

D R A F T

SUMMARY

Requires interest on moneys in General Fund to be deposited into Oregon Rainy Day Fund. Modifies amount transferred to Oregon Rainy Day Fund each biennium to 1.25 percent of amount of General Fund appropriations, less amount of interest deposited in Oregon Rainy Day Fund during biennium.

A BILL FOR AN ACT

1
2 Relating to state finance; creating new provisions; and amending ORS 9.577,
3 240.131, 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 de-
7 posits of state funds shall accrue to and become a part of the [*General*
8 *Fund*] **Oregon Rainy Day Fund established by ORS 293.144.**

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

10 293.144. (1) The Oregon Rainy Day Fund is established as an account in
11 the General Fund.

12 (2) The Legislative Assembly may appropriate moneys from the Oregon
13 Rainy Day Fund only if the appropriation is approved by three-fifths of the
14 members serving in each house of the Legislative Assembly and the Legisla-
15 tive Assembly finds one of the following:

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

20 (b) That there has been a decline for two or more consecutive quarters

1 in the last 12 months in seasonally adjusted nonfarm payroll employment;
2 or

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

7 *[(3) Once each month, the Oregon Department of Administrative Services*
8 *shall calculate the amount of General Fund interest that is attributable to*
9 *moneys in the Oregon Rainy Day Fund. Except as otherwise provided in ORS*
10 *293.148, the department shall transfer the amount calculated under this sub-*
11 *section to the Oregon Rainy Day Fund.]*

12 [(4)] (3) The Legislative Assembly may not appropriate for any one
13 biennium more than two-thirds of the amount that is in the Oregon Rainy
14 Day Fund at the beginning of that biennium. If the appropriation is for a
15 biennium that has not yet begun, the Legislative Assembly may use as the
16 base the most recent estimate of the amount that will be in the Oregon Rainy
17 Day Fund at the beginning of the biennium for which the appropriation is
18 made.

19 [(5)] (4) As used in this section, “legislatively adopted budget” has the
20 meaning given that term in ORS 291.002.

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

22 293.146. (1) As used in this section:

23 (a) “Ending balance” means the difference between the amount of General
24 Fund revenues collected during a biennium and the amount of General Fund
25 appropriations for the biennium.

26 (b) “General Fund appropriations” means the amount of moneys appro-
27 priated from the General Fund for a biennium in the legislatively approved
28 budget for the biennium, minus the amount of any General Fund appropri-
29 ation balances for that biennium that revert to the General Fund under ORS
30 293.190.

31 (c) “Legislatively approved budget” has the meaning given that term in

1 ORS 291.002.

2 (2) Except as provided in ORS 293.148, as soon as possible after the ending
3 balance for a biennium is determined, an amount equal to [one] **1.25** percent
4 of the amount of General Fund appropriations for that biennium, **less the**
5 **amount of interest deposited in the Oregon Rainy Day Fund during the**
6 **biennium under ORS 293.140**, shall be transferred to the Oregon Rainy Day
7 Fund established by ORS 293.144. If the ending balance does not equal or
8 exceed [one] **1.25** percent of the amount of General Fund appropriations, **less**
9 **the amount of interest deposited in the Oregon Rainy Day Fund during**
10 **the biennium under ORS 293.140**, an amount equal to the ending balance
11 shall be transferred to the Oregon Rainy Day Fund.

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

13 293.148. (1) If the moneys in the Oregon Rainy Day Fund established by
14 ORS 293.144 just prior to the time of a transfer scheduled under ORS [293.144
15 (3) or] 293.146 equal at least 7-1/2 percent of the amount of General Fund
16 revenues collected during the prior biennium, moneys that would otherwise
17 be transferred to the Oregon Rainy Day Fund **under ORS 293.146** shall be
18 deposited in the General Fund.

19 (2) If the moneys in the Oregon Rainy Day Fund just prior to the time
20 of a transfer scheduled under ORS [293.144 (3) or] 293.146 do not equal at
21 least 7-1/2 percent of the amount of General Fund revenues collected during
22 the prior biennium, the transfer to the Oregon Rainy Day Fund **under ORS**
23 **293.146** shall be made regardless of whether that transfer increases the
24 amount in the Oregon Rainy Day Fund to at least 7-1/2 percent of the
25 amount of General Fund revenues collected during the prior biennium.

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

27 9.577. (1) The Legal Aid Account is established in the General Fund of the
28 State Treasury. All moneys in the account are continuously appropriated to
29 the State Court Administrator for the purpose of the distributions required
30 by this section. [*Interest earned by the account shall be credited to the General*
31 *Fund.*]

1 (2) Each month, the State Court Administrator shall transfer to the Legal
2 Aid Account, from amounts collected by the State Court Administrator as
3 fees and charges in the circuit courts, the amounts necessary to make the
4 distributions required by subsection (3) of this section.

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

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

13 240.131. The Employment Relations Board Administrative Account is es-
14 tablished separate and distinct from the General Fund. The account consists
15 of all moneys received by the Employment Relations Board, other than
16 moneys appropriated to the board by the Legislative Assembly. All moneys
17 in the account are continuously appropriated to the board for the payment
18 of all expenses incurred by the board. [*Interest earned by the account shall*
19 *be credited to the General Fund.*]

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

21 293.293. (1) Whenever a court is required to hold funds in trust for the
22 benefit of any party, all such funds shall be deposited with the State Treas-
23 urer in an account separate and distinct from the General Fund. [*Interest on*
24 *such funds shall be credited to the General Fund.*]

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

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

31 541.576. (1) The Water Conservation, Reuse and Storage Investment Fund

1 is established in the State Treasury, separate and distinct from the General
2 Fund. [*Interest earned by the Water Conservation, Reuse and Storage Invest-*
3 *ment Fund shall be credited to the General Fund.*] Moneys in the Water
4 Conservation, Reuse and Storage Investment Fund are continuously appro-
5 priated to the Water Resources Department to award grants and to pay the
6 cost of direct services provided under ORS 541.561.

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

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

10 (b) Any moneys that may be transferred to the fund by the federal gov-
11 ernment, a state agency or a local government; and

12 (c) Grant repayments, if any.

13 **SECTION 9. The amendments to ORS 293.140, 293.144, 293.146 and**
14 **293.148 by sections 1 to 4 of this 2015 Act first apply to the biennium**
15 **beginning July 1, 2017.**

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