2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 797 **STATUS:** A Engrossed
SUBJECT: Changes the name of the Consumer Protection and Education Revolving Account.
GOVERNMENT UNIT AFFECTED: Department of Justice
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson
DATE: April 30, 2009

	2009-2011	2011-2013
EXPENDITURES:		
See Analysis.		

EFFECTIVE DATE: On Passage.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This bill would change the name of the Consumer Protection and Education Revolving Account (CPE) to the Department of Justice Protection and Education Revolving Account. The bill also expands actions that the Department of Justice (DOJ) can take to include criminal prosecutions under state and federal environmental laws which can be funded through the newly named Revolving Account.

Under current law, DOJ can pursue suits under antitrust, unlawful trade practices and Oregon securities laws. This bill would increase the types of suits or actions the department can take. The CPE account is self supporting and has not relied on the General Fund for the past three biennia, instead it is funded by the results of various suits or actions taken by DOJ. As the use of the fund expands, DOJ will have to prioritize across a broader spectrum of possible suits and actions, and opportunities that may have been pursued in the past, may not be pursued in the future.

The amendment requires DOJ to estimate every two years the spending needs of this account for the next four years and compare it to the estimated ending balances/revenues for the same period. If the agency finds that the estimated balances exceed the estimated expenditures the difference is to be deposited in the General Fund. In addition, the amendment requires that where DOJ cannot determine who certain restitution or refunds are payable to a specific claimant, those funds should also be deposited in the General Fund.

The DOJ anticipates the expansion of the use of these funds to include activities relating to environmental crimes will generate between $100,000 and $250,000 in 2009-11 and between $1.0 million and $1.5 million in 2011-13.