

# D R A F T

## SUMMARY

Establishes grant program for outdoor school programs to be administered by Oregon State University Extension Service.

Establishes Outdoor Education Account. Continuously appropriates moneys in account to Higher Education Coordinating Commission for use by Oregon State University Extension Service to award grants under grant program.

Requires distributor cooperatives, and certain distributors and importers of beverage containers, to annually report certain information to Department of Revenue. Requires department to calculate total unclaimed refund value of beverage containers in state and assess and collect from distributor cooperatives, and certain distributors and importers, a percentage of unclaimed refund value moneys to be deposited in Outdoor Education Account. Caps total assessed amount at \$22 million in 2016. Requires department to adjust cap in subsequent years based on changes in consumer price index.

## A BILL FOR AN ACT

1  
2 Relating to funding outdoor education; creating new provisions; amending  
3 ORS 459.992 and 459A.718; and providing for revenue raising that requires  
4 approval by a three-fifths majority.

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

6 **SECTION 1.** ORS 459A.718 is amended to read:

7 459A.718. (1) Two or more distributors or importers may establish a dis-  
8 tributor cooperative for the purposes of:

9 (a) Collecting the refund value of beverage containers specified in ORS  
10 459A.705 from distributors or importers and refunding to dealers the amount  
11 the dealers paid for the refund value of empty beverage containers;

12 (b) Paying the refund value specified in ORS 459A.705 for beverage con-  
13 tainers sold in this state; and

1 (c) Processing beverage containers sold in this state.

2 (2) A distributor cooperative established under this section must service  
3 a majority of the dealers in this state.

4 (3) If a distributor cooperative is established, a dealer that uses the dis-  
5 tributor cooperative to redeem and process beverage containers sold in this  
6 state is not required to return beverage containers to a distributor or  
7 importer that does not participate in the distributor cooperative, provided  
8 that the dealer or the distributor cooperative provides an accounting to the  
9 distributor or importer of the beverage containers by brand and kind that  
10 were distributed by the distributor or importer and subsequently redeemed  
11 by the dealer or distributor cooperative.

12 (4) Upon receipt of the accounting required by subsection (3) of this sec-  
13 tion, a distributor or importer that does not participate in the distributor  
14 cooperative must pay the refund value of the redeemed beverage containers  
15 specified in the accounting to the dealer or distributor cooperative that  
16 provided the accounting.

17 (5)(a) For purposes of this subsection, beverage container return data is  
18 the number of beverage containers returned for the refund value specified in  
19 ORS 459A.705 in Oregon during the calendar year and the number of  
20 beverage containers that carry a refund value specified in ORS 459A.705 sold  
21 in Oregon during the calendar year, calculated separately.

22 (b) By July 1 of each calendar year, a distributor cooperative shall pro-  
23 vide the Oregon Liquor Control Commission **and the Department of Rev-**  
24 **enue** with a report that lists, in aggregate form for all distributors and  
25 importers that participate in the distributor cooperative, the previous calen-  
26 dar year's beverage container return data, calculated separately for glass,  
27 metal and plastic beverage containers.

28 (c) By July 1 of each calendar year, a distributor or importer that does  
29 not participate in a distributor cooperative shall provide the commission **and**  
30 **the department** with a report that lists the distributor's or the importer's  
31 beverage container return data for the previous calendar year, calculated

1 separately for glass, metal and plastic beverage containers.

2 **(6)(a) By August 1 of each calendar year, using the beverage con-**  
3 **tainer return data provided in subsection (5)(b) and (c) of this section,**  
4 **the department shall calculate, for the previous calendar year, the**  
5 **total refund value of all beverage containers sold in Oregon that carry**  
6 **a refund value specified in ORS 459A.705 less the total amount re-**  
7 **funded to dealers by distributor cooperatives and distributors and**  
8 **importers that do not participate in a distributor cooperative.**

9 **(b) The department shall assess and collect from the distributor**  
10 **cooperatives, and from distributors and importers that do not partic-**  
11 **ipate in a distributor cooperative, an amount representing a percent-**  
12 **age, as set by the department subject to paragraph (c) of this**  
13 **subsection, of the amount calculated under paragraph (a) of this sub-**  
14 **section. Moneys received by the department under this paragraph shall**  
15 **be paid into the State Treasury and deposited in the Outdoor Educa-**  
16 **tion Account established under section 4 of this 2015 Act.**

17 **(c) The percentage determined by the department under paragraph**  
18 **(b) of this subsection shall result in an amount of moneys received by**  
19 **the department not to exceed \$22 million for the 2016 calendar year.**

20 **(d) Beginning in the 2017 calendar year, the department shall an-**  
21 **nually adjust the \$22 million limitation in paragraph (c) of this sub-**  
22 **section. The adjusted amount shall be computed by dividing the**  
23 **monthly averaged U.S. City Average Consumer Price Index for the 12**  
24 **consecutive months ending August 31 of the prior calendar year by the**  
25 **monthly averaged U.S. City Average Consumer Price Index for the**  
26 **second quarter of 2016, then multiplying the quotient by \$22 million.**

27 **(e) As used in this subsection, “U.S. City Average Consumer Price**  
28 **Index” means the U.S. City Average Consumer Price Index for All**  
29 **Urban Consumers (All Items) as published by the Bureau of Labor**  
30 **Statistics of the United States Department of Labor.**

31 **[(6)(a)] (7)(a) By August 1 of each calendar year, using the beverage**

1 container return data provided in subsection (5)(b) of this section, the  
2 [*Oregon Liquor Control*] commission shall calculate the previous calendar  
3 year's percentage of beverage containers returned for the refund value spec-  
4 ified in ORS 459A.705 for each distributor cooperative. The commission shall  
5 carry out the calculation separately for glass, metal and plastic beverage  
6 containers and shall post the percentages on the commission's website.

7 (b) By August 1 of each calendar year, using the beverage container re-  
8 turn data provided in subsection (5)(c) of this section, the commission shall  
9 calculate the previous calendar year's percentage of beverage containers re-  
10 turned for the refund value specified in ORS 459A.705 for each distributor  
11 or importer that does not participate in a distributor cooperative. The com-  
12 mission shall carry out the calculation separately for glass, metal and plastic  
13 beverage containers and shall post the percentages on the commission's  
14 website.

15 (c) By August 1 of each calendar year, using the beverage container re-  
16 turn data provided in subsection (5)(b) and (c) of this section, the commission  
17 shall calculate the previous calendar year's percentage of beverage contain-  
18 ers returned for the refund value specified in ORS 459A.705 for all distribu-  
19 tors and importers in Oregon. The commission shall carry out the calculation  
20 for all beverage containers, and separately for glass, metal and plastic  
21 beverage containers, and shall post the percentages on the commission's  
22 website.

23 (d) Except for the percentages described in paragraphs (a) to (c) of this  
24 subsection or in a proceeding under ORS 459A.717 for a violation of sub-  
25 section (5) of this section, the commission may not disclose any information  
26 provided by a distributor, an importer or a distributor cooperative under  
27 subsection (5) of this section.

28 **(e) Except as necessary to carry out the department's duties under**  
29 **subsection (6) of this section or to inform the commission of a vio-**  
30 **lation of subsection (5) or (6) of this section, the department may not**  
31 **disclose any information provided by a distributor, an importer or a**

1 **distributor cooperative under subsection (5) of this section.**

2 [(7)(a)] **(8)(a)** In order to determine compliance with the provisions of  
3 [subsection (5)] **subsections (5) and (6)** of this section, within six months  
4 of the date that the commission [receives] **and the department receive** a  
5 report described in subsection (5)(b) and (c) of this section, the commission  
6 **or the department** may review or audit the records of each reporting dis-  
7 tributor cooperative, or each reporting distributor or importer that does not  
8 participate in a distributor cooperative.

9 (b)(A) If in the course of a review described in paragraph (a) of this sub-  
10 section the commission **or the department** determines that an audit of a  
11 distributor cooperative, distributor or importer is necessary, the commission  
12 **or the department** shall require the distributor cooperative, distributor or  
13 importer to retain an independent financial audit firm to determine the ac-  
14 curacy of information contained in the report. The distributor cooperative,  
15 distributor or importer that is the subject of review shall pay the costs of  
16 the audit. The audit must be limited to the records described in paragraph  
17 (a) of this subsection.

18 (B) The commission **and the department** shall adopt rules to carry out  
19 the provisions of this paragraph.

20 **SECTION 2. Sections 3 and 4 of this 2015 Act are added to and made**  
21 **a part of ORS chapter 327.**

22 **SECTION 3. (1) The Oregon State University Extension Service**  
23 **shall administer a grant program for outdoor school programs as**  
24 **provided by this section.**

25 **(2) Grants shall be awarded for outdoor school programs that:**

26 **(a) Provide a six-day, residential, hands-on educational experience**  
27 **featuring field study opportunities for students learning about:**

28 **(A) Soil, water, plants and animals;**

29 **(B) The role of timber, agriculture and other natural resources in**  
30 **the economy of this state;**

31 **(C) The interrelationship of nature, natural resources, economic**

1 **development and career opportunities in this state; and**

2 **(D) The importance of preserving this state's environment and na-**  
3 **tural resources.**

4 **(b) Are integrated with local school curricula in a manner that as-**  
5 **sists students in meeting state standards related to science, technol-**  
6 **ogy, engineering and mathematics, and international standards related**  
7 **to science.**

8 **(c) Provide students with opportunities to develop leadership, crit-**  
9 **ical thinking and decision-making skills.**

10 **(d) Address the inequity of outdoor educational opportunities for**  
11 **underserved children in this state.**

12 **(3) Grants shall be awarded from the Outdoor Education Account**  
13 **established under section 4 of this 2015 Act and shall be awarded to a**  
14 **school district or to an education service district.**

15 **(4) Priority for grants shall be given to outdoor school programs**  
16 **that promote:**

17 **(a) Higher scores on standardized measures of academic achieve-**  
18 **ment in reading, writing, math, science and social studies.**

19 **(b) Greater self-sufficiency and leadership skills.**

20 **(c) Fewer discipline and classroom management problems.**

21 **(d) Increased student engagement and pride in accomplishments.**

22 **(e) Greater proficiency in solving problems and thinking strate-**  
23 **gically.**

24 **(f) Better application of systems thinking and increased ability to**  
25 **think creatively.**

26 **(g) Improved communication skills and enhanced ability to work in**  
27 **group settings.**

28 **(h) Greater enthusiasm for language arts, math, science and social**  
29 **studies.**

30 **(i) Increased knowledge and understanding of science content,**  
31 **concepts and processes.**

1 (j) Better ability to apply science and civic processes to real-world  
2 situations.

3 (k) Improved understanding of mathematical concepts and mastery  
4 of math skills.

5 (L) Improved language arts skills.

6 (m) Better comprehension of social studies content.

7 (n) Accessibility to students of all abilities and learning styles.

8 (5)(a) The Director of the Oregon State University Extension Ser-  
9 vice shall convene an advisory committee for the purpose of adminis-  
10 tering the grant program established under this section. When  
11 selecting the members of the committee, the director shall take into  
12 consideration geographic and demographic diversity and shall ensure  
13 that the committee has representatives of the environmental commu-  
14 nity, the natural resources community and fifth-grade or sixth-grade  
15 education.

16 (b) The advisory committee shall recommend to the director:

17 (A) Standards for outdoor school programs; and

18 (B) Distributions of moneys for outdoor school programs.

19 (6) The director shall submit an annual report to:

20 (a) The Department of Education, related to the ability of outdoor  
21 school programs to assist students in meeting state standards related  
22 to science, technology, engineering and mathematics, and interna-  
23 tional standards related to science; and

24 (b) The interim legislative committees on education, related to  
25 grant programs.

26 SECTION 4. (1) The Outdoor Education Account is established in  
27 the State Treasury, separate and distinct from the General Fund. In-  
28 terest earned by the Outdoor Education Account shall be credited to  
29 the account.

30 (2) Moneys in the Outdoor Education Account are continuously  
31 appropriated to the Higher Education Coordinating Commission for

1 **use by the Oregon State University Extension Service to award grants**  
2 **for outdoor school programs under section 3 of this 2015 Act.**

3 **SECTION 5.** ORS 459.992 is amended to read:

4 459.992. (1) The following are Class A misdemeanors:

5 (a) Violation of rules or ordinances adopted under ORS 459.005 to 459.105  
6 and 459.205 to 459.385.

7 (b) Violation of ORS 459.205.

8 (c) Violation of ORS 459.270.

9 (d) Violation of ORS 459A.080.

10 (e) Violation of ORS 459.272.

11 (2) Each day a violation referred to by subsection (1) of this section con-  
12 tinues constitutes a separate offense. Such separate offenses may be joined  
13 in one indictment or complaint or information in several counts.

14 (3) Violation of ORS 459A.705, 459A.710, 459A.718 (5) **or (6)** or 459A.720  
15 is a Class A misdemeanor.

16 (4) In addition to the penalty prescribed by subsection (3) of this section,  
17 the Oregon Liquor Control Commission or the State Department of Agricul-  
18 ture may revoke or suspend the license of any person who willfully violates  
19 ORS 459A.705, 459A.710, 459A.718 (5) **or (6)** or 459A.720, who is required by  
20 ORS chapter 471 or 635, respectively, to have a license.

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