

Enrolled House Bill 5046

Introduced and printed pursuant to House Concurrent Resolution 23 (2023) (at the request of Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to state financial administration; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 4 of this 2023 Act, “state agency” means every state officer, board, commission, department, institution, branch or agency of the state government, the costs of which are paid wholly or in part from funds held in the State Treasury.

SECTION 2. (1) Notwithstanding ORS 291.232 to 291.260, and subject to section 5 of this 2023 Act and any rule that may be adopted by the Oregon Department of Administrative Services, any obligations incurred by a state agency on or after July 1, 2023, that do not exceed the level of expenditures authorized under ORS 291.232 to 291.260 or otherwise authorized for the last quarter of the 2021-2023 biennium are authorized, and necessary funds are appropriated therefor, unless the Oregon Department of Administrative Services determines that the state agency’s expenditure level should be modified, based on pending legislation.

(2) The Oregon Department of Administrative Services by rule shall specify the means whereby funds expended pursuant to subsection (1) of this section or section 5 of this 2023 Act are reconciled and charged to the state agency’s 2023-2025 legislatively approved budget during the 2023-2025 biennium.

(3) All payments for debt service, certificates of participation and other financing agreements are hereby authorized during the period commencing July 1, 2023.

SECTION 3. Sections 1 to 5 of this 2023 Act apply to a state agency for which no budget has become law on or before July 1, 2023.

SECTION 4. (1)(a) If there is no 2023-2025 legislatively adopted budget upon final adjournment of the regular session of the Eighty-second Legislative Assembly against which any expenditure authorized by section 2 (1) or 5 of this 2023 Act can be applied, the expenditure shall be considered to have been made from funds appropriated to the Oregon Department of Administrative Services.

(b) For the purpose of paying the incurred expenses of state agencies, there is appropriated to the Oregon Department of Administrative Services any cash or other funds remaining in the accounts of the state agency for which no budget has been adopted and for which no expenditure authority exists when the Legislative Assembly adjourns sine die.

(c) The Oregon Department of Administrative Services may apply for reimbursement from the Emergency Board of any expenditure made under this subsection during the 2023-2025 biennium.

(2)(a) If, after final adjournment of the regular session of the Eighty-second Legislative Assembly, the Governor vetoes a legislatively adopted budget against which any expenditure authorized by section 2 (1) or 5 of this 2023 Act can be applied, the expenditure shall be considered to have been made from funds appropriated to the Oregon Department of Administrative Services.

(b) For the purpose of paying the incurred expenses of state agencies, there is appropriated to the Oregon Department of Administrative Services any cash or other funds remaining in the accounts of the state agency for which a legislatively adopted budget has been vetoed and for which no expenditure authority exists when the Governor vetoes the budget.

(c) The Oregon Department of Administrative Services may apply for reimbursement from the Emergency Board of any expenditure made under this subsection during the 2023-2025 biennium.

SECTION 5. (1) Notwithstanding ORS 291.232 to 291.260 and section 2 of this 2023 Act, and subject to any rule that may be adopted by the Oregon Department of Administrative Services, any obligations incurred by the Department of Human Services on or after July 1, 2023, that do not exceed the level of expenditures authorized under ORS 291.232 to 291.260 or otherwise authorized for the sixth quarter of the 2021-2023 biennium are authorized, and necessary funds are appropriated therefor, unless the Oregon Department of Administrative Services determines that the expenditure level for the Department of Human Services should be modified, based on pending legislation.

(2) Notwithstanding ORS 291.232 to 291.260 and section 2 of this 2023 Act, and subject to any rule that may be adopted by the Oregon Department of Administrative Services, any obligations incurred by the Oregon Health Authority on or after July 1, 2023, that do not exceed the level of expenditures authorized under ORS 291.232 to 291.260 or otherwise authorized for the fourth quarter of the 2021-2023 biennium are authorized, and necessary funds are appropriated therefor, unless the Oregon Department of Administrative Services determines that the expenditure level for the Oregon Health Authority should be modified, based on pending legislation.

SECTION 6. Sections 1 to 5 of this 2023 Act are repealed on September 15, 2023.

SECTION 7. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect July 1, 2023.

Passed by House April 24, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate May 1, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Shemia Fagan, Secretary of State