

# Senate Bill 828

Sponsored by Senator ROBLAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 ORS 459.992 and 459A.718;  
3 and providing for revenue raising that requires approval by a three-fifths majority.

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

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

6 459A.718. (1) Two or more distributors or importers may establish a distributor cooperative for  
7 the purposes of:

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

11 (b) Paying the refund value specified in ORS 459A.705 for beverage containers sold in this state;  
12 and

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

14 (2) A distributor cooperative established under this section must service a majority of the deal-  
15 ers in this state.

16 (3) If a distributor cooperative is established, a dealer that uses the distributor cooperative to  
17 redeem and process beverage containers sold in this state is not required to return beverage con-  
18 tainers to a distributor or importer that does not participate in the distributor cooperative, provided  
19 that the dealer or the distributor cooperative provides an accounting to the distributor or importer  
20 of the beverage containers by brand and kind that were distributed by the distributor or importer  
21 and subsequently redeemed by the dealer or distributor cooperative.

22 (4) Upon receipt of the accounting required by subsection (3) of this section, a distributor or  
23 importer that does not participate in the distributor cooperative must pay the refund value of the  
24 redeemed beverage containers specified in the accounting to the dealer or distributor cooperative  
25 that provided the accounting.

26 (5)(a) For purposes of this subsection, beverage container return data is the number of beverage

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 containers returned for the refund value specified in ORS 459A.705 in Oregon during the calendar  
2 year and the number of beverage containers that carry a refund value specified in ORS 459A.705  
3 sold in Oregon during the calendar year, calculated separately.

4 (b) By July 1 of each calendar year, a distributor cooperative shall provide the Oregon Liquor  
5 Control Commission **and the Department of Revenue** with a report that lists, in aggregate form  
6 for all distributors and importers that participate in the distributor cooperative, the previous cal-  
7 endar year's beverage container return data, calculated separately for glass, metal and plastic  
8 beverage containers.

9 (c) By July 1 of each calendar year, a distributor or importer that does not participate in a  
10 distributor cooperative shall provide the commission **and the department** with a report that lists  
11 the distributor's or the importer's beverage container return data for the previous calendar year,  
12 calculated separately for glass, metal and plastic beverage containers.

13 **(6)(a) By August 1 of each calendar year, using the beverage container return data pro-**  
14 **vided in subsection (5)(b) and (c) of this section, the department shall calculate, for the**  
15 **previous calendar year, the total refund value of all beverage containers sold in Oregon that**  
16 **carry a refund value specified in ORS 459A.705 less the total amount refunded to dealers by**  
17 **distributor cooperatives and distributors and importers that do not participate in a distrib-**  
18 **utor cooperative.**

19 **(b) The department shall assess and collect from the distributor cooperatives, and from**  
20 **distributors and importers that do not participate in a distributor cooperative, an amount**  
21 **representing a percentage, as set by the department subject to paragraph (c) of this sub-**  
22 **section, of the amount calculated under paragraph (a) of this subsection. Moneys received**  
23 **by the department under this paragraph shall be paid into the State Treasury and deposited**  
24 **in the Outdoor Education Account established under section 4 of this 2015 Act.**

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

28 **(d) Beginning in the 2017 calendar year, the department shall annually adjust the \$22**  
29 **million limitation in paragraph (c) of this subsection. The adjusted amount shall be computed**  
30 **by dividing the monthly averaged U.S. City Average Consumer Price Index for the 12 con-**  
31 **secutive months ending August 31 of the prior calendar year by the monthly averaged U.S.**  
32 **City Average Consumer Price Index for the second quarter of 2016, then multiplying the**  
33 **quotient by \$22 million.**

34 **(e) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S.**  
35 **City Average Consumer Price Index for All Urban Consumers (All Items) as published by the**  
36 **Bureau of Labor Statistics of the United States Department of Labor.**

37 [(6)(a)] **(7)(a)** By August 1 of each calendar year, using the beverage container return data  
38 provided in subsection (5)(b) of this section, the [*Oregon Liquor Control*] commission shall calculate  
39 the previous calendar year's percentage of beverage containers returned for the refund value spec-  
40 ified in ORS 459A.705 for each distributor cooperative. The commission shall carry out the calcu-  
41 lation separately for glass, metal and plastic beverage containers and shall post the percentages on  
42 the commission's website.

43 (b) By August 1 of each calendar year, using the beverage container return data provided in  
44 subsection (5)(c) of this section, the commission shall calculate the previous calendar year's per-  
45 centage of beverage containers returned for the refund value specified in ORS 459A.705 for each

1 distributor or importer that does not participate in a distributor cooperative. The commission shall  
 2 carry out the calculation separately for glass, metal and plastic beverage containers and shall post  
 3 the percentages on the commission's website.

4 (c) By August 1 of each calendar year, using the beverage container return data provided in  
 5 subsection (5)(b) and (c) of this section, the commission shall calculate the previous calendar year's  
 6 percentage of beverage containers returned for the refund value specified in ORS 459A.705 for all  
 7 distributors and importers in Oregon. The commission shall carry out the calculation for all  
 8 beverage containers, and separately for glass, metal and plastic beverage containers, and shall post  
 9 the percentages on the commission's website.

10 (d) Except for the percentages described in paragraphs (a) to (c) of this subsection or in a pro-  
 11 ceeding under ORS 459A.717 for a violation of subsection (5) of this section, the commission may  
 12 not disclose any information provided by a distributor, an importer or a distributor cooperative un-  
 13 der subsection (5) of this section.

14 (e) **Except as necessary to carry out the department's duties under subsection (6) of this**  
 15 **section or to inform the commission of a violation of subsection (5) or (6) of this section, the**  
 16 **department may not disclose any information provided by a distributor, an importer or a**  
 17 **distributor cooperative under subsection (5) of this section.**

18 [(7)(a)] (8)(a) In order to determine compliance with the provisions of [subsection (5)] **sub-**  
 19 **sections (5) and (6)** of this section, within six months of the date that the commission [receives] **and**  
 20 **the department receive** a report described in subsection (5)(b) and (c) of this section, the commis-  
 21 sion **or the department** may review or audit the records of each reporting distributor cooperative,  
 22 or each reporting distributor or importer that does not participate in a distributor cooperative.

23 (b)(A) If in the course of a review described in paragraph (a) of this subsection the commission  
 24 **or the department** determines that an audit of a distributor cooperative, distributor or importer is  
 25 necessary, the commission **or the department** shall require the distributor cooperative, distributor  
 26 or importer to retain an independent financial audit firm to determine the accuracy of information  
 27 contained in the report. The distributor cooperative, distributor or importer that is the subject of  
 28 review shall pay the costs of the audit. The audit must be limited to the records described in para-  
 29 graph (a) of this subsection.

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

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

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

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

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

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

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

42 **(C) The interrelationship of nature, natural resources, economic development and career**  
 43 **opportunities in this state; and**

44 **(D) The importance of preserving this state's environment and natural resources.**

45 **(b) Are integrated with local school curricula in a manner that assists students in**

1 meeting state standards related to science, technology, engineering and mathematics, and  
2 international standards related to science.

3 (c) Provide students with opportunities to develop leadership, critical thinking and  
4 decision-making skills.

5 (d) Address the inequity of outdoor educational opportunities for underserved children in  
6 this state.

7 (3) Grants shall be awarded from the Outdoor Education Account established under sec-  
8 tion 4 of this 2015 Act and shall be awarded to a school district or to an education service  
9 district.

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

11 (a) Higher scores on standardized measures of academic achievement in reading, writing,  
12 math, science and social studies.

13 (b) Greater self-sufficiency and leadership skills.

14 (c) Fewer discipline and classroom management problems.

15 (d) Increased student engagement and pride in accomplishments.

16 (e) Greater proficiency in solving problems and thinking strategically.

17 (f) Better application of systems thinking and increased ability to think creatively.

18 (g) Improved communication skills and enhanced ability to work in group settings.

19 (h) Greater enthusiasm for language arts, math, science and social studies.

20 (i) Increased knowledge and understanding of science content, concepts and processes.

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

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

23 (L) Improved language arts skills.

24 (m) Better comprehension of social studies content.

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

26 (5)(a) The Director of the Oregon State University Extension Service shall convene an  
27 advisory committee for the purpose of administering the grant program established under  
28 this section. When selecting the members of the committee, the director shall take into  
29 consideration geographic and demographic diversity and shall ensure that the committee has  
30 representatives of the environmental community, the natural resources community and  
31 fifth-grade or sixth-grade education.

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

33 (A) Standards for outdoor school programs; and

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

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

36 (a) The Department of Education, related to the ability of outdoor school programs to  
37 assist students in meeting state standards related to science, technology, engineering and  
38 mathematics, and international standards related to science; and

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

40 **SECTION 4.** (1) The Outdoor Education Account is established in the State Treasury,  
41 separate and distinct from the General Fund. Interest earned by the Outdoor Education  
42 Account shall be credited to the account.

43 (2) Moneys in the Outdoor Education Account are continuously appropriated to the  
44 Higher Education Coordinating Commission for use by the Oregon State University Exten-  
45 sion Service to award grants for outdoor school programs under section 3 of this 2015 Act.

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

2        459.992. (1) The following are Class A misdemeanors:

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

4        (b) Violation of ORS 459.205.

5        (c) Violation of ORS 459.270.

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

7        (e) Violation of ORS 459.272.

8        (2) Each day a violation referred to by subsection (1) of this section continues constitutes a  
9 separate offense. Such separate offenses may be joined in one indictment or complaint or information  
10 in several counts.

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

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

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