

## SENATE AMENDMENTS TO SENATE BILL 496

By COMMITTEE ON FINANCE AND REVENUE

April 1

1 On page 1 of the printed bill, line 2, delete “348.702 and” and insert “284.725, 293.761, 348.696,  
2 348.716 and 348.702”.

3 In line 3, delete “348.703”.

4 Delete lines 5 through 31 and delete pages 2 and 3.

5 On page 4, delete lines 1 through 41 and insert:

6 “**SECTION 1.** ORS 348.702 is amended to read:

7 “348.702. (1) There is created within the Education Stability Fund the Oregon Growth Account,  
8 to which shall be credited, in the manner provided in subsection (2) of this section, [10] **five** percent  
9 of the funds transferred under section 4, Article XV of the Oregon Constitution, from the Adminis-  
10 trative Services Economic Development Fund to the Education Stability Fund. Separate records  
11 shall be maintained for moneys in the Oregon Growth Account that are available for the purposes  
12 specified in subsection (5) of this section. The account may be credited with unrestricted appropri-  
13 ations, gifts, donations, grants or contract proceeds from any source, with investments or funds from  
14 any source and with returns on investments made from the account.

15 “(2) The Oregon Department of Administrative Services may credit to the Oregon Growth Ac-  
16 count from the first funds transferred in a fiscal year to the Education Stability Fund under section  
17 4, Article XV of the Oregon Constitution, an amount up to the amount the department estimates to  
18 be [10] **five** percent of the funds required to be transferred to the Education Stability Fund for that  
19 fiscal year.

20 “(3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under  
21 subsection (2) of this section is less than or greater than [10] **five** percent of the amount required  
22 to be transferred under section 4, Article XV of the Oregon Constitution, to the Education Stability  
23 Fund, the amount credited to the Oregon Growth Account shall be adjusted in one of the following  
24 ways:

25 “(a) The amount credited to the account in the following fiscal year may be adjusted;

26 “(b) Any excess may be transferred from the Oregon Growth Account to the Education Stability  
27 Fund; or

28 “(c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth  
29 Account from funds available for that purpose.

30 “(4) Adjustments required by subsection (3) of this section shall be made without consideration  
31 of any interest or other earnings that have accrued during the fiscal year.

32 “(5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability  
33 Fund by making investments in or by providing seed capital for emerging growth businesses.

34 “(6) The investment of funds in the Oregon Growth Account shall be governed by the Oregon  
35 Growth Account Board.

1       “**SECTION 2.** ORS 348.702, as amended by section 1 of this 2009 Act, is amended to read:

2       “348.702. (1) There is created within the Education Stability Fund the Oregon Growth Account,  
3 to which shall be credited, in the manner provided in subsection (2) of this section, [*five*] **10** percent  
4 of the funds transferred under section 4, Article XV of the Oregon Constitution, from the Adminis-  
5 trative Services Economic Development Fund to the Education Stability Fund. Separate records  
6 shall be maintained for moneys in the Oregon Growth Account that are available for the purposes  
7 specified in subsection (5) of this section. The account may be credited with unrestricted appropri-  
8 ations, gifts, donations, grants or contract proceeds from any source, with investments or funds from  
9 any source and with returns on investments made from the account.

10       “(2) The Oregon Department of Administrative Services may credit to the Oregon Growth Ac-  
11 count from the first funds transferred in a fiscal year to the Education Stability Fund under section  
12 4, Article XV of the Oregon Constitution, an amount up to the amount the department estimates to  
13 be [*five*] **10** percent of the funds required to be transferred to the Education Stability Fund for that  
14 fiscal year.

15       “(3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under  
16 subsection (2) of this section is less than or greater than [*five*] **10** percent of the amount required  
17 to be transferred under section 4, Article XV of the Oregon Constitution, to the Education Stability  
18 Fund, the amount credited to the Oregon Growth Account shall be adjusted in one of the following  
19 ways:

20       “(a) The amount credited to the account in the following fiscal year may be adjusted;

21       “(b) Any excess may be transferred from the Oregon Growth Account to the Education Stability  
22 Fund; or

23       “(c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth  
24 Account from funds available for that purpose.

25       “(4) Adjustments required by subsection (3) of this section shall be made without consideration  
26 of any interest or other earnings that have accrued during the fiscal year.

27       “(5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability  
28 Fund by making investments in or by providing seed capital for emerging growth businesses.

29       “(6) The investment of funds in the Oregon Growth Account shall be governed by the Oregon  
30 Growth Account Board.

31       “**SECTION 3.** ORS 348.696 is amended to read:

32       “348.696. Pursuant to section 4 (4)(d), Article XV of the Oregon Constitution, the Education  
33 Stability Fund is established separate and distinct from the General Fund. Except for earnings on  
34 moneys in the school capital matching subaccount, moneys in the fund shall be invested as provided  
35 in ORS 293.701 to 293.790. All declared earnings on moneys in the fund shall be transferred and are  
36 appropriated continuously as follows:

37       “[(1) *All declared earnings from the Oregon Growth Account to the Oregon Commercialized Re-*  
38 *search Fund created in ORS 284.725;*]

39       “[(2)] **(1)** 75 percent [*of all declared earnings not described in subsection (1) of this section*] to the  
40 Oregon Education Fund established by ORS 348.716; and

41       “[(3)] **(2)** 25 percent [*of all declared earnings not described in subsection (1) of this section*] to the  
42 Oregon Student Assistance Commission for the Oregon Opportunity Grant program under ORS  
43 348.260.

44       “**SECTION 4.** ORS 284.725 is amended to read:

45       “284.725. [(1)] There is created within the State Treasury, separate and distinct from the General

1 Fund, the Oregon Commercialized Research Fund. Interest earned by the Oregon Commercialized  
2 Research Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to  
3 the Oregon Innovation Council for the purpose of making grants and loans under ORS 284.735. **The**  
4 **council may accept moneys from any source for deposit in the fund.**

5 “(2) Any moneys received from the Education Stability Fund for deposit in the Oregon  
6 Commercialized Research Fund pursuant to ORS 348.696 shall be placed in a separate account within  
7 the Oregon Commercialized Research Fund and may be used by the council only for public  
8 education.”]

9 “**SECTION 5.** ORS 293.761 is amended to read:

10 “293.761. The investment officer shall report quarterly to the officer or body having control and  
11 administration of each fund included in the investment funds the changes in investments made dur-  
12 ing the preceding month for the fund. If requested by the officer or body, the investment officer shall  
13 furnish to the officer or body the details on the investment transactions for any fund. The invest-  
14 ment officer shall separately identify investments held in the Oregon Growth Account established  
15 in ORS 348.702[,] **and** the Oregon Resource and Technology Development Subaccount established in  
16 ORS 348.706 [and the Oregon Commercialized Research Fund created in ORS 284.725] as part of the  
17 report on the Education Stability Fund required by this section.

18 “**SECTION 6.** ORS 348.716 is amended to read:

19 “348.716. The Oregon Education Fund is established in the State Treasury, separate and distinct  
20 from the General Fund. Moneys in the Oregon Education Fund are continuously appropriated to  
21 the Oregon Department of Administrative Services for public education and education lottery bond  
22 debt service. Seventy-five percent of the declared earnings of the Education Stability Fund as de-  
23 scribed in ORS 348.696 [(2)] shall be transferred monthly to the Oregon Education Fund as directed  
24 by the Director of the Oregon Department of Administrative Services. Investment earnings on  
25 amounts in the Oregon Education Fund shall be credited to the Oregon Education Fund. The Leg-  
26 islative Assembly may, but shall be under no legal obligation to, allocate and appropriate amounts  
27 in the Oregon Education Fund to pay education lottery bonds. The Director of the Oregon Depart-  
28 ment of Administrative Services may specify when during any fiscal year amounts shall be trans-  
29 ferred from the Oregon Education Fund to be used for public education or education lottery bonds.

30 “**SECTION 7. The amendments to ORS 348.702 by section 2 of this 2009 Act become op-**  
31 **erative on July 1, 2013.**”.

32 In line 42, delete “6” and insert “8”.

33 On page 5, line 1, after “the” insert “reduction in the”.

34 In line 3, delete “2011” and insert “2013”.

35 In line 6, delete “7” and insert “9”.