

HB 3011-4  
(LC 1151)  
6/18/21 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3011**

1 In line 2 of the printed bill, after the semicolon insert “creating new  
2 provisions; amending ORS 3.012, 151.225, 173.420, 326.125, 327.001, 327.008 and  
3 652.409 and sections 6 and 8, chapter 527, Oregon Laws 2019, and section 9,  
4 chapter 671, Oregon Laws 2019; repealing section 5, chapter \_\_\_\_\_, Oregon  
5 Laws 2021 (Enrolled Senate Bill 5514);”.

6 Delete lines 4 through 10 and insert:  
7

8 **“DEPARTMENT OF VETERANS’ AFFAIRS**  
9

10 **“SECTION 1.** Section 6, chapter 527, Oregon Laws 2019, is amended to  
11 read:

12 **“Sec. 6.** (1) Sections 1 and 2 [*of this 2019 Act*], **chapter 527, Oregon**  
13 **Laws 2019**, are repealed on January 2, [2022] **2024**.

14 “(2) Any moneys remaining in the Veteran Educational Bridge Grant  
15 Program Fund established under section 2 [*of this 2019 Act*], **chapter 527,**  
16 **Oregon Laws 2019**, on [*January 2, 2022*] **the date specified in subsection**  
17 **(1) of this section**, after reversion of unspent lottery allocations to the  
18 Veterans’ Service Fund established under ORS 406.140, shall be transferred  
19 to the Veterans’ Educational Aid Account established under ORS 408.090.

20 **“SECTION 2.** Section 8, chapter 527, Oregon Laws 2019, is amended to  
21 read:

1       “**Sec. 8.** The amendments to ORS 408.090 by section 7 [*of this 2019 Act*],  
2 **chapter 527, Oregon Laws 2019**, become operative on [*January 2, 2022*] **the**  
3 **date specified in section 6, chapter 527, Oregon Laws 2019.**

4  
5                                   “**LEGISLATIVE FISCAL OFFICE**

6  
7       “**SECTION 3.** ORS 173.420 is amended to read:

8       “173.420. (1) Pursuant to the policies and directions of the appointing  
9 authority, the Legislative Fiscal Officer shall:

10       “(a) Ascertain facts and make recommendations to the Legislative As-  
11 sembly concerning the Governor’s budget.

12       “(b) Ascertain facts concerning state expenditures and make estimates  
13 concerning state expenditures.

14       “(c) Ascertain facts and make recommendations concerning the fiscal im-  
15 plications of the organization and functions of the state and its agencies.

16       “(d) Ascertain facts and make recommendations on such other matters as  
17 may be provided for by joint or concurrent resolution.

18       “(e) Furnish such assistance in the performance of their duties as is re-  
19 quested by the House Revenue Committee, the Senate Revenue Committee,  
20 the Legislative Revenue Officer and other legislative standing and interim  
21 committees and members of the Legislative Assembly.

22       “(2) Pursuant to the policies and directions of the appointing authority,  
23 the Legislative Fiscal Officer may enter into contracts to carry out the  
24 functions of the Legislative Fiscal Officer.

25       “(3) The Legislative Fiscal Officer shall cause a study to be conducted  
26 prior to the beginning of each odd-numbered year regular session of the  
27 Legislative Assembly that reports the preceding two [*calendar*] years’ ad-  
28 ministrative costs and the transfer rate of the Oregon State Lottery Com-  
29 mission, in order to determine if additional funds may be made available for  
30 public purposes.

1                   **“OREGON BUSINESS DEVELOPMENT DEPARTMENT**

2  
3           **“SECTION 4. On June 30, 2021, the uncommitted balance of the al-**  
4 **location made to the Oregon Business Development Department from**  
5 **the Administrative Services Economic Development Fund by section**  
6 **3 (4), chapter 670, Oregon Laws 2019, as amended by section 1, chapter**  
7 **8, Oregon Laws 2020 (second special session), is transferred to the Tide**  
8 **Gate Grant and Loan Fund established under section 21, chapter 10,**  
9 **Oregon Laws 2020 (second special session).**

10       **“NOTE:** Sections 5 and 6 were deleted by amendment. Subsequent  
11 sections were not renumbered.

12  
13                   **“PUBLIC DEFENSE SERVICES COMMISSION**

14  
15       **“SECTION 7. ORS 151.225 is amended to read:**

16       “151.225. (1) The Public Defense Services Account is established in the  
17 State Treasury, separate and distinct from the General Fund. The Public  
18 Defense Services Account is continuously appropriated to the Public Defense  
19 Services Commission [to] **for:**

20       “(a) [*Reimburse the actual costs and expenses, including personnel ex-*  
21 *penses, incurred in*] Administration and support of the public defense system;

22       “(b) [*Reimburse*] **Reimbursement of** the State Court Administrator under  
23 ORS 151.216 (1)(i); and

24       “[(c) *Pay other expenses in connection with the legal representation of per-*  
25 *sons for which the commission is responsible by law, including expenses in-*  
26 *curring in the administration of the public defense system.*]

27       **“(c) Legal representation of parents and children involved in foster**  
28 **care for which matching funds under 45 C.F.R. 1356.60(c) may be used.**

29       “(2) [*All moneys received by the Judicial Department under ORS 135.050*  
30 *(8), 151.487 (1), 419A.211, 419B.198 (1), 419C.203 (1) or 419C.535 (2)*] **The fol-**

1 **lowing moneys** shall be deposited in the Public Defense Services  
2 Account[.]:

3 **“(a) Moneys received by the commission from the State Court Ad-  
4 ministrator under ORS 151.216 (1)(i);**

5 **“(b) Moneys received by the Judicial Department under ORS 135.050  
6 (8), 151.487 (1), 419A.211, 419B.198 (1), 419C.203 (1) or 419C.535;**

7 **“(c) Federal matching funds received under 45 C.F.R. 1356.60(c); and**

8 **“(d) Miscellaneous revenues and receipts of the commission.**

9 **“(3) All gifts, grants or contributions accepted by the commission under  
10 ORS 151.216 shall be deposited in a separate subaccount created in the Public  
11 Defense Services Account to be used by the commission for the purpose for  
12 which the gift, grant or contribution was given or granted.**

13

14

## **“JUDICIAL DEPARTMENT**

15

16 **“SECTION 8. ORS 3.012 is amended to read:**

17 **“3.012. (1) The judicial districts, the counties constituting the judicial  
18 districts and the number of circuit court judges for each judicial district are  
19 as follows:**

20 **“(a) The first judicial district consists of Jackson County and has 10  
21 judges.**

22 **“(b) The second judicial district consists of Lane County and has 15  
23 judges.**

24 **“(c) The third judicial district consists of Marion County and has 15  
25 judges.**

26 **“(d) The fourth judicial district consists of Multnomah County and has  
27 38 judges.**

28 **“(e) The fifth judicial district consists of Clackamas County and has 11  
29 judges.**

30 **“(f) The sixth judicial district consists of the counties of Morrow and**

1 Umatilla and has five judges.

2 “(g) The seventh judicial district consists of the counties of Gilliam, Hood  
3 River, Sherman, Wasco and Wheeler and has four judges.

4 “(h) The eighth judicial district consists of Baker County and has one  
5 judge.

6 “(i) The ninth judicial district consists of Malheur County and has two  
7 judges.

8 “(j) The tenth judicial district consists of the counties of Union and  
9 Wallowa and has two judges.

10 “(k) The eleventh judicial district consists of Deschutes County and has  
11 [*seven*] **nine** judges.

12 “(L) The twelfth judicial district consists of Polk County and has three  
13 judges.

14 “(m) The thirteenth judicial district consists of Klamath County and has  
15 five judges.

16 “(n) The fourteenth judicial district consists of Josephine County and has  
17 five judges.

18 “(o) The fifteenth judicial district consists of the counties of Coos and  
19 Curry and has six judges.

20 “(p) The sixteenth judicial district consists of Douglas County and has  
21 five judges.

22 “(q) The seventeenth judicial district consists of Lincoln County and has  
23 three judges.

24 “(r) The eighteenth judicial district consists of Clatsop County and has  
25 three judges.

26 “(s) The nineteenth judicial district consists of Columbia County and has  
27 three judges.

28 “(t) The twentieth judicial district consists of Washington County and has  
29 15 judges.

30 “(u) The twenty-first judicial district consists of Benton County and has

1 three judges.

2 “(v) The twenty-second judicial district consists of the counties of Crook  
3 and Jefferson and has three judges.

4 “(w) The twenty-third judicial district consists of Linn County and has  
5 five judges.

6 “(x) The twenty-fourth judicial district consists of the counties of Grant  
7 and Harney and has one judge.

8 “(y) The twenty-fifth judicial district consists of Yamhill County and has  
9 four judges.

10 “(z) The twenty-sixth judicial district consists of Lake County and has  
11 one judge.

12 “(aa) The twenty-seventh judicial district consists of Tillamook County  
13 and has two judges.

14 “(2) The Secretary of State shall designate position numbers equal to the  
15 number of judges in each of the judicial districts established by this section.  
16 The positions shall reflect any qualifications established by ORS 3.041.

17

18 **“DEPARTMENT OF EDUCATION**

19

20 **“SECTION 9. Section 5, chapter \_\_, Oregon Laws 2021 (Enrolled**  
21 **Senate Bill 5514), is repealed.**

22 **“SECTION 10. ORS 326.125 is amended to read:**

23 “326.125. For the purpose of assisting school districts with capital costs,  
24 the Office of School Facilities is established within the Department of Edu-  
25 cation. The office shall be responsible for:

26 “(1) Distributing hardship grants to school districts with facility needs.  
27 Grants awarded under this section may not exceed \$500,000 and shall be  
28 provided to school districts based on the order in which the Department of  
29 Education receives the completed applications for the grants. A school dis-  
30 trict may be eligible for a grant under this subsection if the school district

1 meets requirements established by the State Board of Education by rule, in-  
2 cluding any requirements to provide matching funds.

3 “(2) Providing technical assistance and establishing and maintaining  
4 standards for facilities assessments and long-range facilities plans for school  
5 districts.

6 “(3) Administering a certification program for qualified providers of  
7 technical assistance for the purposes described in subsection (2) of this sec-  
8 tion.

9 “(4) Providing grants to school districts for the cost of technical assist-  
10 ance for the purposes described in subsection (2) of this section. The State  
11 Board of Education may establish by rule requirements for a school district  
12 to receive a grant under this subsection. Grants for a school district under  
13 this subsection may not exceed:

14 “(a) \$20,000 for a facilities assessment;

15 “(b) \$25,000 for a long-range facilities plan;

16 “(c) \$25,000 for an assessment of school district facilities for potential  
17 environmental hazards under ORS 332.331; and

18 “(d) \$25,000 for a seismic assessment or other specialized assessment.

19 “(5) Maintaining the Oregon School Facilities Database. The database  
20 must include information that:

21 “(a) Assists with analyzing, planning and prioritizing school capital im-  
22 provement needs for school districts by providing district-to-district and  
23 school-to-school comparisons; and

24 “(b) Is required by the State Board of Education by rule.

25 “(6) Administering the grant program described in ORS 286A.801.

26 “(7) **Administering a statewide facilities assessment program.**

27 “**SECTION 11.** ORS 327.008 is amended to read:

28 “327.008. (1)(a) There is established a State School Fund in the General  
29 Fund.

30 “(b) The Department of Education, on behalf of the State of Oregon, may

1 solicit and accept gifts, grants, donations and other moneys from public and  
2 private sources for the State School Fund. Moneys received as provided in  
3 this paragraph shall be deposited into the State School Fund.

4 “(c) The State School Fund shall consist of moneys appropriated by the  
5 Legislative Assembly, moneys transferred from the Fund for Student Success,  
6 moneys transferred from the Education Stability Fund and the Oregon  
7 Marijuana Account and moneys received as provided in paragraph (b) of this  
8 subsection.

9 “(d) The State School Fund is continuously appropriated to the Depart-  
10 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,  
11 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,  
12 343.533, 343.941 and 343.961.

13 “(2) There shall be apportioned from the State School Fund to each school  
14 district a State School Fund grant, consisting of the positive amount equal  
15 to a general purpose grant and a facility grant and a transportation grant  
16 and a high cost disabilities grant minus local revenue, computed as provided  
17 in ORS 327.011 and 327.013.

18 “(3) For the first school year after a public charter school ceases to op-  
19 erate because of dissolution or closure or because of termination or  
20 nonrenewal of a charter, there shall be apportioned from the State School  
21 Fund to each school district that had sponsored a public charter school that  
22 ceased to operate an amount equal to the school district’s general purpose  
23 grant per extended ADMw multiplied by five percent of the ADM of the  
24 public charter school for the previous school year.

25 “(4) There shall be apportioned from the State School Fund to each edu-  
26 cation service district a State School Fund grant as calculated under ORS  
27 327.019.

28 “(5) All figures used in the determination of the distribution of the State  
29 School Fund shall be estimates for the same year as the distribution occurs,  
30 unless otherwise specified.



1 “(6) Numbers of students in average daily membership used in the dis-  
2 tribution formula shall be the numbers as of June of the year of distribution.

3 “(7) A school district may not use the portion of the State School Fund  
4 grant that is attributable to the facility grant for capital construction costs.

5 “(8) The total amount of the State School Fund that is distributed as fa-  
6 cility grants may not exceed [~~\$7~~] **\$3** million in any biennium. If the total  
7 amount to be distributed as facility grants exceeds this limitation, the De-  
8 partment of Education shall prorate the amount of funds available for facil-  
9 ity grants among those school districts that qualified for a facility grant. If  
10 the total amount to be distributed as facility grants does not exceed this  
11 limitation, any remaining amounts shall be expended for expenses incurred  
12 by the Office of School Facilities as provided in ORS 326.125 (1).

13 “(9) Each biennium, the Department of Education may expend from the  
14 State School Fund no more than [~~\$6~~] **\$10** million for expenses incurred by the  
15 Office of School Facilities under ORS 326.125 (2) to [~~(6)~~] **(7)**.

16 “(10) Each fiscal year, the Department of Education shall transfer to the  
17 Pediatric Nursing Facility Account established in ORS 327.022 the amount  
18 necessary to pay the costs of educational services provided to students ad-  
19 mitted to pediatric nursing facilities as provided in ORS 343.941.

20 “(11) Each fiscal year, the Department of Education shall transfer the  
21 amount of \$55 million from the State School Fund to the High Cost Disa-  
22 bilities Account established in ORS 327.348.

23 “(12)(a) Each biennium, the Department of Education shall transfer \$39.5  
24 million from the State School Fund to the Educator Advancement Fund es-  
25 tablished under ORS 342.953.

26 “(b) For the purpose of making the transfer under this subsection:

27 “(A) The total amount available for all distributions from the State  
28 School Fund shall be reduced by \$6 million;

29 “(B) The amount distributed to school districts from the State School  
30 Fund under this section and ORS 327.013 shall be reduced by \$16.75 million;

1 and

2 “(C) The amount distributed to education service districts from the State  
3 School Fund under this section and ORS 327.019 shall be reduced by \$16.75  
4 million.

5 “(c) For each biennium, the amounts identified in this subsection shall  
6 be adjusted by the same percentage by which the instructions furnished to  
7 state agencies by the Governor under ORS 291.204 direct the state agencies  
8 to adjust their agency budget requests for special payments under ORS  
9 291.216 (6)(a)(C).

10 “(13) Each biennium, the Department of Education shall transfer \$12.5  
11 million from the State School Fund to the Statewide English Language  
12 Learner Program Account established under ORS 327.344.

13 “(14) Each fiscal year, the Department of Education may expend up to  
14 \$550,000 from the State School Fund for the contract described in ORS  
15 329.488. The amount distributed to education service districts from the State  
16 School Fund under this section and ORS 327.019 shall be reduced by the  
17 amount expended by the department under this subsection.

18 “(15) Each biennium, the Department of Education may expend up to  
19 \$350,000 from the State School Fund to provide administration of and support  
20 for the development of talented and gifted education under ORS 343.404.

21 “(16) Each biennium, the Department of Education may expend up to  
22 \$150,000 from the State School Fund for the administration of a program to  
23 increase the number of speech-language pathologists and speech-language  
24 pathology assistants under ORS 348.394 to 348.406.

25 “(17) Each biennium, the Department of Education shall transfer \$2  
26 million from the State School Fund for deposit to the Healthy School Facil-  
27 ities Fund established under ORS 332.337. Notwithstanding ORS 332.337, the  
28 department may expend moneys received in the Healthy School Facilities  
29 Fund under this subsection only as grants for costs associated with testing  
30 for elevated levels of lead in water used for drinking or food preparation.

1        **“SECTION 12.** ORS 327.001, as amended by section 1, chapter 11, Oregon  
2 Laws 2020 (first special session), is amended to read:

3        “327.001. (1) The Fund for Student Success is established in the State  
4 Treasury, separate and distinct from the General Fund.

5        “(2) The Fund for Student Success shall consist of moneys appropriated  
6 by the Legislative Assembly, moneys transferred to the fund under ORS  
7 317A.155 and moneys received as provided in subsection (3) of this section.

8        “(3) The Department of Education, on behalf of the State of Oregon, may  
9 solicit and accept gifts, grants, donations and other moneys from public and  
10 private sources for the Fund for Student Success. Moneys received as pro-  
11 vided in this subsection shall be deposited into the Fund for Student Success.

12        “(4) Moneys in the Fund for Student Success are continuously appropri-  
13 ated to the department for:

14        “(a) Transfer for each biennium to the State School Fund in the amount  
15 calculated by the Legislative Fiscal Officer and the Legislative Revenue Of-  
16 ficer to be the sum of:

17        “(A) At least \$40 million, for the purpose of a transfer under ORS 327.008  
18 (11) to the High Cost Disabilities Account established in ORS 327.348; and

19        “(B) The amount of change in General Fund revenue to be collected in  
20 the biennium due to the amendments to ORS 316.037 by section 56, chapter  
21 122, Oregon Laws 2019, and the operation of ORS 317A.100 to 317A.158.

22        **“(b) Retention as a reserve for cash flow and revenue shortfall**  
23 **purposes.**

24        “~~[(b)]~~ (c) Of the amount in the Fund for Student Success that is not  
25 dedicated for transfer as prescribed by paragraph (a) of this subsection **or**  
26 **retained under paragraph (b) of this subsection**, transfer to other edu-  
27 cation accounts as follows:

28        “(A) At least 50 percent to the Student Investment Account established  
29 in ORS 327.175.

30        “(B) Up to 30 percent to the Statewide Education Initiatives Account es-

1 tablished in ORS 327.250.

2 “(C) At least 20 percent to the Early Learning Account established in  
3 ORS 327.269.

4 “(5) The department shall make the transfers prescribed by subsection (4)  
5 of this section on a periodic basis. The transfers must be in amounts that,  
6 based on the most recent data available to the department, ensure that the  
7 amounts and percentages identified in subsection (4) of this section are sat-  
8 isfied by the end of the biennium.

9 **“SECTION 13. In addition to the uses of the Early Learning Ac-**  
10 **count that are authorized by ORS 327.274, for the biennium ending**  
11 **June 30, 2021, the Department of Education and the Early Learning**  
12 **Division may expend moneys from the Early Learning Account for the**  
13 **purpose of funding the construction, renovation and equipping of early**  
14 **learning and child care facilities in a manner that is consistent with**  
15 **the statewide early learning system plan overseen by the Early**  
16 **Learning Council.**

17

18 **“BUREAU OF LABOR AND INDUSTRIES**

19

20 **“SECTION 14.** ORS 652.409 is amended to read:

21 “652.409. (1) The Wage Security Fund is established separate and distinct  
22 from the General Fund. After deduction of the amounts provided in ORS  
23 657.439 (2)(a), all moneys received by the Employment Department pursuant  
24 to ORS 657.439 (2)(a) shall be paid into the State Treasury and credited to  
25 the Wage Security Fund. All income earned on moneys in the Wage Security  
26 Fund invested by the State Treasurer shall accrue to the fund.

27 “(2) All income earned on moneys in the Wage Security Fund, and all  
28 other moneys in the fund, are appropriated continuously to the Commissioner  
29 of the Bureau of Labor and Industries primarily to carry out the provisions  
30 of ORS 652.414. Moneys in the fund may also be used, within the [division]

1 **divisions** of the Bureau of Labor and Industries that [*enforces*] **enforce** wage  
2 and hour laws **and state laws concerning civil rights**, to investigate and  
3 enforce claims of underpaid and unpaid wages under this chapter and ORS  
4 chapter 653 **and to investigate conduct that may constitute an unlawful**  
5 **practice under ORS chapter 659A.**

6  
7 **“DEPARTMENT OF JUSTICE**

8  
9 **“SECTION 15. On or before March 1 of each odd-numbered year, the**  
10 **Department of Justice shall submit a report to the chairpersons of the**  
11 **standing or interim Joint Committee on Ways and Means regarding**  
12 **materially significant or noteworthy litigation involving the state that**  
13 **is ongoing or that concluded in the biennium preceding the report.**  
14 **Notwithstanding ORS 192.311 to 192.478, the report described in this**  
15 **section is not a public record and is not subject to public inspection.**

16  
17 **“HOUSING AND COMMUNITY SERVICES**

18  
19 **“SECTION 16.** Section 9, chapter 671, Oregon Laws 2019, is amended to  
20 read:

21 **“Sec. 9.** (1) The Housing Acquisition Fund is established in the State  
22 Treasury, separate and distinct from the General Fund. Interest earned by  
23 the Housing Acquisition Fund must be credited to the fund. The Housing  
24 Acquisition Fund consists of [*moneys deposited in the fund under section 8*  
25 *of this 2019 Act and may include*] moneys appropriated, allocated, deposited  
26 or transferred to the fund by the Legislative Assembly or otherwise and in-  
27 terest earned on moneys in the fund.

28 **“(2)** Moneys in the fund are continuously appropriated to the Housing and  
29 Community Services Department [*for disbursement for the purposes set forth*  
30 *in section 8 of this 2019 Act*] **to provide funding for loans to purchasers**

1 of land for affordable housing and naturally occurring affordable  
2 housing.

3

4

**“AMERICAN RESCUE PLAN ACT PROJECTS**

5

6

**“SECTION 17. (1) A public body that is carrying out a qualified  
7 project shall require each contractor in a contract with an estimated  
8 cost of \$200,000 or greater to:**

9

**“(a) Enter into a project labor agreement that, at a minimum,  
10 provides for payment of wages at or above the prevailing rate of wage;**

11

**“(b) Employ apprentices to perform 15 percent of the work hours  
12 that workers in apprenticeable occupations perform under the con-  
13 tract, in a manner consistent with the apprentices’ respective ap-  
14 prenticeship training programs;**

15

**“(c) Establish and execute a plan for outreach, recruitment and  
16 retention of women, minority individuals and veterans to perform  
17 work under the contract, with the aspirational target of having at  
18 least 15 percent of total work hours performed by individuals in one  
19 or more of those groups; and**

20

**“(d) Require any subcontractor engaged by the contractor to abide  
21 by the requirements set forth in paragraphs (a), (b) and (c) of this  
22 subsection, if the work to be performed under the subcontract has an  
23 estimated cost of \$200,000 or greater.**

24

**“(2) The requirements of subsection (1) of this section do not apply  
25 to a contract for a qualified project if the public body carrying out the  
26 qualified project demonstrates to the Oregon Department of Adminis-  
27 trative Services that:**

28

**“(a) The qualified project is primarily located in a county that is  
29 characterized as nonmetropolitan by the United States Office of Man-  
30 agement and Budget; and**



1       **“SECTION 18. The unit captions used in this 2021 Act are provided**  
2 **only for the convenience of the reader and do not become part of the**  
3 **statutory law of this state or express any legislative intent in the**  
4 **enactment of this 2021 Act.**

5

6

**“EMERGENCY CLAUSE**

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8       **“SECTION 19. This 2021 Act being necessary for the immediate**  
9 **preservation of the public peace, health and safety, an emergency is**  
10 **declared to exist, and this 2021 Act takes effect on its passage.”.**

11

\_\_\_\_\_