

**A-Engrossed**  
**House Bill 5055**

Ordered by the House June 20  
Including House Amendments dated June 20

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.]*

*[Declares emergency, effective July 1, 2011.]*

**Transfers, for biennia beginning July 1, 2009, and July 1, 2011, moneys from Education Stability Fund to State School Fund.**

**Limits, for biennia beginning July 1, 2009, and July 1, 2011, expenditures from lottery moneys transferred from Education Stability Fund to State School Fund.**

**Appropriates moneys from General Fund to Department of Education for certain special education services.**

**Appropriates moneys from General Fund to Emergency Board for certain purposes.**

**Adjusts appropriations made from General Fund to specified agencies for biennia beginning July 1, 2009, and July 1, 2011.**

**Increases amounts Department of Education may spend for fiscal years beginning July 1, 2011, and July 1, 2012.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to state financial administration; creating new provisions; amending section 5, chapter 20,  
3 Oregon Laws 2011 (Enrolled Senate Bill 5552), and section 3, chapter 21, Oregon Laws 2011  
4 (Enrolled Senate Bill 5553); appropriating money; limiting expenditures; declaring an emergency;  
5 and providing for transfer of moneys from the Education Stability Fund that requires approval  
6 by a three-fifths majority.

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

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

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

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

19 **(2) On May 1, 2013, the State Treasurer shall transfer \$82,239,000 from the Education**

**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 **Stability Fund established under section 4 (4)(d), Article XV of the Oregon Constitution, and**  
2 **ORS 348.696 to the State School Fund established by ORS 327.008 for the biennium beginning**  
3 **July 1, 2011.**

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

6 **Sec. 3.** (1) Based on the findings in section 1, **chapter 21, Oregon Laws 2011 (Enrolled Senate**  
7 **Bill 5553)** [of this 2011 Act], and pursuant to section 4 (6), Article XV of the Oregon Constitution,  
8 on [October 1, 2011] **June 1, 2012**, the State Treasurer shall transfer \$100 million from the Education  
9 Stability Fund established under section 4 (4)(d), Article XV of the Oregon Constitution, and ORS  
10 348.696 to the 2011-2012 School Year Subaccount established by section 2, **chapter 21, Oregon**  
11 **Laws 2011 (Enrolled Senate Bill 5553)** [of this 2011 Act].

12 (2) Moneys transferred under this section may be used in the manner provided by section 5,  
13 **chapter 21, Oregon Laws 2011 (Enrolled Senate Bill 5553)**, [of this 2011 Act] for moneys in the  
14 2011-2012 School Year Subaccount.

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

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

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

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

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

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

39 (2) In addition to those moneys distributed through the State School Fund based on the  
40 calculations made under ORS 327.013 (1)(c)(A)(i), the Department of Education shall distrib-  
41 ute amounts appropriated to the department under subsection (1) of this section to school  
42 districts exclusively for the purpose of providing special education services. The amounts  
43 shall be distributed based on the weighted average daily membership calculated under ORS  
44 327.013 (1)(c)(A)(i).

45 **SECTION 10.** Notwithstanding any other law limiting expenditures, for the biennium be-

1 ginning July 1, 2011, the maximum limit for payment of expenses by the Department of Ed-  
2 ucation from lottery moneys transferred from the Education Stability Fund to the State  
3 School Fund under section 2 (2) of this 2011 Act is \$82,239,000.

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

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

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

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

20 **SECTION 13.** Notwithstanding any other provision of law, the General Fund appropriation  
21 made to the Oregon University System by section 1 (2), chapter \_\_\_\_, Oregon Laws 2011  
22 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2011, is increased by \$1,580,000  
23 for the agricultural experiment station and the branch experiment stations of Oregon State  
24 University.

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

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

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

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

41 **SECTION 18.** If Senate Bill 453 becomes law, notwithstanding any other provision of law,  
42 the General Fund appropriation made to the Department of Education by section 1, chapter  
43 20, Oregon Laws 2011 (Enrolled Senate Bill 5552), for the biennium beginning July 1, 2011, is  
44 increased by \$8,660,000 for the State School Fund.

45 **SECTION 19.** Notwithstanding any other provision of law, the General Fund appropriation

1 made to the Department of Education by section 2 (10), chapter \_\_\_\_\_, Oregon Laws 2011  
2 (Enrolled House Bill 5020), for the biennium beginning July 1, 2011, is increased by \$16,500,000  
3 for the Oregon prekindergarten program.

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

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

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

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

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

17 \_\_\_\_\_