

**B-Engrossed**  
**House Bill 2707**

Ordered by the House March 6  
Including House Amendments dated February 22 and March 6

Sponsored by COMMITTEE ON REVENUE

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Oregon Rainy Day Fund. Increases amount of estimate of revenues that will be received from corporate income and excise taxes for biennium beginning July 1, 2005. Requires [*deposit into fund*] **distribution** of difference between amount actually collected and amount estimated after close of 2005 regular session. **Establishes formula for transfer of moneys to Oregon Rainy Day Fund in subsequent biennia.**

[*Establishes Education Capital Construction Account. Specifies that moneys in account may be used only for capital construction projects for public education. Requires that if moneys in Oregon Rainy Day Fund equal 10 percent of General Fund revenues collected during prior biennium, moneys that otherwise would have been transferred to Oregon Rainy Day Fund be transferred to Education Capital Construction Account.*]

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to a reserve fund; declaring an emergency; and providing for revenue estimate modification  
3 that requires approval by a two-thirds majority.

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

5 **SECTION 1. (1) The Oregon Rainy Day Fund is established as an account in the General**  
6 **Fund.**

7 **(2) The Legislative Assembly may appropriate moneys from the Oregon Rainy Day Fund**  
8 **only if the appropriation is approved by three-fifths of the members serving in each house**  
9 **of the Legislative Assembly and the Legislative Assembly finds one of the following:**

10 **(a) That the last quarterly economic and revenue forecast for a biennium indicates that**  
11 **moneys available to the General Fund for the next biennium will be at least three percent**  
12 **less than appropriations from the General Fund for the current biennium;**

13 **(b) That there has been a decline for two or more consecutive quarters in the last 12**  
14 **months in seasonally adjusted nonfarm payroll employment; or**

15 **(c) That a quarterly economic and revenue forecast projects that revenues in the General**  
16 **Fund in the current biennium will be at least two percent below what the revenues were**  
17 **projected to be in the revenue forecast on which the legislatively adopted budget for the**  
18 **current biennium was based.**

19 **(3) Once each month, the Oregon Department of Administrative Services shall calculate**  
20 **the amount of General Fund interest that is attributable to moneys in the Oregon Rainy Day**  
21 **Fund. Except as otherwise provided in section 6 of this 2007 Act, the department shall**  
22 **transfer the amount calculated under this subsection to the Oregon Rainy Day Fund.**

23 **(4) The Legislative Assembly may not appropriate for any one biennium more than two-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 thirds of the amount that is in the Oregon Rainy Day Fund at the beginning of that  
2 biennium. If the appropriation is for a biennium that has not yet begun, the Legislative As-  
3 sembly may use as the base the most recent estimate of the amount that will be in the  
4 Oregon Rainy Day Fund at the beginning of the biennium for which the appropriation is  
5 made.

6 (5) As used in this section, “legislatively adopted budget” has the meaning given that  
7 term in ORS 291.002.

8 **SECTION 2.** Pursuant to section 14 (6)(a), Article IX of the Oregon Constitution, the  
9 Legislative Assembly increases the amount of the estimate of revenues that will be received  
10 from corporate income and excise taxes for the biennium beginning July 1, 2005, to \$975  
11 million.

12 **SECTION 3.** (1) Except as provided in subsection (2) of this section, any positive differ-  
13 ence between the actual amount of revenues collected from corporate income and excise  
14 taxpayers for the biennium beginning July 1, 2005, and the estimate made for that biennium  
15 pursuant to section 14 (1), Article IX of the Oregon Constitution, shall be distributed as fol-  
16 lows:

17 (a) The amount of \$24.8 million shall be deposited in the General Fund; and

18 (b) The remainder shall be deposited in the Oregon Rainy Day Fund established by section  
19 1 of this 2007 Act.

20 (2) If the actual amount of revenues collected from corporate income and excise taxpay-  
21 ers for the biennium beginning July 1, 2005, exceeds the amount of the estimate made in  
22 section 2 of this 2007 Act by two percent or more:

23 (a) The difference between the actual amount of revenues and the estimate made in  
24 section 2 of this 2007 Act shall be returned to corporate income and excise taxpayers in the  
25 manner provided in ORS 291.349; and

26 (b) The difference between the estimate of revenues made in section 2 of this 2007 Act  
27 and the estimate made for the biennium beginning July 1, 2005, pursuant to section 14 (1),  
28 Article IX of the Oregon Constitution, shall be distributed as follows:

29 (A) The amount of \$24.8 million shall be deposited in the General Fund; and

30 (B) The remainder shall be deposited in the Oregon Rainy Day Fund established by sec-  
31 tion 1 of this 2007 Act.

32 **SECTION 4.** (1) As used in this section:

33 (a) “Ending balance” means the difference between the amount of General Fund revenues  
34 collected during a biennium and the amount of General Fund appropriations for the  
35 biennium.

36 (b) “General Fund appropriations” means the amount of moneys appropriated from the  
37 General Fund for a biennium in the legislatively approved budget for the biennium, minus  
38 the amount of any General Fund appropriation balances for that biennium that revert to the  
39 General Fund under ORS 293.190.

40 (c) “Legislatively approved budget” has the meaning given that term in ORS 291.002.

41 (2) Except as provided in section 6 of this 2007 Act, as soon as possible after the ending  
42 balance for a biennium is determined, an amount equal to one percent of the amount of  
43 General Fund appropriations for that biennium shall be transferred to the Oregon Rainy Day  
44 Fund established by section 1 of this 2007 Act. If the ending balance does not equal or exceed  
45 one percent of the amount of General Fund appropriations, an amount equal to the ending

1 **balance shall be transferred to the Oregon Rainy Day Fund.**

2 **SECTION 5. Section 4 of this 2007 Act applies to ending balances for biennia beginning**  
3 **on or after July 1, 2007.**

4 **SECTION 6. (1) If the moneys in the Oregon Rainy Day Fund established by section 1 of**  
5 **this 2007 Act just prior to the time of a transfer scheduled under section 1 (3) or 4 of this**  
6 **2007 Act equal at least 7-1/2 percent of the amount of General Fund revenues collected dur-**  
7 **ing the prior biennium, moneys that would otherwise be transferred to the Oregon Rainy**  
8 **Day Fund shall be deposited in the General Fund.**

9 **(2) If the moneys in the Oregon Rainy Day Fund just prior to the time of a transfer**  
10 **scheduled under section 1 (3) or 4 of this 2007 Act do not equal at least 7-1/2 percent of the**  
11 **amount of General Fund revenues collected during the prior biennium, the transfer to the**  
12 **Oregon Rainy Day Fund shall be made regardless of whether that transfer increases the**  
13 **amount in the Oregon Rainy Day Fund to at least 7-1/2 percent of the amount of General**  
14 **Fund revenues collected during the prior biennium.**

15 **SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**  
16 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
17 **on its passage.**

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