

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1559

By JOINT COMMITTEE ON WAYS AND MEANS

February 26

1 On page 1 of the printed A-engrossed bill, line 4, delete “declaring an emergency” and insert
2 “prescribing an effective date”.

3 On page 2, line 33, delete “16” and insert “20”.

4 In line 40, delete “(1)” and insert “(1)(a) Subject to paragraph (b) of this subsection,”.

5 In line 45, delete “(a)” and insert “(A)”.

6 On page 3, line 2, delete “(b)” and insert “(B)”.

7 In line 4, delete “(c)” and insert “(C)”.

8 In line 5, delete “(d)” and insert “(D)”.

9 After line 5, insert:

10 “(b) The department may not revoke or suspend a license issued under section 5 of this 2016
11 Act unless the person that holds the license, an individual who participates in the management of
12 the premises for which the license has been issued or an individual who is employed for the purpose
13 of making retail sales at the premises commits, at a minimum, three violations under paragraph (a)
14 of this subsection within a 12-month period.”.

15 In line 7, delete “(1)(a), (b) or (d)” and insert “(1)(a)(A), (B) or (D)”.

16 In line 10, delete “(1)(c)” and insert “(1)(a)(C)”.

17 In line 12, delete “tax court” and insert “Oregon Tax Court”.

18 In line 26, after “sold” insert “or held for sale”.

19 In line 45, delete “shall” and insert “may”.

20 On page 4, line 1, after the period insert “In adopting rules under this section, the department
21 shall consider the potential cost of developing and implementing the rules and how that cost will
22 affect the cost to the ultimate consumer of a tobacco product or inhalant delivery system.”.

23 In line 9, after “administrative” insert “or other”.

24 In line 15, delete “16” and insert “20”.

25 In line 18, delete “ON PASSAGE” and insert “91ST DAY AFTER SINE DIE”.

26 In line 22, after “Preemption.” insert “(1)”.

27 In line 23, delete “(1)” and insert “(a)”.

28 In line 26, delete “(2)” and insert “(b)”.

29 In line 29, delete “(3)” and insert “(c)”.

30 In line 30, after “systems” insert “, and that occupies 5,000 or more square feet,”.

31 After line 31, insert:

32 “(2) An ordinance adopted by a city or county that prohibits a premises that makes retail sales
33 of tobacco products or inhalant delivery systems from being located within a certain distance of a
34 school or any real property owned by the city or county may not apply to any premises that makes
35 retail sales of tobacco products or inhalant delivery systems that is located within the prohibited

1 distance on or before the date on which the city or county adopts the ordinance.

2
3 **“TEMPORARY LIMIT ON FEES AND REPORT ON FEES**
4 **EFFECTIVE 91ST DAY AFTER SINE DIE**

5
6 **“SECTION 14. Temporary Fee Provision. Notwithstanding section 5 (6) of this 2016 Act,**
7 **the Department of Revenue may not charge a fee under section 5 of this 2016 Act for**
8 **licensure application or issuance that exceeds \$300 if the premises that makes the retail sale**
9 **of tobacco products or inhalant delivery systems:**

10 **“(1) Engages in the retail sale of tobacco products or inhalant delivery systems on the**
11 **operative date specified in section 23 of this 2016 Act; and**

12 **“(2) Submits an application to be licensed pursuant to section 5 of this 2016 Act on or**
13 **before the operative date specified in section 23 of this 2016 Act.**

14 **“SECTION 15. Sunset. Section 14 of this 2016 Act is repealed on February 1, 2017.**

15 **“SECTION 16. Series Placement. Section 17 of this 2016 Act is added to and made a part**
16 **of sections 1 to 11 of this 2016 Act.**

17 **“SECTION 17. Annual Report. (1) On or before January 1 of each year, the Department**
18 **of Revenue shall report to the interim legislative committees related to business and health**
19 **on fees adopted under section 5 of this 2016 Act. The report must include the amount of li-**
20 **cence application, issuance and renewal fees collected in the previous 12 months and an ex-**
21 **planation of how the fees are reasonably calculated not to exceed the costs associated with:**

22 **“(a) The department administering sections 1 to 11 of this 2016 Act;**

23 **“(b) The Oregon Health Authority conducting inspections under ORS 431A.183; and**

24 **“(c) The authority providing education and outreach pursuant to section 20 of this 2016**
25 **Act.**

26 **“(2) The report required by this section shall be made in the manner provided by ORS**
27 **192.245.**

28 **“(3) The authority shall assist the department in preparing the report required by this**
29 **section.”.**

30 In line 34, delete “ON PASSAGE” and insert “91ST DAY AFTER SINE DIE”.

31 In line 36, delete “14” and insert “18”.

32 On page 5, line 34, delete “15” and insert “19”.

33 On page 6, line 23, delete “16” and insert “20”.

34 In line 34, delete “17” and insert “21”.

35 On page 7, line 15, delete “18” and insert “22”.

36 In line 19, delete “19” and insert “23”.

37 In line 26, delete “20” and insert “24”.

38 Delete lines 29 through 31 and insert:

39 **“SECTION 25. Expenditure limitation. Notwithstanding any other law limiting expen-**
40 **ditures, the limitation on expenditures established by section 2 (1), chapter 838, Oregon Laws**
41 **2015, for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses**
42 **from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts,**
43 **provider taxes, Medicare receipts and federal funds for indirect cost recovery, Supplemental**
44 **Security Income recoveries, Women, Infants and Children Program food rebates, the Coor-**
45 **dinated School Health Program, the Edward Byrne Memorial State and Local Law Enforce-**

1 ment Assistance Grant Program, homeland security and emergency preparedness and
2 response services, but excluding lottery funds and federal funds not described in section 2,
3 chapter 838, Oregon Laws 2015, collected or received by the Oregon Health Authority, for
4 programs, is increased by \$742,267 for conducting inspections and providing education and
5 outreach related to the licensing program established by this 2016 Act.

6 **SECTION 26. Effective date.** This 2016 Act takes effect on the 91st day after the date
7 on which the 2016 regular session of the Seventy-eighth Legislative Assembly adjourns sine
8 die.”

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