

SENATE AMENDMENTS TO SENATE BILL 1596

By JOINT COMMITTEE ON WAYS AND MEANS

February 26

1 On page 17 of the printed bill, delete lines 12 through 36 and insert:

2 **“SECTION 35.** ORS 291.373 is amended to read:

3 “291.373. (1) As used in this section[,]:

4 **“(a) ‘Legislatively approved budget’ has the meaning given that term in ORS 291.002.**

5 **“(b) ‘Program’ means an activity or a series of related activities that a state agency**
6 **performs to fulfill its constitutional or statutory duties and that is identified, by name or**
7 **otherwise with particularity, in the Oregon Constitution, statutory law, a budget report or**
8 **a staff measure summary for a bill prepared by the Legislative Assembly for a state agency**
9 **budget that is part of the legislatively approved budget, a performance measure developed**
10 **under ORS 291.110 or any other manner specified by the Legislative Assembly.**

11 **“(c) ‘State agency’ has the meaning given that term in ORS 291.002.**

12 *“[(2) A state agency shall report, as provided in this section, to the appropriate committee of the*
13 *Legislative Assembly if the agency makes substantive changes in programs after the agency’s budget*
14 *is approved by the Legislative Assembly.]*

15 *“[(3) The Oregon Department of Administrative Services shall adopt rules defining what constitutes*
16 *a substantive program change for purposes of this section. When an agency has made a substantive*
17 *program change as defined by the department, the agency shall notify the department of the change.*
18 *The department shall notify the Speaker of the House of Representatives and the President of the*
19 *Senate of substantive program changes made by state agencies.]*

20 *“[(4) Based upon information submitted by the Oregon Department of Administrative Services un-*
21 *der subsection (3) of this section, the Speaker of the House of Representatives and the President of the*
22 *Senate shall determine which committee is appropriate for each report that is to be made under sub-*
23 *section (2) of this section.]*

24 *“[(5) A committee to which a report is to be made under subsection (2) of this section may request*
25 *that the report be made orally or in writing.]*

26 **“(2) A state agency shall report to the Director of the Oregon Department of Adminis-**
27 **trative Services, and the director shall report to the Legislative Assembly as provided in this**
28 **section, any substantive change made in a program administered by the state agency.**

29 **“(3) For purposes of this section, a state agency is considered to have made a substantive**
30 **change in a program if the state agency:**

31 **“(a) Establishes a new program, unless the Legislative Assembly provided for establish-**
32 **ment of the program by law or anticipated establishment of the program in the legislatively**
33 **approved budget or in a budget report or staff measure summary relating to the legislatively**
34 **approved budget.**

35 **“(b) Eliminates an existing program, unless the Legislative Assembly provided for elimi-**

1 nation of the program by law or anticipated elimination of the program in the legislatively
2 approved budget or in a budget report or staff measure summary relating to the legislatively
3 approved budget.

4 “(c) Delays by six months or longer the establishment or elimination of a program pre-
5 scribed by the Legislative Assembly by law or in a budget report on a bill.

6 “(d) Makes changes to the operation or financing of a program by:

7 “(A) Redesigning the program so as to affect a class of client benefit levels or provider
8 reimbursement levels, unless the redesign consists solely of adjustments of an ongoing na-
9 ture or processes that were described in written materials provided to the Legislative As-
10 sembly by the state agency during the most recent legislative session;

11 “(B) Implementing an executive order; or

12 “(C) Redirecting more than 10 percent of the program’s funding to another purpose as
13 allowed by an appropriation or expenditure limitation.

14 “(e) Otherwise reorganizes or makes changes to the operation or financing of a program
15 and the Legislative Fiscal Officer or the director determines that the changes affect one or
16 more essential aspects of the program.

17 “(4) Not later than 14 days after the end of each calendar quarter, a state agency shall
18 report to the director any substantive change in a program made during the preceding cal-
19 endar quarter. A state agency is not required to report under this subsection if the agency
20 has not made a substantive change in a program during the preceding calendar quarter.

21 “(5) Not later than 35 days after the end of each calendar quarter, the director shall re-
22 port on all substantive program changes made by state agencies during the preceding cal-
23 endar quarter to the President of the Senate, the Speaker of the House of Representatives
24 and the Legislative Fiscal Officer. The director is not required to report under this sub-
25 section if no state agencies have made a substantive change in a program during the pre-
26 ceding calendar quarter.

27 “(6) If a state agency or the director fails to report a substantive program change as
28 required under subsections (4) and (5) of this section, the state agency immediately shall
29 report the substantive program change to the director. The director immediately shall report
30 to the President of the Senate, the Speaker of the House of Representatives and the Legis-
31 lative Fiscal Officer. The report shall identify the program change, describe why the report
32 was not made as required by subsection (4) or (5) of this section and describe how the failure
33 to report was identified.

34 “[~~(6)~~] (7) [*An*] A state agency need not report to [*a committee under subsection (2)*] **the director**
35 **under subsection (4)** of this section on any matter that the agency is required by ORS 291.371 or
36 291.375 to report or present to the Emergency Board, to the Joint Interim Committee on Ways and
37 Means or to the Joint Committee on Ways and Means.”.