

## SENATE AMENDMENTS TO SENATE BILL 845

By COMMITTEE ON FINANCE AND REVENUE

May 15

1 On page 1 of the printed bill, line 3, after “amending” insert “ORS 327.008 and” and after  
2 “and” delete the rest of the line.

3 Delete line 4 and insert “declaring an emergency.”.

4 Delete lines 6 through 30 and delete pages 2 and 3 and insert:

5 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 475B.700 to**  
6 **475B.760.**

7 **“SECTION 2. (1) Not later than 30 days before the beginning of each calendar quarter,**  
8 **the Oregon Department of Administrative Services shall forecast and prepare an estimate**  
9 **of the revenue that will be received during the remainder of the current biennium and sub-**  
10 **sequent three biennia pursuant to the tax imposed under ORS 475B.705. The estimate may**  
11 **be made on the basis of all pertinent information available to the Oregon Department of**  
12 **Administrative Services. Upon making the estimate, the Oregon Department of Administra-**  
13 **tive Services shall report the estimate to the Legislative Revenue Officer, the Legislative**  
14 **Fiscal Officer and the Department of Revenue.**

15 **“(2) The Department of Revenue and the Oregon Liquor Control Commission shall pro-**  
16 **vide the Oregon Department of Administrative Services with any information necessary for**  
17 **the Oregon Department of Administrative Services to perform its duties under this section.**

18 **“SECTION 3.** Section 44, chapter 1, Oregon Laws 2015, as amended by section 14, chapter 699,  
19 Oregon Laws 2015, and section 219, chapter 767, Oregon Laws 2015, is amended to read:

20 **“Sec. 44.** *[(1) There is established the Oregon Marijuana Account, separate and distinct from the*  
21 *General Fund.]*

22 *“[(2) The account shall consist of moneys transferred to the account under section 11 of this 2015*  
23 *Act.]*

24 *“[(3) Subject to subsection (4) of this section, the Department of Revenue shall certify the amount*  
25 *of moneys available for distribution in the Oregon Marijuana Account and distribute the moneys as*  
26 *follows:]*

27 *“[(a) Forty percent must be transferred to the Common School Fund;]*

28 *“[(b) Twenty percent must be transferred to the Mental Health Alcoholism and Drug Services Ac-*  
29 *count established under ORS 430.380;]*

30 *“[(c) Fifteen percent must be transferred to the State Police Account established under ORS*  
31 *181.175;]*

32 *“[(d) To assist local law enforcement in performing its duties under sections 3 to 70, chapter 1,*  
33 *Oregon Laws 2015, 10 percent must be transferred to the cities of this state in the following shares:]*

34 *“[(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such*  
35 *shares as the population of each city bears to the population of the cities of this state, as determined*

1 by Portland State University last preceding such apportionment, under ORS 190.510 to 190.610; and]

2 “[B] For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:]

3 “[i] Fifty percent of the 10 percent must be transferred in such shares as the number of licenses  
4 issued by the commission under sections 19 to 21, chapter 1, Oregon Laws 2015, during the calendar  
5 year preceding the date of the distribution for premises located in each city bears to the number of such  
6 licenses issued by the commission during such calendar year for all premises in this state; and]

7 “[ii] Fifty percent of the 10 percent must be transferred in such shares as the number of licenses  
8 issued by the commission under section 22, chapter 1, Oregon Laws 2015, during the calendar year  
9 preceding the date of the distribution for premises located in each city bears to the number of such li-  
10 censes issued by the commission during such calendar year for all premises in this state;]

11 “[e] To assist local law enforcement in performing its duties under sections 3 to 70, chapter 1,  
12 Oregon Laws 2015, 10 percent must be transferred to counties in the following shares:]

13 “[A] For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such  
14 shares as their respective populations bear to the total population of this state, as estimated from time  
15 to time by Portland State University; and]

16 “[B] For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:]

17 “[i] Fifty percent of the 10 percent must be transferred in such shares as the number of licenses  
18 issued by the commission under sections 19 to 21, chapter 1, Oregon Laws 2015, during the calendar  
19 year preceding the date of the distribution for premises located in each county bears to the number of  
20 such licenses issued by the commission during such calendar year for all premises in this state; and]

21 “[ii] Fifty percent of the 10 percent must be transferred in such shares as the number of licenses  
22 issued by the commission under section 22, chapter 1, Oregon Laws 2015, during the calendar year  
23 preceding the date of the distribution for premises located in each county bears to the number of such  
24 licenses issued by the commission during such calendar year for all premises in this state; and]

25 “[f] Five percent must be transferred to the Oregon Health Authority to be used for the establish-  
26 ment, operation and maintenance of alcohol and drug abuse prevention, early intervention and treat-  
27 ment services.]

28 “[4] A city or county that adopts ordinances prohibiting the establishment of a premises for which  
29 a license is issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, or prohibiting the es-  
30 tablishment of an entity for which registration is required under ORS 475.300 to 475.346, is not eligible  
31 to receive distributions under this section.]

32 “[5] It is the intent of the Legislative Assembly that the moneys distributed from the Oregon  
33 Marijuana Account to the persons listed in subsection (3) of this section are in addition to, and not in  
34 lieu of, any other moneys available to such persons.]

35 **“(1) There is established the Oregon Marijuana Account, separate and distinct from the**  
36 **General Fund.**

37 **“(2) The account shall consist of moneys transferred to the account under ORS 475B.760.**

38 **“(3)(a) The Department of Revenue shall certify quarterly the amount of moneys avail-**  
39 **able in the Oregon Marijuana Account.**

40 **“(b) Subject to subsection (4) of this section, the department shall transfer quarterly 20**  
41 **percent of the moneys in the Oregon Marijuana Account as follows:**

42 **“(A) Ten percent of the moneys in the account must be transferred to the cities of this**  
43 **state in the following shares:**

44 **“(i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the**  
45 **population of each city of this state that is not exempt from this paragraph pursuant to**

1 subsection (4)(a) of this section compared to the population of all cities of this state that are  
2 not exempt from this paragraph pursuant to subsection (4)(a) of this section, as determined  
3 by Portland State University under ORS 190.510 to 190.610, on the date immediately preceding  
4 the date of the transfer; and

5 “(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the  
6 number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.110 on the last  
7 business day of the calendar quarter preceding the date of the transfer for premises located  
8 in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090,  
9 475B.100 and 475B.110 on the last business day of that calendar quarter for all premises in  
10 this state located in cities; and

11 “(B) Ten percent of the moneys in the account must be transferred to counties in the  
12 following shares:

13 “(i) Fifty percent of the 10 percent must be transferred in shares that reflect the total  
14 commercially available area of all grow canopies associated with marijuana producer licenses  
15 held pursuant to ORS 475B.070 on the last business day of the calendar quarter preceding the  
16 date of the transfer for all premises located in each county compared to the total commer-  
17 cially available area of all grow canopies associated with marijuana producer licenses held  
18 pursuant to ORS 475B.070 on the last business day of that calendar quarter for all premises  
19 located in this state; and

20 “(ii) Fifty percent of the 10 percent must be transferred in shares that reflect the num-  
21 ber of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.110 on the last business day  
22 of the calendar quarter preceding the date of the transfer for premises located in each  
23 county compared to the number of licenses held pursuant to ORS 475B.090, 475B.100 and  
24 475B.110 on the last business day of that calendar quarter for all premises in this state.

25 “(c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as  
26 follows:

27 “(A) Thirty percent of the moneys in the account must be used solely for purposes for  
28 which moneys in the State School Fund established under ORS 327.008 may be used;

29 “(B) Twenty percent of the moneys in the account must be used solely for purposes for  
30 which moneys in the Mental Health Alcoholism and Drug Services Account established under  
31 ORS 430.380 may be used;

32 “(C) Fifteen percent of the moneys in the account must be used solely for purposes for  
33 which moneys in the State Police Account established under ORS 181A.020 may be used;

34 “(D) Ten percent of the moneys in the account must be used solely for purposes for  
35 which moneys in the Community College Support Fund established under ORS 341.620 may  
36 be used; and

37 “(E) Five percent of the moneys in the account must be used solely for purposes related  
38 to alcohol and drug abuse prevention, early intervention and treatment services.

39 “(4)(a) A city that has an ordinance prohibiting the establishment of a premises for which  
40 issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.110 is required is not  
41 eligible to receive transfers of moneys under subsection (3)(b)(A) of this section.

42 “(b) A county that has an ordinance prohibiting the establishment of a premises for  
43 which issuance of a license under ORS 475B.070 is required is not eligible to receive transfers  
44 of moneys under subsection (3)(b)(B)(i) of this section.

45 “(c) A county that has an ordinance prohibiting the establishment of a premises for

1 **which issuance of a license under ORS 475B.090, 475B.100 or 475B.110 is required is not eli-**  
2 **gible to receive transfers of moneys under subsection (3)(b)(B)(ii) of this section.**

3 **“(5) In a form and manner prescribed by the Oregon Liquor Control Commission, each**  
4 **city and county in this state shall certify with the commission whether the city or county**  
5 **has an ordinance prohibiting the establishment of a premises for which issuance of a license**  
6 **under ORS 475B.070, 475B.090, 475B.100 or 475B.110 is required. If a city fails to comply with**  
7 **this subsection, the city is not eligible to receive transfers of moneys under subsection**  
8 **(3)(b)(A) of this section. If a county fails to comply with this subsection, the county is not**  
9 **eligible to receive transfers of moneys under subsection (3)(b)(B) of this section.**

10 **“(6) It is the intent of the Legislative Assembly that the moneys transferred from the**  
11 **Oregon Marijuana Account to the persons listed in subsection (3) of this section are in ad-**  
12 **dition to, and not in lieu of, any other moneys available to those persons.**

13 **“SECTION 4.** ORS 327.008 is amended to read:

14 **“327.008. (1)(a) There is established a State School Fund in the General Fund.**

15 **“(b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,**  
16 **grants, donations and other moneys from public and private sources for the State School Fund.**  
17 **Moneys received as provided in this paragraph shall be deposited into the State School Fund.**

18 **“(c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,**  
19 **moneys transferred from the Education Stability Fund and the Oregon Marijuana Account and**  
20 **moneys received as provided in paragraph (b) of this subsection.**

21 **“(d) The State School Fund is continuously appropriated to the Department of Education for the**  
22 **purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,**  
23 **336.580, 336.635, 343.243, 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws**  
24 **2013.**

25 **“(2) There shall be apportioned from the State School Fund to each school district a State**  
26 **School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility**  
27 **grant and a transportation grant and a high cost disabilities grant minus local revenue, computed**  
28 **as provided in ORS 327.011 and 327.013.**

29 **“(3) For the first school year after a public charter school ceases to operate because of dissol-**  
30 **ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned**  
31 **from the State School Fund to each school district that had sponsored a public charter school that**  
32 **ceased to operate an amount equal to the school district’s general purpose grant per extended**  
33 **ADMw multiplied by five percent of the ADM of the public charter school for the previous school**  
34 **year.**

35 **“(4) There shall be apportioned from the State School Fund to each education service district**  
36 **a State School Fund grant as calculated under ORS 327.019.**

37 **“(5) All figures used in the determination of the distribution of the State School Fund shall be**  
38 **estimates for the same year as the distribution occurs, unless otherwise specified.**

39 **“(6) Numbers of students in average daily membership used in the distribution formula shall be**  
40 **the numbers as of June of the year of distribution.**

41 **“(7) A school district may not use the portion of the State School Fund grant that is attributable**  
42 **to the facility grant for capital construction costs.**

43 **“(8) The total amount of the State School Fund that is distributed as facility grants may not**  
44 **exceed \$9 million in any biennium. If the total amount to be distributed as facility grants exceeds**  
45 **this limitation, the Department of Education shall prorate the amount of funds available for facility**

1 grants among those school districts that qualified for a facility grant. If the total amount to be dis-  
2 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended  
3 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

4 “(9) Each biennium, the Department of Education may expend from the State School Fund no  
5 more than \$6 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)  
6 to (6).

7 “(10) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Fa-  
8 cility Account established in ORS 327.022 the amount necessary to pay the costs of educational  
9 services provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

10 “(11) Each fiscal year, the Department of Education shall transfer the amount of \$35 million  
11 from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

12 “(12)(a) Each biennium, the Department of Education shall transfer \$33 million from the State  
13 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

14 “(b) For the purpose of making the transfer under this subsection:

15 “(A) The total amount available for all distributions from the State School Fund shall be reduced  
16 by \$5 million;

17 “(B) The amount distributed to school districts from the State School Fund under this section  
18 and ORS 327.013 shall be reduced by \$14 million; and

19 “(C) The amount distributed to education service districts from the State School Fund under this  
20 section and ORS 327.019 shall be reduced by \$14 million.

21 “(c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection  
22 shall be adjusted by the same percentage by which the amount appropriated to the State School  
23 Fund for that biennium is increased or decreased compared with the preceding biennium, as deter-  
24 mined by the Department of Education after consultation with the Legislative Fiscal Officer.

25 “(13) Each biennium, the Department of Education shall transfer \$12.5 million from the State  
26 School Fund to the Statewide English Language Learner Program Account established under ORS  
27 327.344.

28 “(14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
29 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
30 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
31 amount expended by the department under this subsection.

32 “(15) Each biennium, the Department of Education may expend up to \$350,000 from the State  
33 School Fund to provide administration of and support for the development of talented and gifted  
34 education under ORS 343.404.

35 “(16) Each biennium, the Department of Education may expend up to \$150,000 from the State  
36 School Fund for the administration of a program to increase the number of speech-language  
37 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

38 “(17) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million  
39 from the State School Fund to the Small School District Supplement Fund established in section 3,  
40 chapter 735, Oregon Laws 2013.

41 “**SECTION 5.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, section  
42 7, chapter 81, Oregon Laws 2014, section 2, chapter 68, Oregon Laws 2015, section 38, chapter 245,  
43 Oregon Laws 2015, section 2, chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws  
44 2015, section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon Laws 2015, is  
45 amended to read:

1           “327.008. (1)(a) There is established a State School Fund in the General Fund.

2           “(b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,  
3 grants, donations and other moneys from public and private sources for the State School Fund.  
4 Moneys received as provided in this paragraph shall be deposited into the State School Fund.

5           “(c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,  
6 moneys transferred from the Education Stability Fund **and the Oregon Marijuana Account** and  
7 moneys received as provided in paragraph (b) of this subsection.

8           “(d) The State School Fund is continuously appropriated to the Department of Education for the  
9 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,  
10 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

11           “(2) There shall be apportioned from the State School Fund to each school district a State  
12 School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility  
13 grant and a transportation grant and a high cost disabilities grant minus local revenue, computed  
14 as provided in ORS 327.011 and 327.013.

15           “(3) For the first school year after a public charter school ceases to operate because of dissol-  
16 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned  
17 from the State School Fund to each school district that had sponsored a public charter school that  
18 ceased to operate an amount equal to the school district’s general purpose grant per extended  
19 ADMw multiplied by five percent of the ADM of the public charter school for the previous school  
20 year.

21           “(4) There shall be apportioned from the State School Fund to each education service district  
22 a State School Fund grant as calculated under ORS 327.019.

23           “(5) All figures used in the determination of the distribution of the State School Fund shall be  
24 estimates for the same year as the distribution occurs, unless otherwise specified.

25           “(6) Numbers of students in average daily membership used in the distribution formula shall be  
26 the numbers as of June of the year of distribution.

27           “(7) A school district may not use the portion of the State School Fund grant that is attributable  
28 to the facility grant for capital construction costs.

29           “(8) The total amount of the State School Fund that is distributed as facility grants may not  
30 exceed \$9 million in any biennium. If the total amount to be distributed as facility grants exceeds  
31 this limitation, the Department of Education shall prorate the amount of funds available for facility  
32 grants among those school districts that qualified for a facility grant. If the total amount to be dis-  
33 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended  
34 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

35           “(9) Each biennium, the Department of Education may expend from the State School Fund no  
36 more than \$6 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)  
37 to (6).

38           “(10) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Fa-  
39 cility Account established in ORS 327.022 the amount necessary to pay the costs of educational  
40 services provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

41           “(11) Each fiscal year, the Department of Education shall transfer the amount of \$35 million  
42 from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

43           “(12)(a) Each biennium, the Department of Education shall transfer \$33 million from the State  
44 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

45           “(b) For the purpose of making the transfer under this subsection:

1 “(A) The total amount available for all distributions from the State School Fund shall be reduced  
2 by \$5 million;

3 “(B) The amount distributed to school districts from the State School Fund under this section  
4 and ORS 327.013 shall be reduced by \$14 million; and

5 “(C) The amount distributed to education service districts from the State School Fund under this  
6 section and ORS 327.019 shall be reduced by \$14 million.

7 “(c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection  
8 shall be adjusted by the same percentage by which the amount appropriated to the State School  
9 Fund for that biennium is increased or decreased compared with the preceding biennium, as deter-  
10 mined by the Department of Education after consultation with the Legislative Fiscal Officer.

11 “(13) Each biennium, the Department of Education shall transfer \$12.5 million from the State  
12 School Fund to the Statewide English Language Learner Program Account established under ORS  
13 327.344.

14 “(14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
15 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
16 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
17 amount expended by the department under this subsection.

18 “(15) Each biennium, the Department of Education may expend up to \$350,000 from the State  
19 School Fund to provide administration of and support for the development of talented and gifted  
20 education under ORS 343.404.

21 “(16) Each biennium, the Department of Education may expend up to \$150,000 from the State  
22 School Fund for the administration of a program to increase the number of speech-language  
23 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

24 “**SECTION 6. (1) Notwithstanding section 44 (3)(b)(A), chapter 1, Oregon Laws 2015, 10**  
25 **percent of the moneys transferred to the Oregon Marijuana Account that were collected**  
26 **before July 1, 2017, must be transferred to the cities of this state in shares that reflect the**  
27 **population of each city of this state compared to the population of all cities of this state on**  
28 **July 1, 2017, as determined by Portland State University under ORS 190.510 to 190.610.**

29 “**(2) Notwithstanding section 44 (3)(b)(B), chapter 1, Oregon Laws 2015, 10 percent of the**  
30 **moneys transferred to the Oregon Marijuana Account that were collected before July 1, 2017,**  
31 **must be transferred to the counties of this state in shares that reflect the population of each**  
32 **county of this state compared to the population of all counties of this state on July 1, 2017,**  
33 **as determined by Portland State University under ORS 190.510 to 190.610.**

34 “**SECTION 7. Section 6 of this 2017 Act is repealed on January 1, 2018.**

35 “**SECTION 8. The amendments to section 44, chapter 1, Oregon Laws 2015, by section 3**  
36 **of this 2017 Act apply to moneys transferred or used by the Department of Revenue on or**  
37 **after the effective date of this 2017 Act.**

38 “**SECTION 9. This 2017 Act being necessary for the immediate preservation of the public**  
39 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
40 **on its passage.”**