

HB 3470-8
(LC 4535)
7/3/17 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3470**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 327.008, 458.555, 458.558, 458.563, 458.578 and
3 458.580 and sections 7 and 8, chapter 604, Oregon Laws 2011, section 4,
4 chapter 578, Oregon Laws 2013, section 3, chapter 106, Oregon Laws 2014,
5 section 44, chapter 1, Oregon Laws 2015, section 4, chapter 763, Oregon Laws
6 2015, and section 29, chapter 765, Oregon Laws 2015; repealing ORS 469.960,
7 469.961, 469.962, 469.963, 469.964, 469.965 and 469.966 and sections 49 and 50,
8 chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 908);”.

9 Delete lines 4 through 21 and insert:

10

11

“ADMINISTRATION

12

13

“SECTION 1. Notwithstanding ORS 173.240:

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**“(1) The Legislative Counsel and the Legislative Fiscal Officer shall
conduct a review of state law governing the investment by the State
Treasurer of the funds of this state and of local and tribal govern-
ments. The purpose of the review is to:**

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**“(a) Identify deficiencies in current law; and
“(b) Make recommendations to clarify, simplify, consolidate and
update the existing statutory framework.**

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“(2) For purposes of the review, the Legislative Counsel and the

1 **Legislative Fiscal Officer may consult with the Department of Justice**
2 **and the State Treasurer and any other officer or employee of this state**
3 **or of any local or tribal government.**

4 **“(3) The Legislative Counsel and the Legislative Fiscal Officer shall**
5 **submit a report in the manner provided in ORS 192.245, and may in-**
6 **clude recommendations for legislation, to the Joint Committee on**
7 **Ways and Means, or the Joint Interim Committee on Ways and Means,**
8 **no later than December 31, 2017.**

9 **“SECTION 2. Section 1 of this 2017 Act is repealed on January 2,**
10 **2018.**

11 **“SECTION 3. (1) Notwithstanding ORS 221.770, 471.805 and 471.810,**
12 **for the biennium beginning July 1, 2017, the Oregon Liquor Control**
13 **Commission may expend moneys from the Oregon Liquor Control**
14 **Commission Account to pay any expenses incurred by the commission**
15 **in implementing and carrying out duties under ORS 475B.010 to**
16 **475B.395. Any expenditure made under this subsection is considered a**
17 **loan and must be repaid as provided in subsection (2) of this section.**

18 **“(2) Not later than June 30, 2019, the commission shall transfer**
19 **from the Marijuana Control and Regulation Fund to the Oregon Li-**
20 **quor Control Commission Account an amount equal to the total**
21 **amount expended under subsection (1) of this section, plus an amount**
22 **of simple interest calculated at two percent per annum of the total**
23 **amount expended.**

24

25

“EDUCATION

26

27 **“SECTION 4. Section 4, chapter 763, Oregon Laws 2015, is amended to**
28 **read:**

29 **“Sec. 4. Section 3 [*of this 2015 Act*], **chapter 763, Oregon Laws 2015,****
30 **and the amendments to section 1 [*of this 2015 Act*], **chapter 763, Oregon****

1 **Laws 2015**, by section 2 [*of this 2015 Act*], **chapter 763, Oregon Laws 2015**,
2 become operative on July 1, [2017] **2019**.

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4

“HUMAN SERVICES

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6 **“SECTION 5.** Section 3, chapter 106, Oregon Laws 2014, as amended by
7 section 1, chapter 776, Oregon Laws 2015, is amended to read:

8 **“Sec. 3.** Section 2, chapter 106, Oregon Laws 2014, is repealed on June
9 30, [2018] **2020**.

10 **“SECTION 6.** Section 7, chapter 604, Oregon Laws 2011, as amended by
11 section 24, chapter 722, Oregon Laws 2013, and section 23, chapter 765,
12 Oregon Laws 2015, is amended to read:

13 **“Sec. 7.** (1) The amendments to ORS 412.009, 412.014 and 412.024 by
14 sections 2, 3 and 5, chapter 604, Oregon Laws 2011, become operative on
15 October 1, 2011.

16 **“(2)** The amendments to ORS 412.014 by section 4, chapter 604, Oregon
17 Laws 2011, become operative on July 1, [2017] **2019**.

18 **“SECTION 7.** Section 8, chapter 604, Oregon Laws 2011, as amended by
19 section 25, chapter 722, Oregon Laws 2013, and section 24, chapter 765,
20 Oregon Laws 2015, is amended to read:

21 **“Sec. 8.** Section 1, chapter 604, Oregon Laws 2011, **as amended by sec-**
22 **tion 82, chapter 107, Oregon Laws 2012, section 23, chapter 722, Oregon**
23 **Laws 2013, and section 22, chapter 765, Oregon Laws 2015**, is repealed
24 on July 1, [2017] **2019**.

25 **“SECTION 8.** Section 29, chapter 765, Oregon Laws 2015, is amended to
26 read:

27 **“Sec. 29.** (1) Section 4 [*of this 2015 Act*], **chapter 765, Oregon Laws**
28 **2015**, and the amendments to ORS 411.635, 412.001, 412.009, 412.079 and
29 412.124 by sections 6, 10, 12, 19 and 26 [*of this 2015 Act*], **chapter 765,**
30 **Oregon Laws 2015**, become operative on April 1, 2016.

1 “(2) The amendments to ORS 412.124 by section 7 [*of this 2015 Act*],
2 **chapter 765, Oregon Laws 2015**, become operative on July 1, [2017] **2019**.

3
4 **“ECONOMIC DEVELOPMENT**

5
6 **“SECTION 9.** ORS 458.555 is amended to read:

7 “458.555. (1) There is established the Oregon Volunteers Commission for
8 Voluntary Action and Service within the [*Housing and Community Services*
9 *Department*] **Office of the Governor**.

10 “(2) The commission shall consist of at least 15 members appointed by the
11 Governor and may consist of not more than 25 members appointed by the
12 Governor.

13 “(3) The term of office of each member is three years, but a member serves
14 at the pleasure of the Governor. Before the expiration of the term of a
15 member, the Governor shall appoint a successor whose term begins on the
16 first day of the next following month. A member is eligible for reappoint-
17 ment. If there is a vacancy for any cause, the Governor shall make an ap-
18 pointment to become immediately effective for the unexpired term.

19 “(4) The appointment of the members of the commission is subject to
20 confirmation by the Senate in the manner prescribed in ORS 171.562 and
21 171.565.

22 “(5) A member of the commission is entitled to receive, from moneys
23 available to the commission, actual and necessary travel and other expenses
24 incurred in the performance of official duties as provided in ORS 292.495.

25 **“SECTION 10.** ORS 458.558 is amended to read:

26 “458.558. (1) The members of the Oregon Volunteers Commission for Vol-
27 untary Action and Service must be citizens of this state who have a proven
28 commitment to community service and who have a demonstrated interest in
29 fostering and nurturing citizen involvement as a strategy for strengthening
30 communities and promoting the ethic of service in all sectors of this state.

1 “(2) The Governor shall appoint as members of the commission at least
2 one of each of the following:

3 “(a) An individual with experience in educational, training and develop-
4 ment needs of youth, particularly disadvantaged youth.

5 “(b) An individual with experience in promoting involvement of older
6 adults in service and volunteerism.

7 “(c) A representative of community-based agencies or organizations within
8 this state.

9 “(d) The Deputy Superintendent of Public Instruction or designee.

10 “(e) A representative of local governments in this state.

11 “(f) A representative of local labor unions in this state.

12 “(g) A representative of business.

13 “(h) A person at least 16, but not more than 25, years of age who is a
14 participant or supervisor in a national service program.

15 “(i) A representative of a national service program described in 42 U.S.C.
16 12572(a).

17 “(3) In addition to appointing members under subsection (2) of this sec-
18 tion, the Governor may appoint as members individuals from the following
19 groups:

20 “(a) Educators.

21 “(b) Experts in the delivery of human, educational, environmental or
22 public safety services to communities and individuals.

23 “(c) Members of Native American tribes.

24 “(d) At-risk youths who are out of school.

25 “(e) Entities that receive assistance under the Domestic Volunteer Service
26 Act of 1973 (42 U.S.C. 4950 et seq.).

27 “[*f*] A director or representative of a CASA Volunteer Program.]

28 “[*g*] A court appointed special advocate.]

29 “(4) In making appointments of members described in subsections (2) and
30 (3) of this section, the Governor shall ensure that:

1 “(a) No more than 50 percent of the appointed members are from the same
2 political party; and

3 “(b) No more than 25 percent of the appointed members are state em-
4 ployees.

5 **“SECTION 11.** ORS 458.563 is amended to read:

6 “458.563. (1) The Oregon Volunteers Commission for Voluntary Action and
7 Service shall appoint a director to serve at the pleasure of the [*commission*]
8 **Governor**. The director must have experience and education in public ad-
9 ministration or nonprofit management.

10 “(2) The designation of the director must be by written order, filed with
11 the Secretary of State.

12 “(3) Subject to any applicable provisions of the State Personnel Relations
13 Law, the director shall appoint all subordinate officers and employees of the
14 commission, prescribe their duties and fix their compensation.

15 “(4) The director of the commission shall report to, and comply with the
16 directions of, the [*Director of the Housing and Community Services Depart-*
17 *ment*] **Office of the Governor** in the development and administration of
18 nonpolicymaking activities, including but not limited to rules and other di-
19 rections for commission personnel, fiscal practices and purchasing of com-
20 mission supplies.

21 **“SECTION 12.** ORS 458.578 is amended to read:

22 “458.578. (1) The Legislative Assembly declares that the purpose of this
23 section is to promote the development of better communities by using citizen
24 participation and volunteerism to foster greater civic responsibility.

25 “(2) The Oregon Volunteers Commission for Voluntary Action and Service
26 shall identify goals to develop and facilitate the initiation of public and
27 private entity programs that will encourage and reward citizen participation
28 and volunteerism. [*The Housing and Community Services Department may*
29 *adopt rules and develop procedures appropriate to foster the initiation of pro-*
30 *grams that fulfill the citizen participation and volunteerism goals recom-*

1 *mended by the commission.*] The programs developed and facilitated by the
2 commission goals [*and department rules and procedures*] must have one or
3 more of the following objectives:

4 “(a) To place increased priority on citizen participation and volunteerism
5 as a means for addressing complex problems facing Oregon communities.

6 “(b) To encourage community leaders to implement strategies that recog-
7 nize community volunteers as a valuable and much-needed asset for expand-
8 ing civic responsibility.

9 “(c) To promote the concept and practice of business and corporate vol-
10 unteering, with emphasis on communities where business and corporate vol-
11 unteering initiatives are less developed.

12 “(d) To increase the enthusiasm, dedication and combined expertise of
13 citizens and public and private entities for creating new ways to effectively
14 use citizen participation and volunteerism in meeting the current and future
15 challenges facing Oregon communities.

16 “(e) To increase the alignment between community volunteer resources
17 and the goals of the state.

18 “(f) To implement policy and administrative changes that encourage and
19 enable citizen participation and volunteerism by individuals.

20 “(g) To encourage nonprofit agencies to increase effectiveness and effi-
21 ciency by including the use of volunteers in their service delivery systems.

22 “(h) To promote and support the concept of participation and
23 volunteerism by all citizens as an effective means to address community
24 needs and achieve a collective commitment to lifelong community service.

25 “(i) To recognize National Volunteer Week as a time for encouraging
26 citizens to participate in community service projects.

27 “(j) To recognize the importance of individual volunteers and of volunteer
28 and service organizations and to honor and celebrate the success of volun-
29 teers.

30 **SECTION 13.** ORS 458.580 is amended to read:

1 “458.580. As used in ORS 419B.112, [~~458.558,~~] 458.581 and 458.582:

2 “(1) ‘CASA Volunteer Program’ means a program that is approved or
3 sanctioned by a juvenile court, has received accreditation from the National
4 CASA Association and has entered into a contract with the Oregon Volun-
5 teers Commission for Voluntary Action and Service under ORS 458.581 to
6 recruit, train and supervise volunteers to serve as court appointed special
7 advocates.

8 “(2) ‘Court appointed special advocate’ means a person in a CASA Vol-
9 unteer Program who is appointed by the court to act as a court appointed
10 special advocate pursuant to ORS 419B.112.

11
12 **“TRANSPORTATION**

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14 **“SECTION 14. Notwithstanding ORS 367.080 to 367.086, for the**
15 **biennium beginning July 1, 2017, the Department of Transportation**
16 **shall first transfer the amount of \$3 million, out of the moneys re-**
17 **ceived from the repayment of loans from the Connect Oregon Fund,**
18 **to the Oregon Business Development Department for deposit into the**
19 **Oregon Business Development Fund established under ORS 285B.092,**
20 **for the purpose of providing a grant to the Oregon Manufacturing In-**
21 **novation Center to advance manufacturing technologies through ap-**
22 **plied research and development relating to marine, freight and**
23 **aviation transportation.**

24
25 **“LEGISLATIVE BRANCH**

26
27 **“SECTION 15. Section 4, chapter 578, Oregon Laws 2013, as amended by**
28 **section 5, chapter 840, Oregon Laws 2015, is amended to read:**

29 **“Sec. 4.** The amendments to ORS 171.072, 292.912 and 292.930 by sections
30 1 to 3, chapter 578, Oregon Laws 2013, apply to salaries established for

1 biennia beginning on or after July 1, [2017] 2019.

2 **“SECTION 16.** If this 2017 Act does not become effective until after
3 **June 30, 2017, the amendments to section 4, chapter 578, Oregon Laws**
4 **2013, by section 15 of this 2017 Act shall be operative retroactively to**
5 **that date, and the operation and effect of section 4, chapter 578,**
6 **Oregon Laws 2013, as amended by section 5, chapter 840, Oregon Laws**
7 **2015, and section 15 of this 2017 Act, shall continue unaffected from**
8 **June 30, 2017, to the effective date of this 2017 Act. Any otherwise**
9 **lawful action taken or otherwise lawful obligation incurred under the**
10 **authority of section 4, chapter 578, Oregon Laws 2013, as amended by**
11 **section 5, chapter 840, Oregon Laws 2015, and section 15 of this 2017**
12 **Act, after June 30, 2017, and before the effective date of this 2017 Act,**
13 **is ratified and approved.**

14 **“SECTION 17.** If Senate Bill 1022 becomes law, section 4, chapter 578,
15 Oregon Laws 2013, as amended by section 5, chapter 840, Oregon Laws 2015,
16 and section 15 of this 2017 Act, is amended to read:

17 **“Sec. 4.** The amendments to ORS 171.072[, 292.912 and 292.930 by sections
18 *1 to 3*] **by section 1, chapter 578, Oregon Laws 2013, apply to salaries es-**
19 **tablished for biennia beginning on or after July 1, 2019.**

20 **“SECTION 18.** The amendments to section 4, chapter 578, Oregon
21 **Laws 2013, by section 17 of this 2017 Act become operative on January**
22 **1, 2018.**

23
24 **“JUDICIAL BRANCH**
25

26 **“SECTION 19.** Notwithstanding any other law, the governing body
27 **of a county may, after consulting with the presiding judge of the cir-**
28 **cuit court, use up to one-half of the moneys distributed to the county**
29 **by the Chief Justice of the Supreme Court from moneys appropriated**
30 **to the Judicial Department for the purpose of operating law libraries**

1 or providing law library services, for the purpose of providing concil-
2 iation and mediation services in circuit courts.

3 **“SECTION 19a.** If House Bill 2795 becomes law, section 28, chapter ___,
4 Oregon Laws 2017 (Enrolled House Bill 2795) is amended to read:

5 **“Sec. 28.** The amendments to ORS 21.006 by section 27 of this 2017 Act
6 apply to fees collected on or after [*October*] **July 1, 2017.**

7
8 **“NATURAL RESOURCES**

9
10 **“SECTION 20.** An expenditure of moneys from the Water Supply
11 Development Account is not subject to any application process or
12 public benefit scoring or ranking under ORS 541.663, 541.666, 541.669,
13 541.673 or 541.677 if the expenditure is for a purpose:

14 **“(1)** Specifically identified in an appropriation to the account from
15 the General Fund for the biennium beginning July 1, 2017, for carrying
16 out the purpose; or

17 **“(2)** Specifically identified in legislation enacted by the Seventy-
18 ninth Legislative Assembly that authorizes a transfer of lottery bond
19 proceeds to the account for carrying out the purpose.

20 **“SECTION 21.** Section 20 of this 2017 Act is repealed July 1, 2021.

21 **“SECTION 22.** ORS 469.960, 469.961, 469.962, 469.963, 469.964, 469.965
22 and 469.966 are repealed.

23 **“SECTION 22a.** If Senate Bill 908 becomes law, sections 49 (amend-
24 ing ORS 469.963) and 50 (amending ORS 469.966), chapter ___, Oregon
25 Laws 2017 (Enrolled Senate Bill 908), are repealed.

26
27 **“TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES**

28
29 **“SECTION 23.** (1) The Alternative Fuel Vehicle Revolving Fund es-
30 tablished under ORS 469.961 is abolished on the effective date of this

1 **2017 Act.**

2 **“(2) Any moneys remaining in the fund specified in subsection (1)**
3 **of this section on the effective date of this 2017 Act shall be trans-**
4 **ferred, on the effective date of this 2017 Act, to the General Fund for**
5 **general governmental purposes.**

6 **“SECTION 24. Notwithstanding ORS 30.282, 30.285, 278.425, 655.515**
7 **and 655.540, the amount of \$33,300,000 is transferred from the Insurance**
8 **Fund to the General Fund for general governmental purposes. The**
9 **transfer shall be made on May 31, 2019.**

10 **“SECTION 25. Notwithstanding ORS 283.076, the amount of**
11 **\$18,500,000 is transferred from the Oregon Department of Administra-**
12 **tive Services Operating Fund to the General Fund for general govern-**
13 **mental purposes. The transfer shall be made on May 31, 2019.**

14 **“SECTION 26. Notwithstanding ORS 291.041, the amount of**
15 **\$10,500,000 is transferred from the State Information Technology Op-**
16 **erating Fund to the General Fund for general governmental purposes.**
17 **The transfer shall be made on May 31, 2019.**

18 **“SECTION 27. Notwithstanding ORS 180.095, the amount of**
19 **\$46,000,000 is transferred from the Department of Justice Protection**
20 **and Education Revolving Account to the General Fund for general**
21 **governmental purposes. The transfer shall be made on May 31, 2019.**

22 **“SECTION 28. Notwithstanding ORS 357.200, the amount of \$40,000**
23 **is transferred from the Miscellaneous Receipts Account to the General**
24 **Fund for general governmental purposes. The transfer shall be made**
25 **on the effective date of this 2017 Act.**

26 **“SECTION 29. The transfers described in sections 23, 24, 25, 26, 27**
27 **and 28 of this 2017 Act shall be made from moneys maintained, on the**
28 **effective date of this 2017 Act, in the funds or accounts from which the**
29 **transfers are made.**

30

1 **“MARIJUANA REVENUE DISTRIBUTION**

2
3 **“SECTION 30. Section 31 of this 2017 Act is added to and made a**
4 **part of ORS 475B.700 to 475B.760.**

5 **“SECTION 31. (1) Not later than 30 days before the beginning of**
6 **each calendar quarter, the Oregon Department of Administrative Ser-**
7 **vices shall forecast and prepare an estimate of the revenue that will**
8 **be received during the remainder of the current biennium and subse-**
9 **quent three biennia pursuant to the tax imposed under ORS 475B.705.**
10 **The estimate may be made on the basis of all pertinent information**
11 **available to the Oregon Department of Administrative Services. Upon**
12 **making the estimate, the Oregon Department of Administrative Ser-**
13 **vices shall report the estimate to the Legislative Revenue Officer, the**
14 **Legislative Fiscal Officer and the Department of Revenue.**

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

19 **“SECTION 32. Section 44, chapter 1, Oregon Laws 2015, as amended by**
20 **section 14, chapter 699, Oregon Laws 2015, and section 219, chapter 767,**
21 **Oregon Laws 2015, is amended to read:**

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

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

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

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

30 **“[(b) Twenty percent must be transferred to the Mental Health Alcoholism**

1 *and Drug Services Account established under ORS 430.380;]*

2 *“(c) Fifteen percent must be transferred to the State Police Account estab-*
3 *lished under ORS 181.175;]*

4 *“(d) To assist local law enforcement in performing its duties under sections*
5 *3 to 70, chapter 1, Oregon Laws 2015, 10 percent must be transferred to the*
6 *cities of this state in the following shares:]*

7 *“(A) For all distributions made from the Oregon Marijuana Account be-*
8 *fore July 1, 2017, in such shares as the population of each city bears to the*
9 *population of the cities of this state, as determined by Portland State Univer-*
10 *sity last preceding such apportionment, under ORS 190.510 to 190.610; and]*

11 *“(B) For all distributions made from the Oregon Marijuana Account on*
12 *or after July 1, 2017:]*

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

19 *“(ii) Fifty percent of the 10 percent must be transferred in such shares as*
20 *the number of licenses issued by the commission under section 22, chapter 1,*
21 *Oregon Laws 2015, during the calendar year preceding the date of the dis-*
22 *tribution for premises located in each city bears to the number of such licenses*
23 *issued by the commission during such calendar year for all premises in this*
24 *state;]*

25 *“(e) To assist local law enforcement in performing its duties under sections*
26 *3 to 70, chapter 1, Oregon Laws 2015, 10 percent must be transferred to coun-*
27 *ties in the following shares:]*

28 *“(A) For all distributions made from the Oregon Marijuana Account be-*
29 *fore July 1, 2017, in such shares as their respective populations bear to the*
30 *total population of this state, as estimated from time to time by Portland State*

1 *University; and]*

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

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

10 *“(ii) Fifty percent of the 10 percent must be transferred in such shares as*
11 *the number of licenses issued by the commission under section 22, chapter 1,*
12 *Oregon Laws 2015, during the calendar year preceding the date of the dis-*
13 *tribution for premises located in each county bears to the number of such li-*
14 *licenses issued by the commission during such calendar year for all premises in*
15 *this state; and]*

16 *“(f) Five percent must be transferred to the Oregon Health Authority to*
17 *be used for the establishment, operation and maintenance of alcohol and drug*
18 *abuse prevention, early intervention and treatment services.]*

19 *“(4) A city or county that adopts ordinances prohibiting the establishment*
20 *of a premises for which a license is issued under section 19, 20, 21 or 22,*
21 *chapter 1, Oregon Laws 2015, or prohibiting the establishment of an entity for*
22 *which registration is required under ORS 475.300 to 475.346, is not eligible to*
23 *receive distributions under this section.]*

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

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

30 **“(2) The account shall consist of moneys transferred to the account**

1 **under ORS 475B.760.**

2 **“(3)(a) The Department of Revenue shall certify quarterly the**
3 **amount of moneys available in the Oregon Marijuana Account.**

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

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

9 **“(i) Seventy-five percent of the 10 percent must be transferred in**
10 **shares that reflect the population of each city of this state that is not**
11 **exempt from this paragraph pursuant to subsection (4)(a) of this sec-**
12 **tion compared to the population of all cities of this state that are not**
13 **exempt from this paragraph pursuant to subsection (4)(a) of this sec-**
14 **tion, as determined by Portland State University under ORS 190.510 to**
15 **190.610, on the date immediately preceding the date of the transfer;**
16 **and**

17 **“(ii) Twenty-five percent of the 10 percent must be transferred in**
18 **shares that reflect the number of licenses held pursuant to ORS**
19 **475B.070, 475B.090, 475B.100 and 475B.110 on the last business day of the**
20 **calendar quarter preceding the date of the transfer for premises lo-**
21 **cated in each city compared to the number of licenses held pursuant**
22 **to ORS 475B.070, 475B.090, 475B.100 and 475B.110 on the last business**
23 **day of that calendar quarter for all premises in this state located in**
24 **cities; and**

25 **“(B) Ten percent of the moneys in the account must be transferred**
26 **to counties in the following shares:**

27 **“(i) Fifty percent of the 10 percent must be transferred in shares**
28 **that reflect the total commercially available area of all grow canopies**
29 **associated with marijuana producer licenses held pursuant to ORS**
30 **475B.070 on the last business day of the calendar quarter preceding the**

1 date of the transfer for all premises located in each county compared
2 to the total commercially available area of all grow canopies associ-
3 ated with marijuana producer licenses held pursuant to ORS 475B.070
4 on the last business day of that calendar quarter for all premises lo-
5 cated in this state; and

6 “(ii) Fifty percent of the 10 percent must be transferred in shares
7 that reflect the number of licenses held pursuant to ORS 475B.090,
8 475B.100 and 475B.110 on the last business day of the calendar quarter
9 preceding the date of the transfer for premises located in each county
10 compared to the number of licenses held pursuant to ORS 475B.090,
11 475B.100 and 475B.110 on the last business day of that calendar quarter
12 for all premises in this state.

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

15 “(A) Forty percent of the moneys in the account must be used
16 solely for purposes for which moneys in the State School Fund estab-
17 lished under ORS 327.008 may be used;

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

21 “(C) Fifteen percent of the moneys in the account must be used
22 solely for purposes for which moneys in the State Police Account es-
23 tablished under ORS 181A.020 may be used; and

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

27 “(4)(a) A city that has an ordinance prohibiting the establishment
28 of a premises for which issuance of a license under ORS 475B.070,
29 475B.090, 475B.100 or 475B.110 is required is not eligible to receive
30 transfers of moneys under subsection (3)(b)(A) of this section.

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

5 “(c) A county that has an ordinance prohibiting the establishment
6 of a premises for which issuance of a license under ORS 475B.090,
7 475B.100 or 475B.110 is required is not eligible to receive transfers of
8 moneys under subsection (3)(b)(B)(ii) of this section.

9 “(5) In a form and manner prescribed by the Oregon Liquor Control
10 Commission, each city and county in this state shall certify with the
11 commission whether the city or county has an ordinance prohibiting
12 the establishment of a premises for which issuance of a license under
13 ORS 475B.070, 475B.090, 475B.100 or 475B.110 is required. If a city fails
14 to comply with this subsection, the city is not eligible to receive
15 transfers of moneys under subsection (3)(b)(A) of this section. If a
16 county fails to comply with this subsection, the county is not eligible
17 to receive transfers of moneys under subsection (3)(b)(B) of this sec-
18 tion.

19 “**SECTION 33.** ORS 327.008 is amended to read:

20 “327.008. (1)(a) There is established a State School Fund in the General
21 Fund.

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

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

30 “(d) The State School Fund is continuously appropriated to the Depart-

1 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
2 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
3 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws
4 2013.

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

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

17 “(4) There shall be apportioned from the State School Fund to each edu-
18 cation service district a State School Fund grant as calculated under ORS
19 327.019.

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

23 “(6) Numbers of students in average daily membership used in the dis-
24 tribution formula shall be the numbers as of June of the year of distribution.

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

27 “(8) The total amount of the State School Fund that is distributed as fa-
28 cility grants may not exceed \$9 million in any biennium. If the total amount
29 to be distributed as facility grants exceeds this limitation, the Department
30 of Education shall prorate the amount of funds available for facility grants

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

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

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

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

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

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

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

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

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

26 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
27 (C) of this subsection shall be adjusted by the same percentage by which the
28 amount appropriated to the State School Fund for that biennium is increased
29 or decreased compared with the preceding biennium, as determined by the
30 Department of Education after consultation with the Legislative Fiscal Of-

1 ficer.

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

5 “(14) Each fiscal year, the Department of Education may expend up to
6 \$550,000 from the State School Fund for the contract described in ORS
7 329.488. The amount distributed to education service districts from the State
8 School Fund under this section and ORS 327.019 shall be reduced by the
9 amount expended by the department under this subsection.

10 “(15) Each biennium, the Department of Education may expend up to
11 \$350,000 from the State School Fund to provide administration of and support
12 for the development of talented and gifted education under ORS 343.404.

13 “(16) Each biennium, the Department of Education may expend up to
14 \$150,000 from the State School Fund for the administration of a program to
15 increase the number of speech-language pathologists and speech-language
16 pathology assistants under ORS 348.394 to 348.406.

17 “(17) Each fiscal year, the Department of Education shall transfer the
18 amount of \$2.5 million from the State School Fund to the Small School Dis-
19 trict Supplement Fund established in section 3, chapter 735, Oregon Laws
20 2013.

21 **“SECTION 34.** ORS 327.008, as amended by section 7, chapter 735, Oregon
22 Laws 2013, section 7, chapter 81, Oregon Laws 2014, section 2, chapter 68,
23 Oregon Laws 2015, section 38, chapter 245, Oregon Laws 2015, section 2,
24 chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws 2015,
25 section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon
26 Laws 2015, is amended to read:

27 “327.008. (1)(a) There is established a State School Fund in the General
28 Fund.

29 “(b) The Department of Education, on behalf of the State of Oregon, may
30 solicit and accept gifts, grants, donations and other moneys from public and

1 private sources for the State School Fund. Moneys received as provided in
2 this paragraph shall be deposited into the State School Fund.

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

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

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

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

23 “(4) There shall be apportioned from the State School Fund to each edu-
24 cation service district a State School Fund grant as calculated under ORS
25 327.019.

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

29 “(6) Numbers of students in average daily membership used in the dis-
30 tribution formula shall be the numbers as of June of the year of distribution.

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

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

11 “(9) Each biennium, the Department of Education may expend from the
12 State School Fund no more than \$6 million for expenses incurred by the Of-
13 fice of School Facilities under ORS 326.125 (2) to (6).

14 “(10) Each fiscal year, the Department of Education shall transfer to the
15 Pediatric Nursing Facility Account established in ORS 327.022 the amount
16 necessary to pay the costs of educational services provided to students ad-
17 mitted to pediatric nursing facilities as provided in ORS 343.941.

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

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

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

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

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

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

1 million.

2 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
3 (C) of this subsection shall be adjusted by the same percentage by which the
4 amount appropriated to the State School Fund for that biennium is increased
5 or decreased compared with the preceding biennium, as determined by the
6 Department of Education after consultation with the Legislative Fiscal Of-
7 ficer.

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

11 “(14) Each fiscal year, the Department of Education may expend up to
12 \$550,000 from the State School Fund for the contract described in ORS
13 329.488. The amount distributed to education service districts from the State
14 School Fund under this section and ORS 327.019 shall be reduced by the
15 amount expended by the department under this subsection.

16 “(15) Each biennium, the Department of Education may expend up to
17 \$350,000 from the State School Fund to provide administration of and support
18 for the development of talented and gifted education under ORS 343.404.

19 “(16) Each biennium, the Department of Education may expend up to
20 \$150,000 from the State School Fund for the administration of a program to
21 increase the number of speech-language pathologists and speech-language
22 pathology assistants under ORS 348.394 to 348.406.

23 **“SECTION 35. (1) Notwithstanding section 44 (3)(b)(A), chapter 1,**
24 **Oregon Laws 2015, 10 percent of the moneys transferred to the Oregon**
25 **Marijuana Account that were collected before July 1, 2017, must be**
26 **transferred to the cities of this state in shares that reflect the popu-**
27 **lation of each city of this state compared to the population of all cities**
28 **of this state on July 1, 2017, as determined by Portland State Univer-**
29 **sity under ORS 190.510 to 190.610.**

30 **“(2) Notwithstanding section 44 (3)(b)(B), chapter 1, Oregon Laws**

1 2015, 10 percent of the moneys transferred to the Oregon Marijuana
2 Account that were collected before July 1, 2017, must be transferred
3 to the counties of this state in shares that reflect the population of
4 each county of this state compared to the population of all counties
5 of this state on July 1, 2017, as determined by Portland State Univer-
6 sity under ORS 190.510 to 190.610.

7 **“SECTION 36.** Section 35 of this 2017 Act is repealed on January 1,
8 2018.

9 **“SECTION 37.** The amendments to section 44, chapter 1, Oregon
10 Laws 2015, by section 32 of this 2017 Act apply to moneys transferred
11 or used by the Department of Revenue on or after the effective date
12 of this 2017 Act.

13

14

“CAPTIONS

15

16 **“SECTION 38.** The unit captions used in this 2017 Act are provided
17 only for the convenience of the reader and do not become part of the
18 statutory law of this state or express any legislative intent in the
19 enactment of this 2017 Act.

20

21

“EMERGENCY CLAUSE

22

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

26