

ANALYSIS

Item 49: Legislative Fiscal Office Transfer Unallocated Special Purpose Appropriations

Analyst: Amanda Beitel

Request: Transfer specified unallocated balances totaling \$67,856,869 from special purpose appropriations made to the Emergency Board to the general Emergency Fund appropriation.

Analysis: In addition to the primary appropriation of \$50,000,000 made to the Emergency Board by Section 1, Chapter 669, Oregon Laws 2021, the 81st Legislative Assembly made 23 separate appropriations to the Emergency Board totaling \$882,922,482 for special purposes in the two regular sessions of the 2021-23 biennium. Generally, special purpose appropriations not allocated by a specific time become available for any purpose for which the Emergency Board lawfully may allocate funds. Amounts remaining in seven of the 23 special purpose appropriations established by the Legislature in the 2021 and 2022 regular sessions are available for any purpose on December 1, 2022. When the Emergency Board meets in December 2022, \$67,856,869 of expired special purpose appropriations will be available for transfer based on the Legislative Fiscal Office (LFO) recommendations on total requests.

The unallocated balance of the Emergency Fund currently available for the final planned 2021-23 biennium meeting of the Emergency Board in December 2022 is \$37,626,549. Current LFO recommendations would allocate \$28,346,294 of that amount. While the unallocated balances of expired special purpose appropriations are also available, the legal authority for Emergency Board allocation of these funds is the original, separate appropriation authority. After transfer of the additional expired special purpose appropriations, the total amount available in the Emergency Fund, assuming approval of all LFO recommendations, will be \$77,137,124, subject to change by final actions of the Emergency Board.

In order to facilitate any final Emergency Board actions or 82nd Legislative Assembly disappropriation of Emergency Board appropriations, the Legislative Fiscal Office requests formal transfer of the special purpose appropriation balances to the general Emergency Fund appropriation authority. The amounts identified in this request are based on agency requested amounts and LFO recommendations on those requests and are therefore subject to change as a result of Emergency Board actions on other December 2022 agenda items. Any changes will be identified by the Legislative Fiscal Office at the time of the respective subcommittee hearing and full committee meeting. A schedule of the specific amounts and affected citations from Oregon Laws 2021 and Oregon Laws 2022 is attached.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board transfer specified unallocated balances totaling \$67,856,869 from special purpose appropriations made to the Emergency Board to the general Emergency Fund appropriation.

Special Purpose Appropriation Transfer Detail		
Oregon Laws 2021 and 2022		
Chapter/Section	Agency / Purpose	Amount
Chapter 605, sec. 5(1) 2021	Department of Forestry - Fire Protection Expenses	(1,865,640)
Chapter 110, sec. 148(1) 2022	Department of Justice - Child Enforcement Automated System	(4,241,634)
Chapter 668, sec. 11(1) 2021	Oregon Health Authority - Oregon State Hospital Staffing Levels	(9,189,057)
Chapter 669, sec. 267(1) 2021	Oregon Health Authority and Department of Human Services - Caseloads/Other Issues	(41,540,947)
Chapter 669, sec. 169(1) 2021	Department of Education and Department of Early Learning and Care - New Agency	(1,901,447)
Chapter 669, sec. 34(1) 2021	Various Agencies - Family Treatment Court Programs	(6,824,068)
Chapter 669, sec. 167(1) 2021	Various Agencies - State Response to Natural Disasters	(2,294,076)
Total transfers from special purpose appropriations		(67,856,869)
Chapter 669, sec. 1 2021	Emergency Board - General Purpose	67,856,869
Net General Fund Change		0

Legislative Fiscal Office

900 Court St. NE
H-178 State Capitol
Salem Oregon 97301
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Amanda Beitel
Legislative Fiscal Officer

Tom MacDonald and Paul Siebert
Deputy Legislative Fiscal Officers

December 7, 2022

Senator Peter Courtney, Co-Chair
Representative Dan Rayfield, Co-Chair
Joint Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Emergency

The Legislative Fiscal Office requests transfer of special purpose appropriation balances totaling \$67,856,869 to the Emergency Fund appropriation made to the Emergency Board.

In addition to the primary appropriation of \$50,000,000 made to the Emergency Board by Section 1, Chapter 669, Oregon Laws 2021, the 81st Legislative Assembly made 23 separate appropriations to the Emergency Board totaling \$882,922,482 for special purposes in the two regular sessions of the 2021-23 biennium. Generally, special purpose appropriations not allocated by a specific time become available for any purpose for which the Emergency Board lawfully may allocate funds. Amounts remaining in seven of the 23 special purpose appropriations established by the Legislature in the 2021 and 2022 regular sessions are available for any purpose on December 1, 2022.

When the Emergency Board meets on December 9, 2022, \$67,856,869 of expired special purpose appropriations will be available to transfer. Agencies will be requesting allocations at the December 2022 meeting of the Emergency Board from these special purpose appropriations. The amount included in this request represents amounts remaining after Legislative Fiscal Office (LFO) recommendations on those agency requests to allocate \$21,132,327 from the special purpose appropriations. Therefore, the final amount able to be transferred may change as a result of Emergency Board actions on these other agency requests. Any change will be reported to the Emergency Board prior to taking action on this request.

The unallocated balance of the Emergency Fund appropriation to the Emergency Board currently available for its final meeting in December 2022 is \$37,626,549. Current LFO recommendations would allocate \$28,346,294 of that amount. While the unallocated balances of expired special purpose appropriations are also available, the legal authority for Emergency Board allocation of these funds is the original, separate appropriation authority. After transfer

of the additional expired special purpose appropriations, the total amount available in the Emergency Fund, assuming approval of all LFO recommendations, will be \$77,137,124 (subject to final Emergency Board actions). The Emergency Fund balance will be available to the next Legislative Assembly during the 2023 session or will revert to the General Fund ending balance if not used prior to June 30, 2023. In order to facilitate any final Emergency Board actions or disappropriation of Emergency Board appropriations by the 82nd Legislative Assembly, the Legislative Fiscal Office requests formal transfer of the special purpose appropriation balances to the general purpose Emergency Fund.

Action Requested:

The Legislative Fiscal Office requests transfer of special purpose appropriation balances totaling \$67,856,869 to the Emergency Fund appropriation made to the Emergency Board.

Legislation Affected:

A schedule of the specific amounts and affected citations from Oregon Laws 2021 and Oregon Laws 2022 is attached.

Sincerely,

Amanda Beitel

Amanda Beitel
Legislative Fiscal Officer

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Chapter 669, sec. 167(1) 2021	Various Agencies - State Response to Natural Disasters	(2,294,076)
Total transfers from special purpose appropriations		(67,856,869)
Chapter 669, sec. 1 2021	Emergency Board - General Purpose	67,856,869
Net General Fund Change		0