

A-Engrossed
House Bill 5054

Ordered by the House June 21
Including House Amendments dated June 21

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)

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.

[Appropriates moneys from General Fund to _____ for biennial expenses.]
[Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____.]

[Limits biennial expenditures of _____ from federal funds.]
Authorizes expenditures for obligations incurred by state agencies on or after July 1, 2011, that do not exceed specified levels. Appropriates moneys for expenditures. Authorizes payments for debt service, certificates of participation and other financing agreements during period commencing July 1, 2011.

Authorizes specific expenditures for Oregon Health Authority.
Applies to any state agency for which no budget has become law on or before July 1, 2011.
Sunsets August 15, 2011.
Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to state financial administration; appropriating money; and declaring an emergency.

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

4 **SECTION 1. As used in sections 1 to 4 of this 2011 Act, "state agency" means every state**
5 **officer, board, commission, department, institution, branch or agency of the state govern-**
6 **ment, the costs of which are paid wholly or in part from funds held in the State Treasury.**

7 **SECTION 2. (1) Notwithstanding ORS 291.232 to 291.260, and subject to section 5 of this**
8 **2011 Act and any rule that may be adopted by the Oregon Department of Administrative**
9 **Services, any obligations incurred by a state agency on or after July 1, 2011, that do not ex-**
10 **ceed the level of expenditures authorized under ORS 291.232 to 291.260 or otherwise author-**
11 **ized for the last quarter of the 2009-2011 biennium are authorized, and necessary funds are**
12 **appropriated therefor, unless the Oregon Department of Administrative Services determines**
13 **that the state agency's expenditure level should be modified, based on pending legislation.**

14 **(2) The Oregon Department of Administrative Services by rule shall specify the means**
15 **whereby funds expended pursuant to subsection (1) of this section or section 5 of this 2011**
16 **Act are reconciled and charged to the state agency's 2011-2013 legislatively approved budget**
17 **during the 2011-2013 biennium.**

18 **(3) All payments for debt service, certificates of participation and other financing agree-**
19 **ments are hereby authorized during the period commencing July 1, 2011.**

20 **SECTION 3. Sections 1 to 5 of this 2011 Act apply to a state agency for which no budget**
21 **has become law on or before July 1, 2011.**

22 **SECTION 4. (1)(a) If there is no 2011-2013 legislatively adopted budget upon final**

Note: For budget, see 2011-2013 Biennial Budget

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 adjournment of the regular session of the Seventy-sixth Legislative Assembly against which
2 any expenditure authorized by section 2 (1) or 5 of this 2011 Act can be applied, the expend-
3 iture shall be considered to have been made from funds appropriated to the Oregon Depart-
4 ment of Administrative Services.

5 (b) For the purpose of paying the incurred expenses of state agencies, there is appropri-
6 ated to the Oregon Department of Administrative Services any cash or other funds remain-
7 ing in the accounts of the state agency for which no budget has been adopted and for which
8 no expenditure authority exists when the Legislative Assembly adjourns sine die.

9 (c) The Oregon Department of Administrative Services may apply for reimbursement
10 from the Emergency Board of any expenditure made under this subsection during the
11 2011-2013 biennium.

12 (2)(a) If, after final adjournment of the regular session of the Seventy-sixth Legislative
13 Assembly, the Governor vetoes a legislatively adopted budget against which any expenditure
14 authorized by section 2 (1) or 5 of this 2011 Act can be applied, the expenditure shall be
15 considered to have been made from funds appropriated to the Oregon Department of Ad-
16 ministrative Services.

17 (b) For the purpose of paying the incurred expenses of state agencies, there is appropri-
18 ated to the Oregon Department of Administrative Services any cash or other funds remain-
19 ing in the accounts of the state agency for which a legislatively adopted budget has been
20 vetoed and for which no expenditure authority exists when the Governor vetoes the budget.

21 (c) The Oregon Department of Administrative Services may apply for reimbursement
22 from the Emergency Board of any expenditure made under this subsection during the
23 2011-2013 biennium.

24 SECTION 5. (1) Notwithstanding ORS 291.232 to 291.260, and subject to any rule that may
25 be adopted by the Oregon Department of Administrative Services, any obligations incurred
26 by the Oregon Health Authority on or after July 1, 2011, are authorized as provided in this
27 section, and necessary funds are appropriated therefor, unless the Oregon Department of
28 Administrative Services determines that the authority's expenditure level should be modified,
29 based on pending legislation.

30 (2) Any obligations incurred by the Oregon Health Authority on or after July 1, 2011, in-
31 volving the costs of administration and enforcement of duties, functions and powers trans-
32 ferred from the Department of Human Services to the Oregon Health Authority as described
33 in section 1, chapter 901, Oregon Laws 2009, that do not exceed the level of expenditures
34 authorized for the department under ORS 291.232 to 291.260 or otherwise authorized for the
35 department for the seventh quarter of the 2009-2011 biennium, are authorized.

36 (3) Any obligations incurred by the Oregon Health Authority on or after July 1, 2011, in-
37 volving the costs of administration and enforcement of duties, functions and powers trans-
38 ferred from the Oregon Department of Administrative Services to the Oregon Health
39 Authority as described in section 2, chapter 901, Oregon Laws 2009, that do not exceed the
40 level of expenditures authorized for the department under ORS 291.232 to 291.260 or other-
41 wise authorized for the department for the last quarter of the 2009-2011 biennium, are au-
42 thorized.

43 (4) Any obligations incurred by the Oregon Health Authority on or after July 1, 2011, in-
44 volving the costs of administration and enforcement of duties, functions and powers trans-
45 ferred from the Department of Consumer and Business Services to the Oregon Health

1 Authority as described in section 3, chapter 901, Oregon Laws 2009, that do not exceed the
2 level of expenditures authorized for the department under ORS 291.232 to 291.260 or other-
3 wise authorized for the department for the last quarter of the 2009-2011 biennium, are au-
4 thorized.

5 (5) Any obligations incurred by the Oregon Health Authority on or after July 1, 2011, in-
6 volving the costs of administration and enforcement of duties, functions and powers trans-
7 ferred from the Office of Private Health Partnerships to the Oregon Health Authority as
8 described in section 4, chapter 901, Oregon Laws 2009, that do not exceed the level of
9 expenditures authorized for the office under ORS 291.232 to 291.260 or otherwise authorized
10 for the office for the last quarter of the 2009-2011 biennium, are authorized.

11 SECTION 6. Sections 1 to 5 of this 2011 Act are repealed on August 15, 2011.

12 SECTION 7. This 2011 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
14 July 1, 2011.