

**76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 5035-A

JOINT COMMITTEE ON WAYS AND MEANS

Carrier – House: Rep. G. Smith

Carrier – Senate: Sen. Nelson

Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 25 – 0 – 0

House – Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant

– Nays:

– Exc:

Senate – Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

– Nays:

– Exc:

Prepared By: Jim Carbone, Department of Administrative Services

Reviewed By: Steve Bender, Legislative Fiscal Office

Meeting Date: June 29, 2011

Agency

Various Agencies – Lottery Allocation

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Biennium

2011-13

Summary of Revenue Changes

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 as of May 12, 2011 plus unspent dollars from the 2009 School Facilities Task Force lottery allocation that are transferred to the EDF by Senate Bill 939. As actual amounts vary, the 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 Administrative Services 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 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 bonds be satisfied before allocating for other purposes.

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. During the 2011-13 biennium, debt service requirements will comprise approximately 21.8 percent of the total distributions from this account.

Debt service allocations are paid annually. Interest earned on the EDF remains within the fund itself. If at the end of any quarter funds remain undistributed, they will remain in the EDF for allocation in future quarters. If in any quarter revenue in the EDF is insufficient to pay for quarterly distribution of allocations, DAS will first fund debt service obligations. Remaining revenues will be distributed in a prorated manner.

Summary of Capital Construction Subcommittee Action

Allocation of Lottery Revenue

House Bill 5035 allocates lottery revenue from the EDF. The amounts outlined in this bill are based on the Lottery revenue forecast from the DAS Office of Economic Analysis as of May 12, 2011, with the adjustment identified in the prior section. The attached tables display the Lottery Funds allocated by the Subcommittee from the EDF. The allocations are summarized below.

- A total of \$240.4 million Lottery Funds is allocated for debt service for outstanding and newly-authorized bonds. These funds are allocated to the DAS since the DAS Capital Investment Section manages debt service for the state. DAS will transfer the necessary funding to the Department of Education, Department of Higher Education, Oregon Business Development Department, Housing and Community Services Department, Department of Transportation, Department of Community Colleges and Workforce Development, Department of Forestry, Department of Energy, and the Water Resources Department for the payment of debt on existing and new lottery bonds. New lottery bond projects for the 2011-13 biennium, authorized by House Bill 5036, include the following:
 - Lane Transit EmX Extension
 - The Willow Creek / SAGE Center Improvements
 - Eastern Oregon Trade Center
 - Roseburg Veterans' Home
 - Milton-Freewater levee and bridge improvements
 - Oregon Historical Society
 - Oregon State University - Cascades Campus Graduate Studies Building
 - Oregon Institute of Technology - Portland Campus Consolidation
 - Oregon State University – New business education building
 - Southern Oregon University – Science Building deferred maintenance and seismic upgrade
 - Western Oregon University – Natural Science Laboratory Annex
 - Eastern Oregon University – Quinn Coliseum deferred maintenance
 - Oregon University System – System-wide capital renewal, code compliance and safety projects
 - Oregon Department of Water Resources - Umatilla Basin
 - Department of Forestry – Gilchrist Forest
 - Oregon Department of Transportation – Connect Oregon IV
 - Housing and Community Services – Affordable Housing Grants

- The State School Fund is allocated \$374.7 million Lottery Funds.
- DAS is allocated \$18,354 for transfer to the Department of Agriculture for administration of county fairs.
- A total of \$53.6 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 \$6.8 million for Shared Services; \$45.5 million for Business, Innovation and Trade; and \$1.2 million for the Film and Video Office.
- The Office of the Governor is allocated \$1.9 million Lottery Funds for the Economic Revitalization Team. Half of this funding will come from a reduction in the video lottery proceeds that are distributed to counties for economic development.

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 bonds that were previously issued for the Department of Education, and 25 percent to the Oregon Student Assistance Commission.

Five 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 Oregon Student Assistance Commission. After June 30, 2013 the amount credited to the Oregon Growth Account will increase to ten percent of the deposits into the Education Stability Fund. 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 5035 does not include provisions relating to them.

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 5035, 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 have also been funded from this source.

The Subcommittee approved allocating a fixed dollar amount for county economic development during the 2011-13 biennium, rather than the percentage allocation described in statute. The fixed dollar amount is \$37,118,584, which is equal to 2.5 percent of the amount of video lottery proceeds forecasted in the May 2011 revenue forecast, minus one-half of the Economic Revitalization Team allocation.

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 \$10,972,521 for the 2011-13 biennium.

Oregon University System Sports Lottery Account

Beginning in 2007, one percent of net lottery proceeds are dedicated to the Oregon University System 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 \$8,825,680 for the 2011-13 biennium.

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 \$3,600,135 for the 2011-13 biennium.

Lottery Funds Expenditure Limitation

Lottery Funds expenditure limitation related to these allocations is generally contained within the respective agency budget bills and Senate Bill 5508.

LOTTERY FUNDS CASH FLOW SUMMARY

	2009-11 Legislatively Approved Budget	2011-13 Legislatively Adopted Budget	Percent Change
ECONOMIC DEVELOPMENT FUND			
RESOURCES			
Beginning Balance	\$1,352,767	\$244,821	-81.9%
REVENUES			
Transfers from Lottery			
Net Proceeds	1,056,788,127	1,120,295,553	6.0%
Administrative Savings	29,304,809	8,000,000	-72.7%
Other Revenues	1,112,572	1,100,000	-1.1%
Interest Earnings		1,361,248	
Other			
Total Revenue	1,087,205,508	1,130,756,801	4.0%
TOTAL RESOURCES			
	1,088,558,275	1,131,001,622	3.9%
DISTRIBUTIONS / ALLOCATIONS			
Distribution of Video Revenues to Counties	(30,520,633)	(37,118,584)	21.6%
Distribution to Higher Education for Sports Programs	(9,665,082)	(8,825,680)	-8.7%
Distribution to Education Stability Fund	(195,496,728)	(203,093,200)	3.9%
Distribution to Parks and Natural Resources Fund	(162,913,940)	(169,244,333)	3.9%
Distribution for Gambling Addiction	(8,739,929)	(10,972,521)	25.5%
Allocation to State School Fund	(428,422,165)	(374,741,287)	-12.5%
Debt Service Allocations	(216,404,804)	(240,443,627)	11.1%
Other Agency Allocations	(36,150,173)	(59,040,014)	63.3%
TOTAL DISTRIBUTIONS / ALLOCATIONS	(1,088,313,454)	(1,103,479,246)	1.4%
ENDING BALANCE	\$244,821	\$27,522,376	11141.8%
EDUCATION STABILITY FUND			
(not including OGA or ORTDF)			
RESOURCES			
Beginning Balance	0	5,022,586	
Revenues			
Transfer from the Economic Development Fund	185,721,892	192,938,540	3.9%
Interest Earnings	1,466,342	1,606,173	9.5%
Total Revenue	187,188,233	194,544,713	3.9%
TOTAL RESOURCES			
	187,188,233	199,567,299	6.6%
DISTRIBUTIONS			
Interest Distributions	(1,466,463)	(1,606,173)	9.5%
Transfers to the State School Fund	(180,699,184)	(182,239,000)	0.9%
TOTAL DISTRIBUTIONS	(182,165,647)	(183,845,173)	0.9%
ENDING BALANCE	\$5,022,586	\$15,722,126	213.0%

2011-13 LOTTERY FUNDS ALLOCATIONS AND EXPENDITURES

	New Lottery Funds Allocation	Beginning Lottery Balance	Interest and Other Earnings	LAB Expenditure Limitation	Ending Lottery Balance
ECONOMIC DEVELOPMENT FUND					
DEBT SERVICE COMMITMENTS					
Department of Education	47,811,752	340,029	509,719	47,811,752	849,748
Outstanding bonds					
Department of Higher Education	13,223,235	695,350	0	13,918,585	0
Outstanding bonds					
New bonds	214,871			214,871	
Business Development Department	79,199,162	70,881	0	79,270,043	0
Outstanding bonds					
Housing and Community Services Dept.	10,045,891	25,711	0	10,071,602	0
Outstanding bonds					
New bonds	312,164	0	0	312,164	0
Department of Transportation	69,455,197	245,345	0	69,700,542	0
Outstanding bonds					
Department of Administrative Services	6,823,325	59,991	0	6,883,316	0
Outstanding bonds					
New bonds	1,281,027	0	0	1,281,027	0
Community Colleges & Workforce Development	6,841,327	41,316	0	6,882,643	0
Outstanding bonds					
Department of Forestry	2,274,497	3,613	0	2,278,110	0
Outstanding bonds					
New bonds	175,837			175,837	
Department of Energy	2,079,252	9,187	0	2,088,439	0
Outstanding bonds					
Water Resources Department	553,635	661	0	554,296	0
Outstanding bonds					
New bonds	152,455	0	0	152,455	0
OTHER ALLOCATIONS					
Department of Higher Education	8,825,680	0	0	8,825,680	0
Sports Lottery Account					
Department of Education	374,741,287	0	0	374,741,287	0
State School Fund					
Department of Administrative Services	18,354	5,010	0	20,158	3,206
For Department of Agriculture County Fairs Admin.	3,600,135	2,265	0	3,576,453	25,947
Distribution to County Fairs					
Business Development Department	6,822,694	0	0	6,822,694	0
Shared Services	45,534,264	3,406,557	120,000	49,060,821	0
Business, Innovation, Trade	1,207,893	0	0	1,207,893	0
Film and Video					
Office of the Governor	1,856,674	84,902	0	1,856,674	84,902
Economic Revitalization Team					
Oregon Health Authority	10,972,521	0	573,040	10,779,583	765,978
Gambling Addiction Treatment					
TOTAL ECONOMIC DEVELOPMENT FUND	\$694,023,129	\$4,990,818	\$1,202,759	\$698,486,925	\$1,729,781
EDUCATION STABILITY FUND / OREGON EDUCATION FUND					
Student Assistance Commission	401,543	0	0	401,543	0
Opportunity Grant					
Department of Education	1,041,422	4,325,602	0	4,499,878	867,146
Education bonds outstanding					
TOTAL EDUCATION STABILITY/OREGON EDUCATION FUND	\$1,442,965	\$4,325,602	\$0	\$4,901,421	\$867,146