

A-Engrossed
House Bill 2837

Ordered by the House March 27
Including House Amendments dated March 27

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.

Increases allocation to Department of Corrections from Criminal Fine Account for planning, operating and maintaining county juvenile and adult corrections programs and facilities.

Modifies purposes and methodology for determining amount of certain allocations from Criminal Fine Account.

Expands scope of purposes for which certain moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Department of Corrections during biennium beginning July 1, 2011, may be spent.

Decreases allocations made from Administrative Services Economic Development Fund, for biennium beginning July 1, 2011, to Oregon Business Development Department, Department of Education for State School Fund, office of the Governor, Sports Lottery Account and Oregon Department of Administrative Services for distribution to counties for economic development activities, Problem Gambling Treatment Fund, County Fair Account and Oregon Department of Administrative Services for transfer to State Department of Agriculture.

Transfers moneys from Wage Security Fund to General Fund for general governmental purposes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state financial administration; creating new provisions; amending ORS 137.300 and sec-
3 tion 58, chapter 597, Oregon Laws 2011, and section 2, chapter 631, Oregon Laws 2011; and de-
4 claring an emergency.

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

6 **SECTION 1. (1) Notwithstanding any other law allocating moneys from the Criminal Fine**
7 **Account, the allocation to the Department of Corrections established by section 58 (2),**
8 **chapter 597, Oregon Laws 2011, as amended by section 3 of this 2013 Act, for the period be-**
9 **ginning January 1, 2012, and ending June 30, 2013, is increased by \$3,053,176 for the purpose**
10 **of planning, operating and maintaining county juvenile and adult corrections programs and**
11 **facilities and drug and alcohol programs.**

12 **(2) Notwithstanding ORS 137.300 (7), the Department of Revenue shall distribute the full**
13 **amount of the increased allocation provided for in this section to the Department of Cor-**
14 **rections as soon as possible after the effective date of this 2013 Act.**

15 **SECTION 2. ORS 137.300, as amended by section 14, chapter 89, Oregon Laws 2012, is amended**
16 **to read:**

17 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
18 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
19 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
20 priated to the Department of Revenue to be distributed by the Department of Revenue as provided

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 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
2 of the account.

3 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
4 following purposes, in the following order of priority:

5 (a) Allocations for public safety standards, training and facilities.

6 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
7 dren reasonably suspected of being victims of crime.

8 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
9 limited to, services of the State Medical Examiner.

10 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

11 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
12 allocate moneys from the Criminal Fine Account for the following purposes:

13 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
14 414.815.

15 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

16 (c) Allocations to the Department of Corrections for *[community corrections grants under ORS*
17 *423.520]* **the purpose of planning, operating and maintaining county juvenile and adult cor-**
18 **rections programs and facilities and drug and alcohol programs.**

19 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
20 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
21 vention and treatment services provided through a county.

22 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
23 ing to driving under the influence of intoxicants.

24 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

25 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

26 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
27 under subsection (3) of this section be consistent with historical funding of the entities, programs
28 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
29 proceedings. **Amounts that are allocated under subsection (3)(c) and (d) of this section shall**
30 **be distributed to counties based on the amounts that were transferred to counties by circuit,**
31 **justice and municipal courts during the 2009-2011 biennium under the provisions of ORS**
32 **137.308, as in effect January 1, 2011.**

33 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
34 obligations.

35 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
36 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have
37 been made.

38 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
39 Criminal Fine Account. The department may not distribute more than one-eighth of the total
40 biennial allocation to an entity during a calendar quarter.

41 **SECTION 3.** Section 58, chapter 597, Oregon Laws 2011, is amended to read:

42 **Sec. 58.** (1) There is allocated \$506,244 from the Criminal Fine Account to the Law Enforcement
43 Medical Liability Account established under ORS 414.815 for the period beginning January 1, 2012,
44 and ending June 30, 2013.

45 (2) There is allocated \$3,223,179 from the Criminal Fine Account to the Department of Cor-

rections for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of planning, operating and maintaining county juvenile and adult corrections programs and facilities **and drug and alcohol programs.** [The grant to each county shall be based on amounts deposited in the Criminal Fine and Assessment Account by the circuit court for the county in the 2009-2011 biennium.]

(3) There is allocated \$42,884 from the Criminal Fine Account to the Oregon Health Authority for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of grants under ORS 430.345 for the establishment, operation and maintenance of alcohol and drug abuse prevention, early intervention and treatment services provided through a county.

(4) There is allocated \$190,004 from the Criminal Fine Account to the Oregon State Police for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of the enforcement of the laws relating to driving under the influence of intoxicants.

(5) There is allocated \$22,500 from the Criminal Fine Account to the Arrest and Return Account established under ORS 133.865 for the period beginning January 1, 2012, and ending June 30, 2013.

(6) There is allocated \$699,000 from the Criminal Fine Account to the Intoxicated Driver Program Fund created under ORS 813.270 for the period beginning January 1, 2012, and ending June 30, 2013.

SECTION 4. Section 2, chapter 631, Oregon Laws 2011, is amended to read:

Sec 2. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2011, as the maximum limits 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 Department of Corrections, for the following purposes:

- (1) Operations and health services \$ 9,522,269
- (2) Administration, public services
and general services..... \$ 6,968,970
- (3) Transitional services..... \$ 9,038,775
- (4) Community corrections;
**Planning, operating and
maintaining county juvenile
and adult corrections programs
and facilities; Drug and
alcohol programs** \$ 2,123,773

SECTION 5. The amendments to section 58, chapter 597, Oregon Laws 2011, by section 3 of this 2013 Act apply to all unexpended amounts distributed to counties by the Department of Corrections pursuant to section 58, chapter 597, Oregon Laws 2011.

SECTION 6. (1) Notwithstanding any other law allocating moneys from the Administrative Services Economic Development Fund, the allocation to the Oregon Business Development Department established by section 3 (1), chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011, as modified by legislative action, is decreased by \$145,632.

(2) Notwithstanding any other law allocating moneys from the Administrative Services Economic Development Fund, the allocation to the Oregon Business Development Department established by section 3 (2), chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011, as modified by legislative action, is decreased by \$990,130.

(3) Notwithstanding any other law allocating moneys from the Administrative Services Economic Development Fund, the allocation to the Oregon Business Development Depart-

1 ment established by section 3 (3), chapter 622, Oregon Laws 2011, for the biennium beginning
2 July 1, 2011, as modified by legislative action, is decreased by \$24,548.

3 **SECTION 7.** Notwithstanding any other law allocating moneys from the Administrative
4 Services Economic Development Fund, the allocation to the Department of Education, for
5 the State School Fund, established by section 4, chapter 622, Oregon Laws 2011, for the
6 biennium beginning July 1, 2011, as modified by legislative action, is decreased by \$8,096,204.

7 **SECTION 8.** Notwithstanding any other law allocating moneys from the Administrative
8 Services Economic Development Fund, the allocation to the office of the Governor estab-
9 lished by section 6, chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011,
10 as modified by legislative action, is decreased by \$40,436.

11 **SECTION 9.** Notwithstanding any other law allocating moneys from the Administrative
12 Services Economic Development Fund, the allocation to the Sports Lottery Account estab-
13 lished by section 9, chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011,
14 as modified by legislative action, is decreased by \$187,232.

15 **SECTION 10.** Notwithstanding any other law allocating moneys from the Administrative
16 Services Economic Development Fund, the allocation to the Oregon Department of Admin-
17 istrative Services, for distribution to counties for economic development activities as pro-
18 vided by ORS 461.547, established by section 10, chapter 622, Oregon Laws 2011, for the
19 biennium beginning July 1, 2011, is decreased by \$808,801.

20 **SECTION 11.** Notwithstanding any other law allocating moneys from the Administrative
21 Services Economic Development Fund, the allocation to the Problem Gambling Treatment
22 Fund established by section 11, chapter 622, Oregon Laws 2011, for the biennium beginning
23 July 1, 2011, as modified by legislative action, is decreased by \$230,568.

24 **SECTION 12.** Notwithstanding any other law allocating moneys from the Administrative
25 Services Economic Development Fund, the allocation to the County Fair Account established
26 by section 12, chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011, is de-
27 creased by \$78,446.

28 **SECTION 13.** Notwithstanding any other law allocating moneys from the Administrative
29 Services Economic Development Fund, the allocation to the Oregon Department of Admin-
30 istrative Services, for transfer to the State Department of Agriculture, established by sec-
31 tion 13, chapter 622, Oregon Laws 2011, for the biennium beginning July 1, 2011, is decreased
32 by \$400.

33 **SECTION 14.** Notwithstanding ORS 652.409 (2), the amount of \$76,069 is transferred from
34 the Wage Security Fund to the General Fund for general governmental purposes. The
35 transfer shall be made on or before June 30, 2013, from moneys maintained in the Wage Se-
36 curity Fund on the effective date of this 2013 Act.

37 **SECTION 15.** This 2013 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
39 on its passage.

40