

BUDGET REPORT AND MEASURE SUMMARY

CARRIER: Sen. Devlin

**Joint Committee On Ways and Means**

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**Action:** Do Pass The A-Eng Bill.

**Action Date:** 07/03/15

**Vote:**

**Senate**

**Yeas:** 12 - Burdick, Devlin, Girod, Hansell, Johnson, Monroe, Roblan, Shields, Steiner Hayward, Thomsen, Whitsett, Winters

**House**

**Yeas:** 11 - Buckley, Gomberg, Huffman, Komp, McLane, Nathanson, Rayfield, Read, Smith, Whitsett, Williamson

**Exc:** 1 - Whisnant

**Prepared By:** Janet Savarro and Art Ayre, Department of Administrative Services

**Reviewed By:** Janet Savarro and Art Ayre, Department of Administrative Services

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**Agencies:** Various - Lottery Allocation

**Biennium:** 2015-17

**Agencies:** Various - Criminal Fine Account Allocation

**Biennium:** 2015-17

## Revenue Summary

The Oregon Lottery collects revenues from traditional and video lottery gaming. It pays player prizes and its operating expenses out of these revenues, and then transfers the balance (net profits) to the Administrative Services Economic Development Fund (EDF). The Department of Administrative Services (DAS) then distributes funds from the EDF in adherence with constitutional and statutory funding priorities, including specific Legislative allocations. The amounts outlined in this bill are based on the lottery revenue forecast from the DAS Office of Economic Analysis (OEA) as of May 14, 2015, adjusted for reversions of 2013-15 biennium Lottery Funds ending balances transferred to the EDF under ORS 461.559. ORS 461.559 reverts certain Lottery Funds allocations unspent at the end of a biennium to the EDF. This provision first becomes operative during the 2015-17 biennium. Reversions under this provision, which are projected to total \$5,339,361 in the 2015-17 biennium, were not included in the DAS OEA lottery revenue forecast, but the allocation amounts in this bill include those reversions in total available resources. As actual amounts vary, some allocations or distributions set forth within may also vary – in some cases requiring related expenditure limitation adjustments.

The Oregon Lottery transfers Lottery Funds to the DAS EDF on a quarterly basis. From each quarterly transfer, a number of dedicated distributions are required by the Oregon Constitution or are provided for in Oregon Revised Statutes (ORS), including:

- The Oregon Constitution requires that 18 percent of net proceeds be distributed to the Education Stability Fund.
- The Oregon Constitution requires that 15 percent of net proceeds be distributed to the Parks and Natural Resources Fund.
- Oregon statute requires that 2.5 percent of net proceeds of video lottery gaming be distributed to the counties for economic development projects. Beginning with the 2005-07 biennium, 50 percent of the operating costs for the Economic Revitalization Team (ERT) established by ORS 284.555, and funding for state Regional Solutions program positions, are also funded from this source.
- Oregon statute requires that one percent of net profits be distributed to the Sports Lottery Account for sports programs at state institutions of higher education and for scholarships.
- Oregon statute requires that one percent of net profits be transferred to the Oregon Health Authority for Gambling Addiction prevention and treatment programs.
- Oregon statute requires that one percent of the net profits, not to exceed \$1.53 million annually, be transferred to the County Fair account. The maximum amount is adjusted each biennium pursuant to certain changes in the Consumer Price Index.
- Oregon statute requires that annual debt service payments for outstanding lottery revenue bonds be satisfied before allocating EDF balances for other purposes. During the 2015-17 biennium, debt service requirements equal approximately 19.9 percent of total Lottery Funds revenue .

Finally, the Legislature makes other allocations from the EDF within authorized public purposes. These purposes include job creation, economic development and public education. Currently, the bulk of allocations are made to the Department of Education for the State School Fund and to the Oregon Business Development Department for various program expenditures.

Interest earned on the EDF remains within the fund itself. If at the end of any quarter funds remain undistributed, they are retained in the EDF for allocation in future quarters. If in any quarter funds in the EDF are insufficient to fund quarterly distribution of allocations, DAS first fully funds debt service obligations. Any remaining revenues are then distributed to other statutory allocations in a prorated manner.

House Bill 5029 also allocates resources from the Criminal Fine Account (CFA). The CFA includes criminal fines and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. Revenues are collected by the courts – including by the Oregon Judicial Department (OJD) for the circuit courts, and by individual municipal (city) and justice (county) courts, and remitted to the Department of Revenue.

## **Summary of Capital Construction Subcommittee Action**

### **Allocation of Lottery Revenue**

House Bill 5029 allocates lottery revenue from the EDF. The amounts outlined in this bill are based on the lottery revenue forecast from the DAS OEA as of May 14, 2015, adjusted for projected Lottery Funds allocation ending balances transferred to the EDF under ORS 461.559. The attached tables display the dollar amounts of the EDF Lottery Funds allocations authorized in the bill or by the state Constitution. All Lottery Funds allocations approved for the 2015-17 biennium are included in House Bill 5029. The 2015-17 allocations are summarized below.

- A total of \$225.5 million Lottery Funds is allocated for debt service for outstanding bonds. These funds are allocated to DAS, since the DAS Capital Investment Section manages debt service for the state. DAS will transfer the necessary funding to the Department of Education, Higher Education Coordinating Commission, Oregon Business Development Department, Housing and Community Services Department, Department of Transportation, Department of Forestry, Department of Energy, and the Water Resources Department for the payment of debt on existing lottery revenue bonds. No allocations are included to pay debt service for lottery revenue bonds issued in the 2015-17 biennium. All lottery revenue bonds approved in the 2015-17 Legislatively Adopted Budget will be issued in the Spring of 2017, and associated debt service costs will not be paid before the start of the 2017-19 biennium.
- The State School Fund is allocated \$408.2 million Lottery Funds.
- A total of \$62.1 million Lottery Funds is allocated for the programs of the Oregon Business Development Department. This total excludes amounts allocated for debt service payments on lottery revenue bonds, but includes \$7.0 million for Shared Services; \$50.9 million for Business, Innovation and Trade; \$3.0 million for the Infrastructure Financing Authority; and \$1.2 million for the Film and Video Office.

- The Office of the Governor is allocated \$4.1 million Lottery Funds for the Regional Solutions Program. These costs are shared with counties by reducing video lottery proceeds that are distributed to counties for economic development by one-half of the total cost.
- The Department of Forestry is allocated \$5 million Lottery Funds for federal forest restoration.

#### Education Stability Fund

A constitutional amendment approved by Oregon voters in 1997, and amended in 2002, requires that 18 percent of net lottery proceeds be transferred to the Education Stability Fund. Interest earnings on this fund are continuously appropriated for the benefit of education programs. These earnings are split 75 percent to the Oregon Education Fund, which is currently used to help pay debt service on lottery revenue bonds that were previously issued for the Department of Education, and 25 percent to the Higher Education Coordinating Commission for the Opportunity Grant program. Earnings that would be dedicated to the Oregon Education Fund in excess of the amounts needed to pay debt service are transferred to the Opportunity Grant program instead. The transfers and distributions relating to the Education Stability Fund as described here are established by the Oregon Constitution and by other statutes – therefore House Bill 5029 does not include provisions relating to them.

Ten percent of the amount deposited in the Education Stability Fund is deposited into the Oregon Growth Account within the Fund. All declared earnings from this account are continuously appropriated to the Oregon Education Fund and the Higher Education Coordinating Commission.

#### Parks and Natural Resources Fund

Ballot Measure 76, approved by Oregon voters in 2010, requires 15 percent of net lottery proceeds to be transferred to the Parks and Natural Resources Fund. This fund is continuously appropriated for the benefit of parks and recreation and for native species protection and restoration. This transfer is established by the Oregon Constitution. House Bill 5029, therefore, does not include provisions relating to it.

#### County Economic Development

ORS 461.547 requires that 2.5 percent of net proceeds of video lottery gaming be distributed to the counties for economic development projects. Beginning with the 2005-07 biennium, 50 percent of the operating costs for the Economic Revitalization Team (ERT) established by ORS 284.555, and the costs of Regional Solutions positions in the state budget, have also been funded from this source.

The Subcommittee approved allocating a fixed dollar amount for county economic development during the 2015-17 biennium, rather than the percentage allocation described in statute. The fixed dollar amount is \$39,083,827, which is equal to 2.5 percent of the amount of video lottery proceeds projected in the May 2015 revenue forecast, minus one-half of the funding for Regional Solutions positions in the Office of the Governor.

#### Gambling Addiction Prevention and Treatment

The 1999 Legislature statutorily dedicated one percent of net lottery proceeds to be transferred to the Oregon Health Authority to fund gambling addiction programs in the state.

Instead of the percentage allocation described in statute, the Subcommittee approved a fixed allocation of \$11,292,544 for the 2015-17 biennium.

Sports Lottery Account

Beginning in 2007, one percent of net lottery proceeds are dedicated to the Higher Education Coordinating Commission for distribution to institutions to offset the costs of intercollegiate athletic programs and for academic scholarships.

Instead of the percentage allocation described in statute, the Subcommittee approved a fixed allocation of \$8,240,000 for the 2015-17 biennium.

The Subcommittee approved the following distribution of Lottery Funds allocated to the Sports Lottery Account. These distribution amounts replace the amounts included in the budget report for House Bill 5024, the budget bill for the Higher Education Coordinating Commission, which were incorrect.

**2015-17 Biennium Sports Lottery Account**

Eastern Oregon University	\$913,239
Oregon Institute of Technology	\$913,239
Southern Oregon University	\$913,239
Western Oregon University	\$1,162,716
Portland State University	\$2,277,567
Oregon State University	\$1,030,000
University of Oregon	\$1,030,000
<b>TOTAL</b>	<b>\$8,240,000</b>

County Fairs

The 2001 Legislature statutorily dedicated one percent of net lottery proceeds, with certain limitations, for distribution to county fair programs throughout the state. This amount is adjusted by inflation each biennium.

Instead of the percentage allocation described in statute, the Subcommittee approved a fixed allocation of \$3,864,000 for the 2015-17 biennium.

Lottery Funds Expenditure Limitation

Lottery Funds expenditure limitations related to these allocations are generally contained in the respective agency budget bills, in Senate Bill 5507, or in policy bills establishing one-time, Lottery-funded program (House Bill 2997 and House Bill 2998).

**Allocation of Criminal Fine Account**

ORS 137.300 establishes the CFA and identifies program priorities, but does not specify a funding level for the programs. Expenditure limitations for programs receiving CFA allocations are established in the separate appropriation bills for the various receiving agencies. Any CFA revenues remaining after the specific program allocations are made are deposited into the General Fund.

The revenue forecast for the CFA for the 2015-17 biennium totals \$116.8 million. The Capital Construction Subcommittee approved allocations to agencies totaling \$72.5 million, leaving \$44.3 million to be deposited into General Fund. Those revenues are included in the General Fund expenditures authorized in the 2015-17 Legislatively Adopted Budget. The specific allocation amount authorized in this bill are listed in the final table of this budget report.

## LOTTERY FUNDS CASH FLOW SUMMARY

	2013-15 Legislatively Approved Budget <sup>1</sup>	2015-17 Legislatively Adopted Budget <sup>2</sup>
<b>ECONOMIC DEVELOPMENT FUND</b>		
RESOURCES		
Beginning Balance	\$3,491,087	\$19,318,494
REVENUES		
Transfers from Lottery		
Net Proceeds	1,061,129,097	1,129,256,402
Administrative Savings	0	0
Other Revenues		
Interest Earnings	1,400,000	2,000,000
Lottery Funds Reversions under ORS 461.559	0	5,339,361
Total Revenue	1,062,529,097	1,136,595,763
TOTAL RESOURCES	1,066,020,184	1,155,914,257
DISTRIBUTIONS / ALLOCATIONS		
Distribution of Video Revenues to Counties	(33,849,166)	(39,083,827)
Distribution to the Education Stability Fund	(191,003,237)	(203,266,152)
Distribution to the Parks and Natural Resources Fund	(159,169,365)	(169,388,460)
Distribution to HECC for Collegiate Athletics and Scholarships	(8,000,000)	(8,240,000)
Distribution to OHA for Gambling Addiction Treatment Programs	(10,592,542)	(11,292,544)
Distribution for County Fairs	(3,669,380)	(3,864,000)
Allocation to the State School Fund	(327,374,109)	(408,150,516)
Debt Service Allocations	(240,215,783)	(225,477,038)
Other Agency Allocations	(72,828,108)	(71,151,720)
<b>TOTAL DISTRIBUTIONS / ALLOCATIONS</b>	<b>(1,046,701,690)</b>	<b>(1,139,914,257)</b>
<b>ENDING BALANCE</b>	<b>\$19,318,494</b>	<b>\$16,000,000</b>
<b>EDUCATION STABILITY FUND</b>		
(not including OGA or ORTDF)		
RESOURCES		
Beginning Balance	\$7,402,401	\$179,301,809
Revenues		
Transfer from the Economic Development Fund	171,899,408	182,939,537
Interest Earnings	984,133	10,289,094
Total Revenue	172,883,541	193,228,631
TOTAL RESOURCES	180,285,942	372,530,440
DISTRIBUTIONS		
Interest Distributions	(984,133)	(10,289,094)
<b>TOTAL DISTRIBUTIONS</b>	<b>(984,133)</b>	<b>(10,289,094)</b>
<b>ENDING BALANCE</b>	<b>\$179,301,809</b>	<b>\$362,241,346</b>

1. The 2013-15 Estimated Budget is based on the May 2015 forecast of 2013-15 resources.

2. The 2015-17 Legislatively Adopted Budget is based on the May 2015 forecast of 2015-17 resources, adjusted to include Lottery Funds reversions under ORS 461.559.

**2015-17 LOTTERY FUNDS ALLOCATIONS AND EXPENDITURES**

	<b>New Lottery Funds Allocation</b>	<b>Beginning Lottery Balance</b>	<b>Interest and Other Earnings / (Reversions)</b>	<b>2015-17 LAB Expenditure Limitation</b>	<b>Ending Lottery Balance</b>
<b>ECONOMIC DEVELOPMENT FUND</b>					
<b>DEBT SERVICE COMMITMENTS</b>					
Department of Education					
Outstanding bonds	805,621	35,911	0	841,532	0
Higher Education Coordinating Commission					
Outstanding bonds	41,762,610	587,166	0	42,349,776	0
Business Development Dept.					
Outstanding bonds	45,040,696	73,510	0	45,114,206	0
Housing and Community Services Dept.					
Outstanding bonds	11,659,434	17,035	0	11,676,469	0
Department of Transportation					
Outstanding bonds	107,020,978	463,162	0	107,484,140	0
Department of Administrative Services					
Outstanding bonds	11,233,581	1,543,515	0	12,777,096	0
Forestry Department					
Outstanding Bonds	2,468,492	13,468	0	2,481,960	0
Department of Energy					
Outstanding Bonds	2,977,259	3,237	0	2,980,496	0
Water Resources Department					
Outstanding Bonds	2,508,367	3,115	0	2,511,482	0
<b>OTHER ALLOCATIONS</b>					
Higher Education Coordinating Commission					
Collegiate Athletics and Scholarships	8,240,000	0	0	8,240,000	0
Oregon Health Authority					
Gambling Addiction Treatment	11,292,544	0	0	11,292,544	0
Department of Education					
State School Fund	408,150,516	0	0	408,150,516	0
Department of Administrative Services					
Distribution to County Fairs	3,864,000	0	0	3,864,000	0
Office of the Governor					
Regional Solutions	4,058,418	84,902	0	4,058,418	84,902
Business Development Department					
Shared Services	7,037,404	616,677	(616,677)	7,037,404	0
Business, Innovation, and Trade	50,866,257	9,304,599	(4,722,684)	55,448,172	0
Infrastructure Financing Authority	3,025,181	0	0	3,025,181	0
Film and Video	1,164,460	0	0	1,164,460	0
Forestry Department					
Federal Forest Restoration	5,000,000	0	0	5,000,000	0
<b>TOTAL ECONOMIC DEVELOPMENT FUND</b>	<b>\$728,175,818</b>	<b>\$12,746,297</b>	<b>(\$5,339,361)</b>	<b>\$735,497,852</b>	<b>\$84,902</b>
<b>EDUCATION STABILITY FUND / OREGON EDUCATION FUND</b>					
Higher Education Coordinating Commission					
Opportunity Grants	10,232,598	1,583,781	0	11,816,379	0
Department of Education					
Education Bonds Outstanding	56,496	536,899	0	593,395	0
<b>TOTAL EDUCATION STABILITY/OREGON EDUCATION FUND</b>	<b>\$10,289,094</b>	<b>\$2,120,680</b>	<b>\$0</b>	<b>\$12,409,774</b>	<b>\$0</b>



**CRIMINAL FINE ACCOUNT ALLOCATIONS**

<b>2015-17 Biennium Criminal Fine Account Revenues</b>	<b><u>\$ 116,772,418</u></b>
<b>Agency/Program (Bill number containing expenditure authority)</b>	<b>Allocation</b>
<b><i>Department of Public Safety Standards and Training (SB 5534)</i></b>	
Operations	\$ 27,250,583
Public Safety Memorial Fund	<u>128,420</u>
Subtotal:	<u>\$ 27,379,003</u>
<b><i>Department of Justice (SB 5516)</i></b>	
Child Abuse Multidisciplinary Intervention (CAMI)	\$ 10,311,579
Regional Assessment Centers	787,663
Criminal Injuries Compensation Account (CICA)	8,775,830
Child Abuse Medical Assessments	<u>666,107</u>
Subtotal:	<u>\$ 20,541,179</u>
<b><i>Department of Human Services (HB 5026)</i></b>	
Domestic Violence Fund	\$ 2,224,675
Sexual Assault Victims Fund	<u>533,332</u>
Subtotal:	<u>\$ 2,758,007</u>
<b><i>Oregon Health Authority (SB 5526)</i></b>	
Emergency Medical Services & Trauma Services	\$ 331,824
Alcohol & Drug Abuse Prevention	42,884
Law Enforcement Medical Liability Account (LEMLA)	1,339,000
Intoxicated Driver Program	<u>4,323,000</u>
Subtotal:	<u>\$ 6,036,708</u>
<b><i>Oregon Judicial Department (SB 5514)</i></b>	
State court security and emergency preparedness	\$ 3,422,322
County court facilities security	4,148,922
Capital improvements for courthouses and other state court facilities	<u>3,500,000</u>
Subtotal:	<u>\$ 11,071,244</u>
<b><i>Oregon State Police (SB 5531)</i></b>	
Driving Under the Influence Enforcement	<u>\$ 253,000</u>
<b><i>Department of Corrections (SB 5504)</i></b>	
County correction programs and facilities, and alcohol and drug programs	<u>\$ 4,391,472</u>
<b><i>Governor's Office (HB 5021)</i></b>	
Arrest & Return for Extradition	<u>\$ 22,500</u>
Total Allocations:	<b><u>\$ 72,453,113</u></b>
<b>Transfer to the General Fund</b>	<b><u>\$ 44,319,305</u></b>