

TITLE 28

PUBLIC FINANCIAL ADMINISTRATION

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Chapter 291

1969 REPLACEMENT PART

(1970 reprint)

State Financial Administration

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DEFINITIONS AND APPLICATION

291.002 Definitions. As used in ORS 291.002 to 291.034, 291.202 to 291.222, 291.232 to 291.260, 291.307 and ORS 291.990, unless the context requires otherwise:

(1) "Department" means the Executive Department.

(2) "Director" means the Director of the Executive Department.

(3) "Dedicated fund" means a fund in the State Treasury, or a separate account or fund in the General Fund in the State Treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(4) "Revolving fund" means a fund in the State Treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds; and specifically includes funds derived from receipts by the State Board of Higher Education of tuition, fees, dormitory earnings, student activity receipts and sales of products and services incident to education functions.

(5) "Trust fund" means a fund in the State Treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise or bequest that limits the use of the fund to designated objects or purposes.

(6) "Classification of expenditures" means the major groups or categories of expenditures for the purpose of budget-making and accounting that are established as provided in ORS 291.206.

(7) "State agency" or "agency" means every state officer, board, commission, department, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury, except the Legislative Assembly, the courts and their officers and committees, and except the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.

(8) "State officer" means any elected or appointed state officer, including members of boards and commissions, except the members and officers of the Legislative As-

sembly, the courts and the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.

[Amended by 1967 c.419 §2]

291.003 Federal laws and rules govern when federal granted funds involved. In all cases where federal granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provision to the contrary in ORS 291.002 to 291.034, 291.202 to 291.222, 291.232 to 291.260, 291.307 and ORS 291.990.

[Amended by 1967 c.419 §3]

FISCAL DUTIES OF EXECUTIVE DEPARTMENT

291.004 [Repealed by 1967 c.419 §68]

291.005 [1967 c.419 §5; 1969 c.80 §3; renumbered 184.325]

291.006 [Repealed by 1967 c.419 §68]

291.007 [1967 c.419 §6; 1969 c.80 §2; renumbered 184.315]

291.008 [Repealed by 1967 c.419 §68]

291.009 [1967 c.419 §7; 1969 c.80 §4; renumbered 184.335]

291.010 [Amended by 1961 c.448 §18; repealed by 1967 c.419 §68]

291.011 Fidelity bonds for personnel of department or other agencies. The director may require a fidelity bond of any officer, employe or agent of the department or of any other state officer, employe or agent who has charge of, handles or has access to any state money or property and who is not otherwise required by law to give a fidelity bond. The amounts of the bonds shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by him. The premium on the bond of any officer, employe or agent shall be paid by the state agency that employs him.

[1967 c.419 §8, 1969 c.80 §5]

291.012 [Amended by 1955 c.58 §1; repealed by 1967 c.419 §68]

291.013 [1967 c.419 §9; renumbered 184.340]

291.014 [Repealed by 1967 c.419 §68]

291.015 Fiscal responsibilities of department; delegation of fiscal functions. (1) The department, under the direction of the Governor and as provided by law, is responsible generally for the administration and coordination of internal accounting and other affairs, controls, procedures and services of

a fiscal nature of the state government and agencies thereof.

(2) Except as otherwise provided by law, the department may authorize subject to its control the decentralized performance by state agencies of fiscal functions of the department.

[1967 c.419 §10]

291.016 Making administrative and organizational surveys. The department may make or cause to be made administrative and organizational surveys of the state agencies for the purpose of determining the feasibility of improving the administration of the state government by the elimination of unnecessary positions and activities, the improvement of internal operating forms, the avoidance of duplication, and increasing efficiency and economical operation.

291.018 Conducting research; requiring administrative reports from agencies. The department shall conduct research for use in administrative planning, policy review and organization and methods improvement. Periodic administrative reports to the department and the Governor, designed to outline factually the quantitative and qualitative aspects of work performance by operating units, may be required of state agencies. The department may require submission of such information in reports as will permit sound analysis and will provide the basis for detecting administrative weaknesses, correcting performance difficulties and permitting better planning and management of state services.

291.020 [Renumbered 291.028]

291.022 [Formerly 291.558; repealed by 1967 c.454 §119]

291.024 [Formerly 291.560; repealed by 1967 c.454 §119]

291.026 Examining agency records and financial affairs. For the purposes of carrying out its duties, powers and functions, the department may examine the records, files, documents, accounts and financial affairs of any state agency, and shall have the right of access for that purpose. During business hours the department may examine the accounts of any state agency in any depository which has state funds in its custody.

[Formerly 291.562]

291.028 Submitting suggestions to Governor for improvement of state governmental administration. The department, upon the basis of its research and reports received, shall submit, from time to time, for the Governor's consideration and appropriate action thereupon, suggestions for the development of interagency policies consistent with the executive policies of the Governor and for the improvement of operating methods and procedures and better personnel utilization and for the improvement of work performance and reduction of costs in state government activities.

[Formerly 291.020]

291.030 "Agency" defined for ORS 291.032 and 291.034. As used in ORS 291.032 and 291.034, "state agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee, and the courts and their officers and committees and the constitutional state officers, at their option.

[1965 c.365 §1]

291.032 Providing technical services involving management and organization. The department may provide technical services to state agencies for management improvement development and the development of economies in the organization and administration of state agencies. The technical services may include consulting studies in work simplification, work measurement, equipment utilization and other management improvement concepts. The cost of the technical services, or portions thereof, as determined by the department, shall be charged to the agency served and paid to the department in the same manner as other claims against the agency are paid.

[1965 c.365 §3]

291.034 Providing technical services involving data processing. The department may provide technical services to state agencies for data processing systems development and the development of data processing methods and applications. The technical services may include consulting and programming services and assistance in locating electronic data processing installations. The cost of the technical services, or portions thereof, as determined by the department, shall be charged to the agency served and paid to the department in the same manner as other claims against the agency are paid.

[1965 c.365 §4]

291.036 Executive Department Revolving Fund. (1) The account in the General Fund heretofore known as the Finance Revolving Fund shall henceforth be known as the Executive Department Revolving Fund, which fund hereby is appropriated continuously for and shall be used for the purposes authorized by law.

(2) The cost to the department of providing services (including labor), facilities and materials to any state agency, including itself, the cost of which is to be charged, in part or whole, to the agency or unit served pursuant to ORS 283.120, 291.032, 291.034 or any other provision of law may be advanced out of the Executive Department Revolving Fund. The costs advanced from the fund shall be reimbursed to the fund from the charges paid to the department by the agency or unit served.

[1967 c.419 §37; 1969 c.80 §6]

291.038 Coordinating acquisition, installation and use by state agencies of data processing equipment. (1) The acquisition, installation and use of all electronic or automatic data processing equipment by the state government and all agencies thereof shall be coordinated in order that the needs of the state government and all agencies thereof that may be satisfied by use of that equipment are satisfied in the most economic and efficient manner and in order to obtain maximum utilization of that equipment.

(2) In order to facilitate accomplishment of the purpose set forth in subsection (1) of this section, the Executive Department shall devise plans for the acquisition, installation and use of electronic or automatic data processing equipment by the state government and all agencies thereof. In devising those plans, the department shall consult with state agencies having needs that may be satisfied by use of that equipment, and all those state agencies shall cooperate with the department.

[1967 c.419 §11]

STATE BUDGET; BUDGET REPORT

291.202 Budget report of Governor; department to assist Governor in preparation. Except as otherwise provided in ORS 291.222, the Governor shall prepare in each even-numbered year a budget report for the biennium beginning July 1 of the following year. The Executive Department shall advise and assist the Governor in the prepara-

tion of his budget report and shall perform such duties in connection therewith as the Governor requires.

[Amended by 1969 c.464 §2]

291.204 Prescribing forms for submitting budget estimates and requests for appropriations; furnishing budget forms to agencies. The department, by July 1 of each even-numbered year, shall furnish every state agency with a sufficient number of forms for its use in preparing for submission to the Governor the information required by the Governor in the preparation of his budget report. The Governor shall prescribe the forms to be used by the agencies in submitting their budget estimates and requests for appropriations as required by ORS 291.208.

291.206 Guidance of agencies in completing budget forms. (1) The Governor shall prescribe such rules and regulations as he deems necessary for the guidance of agencies in the preparation of the budget estimates and requests. The Governor, with the approval of the Secretary of State, shall prepare and prescribe classifications of expenditures and revenue for the purpose of budget-making and accounting.

(2) In so far as practicable, agency budget estimates and requests and appropriation measures shall be prepared in a manner that reflects state governmental organization and state agency duties, functions and powers under the law in effect on January 1 of the following year. The Executive Department shall maintain agency budget estimates and requests in the form in which they are submitted.

[Amended by 1969 c.173 §1]

291.208 Filing budget forms with department; preparing requests for agencies failing to file. Each state agency shall file with the department, before September 1 in each even-numbered year, on the form and in the manner required, its budget forms containing the information required. The department shall prepare budget estimates and requests for appropriations for all agencies that fail to file requests.

291.210 Preparing tentative budget plan. The department, in connection with its direct studies of the operations, plans and needs of state agencies and of the existing and prospective sources of income, shall prepare a tentative budget plan for the two fiscal years for which a budget report is required to be prepared.

291.212 Revising budget plan; transmitting budget forms and tentative budget report to Governor. Upon receipt of the budget forms, the department shall check the agencies' estimates in the light of the tentative budget plan and shall make such further inquiries and investigations as the Governor requires and revise its tentative budget plan accordingly. The department then shall transmit to the Governor the budget forms filed with it by the state agencies and the revised tentative budget report.

291.214 Governor to examine budget forms and revise tentative budget report. The Governor, during the preparation of the budget report and before its submission to the Legislative Assembly, shall examine the budget forms filed by the various agencies. He may make or cause to be made such further investigations by the department, with such hearings before him or any state agency, as he deems advisable, and may make such changes or revisions in policy and program and in specific details of the tentative budget report as he finds warranted.

291.216 Governor's budget report. (1) Not later than November 10 of each even-numbered year the Governor shall cause the budget report to be compiled and prepared for printing.

(2) The budget report shall include a budget message prepared by the Governor, including his recommendations with reference to the fiscal policy of the state government for the coming biennium, describing the important features of the budget plan, embracing a general budget summary setting forth the aggregate figures of the budget report so as to show a balanced relation between the total proposed expenditures and the total anticipated income, with the basis and factors on which the estimates are made, the amount to be borrowed, and other means of financing the estimated expenditures for the ensuing biennium, compared with the corresponding figures for at least the last completed biennium and the current biennium.

(3) The budget plan shall be supported by explanatory schedules or statements, classifying the expenditures reported therein, both past and proposed, by organization units, objects and funds, and the income by organization units, sources and funds, and the proposed amount of new borrowing as well as proposed new tax or revenue sources.

(4) The budget plan shall be submitted for all dedicated funds, as well as the State General Fund, and shall include the estimated amounts of federal and other aids or grants to state agencies or activities provided for any purpose whatever, together with estimated expenditures therefrom.

(5) The budget report shall embrace the detailed estimates of expenditures and revenues. It shall include statements of the bonded indebtedness of the state government, showing the actual amount of the debt service for at least the past biennium, and the estimated amount for the current biennium and the ensuing biennium, the debt authorized and unissued, the condition of the sinking funds and the borrowing capacity. It shall also contain any statements relative to the financial plan which the Governor may deem desirable or which may be required by the legislature.

291.218 Printing budget report; transmitting to members of legislature; distribution. Except when the Governor under whose supervision the budget report has been prepared will be succeeded in office in January next following:

(1) The department shall have as many copies of the approved budget report printed as the Governor directs.

(2) Not later than December 1 of each even-numbered year, the Governor shall transmit a copy thereof to each member of the legislature who is to serve during the next session.

(3) Upon request, the Governor shall distribute copies free of charge, under such regulations as he may establish, to public libraries, schools and state officials. He shall make copies available to the general public at a reasonable charge for each copy.

[Amended by 1959 c.140 §1; 1967 c.302 §1]

291.220 Furnishing information and assistance to legislature. The Governor, upon request, shall furnish the Legislative Assembly any further information required concerning the budget report. The department, upon request, shall furnish a representative to assist the Legislative Assembly and its Joint Committee on Ways and Means, appointed under ORS 171.555, in the consideration of the budget report and any accompanying measures.

[Amended by 1969 c.173 §2]

291.222 Furnishing information and assistance to Governor-elect; revision of budget report. If the Governor under whose supervision the budget report has been prepared will be succeeded in office in January next following:

(1) The department shall make available to the Governor-elect so much as he requests of the information upon which the tentative budget report is based, and upon completion of the tentative budget report shall supply him with a copy thereof but shall not cause the tentative budget report to be printed and distributed. The department shall also make available to him all facilities of the department reasonably necessary to permit him to review and familiarize himself with the tentative budget report.

(2) After a review of the tentative budget the Governor-elect may prepare revisions and additions thereto. The department shall assist, upon request, in the preparation of such revisions or additions.

(3) The department shall have as many copies of the revised budget report printed as the Governor-elect requests.

(4) Not later than the convening of the next Legislative Assembly the department shall transmit a copy of a summary of the revised budget report containing the revenue and expenditure recommendations of the Governor-elect and not later than February 1 shall transmit a copy of the revised budget report to each member of the Legislative Assembly.

(5) Upon request, the department shall distribute copies of the revised budget report free of charge, under such regulations as it may establish, to public libraries, schools and state officials. It shall make copies of the revised budget report available to the general public at a reasonable charge for each copy.

[Amended by 1967 c.302 §2; 1969 c.464 §3]

291.223 Furnishing agency budget estimates to Legislative Fiscal Officer; confidentiality of estimates. (1) Not later than November 10 of each even-numbered year the Governor shall cause the agency budget estimates and requests as described in ORS 291.206 to be made available to the Legislative Fiscal Officer.

(2) Before December 1 of the year in which they were made available under subsection (1) of this section, neither the Legislative Fiscal Officer nor his staff shall reveal to any other person the contents or nature of

the budget reports and other materials, except with the written consent of the Governor. [1969 c.173 §4]

291.224 Capital construction program to be included in budget report. (1) A capital construction program containing estimated capital construction needs, irrespective of how financed, shall be included with the budget report required by ORS 291.216. The capital construction program shall contain the estimated physical construction requirements for each biennium of a period to be determined by the Governor, which period shall not be less than six years. The department shall assist the Governor in the preparation of the capital construction program.

(2) In accordance with regulations prescribed by the department, state agencies shall submit to the department their anticipated capital construction requirements for the period specified by the Governor. The department shall prescribe the basic assumptions relating to population changes, economic trends and other factors which might generally affect capital construction requirements and these basic assumptions shall be used by the state agencies in preparing their anticipated capital construction requirements. Each state agency is responsible for the basic assumptions which affect only its own program. The department shall prepare estimated capital construction requirements for any necessary capital construction not covered by the capital construction requirements submitted by the state agencies under this section.

(3) In accordance with regulations prescribed by the department, each state agency shall separately submit its estimated office space requirements for the period specified by the Governor; and the department shall consolidate those needs and make an estimate for all state office buildings to be included in the capital construction program.

(4) The Governor shall consolidate the estimates, review all of them and make such revisions as he finds warranted.

(5) The budget report shall include the proposed expenditures for the capital construction program for the ensuing biennium and the proposed expenditures for preliminary planning of the construction projects included in the capital construction program for the biennium following the ensuing biennium. The budget report shall also include dollar estimates of the cost of the capital construction projects included in the capital construction program for the succeeding

years of the period determined by the Governor under subsection (1) of this section.

(6) As used in this section, "capital construction program" does not include the acquisition, repair, improvement, enlargement, construction or maintenance of highways and highway bridges, or park improvements, by the State Highway Commission.

[1959 c.500 §1]

291.226 Budget item to replace lost and unrecovered public funds or property. When there has been a failure to recover a loss of public funds or property pursuant to ORS 297.120, the state agency sustaining the loss shall include the amount of the loss in its budget estimate and request for the following biennium clearly marked as to purpose, and the Governor shall include such item in his budget report for the consideration of the Legislative Assembly.

[1963 c.617 §3]

ALLOTMENTS

291.232 Declaration of policy. It is declared to be the policy and intent of the Legislative Assembly that the total appropriations made by it, or the total of any budget approved by it, for any state agency, shall be deemed to be the maximum amount necessary to meet the requirements of such agency for the biennium, excepting as may otherwise be provided by law, and that the Governor and the Executive Department are given the powers granted by ORS 291.202 to 291.222 and 291.232 to 291.260 in order that savings may be effected by careful supervision throughout each biennium, with due regard to changing conditions, and by promoting more economic and efficient management of state agencies.

291.234 Department to make allotments to state officers and agencies of appropriations and funds; allotment period. (1) The department shall make allotments to state officers and agencies of appropriations and funds pursuant to the allotment system provided for in ORS 291.234 to 291.260.

(2) For the purposes of the allotment system, each fiscal year shall be divided into four quarterly allotment periods, beginning, respectively, on the first days of July, October, January and April. However, in any case where the quarterly allotment period is impracticable, the department may prescribe a different period suited to the circumstan-

ces, not exceeding six months nor extending beyond the end of the biennium.

291.236 Allotment system applicable to all appropriations; controlling expenditures and encumbering of emergency, contingent, revolving and trust funds. (1) The provisions of ORS 291.234 to 291.260 relating to the allotment system shall apply to all appropriations for state officers and agencies. For this purpose "appropriation" includes standing, continuing and annual appropriations, and dedicated funds. In those cases where periodical allotments are impracticable, the department may dispense therewith and prescribe such regulations as will insure proper application and encumbering of funds.

(2) Subject to ORS 291.238, emergency or contingent funds, revolving funds and trust funds shall be subject to such regulations as the department may prescribe for controlling the expenditures and encumbering of such funds.

291.238 Expenditures without allotment prohibited; expenditures from dedicated, revolving and trust funds. (1) Except as expressly authorized in this section or ORS 291.236, no person shall incur, or order or vote to incur, any obligation against the state in excess of, or make or order or vote to make any expenditure not authorized by, an allotment. Any such obligation so incurred shall not be binding against the state, but where the obligation violates this section only for having been made in excess of an allotment, the department may authorize payment thereof from unallotted funds.

(2) Excepting as to administrative expenditures from dedicated, revolving and trust funds and to revolving funds established to provide services rendered by any state agency to other state agencies or to any body politic of the State of Oregon, expenditures from dedicated funds, revolving funds and trust funds may be made by any state agency without appropriation or allotment.

(3) No person shall make or order or vote to make any expenditure from or chargeable to a revolving fund or trust fund in excess of the amount standing to the credit of such fund or for any purpose for which such fund may not lawfully be expended.

291.240 [Repealed by 1953 c.168 §4]

291.242 Allotment required before expenditure of appropriation; submitting estimates. No appropriation to which the allotment system is applicable shall become available to any state agency for expenditure thereby during any allotment period until:

(1) The agency submits to the department an estimate, in such form as the department prescribes, for such allotment period, of the amount required for each activity to be carried on during that period; and

(2) The estimate is approved, increased or decreased by the department and funds allotted therefor.

291.244 Department action on estimates. The department shall act promptly upon all estimates required by ORS 291.242. If the estimate is within the terms of the appropriation as to amount and purposes, having due regard for the probable further needs of the agency for the remainder of the term for which the appropriation was made, and if the department determines that there is a need for the estimated amount for the allotment period, the department shall approve the estimate and allot the estimated amount for expenditure. Otherwise the department shall modify the estimate so as to conform with the terms of the appropriation and the prospective needs of the agency, and shall reduce the amount allotted accordingly.

291.246 Allotments to be made for purpose or classification of expenditure prescribed in appropriation measure. Allotments shall be made according to purpose and classification of expenditures prescribed in the appropriation measure as enacted by the Legislative Assembly; provided, however, that the department may make allotments for agencies by purposes or by other classification of expenditures of amounts appropriated or authorized to be expended in appropriation measures enacted by the Legislative Assembly, whether or not such measures establish classification of expenditures. In making allotments, the department shall not authorize the expenditure of moneys for any purpose not authorized by the Act appropriating the money or authorizing it to be expended, and the funds allotted for each purpose or classification of expenditure shall be used for no other purpose or classification of expenditure.

[Amended by 1963 c.182 §7]

291.248 Notice of allotment. Upon the granting of any allotment, the department shall transmit a notice of the allotment to the agency concerned.

291.250 Claims and encumbrances limited by amount and purpose of allotment. The agency shall not create any claim or encumbrance for the future disbursement of appropriated moneys unless the proposed expenditure as estimated, together with expenses theretofore paid from or encumbered against such allotment, is within the total amount and for the purposes specified in the notice of allotment transmitted to such agency.

291.252 Modifying allotment previously made. The department may at any time modify or amend any allotment previously made by it, upon application of, or upon notice to, the agency concerned, but no such modification or amendment shall reduce an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds.

291.254 Reducing allotment to prevent deficit. If the department determines at any time that the probable receipts from taxes or any other sources for any appropriation will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, the department shall, with the approval of the Governor, and after notice to the agency or agencies concerned, reduce the amount allotted or to be allotted so as to prevent a deficit.

291.256 [Repealed by 1959 c.608 §1]

291.258 Approval of department required for establishment of new personnel position or classification. A new personnel position or classification, not provided in the budget of an agency upon which appropriations have been based, shall not be established without prior approval of the department.

291.260 Approving, modifying or disapproving requests and budgets to be submitted to the Federal Government. Every state agency, when making requests or preparing budgets to be submitted to the Federal Government for funds, equipment, materials or

services, other than for highway purposes, and purposes for which the state was legally committed on August 2, 1951, shall, upon completion of such request or budget, first submit it to the department. The department shall have authority to approve, disapprove, modify or amend any such request or budget before it is submitted to the proper federal authority.

291.262 [1963 c.182 §6; 1965 c.111 §1; repealed by 1969 c.488 §3]

ALLOCATION OF GOVERNMENTAL SERVICE EXPENSES

291.272 Definitions for ORS 291.272 to 291.280. As used in ORS 291.272 to 291.280, unless the context requires otherwise:

(1) "Administrative expenses" has the meaning defined by ORS 291.305.

(2) "Department" means the Executive Department.

(3) "Governmental service expenses" means the expenses of state government that are attributable to the operation, maintenance, administration and support of state government generally, and includes the following:

(a) Expenditures of the State Treasurer supported out of the General Fund incurred in the administration of the duties of his office, but not including the Inheritance and Gift Tax Divisions.

(b) Expenditures of the Department of Justice incurred in the administration of its duties, other than those of the Welfare Recovery Division.

(c) Administrative expenses of the Executive Department supported out of the General Fund.

(d) One-half of the expenditures of the Legislative Assembly out of moneys appropriated from the General Fund, and all of the expenditures incurred in the administration of the duties of the Emergency Board.

(e) One-half of the expenditures incurred in the administration of the duties of the Legislative Fiscal Committee.

(f) One-half of the expenditures incurred out of moneys appropriated from the General Fund in the administration of the duties of the Joint Committee on Rules and Resolutions.

(4) "State agency" means every state officer, board, commission, department, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury,

and includes the Legislative Assembly, the courts and their officers and committees.
[1967 c.637 §2]

291.274 Determination of funds and appropriations to be assessed. The department shall determine and may at any time re-determine which state funds or appropriations shall be assessed a reasonable share of governmental service expenses. In determining or redetermining the funds that shall be so assessed:

(1) A fund consisting of moneys the use of which is restricted by the Oregon Constitution shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes set forth in the Oregon Constitution.

(2) Trust funds shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes for which the trust fund was established.

[1967 c.637 §3]

291.276 Department to allocate governmental service expenses among state agencies. (1) With respect to each biennium beginning on July 1 of an odd-numbered year, commencing July 1, 1971, the department shall allocate among all state agencies the governmental service expenses, as determined by the department in accordance with ORS 291.272, for the biennium ending two years prior to the beginning of the biennium for which the allocation is made.

(2) The department, in accordance with the procedures and methods prescribed under subsection (3) of this section, shall determine and may at any time redetermine the reasonable share of governmental service expenses to be assessed against any fund or appropriation. Such expenses shall be a charge against any fund so designated and be considered an administrative expense of the agency administering the fund or appropriation.

(3) The department, with the approval of the Governor, shall prepare and prescribe the procedures and methods used in determining and redetermining the reasonable share of governmental service expenses assessed against any fund or appropriation.

(4) The department, with the approval of the Governor, may make rules necessary or proper to carry out the duties imposed upon it by ORS 291.272 to 291.280.

(5) The computation required by subsection (1) of this section shall be made by the department in advance of the biennium with respect to which the allocation is to be made. [1967 c.637 §4; 1969 c.105 §1]

291.278 Transfer of allocated amounts to General Fund. (1) Upon completion of the determination by the department under ORS 291.274 and 291.276, the department shall transfer to the General Fund, with appropriate notice to the State Treasurer, out of moneys appropriated to each state agency, the amount of governmental service expenses so certified for the agency.

(2) In the case of a state agency that collects or receives moneys for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes, if moneys available to such state agency are not sufficient to permit the transfer under subsection (1) of this section, the department shall notify the state agency of the amount certified with respect to the state agency under ORS 291.274 and 291.276, less any amount transferred out of moneys appropriated to such state agency under subsection (1) of this section. Thereafter, until such balance has been paid into the General Fund, 10 percent of all moneys collected or received by the state agency for fees, fines, licenses or taxes not by law made a part of the General Fund available for general governmental purposes shall be:

(a) Transferred by the department to and made a part of the General Fund available for general governmental purposes if such moneys are paid to the State Treasurer by the state agency; or

(b) Paid to the State Treasurer by the state agency receiving such moneys at the time when they are received by the state agency if such moneys are authorized by law to be kept and disbursed other than by and through the State Treasurer, and be credited by the State Treasurer to and made a part of the General Fund available for general governmental purposes.

(3) The transfer and payment to the General Fund required by this section shall be made notwithstanding any law that appropriates such moneys or any of them to any other purposes, and such portion so paid and transferred is not subject to any special uses thereby provided. [1967 c.637 §5]

Note: ORS 291.278 and 291.280 first become operative with respect to the biennium beginning July 1, 1971. See 1967 c.637 §39 and 1969 c.105 §2

291.280 Receipts by State Treasurer for transferred moneys. In receipting for moneys paid and transferred under subsection (2) of ORS 291.278, the State Treasurer shall make his receipt in duplicate, showing the amount credited to the General Fund available for general governmental purposes as well as the amount credited to any special fund or account. He shall file one of the duplicate receipts with the department.

[1967 c.637 §6]

Note: See note under ORS 291.278.

291.302 [Repealed by 1953 c.386 §9]

291.304 [Repealed by 1953 c.386 §9]

ACTS APPROPRIATING MONEY OR LIMITING EXPENDITURES

291.305 Meaning of "administrative expenses" in law appropriating money or limiting expenditures; limitation not appropriation of money otherwise unavailable to agency. (1) As used in the laws enacted by the Legislative Assembly appropriating money or limiting expenditures, the term "administrative expenses" means, unless the context requires otherwise, those expenditures that are included under the classifications of expenditures, except debt service and special payments expenditure categories, which are prepared and prescribed, pursuant to ORS 291.206, for the purpose of budget-making and accounting during the biennium for which such laws appropriating money or limiting expenditures are enacted.

(2) In the laws enacted by the Legislative Assembly, the establishment of maximum limits for expenditures from, or for the payment of administrative expenses from, fees, moneys or other revenues collected or received by any agency is not intended as an appropriation of moneys not otherwise available to such agency. [1963 c.182 §§1, 3]

291.306 [Repealed by 1953 c.386 §9]

291.307 Appropriation from General Fund to constitute a credit only. An appropriation of any sum of money from the General Fund by any law shall not be considered as segregating or setting aside the amount of such appropriation from the moneys constituting the General Fund, but shall be considered and construed as constituting a credit in favor of the appropriation for the

amount stated in the law making the appropriation, subject to allotment as provided in ORS 291.232 to 291.260.

[Formerly 291.376]

291.308 [Repealed by 1953 c.386 §9]

291.310 [Repealed by 1953 c.386 §9]

EMERGENCY EXPENDITURES; EMERGENCY BOARD

291.322 Definitions for ORS 291.322 to 291.334. As used in ORS 291.322 to 291.334:

(1) "Emergency" means any catastrophe, disaster or unforeseen or unanticipated condition or circumstance, or abnormal change of conditions or circumstances, affecting the functions of a state agency and the expenditure requirements for the performance of these functions.

(2) "State agency" means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government.

[1953 c.386 §1]

291.324 Emergency Board created. There hereby is created a joint committee composed of members of both houses of the Legislative Assembly, to be known as the Emergency Board.

[1953 c.386 §2]

291.326 Powers of Emergency Board concerning expenditures by state agencies.

(1) The Emergency Board, during the interim between sessions of the Legislative Assembly, may exercise the following powers:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the Emergency Board for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) No allocation, authorization or approval under paragraph (a), (b) or (c) of subsection (1) of this section shall be effective unless made at a meeting at which six members of the board were present.

(3) The laws enacted by the Legislative Assembly making appropriations and limiting expenditures, or either, are not intended to limit the powers of the Emergency Board. [1953 c.386 §3; subsection (3) enacted as 1963 c.182 §2]

291.328 Emergency Board may require presentation of evidence to support requests for action; board to report its action to agencies concerned. Before the Emergency Board makes any allocation, grants any authorization or approves any budget under ORS 291.326, it may require the state agency in question to submit written evidence to justify the allocation, authorization or approval and may require the head of the agency to appear before it in support thereof. The Emergency Board may also require the Director of the Executive Department to submit a written report as to the need and justification for the allocation, authorization or approval. Upon making an allocation, granting an authorization or approving a budget, the Emergency Board shall file with the department, the Secretary of State and the state agency in question a copy of the order of allocation, grant of authorization or approved budget.

[1953 c.386 §4]

291.330 Composition of Emergency Board. The Emergency Board shall be composed of the President of the Senate, the Speaker of the House of Representatives, the chairmen of the Senate and House Ways and Means Committees, two members of the Senate, at least one of whom shall be a member of the Ways and Means Committee, to be appointed by the President of the Senate and confirmed by a majority of all the members elected to the Senate, and three members of the House, at least two of whom shall be members of the Ways and Means Committee, to be appointed by the Speaker and confirmed by a majority of all the members elected to the House.

[1953 c.386 §5]

291.332 Meetings of board, terms of members, filling vacancies on board. (1) The Emergency Board shall meet immediately upon adjournment of each Legislative Assembly and elect a chairman from their number. The board shall meet thereafter at such times as it may determine.

(2) The term of members of the board shall run from the adjournment of one regular session to the organization of the next regular session.

(3) If a vacancy occurs in the board, either the Speaker, if the legislator previously filling the position was a member of the House, or the President, if the legislator previously filling the position was a member of the Senate, shall fill such vacancy by an appointment for the unexpired term. However, such appointment, before becoming effective, shall be confirmed by the remaining members of the board, sitting as such board. [1953 c.386 §6]

291.334 Payment of board's and board members' expenses; board authorized to secure assistance. (1) The members of the Emergency Board shall be reimbursed for their actual and necessary expenses incurred in performing their duties.

(2) The Director of the Executive Department, upon request of the board, shall furnish necessary assistance to the board, or the board may employ such assistance as they may deem necessary.

(3) The expenses of the board, the cost of employed assistance, and other necessary expenses of the board shall be paid out of funds appropriated to the board specially for such purpose or, if no such appropriation is made, out of any emergency fund that may be appropriated to the board. All claims for those expenses and cost shall be approved by the chairman or other person authorized to approve claims, and warrants shall be drawn on the State Treasurer for the payment thereof in the same manner as other expenses are paid. [1953 c.386 §7; 1967 c.454 §96]

291.336 Appropriation bills requiring approval of Emergency Board before project commenced or contract let; how requirement met. (1) As used in this section, "appropriation bill" means a legislative Act which appropriates money or authorizes the expenditure of dedicated or continuously appropriated moneys or otherwise makes moneys available for expenditure.

(2) In all cases where an appropriation bill heretofore or hereafter passed provides that a state agency shall not commence any project or allow any contract to be let for any project without having the approval of the Emergency Board, such requirement may be met:

(a) During any period when the Legislative Assembly is in session, by the adoption of a resolution by each house approving the proposed action; or

(b) During any period when the Legislative Assembly is not in session, either by approval of the Emergency Board as provided in the appropriation bill, or by the elapse of 45 days without adverse action of the Emergency Board after notice of the proposed action has been given to each member of the Emergency Board at his last-known address.

[1957 c.382 §1]

ESTIMATES OF STATE REVENUES

291.342 Annual estimation of state revenues; apportionment among counties of any state property tax levy necessary to make up deficiency. By August 15 of each year, but not earlier than 90 days from the end of the regular session, if any, of the Legislative Assembly held in that calendar year, the Executive Department, with the assistance of the Department of Revenue, shall:

(1) Ascertain by computation and estimate the total amount of revenue available for state purposes for the current fiscal year; and

(2) Apportion the state tax levy on property, if any, among the several counties in the manner provided in ORS 291.344.

[Formerly 309.510]

291.344 Procedure for computation, levy, offset and apportionment of state property tax levy. (1) The department shall proceed as prescribed in this section.

(2) The department shall prepare a statement, summarizing:

(a) All the items of expense or deficiency, including interest on unpaid warrants left over from the previous year, to which the state will be subject under existing laws for the fiscal year next after that year or period for which the last preceding levy of state revenues was computed and declared; and

(b) When the levy is made on the assessment of an even year, the estimated expense

of one biennial session of the Legislative Assembly.

(3) There shall be segregated from the total of the items tabulated in accordance with subsection (2) of this section the amount necessary for the payment of bonded indebtedness and interest thereon, and this amount shall constitute the state tax levy on property.

(4) From the total of the items summarized in accordance with subsection (2) of this section, after the amounts segregated pursuant to subsection (3) of this section have been deducted, there shall be deducted, in the order listed in subsection (5) of this section, all miscellaneous receipts, including any surplus remaining in the State Treasury from all funds, however derived, excepting only the following:

(a) Funds whose use is restricted to particular purposes by the Constitution of Oregon.

(b) Funds whose use is restricted to particular purposes by federal law.

(c) All trust funds, as defined in ORS 291.002.

(5) (a) The department shall deduct first those miscellaneous receipts not excluded by paragraphs (a), (b) and (c) of subsection (4) of this section and not includable in the definitions of dedicated or revolving funds in ORS 291.002.

(b) If necessary, in order to provide revenue for all of the items summarized in subsection (2) of this section, the department shall then deduct as much as is necessary or available from any fund remaining in the State Treasury and not excluded by subsection (4) of this section. The department shall list these deductions in its records.

(6) The state tax levy on property segregated and levied pursuant to subsection (3) of this section shall be offset first by the application of miscellaneous receipts to the extent that they are not applied in accordance with subsection (4) of this section. Subject to the limitations of ORS 311.660, the amount of the state tax levy on property not offset by the foregoing application shall be apportioned among and charged to the several counties in that proportion which the total value of all the taxable property in each county bears to the total value of all the taxable property of the state as equalized and certified to the Secretary of State by the Department of Revenue.

(7) Immediately after the department has completed the computation, levy, offset and apportionment of the state tax levy on property in accordance with this section, a certificate thereof, signed by the director of the department, shall be filed in the office of the department.

[Formerly 309.520; 1967 c.454 §97]

291.348 Biennial estimate of General Fund revenues for purposes of computing property tax relief; certification to Secretary of State. (1) The department, with the assistance of the Secretary of State, as soon as possible after June 30, 1966, and each even-numbered year thereafter, shall ascertain the total of General Fund revenues obtained from all sources during the preceding fiscal year, so far as is practicable.

(2) The Director of the Executive Department shall certify to the total of General Fund revenues during the preceding fiscal year as determined under subsection (1) of this section.

(3) As used in this section, "General Fund revenues" means all payments of money credited to the State Treasury that are placed or to be placed by the State Treasurer to the credit of the General Fund of the State of Oregon for general governmental purposes.

[1965 c.615 §12; 1967 c.454 §98]

291.350 Biennial computation of special appropriation for property tax relief. (1) At the same time as it complies with ORS 310.715 in 1966, and each even-numbered year thereafter, the department shall determine the amount of a special appropriation in accordance with the formula set out in subsection (2) of this section.

(2) The amount of the special appropriation shall be determined as follows:

$$\text{Amount} = \text{Receipts} - \left(\frac{\text{Appropriations} - \text{Surplus}}{2} \right)$$

(3) As used in the formula set out in subsection (2) of this section:

(a) "Amount" means the amount of the special appropriation under subsection (2) of ORS 310.725.

(b) "Receipts" means the total of General Fund revenues during the fiscal year as determined under ORS 291.348.

(c) "Appropriations" means the total lawful appropriations from the General Fund for the current biennium, but does not include any appropriation that may be made under subsection (2) of ORS 310.725.

(d) "Surplus" means the amount by which the moneys within the General Fund available for general governmental purposes during the preceding biennium exceeded expenditures from amounts appropriated for expenditures during the preceding biennium. [1965 c.615 §13]

- 291.352 [Renumbered 293.105]
 291.354 [Amended by 1959 c.273 §7; 1961 c.280 §3; 1961 c.308 §2; renumbered 293.110]
 291.356 [Amended by 1963 c.333 §2; renumbered 293.115]
 291.358 [Renumbered 293.120]
 291.360 [Renumbered 293.125]
 291.362 [Renumbered 293.130]
 291.364 [Renumbered 293.135]
 291.366 [Renumbered 293.140]
 291.368 [Renumbered 293.145]
 291.370 [Renumbered 293.150]
 291.372 [Renumbered 293.155]
 291.374 [Amended by 1955 c.133 §1; 1955 c.672 §1; 1957 c.460 §1; 1959 c.686 §39; 1961 c.268 §13; 1961 c.485 §27; renumbered 293.160]
 291.376 [Renumbered 291.307]
 291.378 [Amended by 1961 c.590 §1; renumbered 293.165]
 291.380 [Amended by 1961 c.590 §2; renumbered 293.170]
 291.402 [Renumbered 293.205]
 291.404 [Renumbered 293.210]
 291.406 [Renumbered 293.215]
 291.408 [Amended by 1959 c.258 §1; renumbered 293.220]
 291.410 [Renumbered 293.225]
 291.432 [Renumbered 293.255]
 291.434 [Renumbered 293.260]
 291.436 [Renumbered 293.265]
 291.438 [Renumbered 293.270]
 291.440 [Renumbered 293.275]
 291.442 [Renumbered 293.280]
 291.443 [1959 c.668 §2; renumbered 293.285]
 291.444 [Renumbered 293.290]
 291.462 [Amended by 1957 c.138 §1; 1963 c.57 §1; renumbered 293.305]
 291.464 [Renumbered 293.310]
 291.466 [Renumbered 293.315]
 291.468 [Renumbered 293.320]
 291.470 [Renumbered 293.325]
 291.472 [Renumbered 293.330]
 291.473 [1961 c.167 §16; renumbered 293.335]
 291.474 [Renumbered 293.340]
 291.476 [Renumbered 293.345]
 291.478 [Renumbered 293.350]
 291.480 [1955 c.261 §2; renumbered 293.355 and then 293.375]
 291.492 [Renumbered 293.405]
 291.494 [Renumbered 293.410]
 291.496 [Renumbered 293.415]
 291.498 [Renumbered 293.420]
 291.500 [Renumbered 293.425]
 291.502 [Renumbered 293.430]
 291.504 [Renumbered 293.435]
 291.506 [Renumbered 293.440]
 291.508 [Amended by 1957 c.332 §1; renumbered 293.445]
 291.510 [Renumbered 293.450]
 291.512 [Renumbered 293.455]
 291.514 [Renumbered 293.460]
 291.516 [Amended by 1959 c.410 §8; 1959 c.543 §1; renumbered 293.465]
 291.518 [Amended by 1959 c.543 §5; 1961 c.77 §1; renumbered 293.470]
 291.520 [Amended by 1959 c.543 §2; 1961 c.77 §2; renumbered 293.475]
 291.522 [Amended by 1959 c.543 §3; renumbered 293.480]
 291.524 [Renumbered 293.485]
 291.526 [Amended by 1955 c.316 §1; renumbered 293.490]
 291.528 [Amended by 1955 c.316 §2; 1959 c.543 §4; renumbered 293.495]
 291.530 [Amended by 1955 c.316 §3; renumbered 293.500]
 291.532 [Renumbered 293.555]
 291.534 [Renumbered 293.560]
 291.536 [Renumbered 293.565]
 291.538 [Renumbered 293.570]
 291.540 [Formerly 606.220; renumbered 293.575]
 291.548 [1957 c.139 §§1, 2; 1959 c.682 §1; renumbered 293.180]
 291.552 [Renumbered 293.605]
 291.554 [Renumbered 293.610]
 291.556 [Renumbered 293.615]
 291.558 [Renumbered 291.022]
 291.560 [Renumbered 291.024]
 291.562 [Renumbered 291.026]
 291.564 [Renumbered 293.620]
 291.566 [Renumbered 293.625]
 291.568 [Renumbered 293.630]
 291.570 [Renumbered 293.635]
 291.572 [Renumbered 293.640]
 291.574 [Renumbered 293.645]
 291.575 [1959 c.259 §1; renumbered 293.650]
 291.576 [Amended by 1959 c.34 §1; renumbered 293.655]
 291.578 [Amended by 1955 c.251 §1; renumbered 293.660]
 291.602 [Repealed by 1959 c.157 §10]
 291.604 [Amended by 1957 c.371 §1; renumbered 293.705]
 291.606 [Amended by 1953 c.706 §2; 1957 c.371 §2; 1961 c.393 §1; 1963 c.520 §1; renumbered 293.710]
 291.607 [1959 c.660 §14; 1961 c.508 §10; renumbered 293.715]

- 291.608 [Renumbered 293.720]
 291.610 [Renumbered 293.735]
 291.611 [1959 c.157 §3; renumbered 293.740]
 291.612 [Amended by 1953 c.706 §2; 1957 c.371 §3; 1959 c.245 §1; 1961 c.375 §1; renumbered 293.745]
 291.613 [1957 c.371 §4; renumbered 293.750]
 291.614 [Renumbered 293.755]
 291.616 [Renumbered 293.760]
 291.618 [Renumbered 293.765]
 291.620 [Renumbered 293.770]
 291.622 [Repealed by 1953 c.530 §2]
 291.624 [Repealed by 1953 c.530 §2]
 291.630 [1957 c.330 §1; renumbered 293.790]
 291.652 [Renumbered 283.210]
 291.654 [Renumbered 283.220]
 291.656 [Amended by 1953 c.60 §5; 1957 c.202 §2; 1961 c.167 §34; 1965 c.365 §7; renumbered 283.230]
 291.658 [Amended by 1953 c.59 §2; 1957 c.202 §3; 1961 c.167 §35; 1965 c.365 §8; 1967 c.419 §44; renumbered 283.110]
 291.659 [1961 c.167 §36; renumbered 283.130]
 291.660 [Amended by 1959 c.662 §4; 1965 c.365 §9; renumbered 283.140]
 291.662 [Amended by 1959 c.662 §5; 1965 c.365 §10; renumbered 283.150]
 291.664 [Amended by 1959 c.662 §6; 1965 c.365 §11; renumbered 283.160]
 291.666 [1953 c.61 §1; 1957 c.202 §4; renumbered 283.240]
 291.668 [1953 c.61 §2; repealed by 1957 c.202 §6]
 291.670 [1957 c.202 §7; 1965 c.365 §12; 1967 c.419 §45; renumbered 283.120]
 291.678 [1957 c.202 §1, subsection (2) of 1965 Replacement Part enacted as 1963 c.182 §4; 1965 c.351 §3; renumbered 283.250]
 291.702 [Amended by 1961 c.167 §37; renumbered 283.305]
 291.704 [Renumbered 283.310]
 291.706 [Renumbered 283.315]
 291.708 [Amended by 1959 c.662 §19; 1967 c.419 §42; renumbered 283.320]
 291.710 [Renumbered 283.325]
 291.712 [Renumbered 283.330]
 291.714 [Renumbered 283.335]
 291.716 [Renumbered 283.340]
 291.718 [Renumbered 283.345]
 291.720 [Amended by 1953 c.603 §4; 1955 c.46 §1; 1959 c.662 §17; renumbered 283.350]
 291.722 [Amended by 1959 c.662 §20; renumbered 283.355]
 291.724 [Amended by 1955 c.260 §1; renumbered 283.390]
 291.726 [Renumbered 283.395]

PENALTIES

291.990 Penalties. (1) Any person who makes or orders or votes to make any expenditure in violation of any of the provisions of this Act, or who makes or authorizes or causes to be made any disbursement of funds from the State Treasury in violation of any of the provisions of this Act, shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$3,000.

(2) If any person incurs or orders or votes to incur an obligation in violation of any of the provisions of this Act, he and the sureties on his bond shall be jointly and severally liable therefor to the person in whose favor the obligation was incurred.

(3) Upon certification by the Executive Department or Department of General Services that any state officer or employe of a state agency has failed or refused to comply with any order, rule or regulation made by the department in accordance with the provisions of this Act, the salary of such officer or employe shall not be paid until such order, rule or regulation is complied with.

(4) Any violation of this Act, for which no other penalty is provided in this section, is punishable, upon conviction, by a fine of not more than \$1,000.

(5) As used in this section, "this Act" means ORS 283.010 to 283.060, 283.110, 283.130 to 283.230 and 283.305 to 283.390 or ORS 291.002 to 291.034, 291.202 to 291.222, 291.232 to 291.260 and 291.307.

[Amended by 1953 c.530 §2; 1955 c.260 §2; subsections (2) and (3) of 1961 Replacement Part renumbered 293.990; 1967 c.419 §14; subsection (2) of 1965 Replacement Part renumbered 283.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
 Done at Salem, Oregon,
 on December 1, 1969.

Robert W. Lundy
 Legislative Counsel

