, is increased by \$8,000,000 for prepayment of debt service.

**SECTION 3.** (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (1), chapter 723, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$12,426,997 for operations.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (2), chapter 723, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$500,000 for mandated payments.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (3), chapter 723, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$436,717 for debt service.

**SECTION 4.** (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (1), chapter 684, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$110,000 for the appellate division.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (2), chapter 684, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$905,000 for trial-level public defense.

**SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation made to the Commission on Judicial Fitness and Disability by section 1 (2), chapter 672, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$20,941 for extraordinary expenditures.

**SECTION 6.** (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (4), chapter 734, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$1,254,911 for capital debt service and related costs.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (1), chapter 734, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$62,517 for administration.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (2), chapter 734, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$220,163 for operations.

(4) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter 734, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$750,341 for community support.

**SECTION 7.** Notwithstanding any other provision of law, the General Fund appropriation made to the Employment Relations Board by section 1, chapter 666, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$23,380 for restoration of administrative law judge and mediation services.

**SECTION 8.** (1) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 49, chapter 95, Oregon Laws 2010, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Legislative Fiscal Officer from the Judicial System Surcharge Account, is decreased by \$2,484 for contracting expenses of the Joint Interim Committee on State Justice System Revenues created by section 39, chapter 659, Oregon Laws 2009.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 676, Oregon Laws 2009, as amended by section 28 (1), chapter 95, Oregon Laws 2010, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Legislative Administration Committee, is decreased by \$37,769 for expenses of the Joint Interim Committee on State Justice System Revenues created by section 39, chapter 659, Oregon Laws 2009.

**SECTION 9.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter 670, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon University System, is increased by \$17,398,584 for education and general services of higher education.

**SECTION 10.** (1) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 47 (2), chapter 910, Oregon Laws 2009, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, as the maximum limit for payment of expenses from federal funds collected or received by the Oregon University System, is increased by \$17,645,677.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 47 (3), chapter 910, Oregon Laws 2009, for the fiscal year beginning

July 1, 2010, and ending June 30, 2011, as the maximum limit for payment of expenses from federal funds collected or received by the Oregon University System, is decreased by \$15,777,188.

**SECTION 11.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1, chapter 154, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Board of Licensed Professional Counselors and Therapists, is increased by \$136,750.

**SECTION 12.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (3), chapter 729, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses, other than expenses described in sections 6 and 10, chapter 729, Oregon Laws 2009, from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education, is increased by \$1,033,857 for the Youth Corrections Education Program.

**SECTION 13.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Justice by section 1 (1), chapter 728, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$93,605 for paying expenses of district attorneys and their deputies.

**SECTION 14.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Justice by section 1, chapter 673, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$343,066.

**SECTION 15.** (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (1), chapter 860, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$20,899,977 for operations and health services.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (2), chapter 860, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$779,665 for administration, public services, general services and human resources.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (3), chapter 860, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$1,409,978 for transitional services.

(4) Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (5), chapter 860, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by \$1,112,635 for debt service.

**SECTION 16.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (3), chapter 732, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$1,062,254 for community mental health services for adults and children not eligible for Medicaid.

**SECTION 17.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (4), chapter 732, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by the following amounts for the following purposes:

- (1) \$294,749 for Medicaid in-home services.
- (2) \$443,176 for case management for children with developmental disabilities.
- (3) \$1,600,662 for Oregon Project Independence.
- (4) \$334,552 for Medicaid targeted case management services for persons with developmental disabilities.
- (5) \$490,909 for the developmental disabilities family support program.

**SECTION 18.** Notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2009, for the Secretary of State are changed by the amounts specified:

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Agency/Program/Funds	2009 Oregon Laws Chapter/ Section	Adjustment
<b>Executive Office, Business Services Division, Information Systems Division and Human Resources Division</b>		
General Fund	ch. 656 1(1)	+\$52,329
Other funds	ch. 656 2(1)	-\$695,548
<b>Elections Division</b>		
General Fund	ch. 656 1(2)	-\$248,981
<b>Archives Division</b>		
General Fund	ch. 656 1(3)	-\$56,258
<b>Corporation Division</b>		
Other funds	ch. 656 2(5)	-\$50,000

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**SECTION 19.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of State Lands, for the biennium beginning July 1, 2009, out of the General Fund, the amount of \$2,025,939 for expenses related to expert witness fees for the Portland Harbor.

**SECTION 20.** Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter 730, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$3,657,675 for costs associated with contracting for large air tankers and helicopters to supplement fire suppression resources for the 2009 fire season and to pay the 2010 fire insurance premium.

**SECTION 21.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Youth Authority by section 1 (1), chapter 725, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$3,160,000 for operations.

**SECTION 22.** (1) Notwithstanding any other provision of law, the General Fund appropriation made to the State Board of Parole and Post-Prison Supervision by section 1, chapter 681, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$85,000.

(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2, chapter 681, Oregon Laws 2009, for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Board of Parole and Post-Prison Supervision, is increased by \$11,000.

**SECTION 23.** 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 \$606,754 for transition costs and other services provided to blind and visually impaired students and for the closure and disposition of the Oregon School for the Blind.

**SECTION 24.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2009, out

of the General Fund, the amount of \$268,944 for transition costs and other services provided to blind and visually impaired students.

**SECTION 25.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 6, chapter 635, Oregon Laws 2009, for the biennium beginning July 1, 2009, for the Local Option Equalization Grants Account, is increased by \$817,663.

**SECTION 26.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (1), chapter 729, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$1,007,740 for early intervention services and early childhood special education programs.

**SECTION 27.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (5), chapter 729, Oregon Laws 2009, for the biennium beginning July 1, 2009, is increased by \$996,532 for the Oregon prekindergarten program.

**SECTION 28.** Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 51 (4), chapter 910, Oregon Laws 2009, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as the maximum limit for payment of expenses from federal funds collected or received by the Department of Education for the State School Fund, is decreased by \$1,868,489.

**SECTION 29.** Notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2009, for the Legislative Assembly are changed by the amounts specified:

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Agency/Program/Funds	2009 Oregon Laws Chapter/ Section	Adjustment
<b>Legislative Administration:</b>		
General Fund	ch. 676 1(1)	-\$174,338
General Fund	ch. 676 1(2)	-\$650,000
Other Funds	ch. 676 2(1)	+\$596,857
	as amended by	
	ch. 95 28	
	OL 2010	
Other Funds		
- debt service	ch. 676 2(2)	+\$650,000
	as amended by	
	ch. 95 28	
	OL 2010	
<b>Legislative Assembly:</b>		
General Fund	ch. 676 4	-\$234,861
General Fund	ch. 676 5 (1)	-\$684,283
General Fund	ch. 676 5 (2)	+\$326,493
<b>Legislative Fiscal Officer:</b>		
General Fund	ch. 676 13	-\$234,659
<b>Legislative Revenue Officer:</b>		
General Fund	ch. 676 14	-\$50,000
<b>Legislative Counsel Committee:</b>		
General Fund	ch. 676 9	-\$600,058
Other Funds	ch. 676 10	+\$532,000

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**SECTION 30.** Section 87, chapter 95, Oregon Laws 2010, is amended to read:

**Sec. 87.** (1) Notwithstanding any other law limiting expenditures, the amount of [~~\$2,694,971~~] **\$2,285,775** is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Department of Administrative Services, for debt service on projects funded with certificates of participation sold under chapter 2, Oregon Laws 2009.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Department of Administrative Services by section 4 (1), chapter 910, Oregon Laws 2009, for the biennium beginning July 1, 2009, is decreased by [~~\$2,694,971~~] **\$2,608,843**.

**SECTION 31.** Section 1, chapter 727, Oregon Laws 2009, is amended to read:

**Sec. 1.** There are appropriated to the Department of Community Colleges and Workforce Development, for the biennium beginning July 1, 2009, out of the General Fund, the following amounts for the following purposes:

- (1) Operations..... \$ 3,993,769
- (2) Community College Support Fund  
for distribution to community  
college districts and community  
college service districts..... \$ 450,500,000
- (3) Targeted education and  
workforce programs..... \$ 1,932,014
- (4) Debt service on the outstanding  
general obligation bonds sold  
pursuant to Article XI-G  
[of the Oregon Constitution ..... \$ 7,974,203]  
**of the Oregon Constitution..... \$ 7,888,075**

**SECTION 32.** Section 2, chapter 727, Oregon Laws 2009, is amended to read:

**Sec. 2.** Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2009, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds, federal funds and those funds described in section 6, **chapter 727, Oregon Laws 2009** [of this 2009 Act], collected or received by the Department of Community Colleges and Workforce Development, for the following purposes:

- (1) Department of Community  
Colleges and Workforce  
Development..... \$ 3,267,956
- (2) Oregon Youth Conservation  
Corps..... \$ 2,744,510
- [(3) Debt service..... \$ 2,764,688]
- (3) Debt service..... \$ 3,173,884**

**SECTION 33.** Section 7, chapter 727, Oregon Laws 2009, is amended to read:

**Sec. 7.** Notwithstanding any other law limiting expenditures, the amount of [~~\$7,911,324~~] **\$7,588,256** is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses by the Department of Community Colleges and Workforce Development from lottery moneys allocated from the Administrative Services Economic Development Fund to the department for debt service on lottery bonds.

**SECTION 34.** Notwithstanding any other law limiting expenditures, the amount of **\$323,068** is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses by the Oregon Department of Administrative Services from lottery moneys allocated from the Administrative Services Economic Development Fund for debt

service and related costs on certificates of participation for projects authorized under chapter 2, Oregon Laws 2009.

**SECTION 35.** 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 February 28, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate March 1, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

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

**Approved:**

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

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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