



Summary of Emergency Board Action September 2022

The Legislative Emergency Board met on September 23, 2022 and considered an agenda of 90 items. The Emergency Board approved four allocations from the Emergency Fund and 13 allocations from special purpose appropriations made to the Emergency Board. A total of \$3.9 million was allocated from the Emergency Fund and \$82.1 million was allocated from special purpose appropriations. Additional details on these actions are described below. After the Emergency Board actions, the balance in the general purpose Emergency Fund is \$37.6 million. An additional \$89 million remains in various special purpose appropriations, including \$47.9 million for caseload costs or other unbudgeted expenses of the Oregon Health Authority and the Department of Human Services and \$11.1 million for the state's response to natural disasters. Unused special purpose appropriations become available for any lawful use (including the original purpose) by the Emergency Board on December 1, 2022.

The agenda included 35 items that requested additional 2021-23 biennium authority to spend Other Funds and Federal Funds. The Emergency Board approved expenditure limitation increases of approximately \$195.3 million Other Funds and \$129 million Federal Funds. The Emergency Board also authorized the establishment of 51 positions (17.64 FTE).

The agenda included eight agency reports, which the Emergency Board acknowledged receiving, five of which were on a single consent agenda item. The Emergency Board heard 42 requests for the submission of federal grant applications, 33 of which were approved on consent.

The following is a summary of significant Emergency Board actions taken at the September 2022 meeting, with a record of all actions available in the September 23, 2022 Emergency Board Certificate.

Education

- Approved, retroactively, the submission of a federal grant application by the Oregon Department of Education to the U.S. Department of Agriculture, Agricultural Marketing Service, in the amount of up to \$2,062,715, to purchase domestic local food for distribution to schools.
- Approved, retroactively, the submission of a federal grant application from the Higher Education Coordinating Commission to the National Fish and Wildlife Foundation, in the amount of \$5,000,000, for the America the Beautiful Challenge program.
- Approved, retroactively, the submission of a federal grant application from the Higher Education Coordinating Commission to the Department of Labor, in the amount of

\$5,500,000, to distribute to workforce community partners to provide high quality jobs and employment training and services to connect unemployed and underemployed workers to secure jobs.

- Acknowledged receipt of a report from the Higher Education Coordinating Commission on the State Longitudinal Data System.

Human Services

- Approved the submission of a federal grant application from the Oregon Health Authority to the Environmental Protection Agency, in the amount of \$23,673,000, for the Drinking Water State Revolving Loan Fund program.
- Approved, retroactively, the submission of a federal grant application from the Oregon Health

Authority to the Centers for Disease Control and Prevention, in the amount of \$30,685,251 over a period of five years, to support core infrastructure improvements in the areas of public health workforce, foundational capabilities, and data modernization.

- Allocated \$881,987 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Oregon Health Authority to address the health risk of excessive nitrate levels in domestic wells located in the Lower Umatilla Basin Groundwater Management Area.
- Allocated \$9,000,000 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Oregon Health Authority, and increased the Other Funds expenditure limitation by \$111,000,000, to continue responding to the COVID-19 pandemic through activities eligible for reimbursement from the Federal Emergency Management Agency.
- Allocated \$9,650,000 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Oregon Health Authority, increased the Other Funds expenditure limitation by \$2,317,000, and increased the Federal Funds expenditure limitation by \$2,000,000, for addressing staffing and bed capacity needs in Oregon's acute care hospitals.
- Allocated \$1,791,515 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Oregon Health Authority and authorized the establishment of 20 permanent positions (7.60 FTE) for responding to a federal audit of the Oregon State Hospital.
- Allocated \$5,000,000 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Department of Human Services for distribution to the Oregon Food Bank for emergency food assistance.
- Allocated \$25,780,000 from the special purpose appropriation made to the Emergency Board for health and human services caseload costs or other budget challenges to the Department of Human Services, and increased the Federal Funds expenditure limitation by \$2,600,000, to provide one-time support to address hospital and long-

term care facility capacity needs associated with workforce shortages.

Public Safety

- Increased the Federal Funds Capital Construction expenditure limitation established for the Oregon Military Department by \$2,550,000 for the Camp Umatilla Facilities Biomass Heating Upgrades, increased the Federal Funds Capital Construction expenditure limitation by \$1,314,099 for the Camp Umatilla Guard Shack, and established a Federal Funds Capital Construction expenditure of \$1,896,000 for the Rees Training Center Modified Record Fire Range.
- Allocated \$2,000,000 from the special purpose appropriation made to the Emergency Board for the state's natural disaster prevention, preparedness, response, and recovery activities to the Oregon Department of Emergency Management, for deposit into the Oregon Local Disaster Assistance Loan and Grant Account, and increased the Other Funds expenditure limitation by \$2,000,000, for providing grant funding to the City of Echo for flood damage mitigation efforts.
- Allocated \$2,000,000 from the special purpose appropriation made to the Emergency Board for the state's natural disaster prevention, preparedness, response, and recovery activities to the Oregon Department of Emergency Management, for deposit into the Oregon Local Disaster Assistance Loan and Grant Account, and increased the Other Funds expenditure limitation by \$2,000,000, for providing grant funding to Wallowa County for storm damage mitigation.
- Allocated \$883,366 from the special purpose appropriation made to the Emergency Board to the Department of Justice, and increased the Federal Funds expenditure limitation by \$1,714,768, for the Child Support Enforcement Automated System, with instruction that the Department of Justice report to the 2023 legislature with a comprehensive plan, schedule, and budget that addresses all outstanding Child Support Enforcement Automated System issues, including the resolution of the federal Internal Revenue Service audit findings.
- Increased the Other Funds expenditure limitation for the Department of Public Safety Standards and Training by \$1,280,000 to add two additional Basic Police courses to the 2021-2023 training calendar.

Judicial Branch

- Allocated, from the special purpose appropriation made to the Emergency Board for family treatment courts, \$682,616 to the Oregon Judicial Department, and authorized the establishment of six permanent positions (1.50 FTE); \$335,979 to the Department of Human Services, and authorized the establishment of one permanent position (0.25 FTE); \$91,907 to the Public Defense Services Commission; and increased the Other Funds expenditure limitation for the Department of Justice by \$104,363, and authorized the establishment of one permanent position (0.25 FTE); for the Family Treatment Court program.
- Acknowledged receipt of a report from the Public Defense Services Commission on Compliance, Audit, and Performance Management, with instruction that the Commission report to the Joint Committee on Ways and Means during the 2023 legislative session with an update on the framework and implementation plan for the Compliance, Audit, and Performance Division.
- Acknowledged receipt of a report from the Public Defense Services Commission on the agency's reorganization, with instruction that the Commission submit a comprehensive plan to address the issues facing by the agency to the Emergency Board in December of 2022, as well as comply with the direction of budget note to the agency under HB 5030 (2021).
- Allocated \$121,649 from the Emergency Fund to the Public Defense Services Commission and authorized the establishment of one permanent General Counsel position (0.25 FTE) for a Compliance, Audit, and Performance Management Division chief.

Natural Resources

- Increased the Other Funds expenditure limitation for the Department of State Lands by \$2,451,520, for the Land Administration System replacement project.
- Approved the submission of a federal grant application from the Oregon Department of Energy to the U.S. Department of Energy, in the amount of \$9,962,272, for the first year of a five-year program to prevent outages and enhance the resilience of the electric grid; allocated \$200,000 from the Emergency Fund to the Oregon Department of Energy for establishing the grid resilience grant program; and authorized the establishment of one limited duration position

(0.38 FTE) for the purpose of grant administration.

- Approved, retroactively, the submission of a federal grant application from the Department of Forestry to the National Fish and Wildlife Foundation, in the amount of \$5,000,000, for the America the Beautiful Challenge program.
- Approved the submission of a federal grant application from the Department of Environmental Quality to the U.S. Environmental Protection Agency, in the amount of \$5,500,000 over a period of five years, to expediate the reuse and development of properties based on need, using environmental justice screening criteria.
- Increased the Other Funds expenditure limitation for the Department of Environmental Quality by \$357,204 and authorized the establishment of four limited duration positions (1.26 FTE) for permitting program needs related to industrial growth.
- Increased the Other Funds expenditure limitation for the Oregon State Marine Board by \$510,766, for Waterway Access Grants administered by the Board.
- Allocated \$550,000 from the Emergency Fund to the Department of Agriculture and authorized the establishment of one limited duration position (0.33 FTE) for initial response to the detection of the Emerald Ash Borer beetle in Oregon.
- Approved, retroactively, the submission of a federal grant application from the Department of Agriculture to the National Fish and Wildlife Foundation, in the amount of \$4,324,000, for the America the Beautiful Challenge program.
- Allocated \$5,000,000 from the special purpose appropriation made to the Emergency Board for the state's natural disaster prevention, preparedness, response, and recovery activities to the Water Resources Department for distribution to Klamath County to address dry domestic and community water wells.
- Approved, retroactively, the submission of a federal grant application from the Department of Fish and Wildlife to the U.S. Bureau of Land Management, Good Neighbor Authority Program, in the amount of \$6,551,330, for forest, rangeland, and watershed restoration work; and increased the Federal Funds expenditure limitation for the Department of Fish and Wildlife by \$510,000 for grant expenditures.
- Approved, retroactively, the submission of a federal grant application from the Department of

Fish and Wildlife to the National Fish and Wildlife Foundation, in the amount of \$14,873,310, for the America the Beautiful Challenge program.

- Approved, retroactively, the submission of federal grant applications from the Department of Fish and Wildlife to the National Oceanic and Atmospheric Administration, in the amount of \$8,527,743, for restoring fish passage in the Wallowa River basin and the North Fork Klaskanine River basin.

Economic and Community Development

- Approved, retroactively, the submission of federal grant applications from the Oregon Business Development Department to the U.S. Department of Commerce, National Telecommunications and Information Administration, for Broadband Equity, Access, and Deployment and State Digital Equity Planning; established a Federal Funds expenditure limitation of \$2,807,000 for the Oregon Business Development Department, and authorized the establishment of eight permanent positions (3.04 FTE); for administration and activities associated with the Broadband Equity, Access, and Deployment grant, State Digital Equity Planning grant, and American Rescue Plan Act, Capital Projects Funds for broadband allocated to the Oregon Business Development Department through prior legislative action.
- Increased the Federal Funds expenditure limitation for the Oregon Business Development Department by \$3,900,000 to allow the agency to expend federal grant funds received from the U.S. Environmental Protection Agency for additional capitalization of the Brownfields Cleanup Fund.
- Increased the Other Funds expenditure limitation for the Oregon Business Development Department by \$10,000,000, for the payment of state income tax reimbursements to local governments under the Oregon Industrial Site Readiness Program, with the understanding that \$5,456,611 of that amount will be uncheduled by the Department of Administrative Services pending certification of the following year's transfer amount.
- Increased the Federal Funds expenditure limitation for the Oregon Business Development Department by \$2,000,000, for the expenditure of grant funds from the U.S. Department of Agriculture, Forest Services, to provide grants and loans for economic development projects that benefit communities in the vicinity of the Opal

Creek Wilderness area.

- Allocated \$9,000,000 from the special purpose appropriation made to the Emergency Board for to the Housing and Community Services Department for gap financing for affordable rental housing projects that are co-located with child care or early learning centers, with the understanding that the Department of Administrative Services will unchedule funds pending the selection of projects.
- Increased the Federal Funds expenditure limitation for the Housing and Community Services Department by \$47,089,450, for additional Emergency Rental Assistance payments from reallocated federal funds under the Coronavirus Aid, Relief, and Economic Security Act and the American Rescue Plan Act.
- Increased the Federal Funds expenditure limitation for the Housing and Community Services Department by \$2,000,000 to partially finance the Courtney Place YMCA Veterans Housing Project in Salem.
- Allocated \$10,000,000 from the special purpose appropriation made to the Emergency Board to the Oregon Business Development Department for a program providing financial assistance to employers to mitigate the costs associated with compliance with overtime compensation requirements, with the understanding that the Department of Administrative Services will unschedule that amount pending the establishment of the program by the Legislature.

Transportation

- Authorized the transfer of \$300,000,000 Other Funds expenditure limitations for the Department of Transportation to align expected expenditures with statutorily authorized purposes.
- Approved the submission of a federal grant application from the Department of Transportation to the U.S. Department of Transportation, Federal Highway Administration, in the amount of \$100,000,000, for the Reconnecting Communities I-5 Rose Quarter project.
- Allocated \$3,000,000 from the Emergency Fund to the Department of Transportation to support completion of the Treasure Valley Intermodal Facility project in Nyssa, Oregon.
- Approved, retroactively, the submission of a federal grant application from the Department of Transportation to the U.S. Department of

Transportation, Federal Highway Administration, in the amount of \$1,000,000, for a Bridge Investment Program planning grant for the I-5 Interstate Bridge Replacement Project.

- Approved, retroactively, the submission of a federal grant application from the Department of Transportation to the U.S. Department of Transportation, Federal Highway Administration, in the amount of \$750,000,000, for a Bridge Investment Program grant for the construction of the I-5 Interstate Bridge Replacement Project.

Consumer and Business Services

- Increased the Other Funds expenditure limitation for the Department of Consumer and Business Services by \$1,024,877, and authorized the establishment of two limited duration positions (0.50 FTE), for the advancement of the Workers’ Compensation IT system modernization project.
- Increased the Federal Funds expenditure limitation for the Department of Consumer and Business Services by \$5,000,00 for expenditure of federal pass-through funds distributed by the U.S. Centers for Medicare and Medicaid Services for the Oregon Reinsurance Program.

Administration

- Increased the Other Funds expenditure limitation for the Department of Corrections by \$30,160,191, for funding from the Coronavirus Relief Fund received by the Oregon Department of Administrative Services and transferred to the

Department of Corrections to cover operational and payroll costs; increased the Federal Funds expenditure limitation for the Oregon Department of Administrative Services by \$30,160,191 to support the transfer of Coronavirus Relief Fund to the Department of Corrections; increased the Other Funds expenditure limitation for the Oregon Department of Administrative Services by \$3,917,490 for Office 365 expenditures; and increased the Other Funds expenditure limitation for the Oregon Department of Administrative Services by \$3,222,369 for reimbursement of personal protective equipment purchases by the Federal Emergency Management Agency; to reconcile final Coronavirus Relief Fund resources and fully expend those resources for eligible expenditures that were incurred prior to December 31, 2021.

- Increased the Other Funds expenditure limitation for the Oregon Liquor and Cannabis Commission by \$2,562,734 for administrative expenses related to bank card fees, increased the Other Funds expenditure limitation by \$11,881,048 for contracted liquor store agent payments, and increased the Other Funds expenditure limitation by \$3,733,000 for payments to distillery agents, to pay expenses that are calculated as a percentage of liquor sales, which have exceeded legislatively adopted budget forecasts.

Emergency Fund Balance Summary	
General Purpose Emergency Fund	
Emergency Fund (after 2022 session)	50,000,000
June 2022 Allocations	(8,501,802)
Emergency Fund Balance	41,498,198
September 2022 General Purpose Allocations	
8 Public Defense Services Commission - Compliance, Audit, and Performance Mgmt. Division Positions	(121,649)
58 Department of Energy - Grid Resilience	(200,000)
64 Department of Agriculture - Emerald Ash Borer Response	(550,000)
82 Department of Transportation - Treasure Valley Reload Center	(3,000,000)
Total September 2022 General Purpose Allocations	(3,871,649)
General Purpose Emergency Fund Balance (after September 2022 Emergency Board actions)	37,626,549

Emergency Fund Balance Summary

Special Purpose Appropriations (SPAs)

Department of Forestry - Large Fire Cash Flow Needs (after 2022 session)	50,000,000
June 2022 Allocations	(50,000,000)
Department of Forestry - Large Fire Cash Flow Needs	0
Department of Forestry - Fire Protection Expenses (after 2022 session)	7,853,733
<i>No June or September 2022 Allocations</i>	0
Department of Forestry - Fire Protection Expenses	7,853,733
Department of Justice - Child Enforcement Automated System (after 2022 session)	5,125,000
33 Department of Justice - Child Support Enforcement Automated System	(883,366)
Department of Justice - Child Enforcement Automated System	4,241,634
Higher Education Coordinating Commission - Oregon Tribal Student Grant Program (after 2022 session)	19,000,000
June 2022 Allocations	(19,000,000)
Higher Education Coordinating Commission - Oregon Tribal Student Grant Program	0
Housing and Community Services Department - Co-located Housing and Child Care (after 2022 session)	10,000,000
June 2022 Allocations	(1,000,000)
49 Housing and Community Services Department - Early Learning Affordable Housing Co-Location Pilot	(9,000,000)
Housing and Community Services Department - Co-located Housing and Child Care	0
Oregon Health Authority - Essential Workforce Health Care Program (after 2022 session)	30,000,000
June 2022 Allocations	(30,000,000)
Oregon Health Authority - Essential Workforce Health Care Program	0
Oregon Health Authority - Behavioral Health Rates (after 2022 session)	42,500,000
June 2022 Allocations	(42,500,000)
Oregon Health Authority - Behavioral Health Rates	0
Oregon Health Authority - Oregon State Hospital Staffing Levels (after 2022 session)	9,189,057
<i>No June or September 2022 Allocations</i>	0
Oregon Health Authority - Oregon State Hospital Staffing Levels	9,189,057
Oregon Health Authority and Department of Human Services - Caseloads and Other Issues (after 2022 session)	100,000,000
18 Oregon Health Authority - Well Water Drinking Quality	(881,987)
19 Oregon Health Authority - COVID-19 Public Health Response	(9,000,000)
20 Oregon Health Authority - Hospital Capacity	(9,650,000)
21 Oregon Health Authority - Oregon State Hospital Federal Audit Response	(1,791,515)
25 Department of Human Services - Oregon Food Bank	(5,000,000)
27 Department of Human Services - Hospital Capacity	(25,780,000)
Oregon Health Authority and Department of Human Services - Caseloads and Other Issues	47,896,498
Public Defense Services Commission - General Fund Holdback (after 2022 session)	100,000,000
June 2022 Allocations	(100,000,000)
Public Defense Services Commission - General Fund Holdback	0
Various Department of Early Learning and Care (after 2022 session)	1,901,447
<i>No June or September 2022 Allocations</i>	0
Various - Department of Early Learning and Care	1,901,447
Various - Family Treatment Court Program (after 2022 session)	7,934,570
4 Oregon Judicial Department - Family Treatment Court Program Expansion	(1,110,502)
Various - Family Treatment Court Program	6,824,068
Various - Financial Assistance to Employers to Mitigate HB 4002 (after 2022 session)	10,000,000
94 Oregon Business Development Department - Agricultural Overtime Financial Assistance	(10,000,000)
Various - Financial Assistance to Employers to Mitigate HB 4002	0
Various - State Response to Natural Disasters (after 2022 session)	26,275,000
June 2022 Allocations	(6,192,241)
31 Oregon Department of Emergency Management - City of Echo Flood Damage	(2,000,000)
32 Oregon Department of Emergency Management - Wallowa County Storm Damage	(2,000,000)
67 Water Resources Department - Klamath County Domestic Wells	(5,000,000)
Various - State Response to Natural Disasters	11,082,759
Special Purpose Appropriation Balance (after September 2022 Emergency Board actions)	88,989,196