

# Senate Bill 431

Sponsored by Senator EDWARDS, Representative BAILEY; Representatives CLEM, GARRETT (Pre-session filed.)

## 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**.

Requires interest on moneys in General Fund to be deposited into Oregon Rainy Day Fund. Directs Legislative Assembly to provide that interest on moneys in General Fund that otherwise accrue to Oregon Rainy Day Fund shall instead accrue to General Fund if conditions allowing appropriation of Oregon Rainy Day Fund are satisfied.

Modifies amount transferred to Oregon Rainy Day Fund each biennium to one percent of amount of General Fund appropriations for that biennium, less amount of interest deposited in Oregon Rainy Day Fund during biennium.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Rainy Day Fund; creating new provisions; and amending ORS 9.577, 240.131,  
3 293.140, 293.144, 293.146, 293.148, 293.293 and 541.576.

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

5 **SECTION 1.** ORS 293.140 is amended to read:

6 293.140. Except as otherwise provided by law, all interest received on deposits of state funds  
7 shall accrue to and become a part of the [*General Fund*] **Oregon Rainy Day Fund established by**  
8 **ORS 293.144.**

9 **(2) If the Legislative Assembly determines that one or more of the conditions described**  
10 **in ORS 293.144 (2) have been satisfied, the Legislative Assembly by law shall provide that**  
11 **interest received on deposits of state funds that would otherwise accrue to and become a**  
12 **part of the Oregon Rainy Day Fund under subsection (1) of this section shall instead accrue**  
13 **to and become a part of the General Fund.**

14 **SECTION 2.** ORS 293.144 is amended to read:

15 293.144. (1) The Oregon Rainy Day Fund is established as an account in the General Fund.

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

19 (a) That the last quarterly economic and revenue forecast for a biennium indicates that moneys  
20 available to the General Fund for the next biennium will be at least three percent less than appro-  
21 priations from the General Fund for the current biennium;

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

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

28 *[(3) Once each month, the Oregon Department of Administrative Services shall calculate the amount*

**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 of General Fund interest that is attributable to moneys in the Oregon Rainy Day Fund. Except as  
 2 otherwise provided in ORS 293.148, the department shall transfer the amount calculated under this  
 3 subsection to the Oregon Rainy Day Fund.]

4 [(4)] (3) The Legislative Assembly may not appropriate for any one biennium more than two-  
 5 thirds of the amount that is in the Oregon Rainy Day Fund at the beginning of that biennium. If the  
 6 appropriation is for a biennium that has not yet begun, the Legislative Assembly may use as the  
 7 base the most recent estimate of the amount that will be in the Oregon Rainy Day Fund at the be-  
 8 ginning of the biennium for which the appropriation is made.

9 [(5)] (4) As used in this section, "legislatively adopted budget" has the meaning given that term  
 10 in ORS 291.002.

11 **SECTION 3.** ORS 293.146 is amended to read:

12 293.146. (1) As used in this section:

13 (a) "Ending balance" means the difference between the amount of General Fund revenues col-  
 14 lected during a biennium and the amount of General Fund appropriations for the biennium.

15 (b) "General Fund appropriations" means the amount of moneys appropriated from the General  
 16 Fund for a biennium in the legislatively approved budget for the biennium, minus the amount of any  
 17 General Fund appropriation balances for that biennium that revert to the General Fund under ORS  
 18 293.190.

19 (c) "Legislatively approved budget" has the meaning given that term in ORS 291.002.

20 (2) Except as provided in ORS 293.148, as soon as possible after the ending balance for a  
 21 biennium is determined, an amount equal to one percent of the amount of General Fund appropri-  
 22 ations for that biennium, **less the amount of interest deposited in the Oregon Rainy Day Fund**  
 23 **during the biennium under ORS 293.140**, shall be transferred to the Oregon Rainy Day Fund es-  
 24 tablished by ORS 293.144. If the ending balance does not equal or exceed one percent of the amount  
 25 of General Fund appropriations, **less the amount of interest deposited in the Oregon Rainy Day**  
 26 **Fund during the biennium under ORS 293.140**, an amount equal to the ending balance shall be  
 27 transferred to the Oregon Rainy Day Fund.

28 **SECTION 4.** ORS 293.148 is amended to read:

29 293.148. (1) If the moneys in the Oregon Rainy Day Fund established by ORS 293.144 just prior  
 30 to the time of a transfer scheduled under ORS [293.144 (3) or] 293.146 equal at least 7-1/2 percent  
 31 of the amount of General Fund revenues collected during the prior biennium, moneys that would  
 32 otherwise be transferred to the Oregon Rainy Day Fund **under ORS 293.146** shall be deposited in  
 33 the General Fund.

34 (2) If the moneys in the Oregon Rainy Day Fund just prior to the time of a transfer scheduled  
 35 under ORS [293.144 (3) or] 293.146 do not equal at least 7-1/2 percent of the amount of General Fund  
 36 revenues collected during the prior biennium, the transfer to the Oregon Rainy Day Fund shall be  
 37 made regardless of whether that transfer increases the amount in the Oregon Rainy Day Fund to  
 38 at least 7-1/2 percent of the amount of General Fund revenues collected during the prior biennium.

39 **SECTION 5.** ORS 9.577 is amended to read:

40 9.577. (1) The Legal Aid Account is established in the General Fund of the State Treasury. All  
 41 moneys in the account are continuously appropriated to the State Court Administrator for the pur-  
 42 pose of the distributions required by this section. [*Interest earned by the account shall be credited to*  
 43 *the General Fund.*]

44 (2) Each month, the State Court Administrator shall transfer to the Legal Aid Account, from  
 45 amounts collected by the State Court Administrator as fees and charges in the circuit courts, the

1 amounts necessary to make the distributions required by subsection (3) of this section.

2 (3) Each biennium, the State Court Administrator shall distribute to the Oregon State Bar \$11.9  
3 million from the Legal Aid Account. Distributions under this section shall be made by the State  
4 Court Administrator in eight quarterly installments of equal amounts, with the first distribution to  
5 be made as soon as possible after July 1, 2011. Amounts distributed to the Oregon State Bar under  
6 this subsection may be used only for the funding of the Legal Services Program established under  
7 ORS 9.572.

8 **SECTION 6.** ORS 240.131 is amended to read:

9 240.131. The Employment Relations Board Administrative Account is established separate and  
10 distinct from the General Fund. The account consists of all moneys received by the Employment  
11 Relations Board, other than moneys appropriated to the board by the Legislative Assembly. All  
12 moneys in the account are continuously appropriated to the board for the payment of all expenses  
13 incurred by the board. *[Interest earned by the account shall be credited to the General Fund.]*

14 **SECTION 7.** ORS 293.293 is amended to read:

15 293.293. (1) Whenever a court is required to hold funds in trust for the benefit of any party, all  
16 such funds shall be deposited with the State Treasurer in an account separate and distinct from the  
17 General Fund. *[Interest on such funds shall be credited to the General Fund.]*

18 (2) Notwithstanding subsection (1) of this section, if the amount in trust is \$10,000 or more, upon  
19 motion of a party, the court may order that the amount deposited with the State Treasurer be placed  
20 in an interest bearing account and that the interest be credited or paid to a party or parties, as the  
21 court deems appropriate.

22 **SECTION 8.** ORS 541.576 is amended to read:

23 541.576. (1) The Water Conservation, Reuse and Storage Investment Fund is established in the  
24 State Treasury, separate and distinct from the General Fund. *[Interest earned by the Water Conser-*  
25 *vation, Reuse and Storage Investment Fund shall be credited to the General Fund.]* Moneys in the  
26 Water Conservation, Reuse and Storage Investment Fund are continuously appropriated to the Wa-  
27 ter Resources Department to award grants and to pay the cost of direct services provided under  
28 ORS 541.561.

29 (2) The Water Conservation, Reuse and Storage Investment Fund shall consist of:

30 (a) Moneys appropriated to the fund by the Legislative Assembly;

31 (b) Any moneys that may be transferred to the fund by the federal government, a state agency  
32 or a local government; and

33 (c) Grant repayments, if any.

34 **SECTION 9.** The amendments to ORS 293.140, 293.144, 293.146 and 293.148 by sections 1  
35 to 4 of this 2013 Act first apply to the biennium beginning July 1, 2015.

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