

Enrolled Senate Bill 5520

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CHAPTER

AN ACT

Relating to financial administration of the Department of Education; appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2009, out of the General Fund, the amount of \$5,257,495,645 for the State School Fund.

SECTION 2. Notwithstanding any other law limiting expenditures, the amount of \$539,063,144 is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Department of Education for the State School Fund.

SECTION 3. Notwithstanding any other law limiting expenditures, the amount of \$3,637,214 is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses by the Department of Education from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education for the State School Fund.

SECTION 4. Notwithstanding ORS 327.008, for the biennium beginning July 1, 2009, the Department of Education may:

(1) Not expend any moneys from the State School Fund for the administration of ORS 326.133 and 326.136.

(2) Expend up to \$1,800,598 from the State School Fund for the purposes of the Oregon Virtual School District.

SECTION 5. (1) The Department of Education may not spend more than \$2,940,096,041 from the State School Fund for the fiscal year beginning July 1, 2009.

(2) The Department of Education may not spend more than \$3,060,099,962 from the State School Fund for the fiscal year beginning July 1, 2010.

SECTION 6. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2009, out of the General Fund, the amount of \$1,400,000 for the Local Option Equalization Grants Account.

SECTION 7. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2009, out of the General

Fund, the amount of \$900,000, to be allocated to Department of Education for the Local Option Equalization Grants Account created by ORS 327.339.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2010, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 8. Notwithstanding any condition or limitation described in ORS 293.144 and in addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2009, out of the Oregon Rainy Day Fund, the amount determined as provided by section 10 of this 2009 Act, for the State School Fund.

SECTION 9. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2009, out of the General Fund, the amount determined as provided by section 10 of this 2009 Act, for the State School Fund.

SECTION 10. (1) As part of the quarterly revenue estimate scheduled to be released in June 2010, the Oregon Department of Administrative Services shall calculate the sum of:

(a) The projected ending balance of the General Fund for the biennium beginning July 1, 2009;

(b) The balance available in the Oregon Rainy Day Fund on the day of the estimate; and

(c) The balance in the Education Stability Fund on the day of the estimate.

(2) Subject to the limitations described in subsection (3) of this section, of the amount calculated under subsection (1) of this section that exceeds \$100,000,000:

(a) All moneys in the Oregon Rainy Day Fund are available to satisfy the appropriation made under section 8 of this 2009 Act; and

(b) All unappropriated moneys in the General Fund are available to satisfy the appropriation made under section 9 of this 2009 Act.

(3)(a) The appropriations made under sections 8 and 9 of this 2009 Act are not operative unless the sum calculated under subsection (1) of this section exceeds \$100,000,000.

(b) The total amount appropriated under sections 8 and 9 of this 2009 Act may not reduce the amount calculated under subsection (1) of this section to below \$100,000,000.

(c) The total amount appropriated under sections 8 and 9 of this 2009 Act may not exceed \$200,000,000.

(d) The first moneys used to satisfy the appropriations described in sections 8 and 9 of this 2009 Act must come from the Oregon Rainy Day Fund. The total balance of the Oregon Rainy Day Fund must be appropriated as provided by section 8 of this 2009 Act before any moneys may be appropriated from the General Fund as provided by section 9 of this 2009 Act.

SECTION 11. If the conditions specified in section 10 of this 2009 Act are met, sections 8 and 9 of this 2009 Act become operative on June 1, 2010.

SECTION 12. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by Senate June 19, 2009

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Secretary of Senate

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President of Senate

Passed by House June 22, 2009

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Speaker of House

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State