

Requested by Representative LININGER

**PROPOSED AMENDMENTS TO  
SENATE BILL 1057**

- 1 On page 1, of the printed bill, line 9, delete “pre-”.
- 2 Delete line 10 and insert “declaring an emergency.”.
- 3 On page 2, after line 5, insert:

**“STATE MONEYS**

7 **“SECTION 4a. (1) As used in this section:**

8 **“(a) ‘Deliver’ and ‘manufacture’ have the meaning given those**  
9 **terms in ORS 475.005.**

10 **“(b) ‘Industrial hemp’ has the meaning given that term in ORS**  
11 **571.300.**

12 **“(c) ‘Marijuana item’ has the meaning given that term in ORS**  
13 **475B.015.**

14 **“(d) ‘Moneys received from the state’ means:**

15 **“(A) Moneys appropriated, transferred or otherwise made available**  
16 **for use by the Legislative Assembly; and**

17 **“(B) Moneys kept in the same account or fund or otherwise**  
18 **commingled with moneys appropriated, transferred or otherwise made**  
19 **available for use by the Legislative Assembly.**

20 **“(e) ‘Public body’ has the meaning given that term in ORS 174.109.**

21 **“(2) A public body or an employee or agent of a public body may**

1 not expend any moneys received from the state on prosecuting or as-  
2 sisting in the prosecution of a person for the manufacture, delivery  
3 or possession of a marijuana item, industrial hemp or an industrial  
4 hemp commodity or product if the person is manufacturing, delivering  
5 or possessing the marijuana item, industrial hemp or industrial hemp  
6 commodity or product lawfully under the laws of this state.

7 “(3) If a public body or an employee or agent of a public body ex-  
8 pends moneys on prosecuting or assisting in the prosecution of a per-  
9 son for the manufacture, delivery or possession of a marijuana item,  
10 industrial hemp or an industrial hemp commodity or product, and if  
11 the person is manufacturing, delivering or possessing the marijuana  
12 item, industrial hemp or industrial hemp commodity or product law-  
13 fully under the laws of this state, the public body shall submit to the  
14 Division of Audits an accounting of the moneys expended that dem-  
15 onstrates that the moneys expended were not moneys received from  
16 the state. The accounting must be submitted in a form and manner  
17 prescribed by the Secretary of State.

18 “(4) The Secretary of State shall audit any public body that submits  
19 an accounting under subsection (3) of this section, or any public body  
20 for which the Secretary of State has received and substantiated a  
21 complaint that the public body has violated subsection (2) of this sec-  
22 tion, to determine whether the public body has violated subsection (2)  
23 of this section.

24 “(5) Subject to ORS chapter 183, if the Secretary of State determines  
25 that a public body has violated subsection (2) of this section, the Sec-  
26 retary of State shall assess a fine against the public body equal to the  
27 amount of moneys that the public body expended on prosecuting or  
28 assisting in prosecution. The Secretary of State shall deposit moneys  
29 collected as fines under this subsection in the General Fund. The  
30 moneys may be used for general governmental purposes.”.

1 On page 39, delete lines 30 and 31 and insert:

2 **SECTION 90. This 2017 Act being necessary for the immediate**  
3 **preservation of the public peace, health and safety, an emergency is**  
4 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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