

SENATE AMENDMENTS TO SENATE BILL 5553

By JOINT COMMITTEE ON WAYS AND MEANS

April 8

1 In line 2 of the printed bill, after “administration” delete the rest of the line and line 3 and in-
2 sert “; appropriating money; declaring an emergency; and providing for transfer of moneys from the
3 Education Stability Fund that requires approval by a three-fifths majority.”.

4 Delete lines 5 through 16 and insert:

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

9 **“SECTION 2. (1) The 2011-2012 School Year Subaccount is established within the State**
10 **School Fund. The Department of Education shall maintain separate records for moneys in**
11 **the subaccount.**

12 **“(2) The 2011-2012 School Year Subaccount consists of moneys appropriated to the sub-**
13 **account, moneys transferred to the subaccount as provided by section 3 of this 2011 Act and**
14 **moneys allocated to the subaccount by the Emergency Board.**

15 **“(3) Moneys in the 2011-2012 School Year Subaccount are continuously appropriated to**
16 **the Department of Education for distribution as provided by section 5 of this 2011 Act.**

17 **“SECTION 3. (1) Based on the findings in section 1 of this 2011 Act, and pursuant to**
18 **section 4 (6), Article XV of the Oregon Constitution, on October 1, 2011, the State Treasurer**
19 **shall transfer \$100 million from the Education Stability Fund established under section 4**
20 **(4)(d), Article XV of the Oregon Constitution, and ORS 348.696 to the 2011-2012 School Year**
21 **Subaccount established by section 2 of this 2011 Act.**

22 **“(2) Moneys transferred under this section may be used in the manner provided by sec-**
23 **tion 5 of this 2011 Act for moneys in the 2011-2012 School Year Subaccount.**

24 **“SECTION 4. Notwithstanding section 3 of this 2011 Act, for purposes of making the**
25 **transfer of moneys from the Education Stability Fund to the 2011-2012 School Year Subac-**
26 **count required by section 3 of this 2011 Act, the State Treasurer may not:**

27 **“(1) Divert declared earnings on moneys in the Education Stability Fund;**

28 **“(2) Divert moneys that would otherwise be transferred to the Oregon Growth Account**
29 **or the Oregon Resource and Technology Development Subaccount; or**

30 **“(3) Reduce the amount of moneys in the Oregon Growth Account or the Oregon Re-**
31 **source and Technology Development Subaccount.**

32 **“SECTION 5. (1) In addition to those moneys distributed through the State School Fund,**
33 **the Department of Education shall distribute amounts from the 2011-2012 School Year Sub-**
34 **account established by section 2 of this 2011 Act to school districts, the Youth Corrections**
35 **Education Program and the Juvenile Detention Education Program for the purposes de-**

1 scribed in section 9 of this 2011 Act.

2 “(2)(a) Notwithstanding ORS 338.155 (9), the Department of Education may not transfer
3 an amount under this section directly to a public charter school.

4 “(b) A school district that receives an amount under this section may transfer a portion
5 of the amount to a public charter school based on the charter of the school or any other
6 agreement between the school district and the public charter school.

7 “(c) A public charter school that receives an amount under this subsection shall use
8 those funds for the purposes specified in section 9 of this 2011 Act.

9 “(3)(a) The amount to be transferred under this section to each program or school dis-
10 trict = the program’s or school district’s ADMw × (the total amount available for distrib-
11 ution to programs and school districts under this section ÷ the total statewide ADMw of
12 all programs and school districts).

13 “(b) As used in this subsection, ‘ADMw’ means ADMw based upon the collection of
14 2011-2012 average daily membership as reported to the Department of Education by school
15 districts and programs and the most recent collections of all other components of ADMw in
16 July 2011.

17 “SECTION 6. Section 5 of this 2011 Act applies only to distributions made to school dis-
18 tricts and programs for the 2011-2012 school year.

19 “SECTION 7. Section 2 of this 2011 Act is repealed on July 1, 2014.

20 “SECTION 8. On the date immediately prior to the date of repeal specified in section 7
21 of this 2011 Act, the State Treasurer or the Department of Education shall transfer to the
22 Education Stability Fund any moneys remaining in the 2011-2012 School Year Subaccount
23 established by section 2 of this 2011 Act for deposit in the Education Stability Fund.

24 “SECTION 9. (1) School districts, the Youth Corrections Education Program and the Ju-
25 venile Detention Education Program shall use moneys distributed from the 2011-2012 School
26 Year Subaccount for activities to support smaller class sizes or for the enhancement of
27 learning opportunities, including but not limited to increasing the number of school days for
28 the 2011-2012 school year.

29 “(2) Not later than January 15, 2012, each school district, the Youth Corrections Educa-
30 tion Program and the Juvenile Detention Education Program shall file with the President
31 of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Office
32 a report that describes the plan of the school district or program to comply with the re-
33 quirements of subsection (1) of this section. The report shall include proof of compliance with
34 the plan.

35 “(3) The Legislative Fiscal Office shall review the reports filed under subsection (2) of
36 this section to determine whether the school district, the Youth Corrections Education
37 Program and the Juvenile Detention Education Program have complied with the require-
38 ments of subsection (1) of this section. If the Legislative Fiscal Office makes a preliminary
39 determination that a school district or program has not complied with subsection (1) of this
40 section, the office shall notify the Joint Committee on Ways and Means, the Joint Legislative
41 Audit Committee, the Joint Interim Committee on Ways and Means or the Emergency
42 Board.

43 “(4) If the Joint Committee on Ways and Means, the Joint Legislative Audit Committee,
44 the Joint Interim Committee on Ways and Means or the Emergency Board makes a final
45 determination that a school district, the Youth Corrections Education Program or the Ju-

1 juvenile Detention Education Program has not complied with subsection (1) of this section, the
2 joint committee or Emergency Board shall notify the Governor.

3 “(5) If the Governor determines that a school district, the Youth Corrections Education
4 Program or the Juvenile Detention Education Program has not complied with subsection (1)
5 of this section, the Governor shall notify the Department of Education of the Governor’s
6 determination.

7 “(6) Upon receiving notice from the Governor under subsection (5) of this section, the
8 department shall reduce payments made to the school district or program from the State
9 School Fund for the 2011-2012 school year or the 2012-2013 school year, if necessary, in an
10 amount equal to the amount distributed to the school district or program under section 5
11 of this 2011 Act. If the department receives any moneys from a school district or program
12 as a result of reduced payments made pursuant to this subsection, the department or the
13 State Treasurer shall transfer the moneys to the Education Stability Fund at the time that
14 the department makes the final State School Fund payments to school districts for the
15 2011-2012 and 2012-2013 school years.

16 “SECTION 10. This 2011 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
18 July 1, 2011.”.

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