

House Bill 3394

Sponsored by Representatives ESQUIVEL, OLSON; Representatives DOHERTY, GARRARD, GILLIAM, JENSON, KRIEGER, G SMITH, THATCHER, Senator ATKINSON

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 **as introduced**.

Establishes State Police Patrol Fund, separate and distinct from General Fund. Redirects state share of Oregon Liquor Control Commission Account surplus money distribution to State Police Patrol Fund. Continuously appropriates State Police Patrol Fund moneys for establishing, maintaining and meeting certain needs of state police patrol stations. Limits State Police Patrol Fund to amount necessary to maintain patrol officer staffing levels near national average.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to Department of State Police funding; creating new provisions; amending ORS 181.175 and
3 471.810; appropriating money; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS 181.010**
6 **to 181.560.**

7 **SECTION 2. The State Police Patrol Fund is established in the State Treasury, separate**
8 **and distinct from the General Fund. Interest earned by the State Police Patrol Fund shall**
9 **be credited to the fund. Moneys credited to the fund are continuously appropriated to the**
10 **Department of State Police for the purpose of establishing and maintaining state police pa-**
11 **trol stations and for meeting the police officer, vehicle, supply and equipment needs of those**
12 **patrol stations.**

13 **SECTION 3. (1) The Superintendent of State Police, not less than annually, shall deter-**
14 **mine:**

15 (a) **The number of sworn Oregon State Police officers per 1,000 population; and**

16 (b) **The national average number of sworn state police and highway patrol officers per**
17 **1,000 population.**

18 (2) **If the superintendent determines that the number of sworn Oregon State Police offi-**
19 **cers per 1,000 population is more than 101 percent of the national average number of sworn**
20 **state police and highway patrol officers per 1,000 population, the superintendent shall notify**
21 **the State Treasurer to make the transfers described in subsection (4) of this section.**

22 (3) **Upon receiving a notice from the superintendent under subsection (2) of this section,**
23 **the State Treasurer shall determine the average monthly expenditures by the Oregon State**
24 **Police from the State Police Patrol Fund during the preceding 12 completed months.**

25 (4) **The State Treasurer shall transfer monthly from the State Police Patrol Fund any**
26 **amount by which the fund balance exceeds the average monthly expenditure determined un-**
27 **der subsection (3) of this section. The State Treasurer shall pay the amount transferred from**
28 **the fund as follows:**

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 (a) Forty-five percent to cities described in ORS 471.810 (1)(b);
- 2 (b) Twenty-three percent to counties described in ORS 471.810 (1)(c); and
- 3 (c) Thirty-two percent to cities for distribution as described in ORS 471.810 (1)(d).

4 (5) A payment under subsection (4) of this section does not require a warrant under ORS
 5 471.810 and is not an amount paid or transferred under ORS 471.810 (1)(b), (c) and (d) for
 6 purposes of calculations under ORS 471.810 (3) or (4).

7 (6) If the State Treasurer is making transfers under subsection (4) of this section, and
 8 the superintendent determines that the number of sworn Oregon State Police officers per
 9 1,000 population is less than 99 percent of the national average number of sworn state police
 10 and highway patrol officers per 1,000 population, the superintendent shall notify the State
 11 Treasurer. The State Treasurer shall cease the transfers upon receiving notice from the
 12 superintendent under this subsection.

13 **SECTION 4.** ORS 181.175 is amended to read:

14 181.175. (1) There is established in the General Fund of the State Treasury an account to be
 15 known as the State Police Account. **Except as provided in section 2 of this 2011 Act**, all moneys
 16 received by the Department of State Police shall be paid to the credit of the State Police
 17 Account[, and such moneys] **and** are continuously appropriated **to the department** for the payment
 18 of expenses of the department [*of State Police*].

19 (2) There is established a subaccount in the State Police Account consisting of all moneys, re-
 20 venue and income described in ORS 463.220. All moneys in the subaccount are **continuously** ap-
 21 propriated [*continuously*] to the Department of State Police to carry out the provisions of ORS
 22 chapter 463.

23 **SECTION 5.** ORS 471.810 is amended to read:

24 471.810. (1) At the end of each month, the Oregon Liquor Control Commission shall certify the
 25 amount of moneys available for distribution in the Oregon Liquor Control Commission Account and,
 26 after withholding such moneys as [*it*] **the commission** may deem necessary to pay its outstanding
 27 obligations, shall within 35 days of the month for which a distribution is made direct the State
 28 Treasurer to pay the amounts due, upon warrants drawn by the Oregon Department of Administra-
 29 tive Services, as follows:

30 (a) Fifty-six percent, or the amount remaining after the distribution under [*subsection*] **sub-**
 31 **sections (3) and (4)** of this section, credited to the [*General Fund available for general governmental*
 32 *purposes wherein it shall be considered as revenue during the quarter immediately preceding receipt*]
 33 **State Police Patrol Fund established under section 2 of this 2011 Act**;

34 (b) Twenty percent to the cities of the state in such shares as the population of each city bears
 35 to the population of the cities of the state, as determined by the State Board of Higher Education
 36 last preceding such apportionment, under ORS 190.510 to 190.610;

37 (c) Ten percent to counties in such shares as their respective populations bear to the total
 38 population of the state, as estimated from time to time by the State Board of Higher Education; and

39 (d) Fourteen percent to the cities of the state to be distributed as provided in ORS 221.770 and
 40 this section.

41 (2) The commission shall direct the Oregon Department of Administrative Services to transfer
 42 50 percent of the revenues from the taxes imposed by ORS 473.030 and 473.035 to the Mental Health
 43 Alcoholism and Drug Services Account in the General Fund to be paid monthly as provided in ORS
 44 430.380.

45 (3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding

1 month was reduced as a result of credits claimed under ORS 473.047, the commission shall compute
 2 the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d)
 3 and (2) of this section and the amounts that would have been paid or transferred under subsections
 4 (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct
 5 the Oregon Department of Administrative Services to *[pay or transfer amounts]* **reduce the amount**
 6 **deposited for crediting to the State Police Patrol Fund under subsection (1)(a) of this section**
 7 **by amounts** equal to the differences computed for subsections (1)(b), (c) and (d) and (2) of this sec-
 8 tion *[from the General Fund]* **and to pay or transfer those amounts** to the recipients or accounts
 9 described in subsections (1)(b), (c) and (d) and (2) of this section.

10 (4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal
 11 year an amount less than the amount distributed to the city or county in accordance with ORS
 12 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the
 13 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census.
 14 If the population declined, the per capita distribution to the city or county shall be not less than
 15 the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to
 16 maintain the level of distribution under this subsection shall be paid from funds credited under
 17 subsection (1)(a) of this section.

18 **SECTION 6. Section 3 of this 2011 Act becomes operative July 1, 2012.**

19 **SECTION 7. This 2011 Act being necessary for the immediate preservation of the public**
 20 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 21 **July 1, 2011.**