

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1559**

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

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

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

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

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

10 After line 5, insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 After line 31, insert:

16 “(2) An ordinance adopted by a city or county that prohibits a premises  
17 that makes retail sales of tobacco products or inhalant delivery systems from  
18 being located within a certain distance of a school or any real property  
19 owned by the city or county may not apply to any premises that makes retail  
20 sales of tobacco products or inhalant delivery systems that is located within  
21 the prohibited distance on or before the date on which the city or county  
22 adopts the ordinance.

23

24 **“TEMPORARY LIMIT ON FEES AND REPORT ON FEES**  
25 **EFFECTIVE 91ST DAY AFTER SINE DIE**

26

27 **“SECTION 14. Temporary Fee Provision. Notwithstanding section 5**  
28 **(6) of this 2016 Act, the Department of Revenue may not charge a fee**  
29 **under section 5 of this 2016 Act for licensure application or issuance**  
30 **that exceeds \$300 if the premises that makes the retail sale of tobacco**

1 **products or inhalant delivery systems:**

2 **“(1) Engages in the retail sale of tobacco products or inhalant de-**  
3 **livery systems on the operative date specified in section 23 of this 2016**  
4 **Act; and**

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

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

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

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

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

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

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

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

26 **“(3) The authority shall assist the department in preparing the re-**  
27 **port required by this section.”.**

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

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

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

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

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

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

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

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

7 Delete lines 29 through 31 and insert:

8 **“SECTION 25. Expenditure limitation. Notwithstanding any other**  
9 **law limiting expenditures, the limitation on expenditures established**  
10 **by section 2 (1), chapter 838, Oregon Laws 2015, for the biennium be-**  
11 **ginning July 1, 2015, as the maximum limit for payment of expenses**  
12 **from fees, moneys or other revenues, including Miscellaneous Re-**  
13 **ceipts, tobacco tax receipts, provider taxes, Medicare receipts and**  
14 **federal funds for indirect cost recovery, Supplemental Security Income**  
15 **recoveries, Women, Infants and Children Program food rebates, the**  
16 **Coordinated School Health Program, the Edward Byrne Memorial**  
17 **State and Local Law Enforcement Assistance Grant Program, home-**  
18 **land security and emergency preparedness and response services, but**  
19 **excluding lottery funds and federal funds not described in section 2,**  
20 **chapter 838, Oregon Laws 2015, collected or received by the Oregon**  
21 **Health Authority, for programs, is increased by \$742,267 for conducting**  
22 **inspections and providing education and outreach related to the li-**  
23 **censing program established by this 2016 Act.**

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

27