

Requested by HOUSE COMMITTEE ON REVENUE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2203**

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

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

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

7 **“Sec. 44.** (1) There is established the Oregon Marijuana Account, sepa-
8 rate and distinct from the General Fund.

9 **“(2)** The account shall consist of moneys transferred to the account under
10 [*section 11 of this 2015 Act*] **ORS 475B.760.**

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

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

15 **“(a) Forty percent must be transferred to the Department of Edu-**
16 **cation for deposit in the State School Fund established under ORS**
17 **327.008;**

18 **“(b) Twenty percent must be transferred to the Oregon Health Au-**
19 **thority for deposit in** the Mental Health Alcoholism and Drug Services
20 Account established under ORS 430.380;

21 **“(c) Fifteen percent must be transferred to the Department of State**

1 **Police for deposit in** the State Police Account established under ORS
2 [181.175] **181A.020**;

3 “(d) To assist local law enforcement in performing its duties under
4 [sections 3 to 70, chapter 1, Oregon Laws 2015] **ORS 475B.010 to 475B.395**,
5 10 percent must be transferred to the cities of this state in the following
6 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] (A) Fifty percent of the 10 percent must be transferred in [such
14 shares as] **shares that reflect** the number of licenses issued by the com-
15 mission under [sections 19 to 21, chapter 1, Oregon Laws 2015,] **ORS 475B.070**,
16 **475B.090 and 475B.100** during the calendar year preceding the date of the
17 distribution for premises located in each city [bears] **compared** to the num-
18 ber of [such] licenses issued by the commission **under ORS 475B.070**,
19 **475B.090 and 475B.100** during [such] **that** calendar year for all premises in
20 this state **located in cities**; and

21 “[ii] (B) Fifty percent of the 10 percent must be transferred in [such
22 shares as] **shares that reflect** the number of licenses issued by the com-
23 mission under [section 22, chapter 1, Oregon Laws 2015,] **ORS 475B.110** during
24 the calendar year preceding the date of the distribution for premises located
25 in each city [bears] **compared** to the number of [such] licenses issued by the
26 commission **under ORS 475B.110** during [such] **that** calendar year for all
27 premises in this state **located in cities**;

28 “(e) To assist local law enforcement in performing its duties under
29 [sections 3 to 70, chapter 1, Oregon Laws 2015] **ORS 475B.010 to 475B.395**,
30 10 percent must be transferred to counties in the following shares:

1 “[A] *For all distributions made from the Oregon Marijuana Account be-*
2 *fore July 1, 2017, in such shares as their respective populations bear to the*
3 *total population of this state, as estimated from time to time by Portland State*
4 *University; and]*

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

7 “[*(i)*] **(A)** Fifty percent of the 10 percent must be transferred in [*such*
8 *shares as*] **shares that reflect** the number of licenses issued by the com-
9 mission under [*sections 19 to 21, chapter 1, Oregon Laws 2015,*] **ORS 475B.070,**
10 **475B.090 and 475B.100** during the calendar year preceding the date of the
11 distribution for premises located in each county [*bears*] **compared** to the
12 number of [*such*] licenses issued by the commission **under ORS 475B.070,**
13 **475B.090 and 475B.100** during [*such*] **that** calendar year for all premises in
14 this state; and

15 “[*(ii)*] **(B)** Fifty percent of the 10 percent must be transferred in [*such*
16 *shares as*] **shares that reflect** the number of licenses issued by the com-
17 mission under [*section 22, chapter 1, Oregon Laws 2015,*] **ORS 475B.110** during
18 the calendar year preceding the date of the distribution for premises located
19 in each county [*bears*] **compared** to the number of [*such*] licenses issued by
20 the commission **under ORS 475B.110** during [*such*] **that** calendar year for
21 all premises in this state; and

22 “(f) Five percent must be transferred to the Oregon Health Authority to
23 be used for the establishment, operation and maintenance of alcohol and
24 drug abuse prevention, early intervention and treatment services.

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

30 “**(4)(a) A city that adopts an ordinance prohibiting the establish-**

1 **ment of a premises for which issuance of a license under ORS 475B.070,**
2 **475B.090 or 475B.100 is required is not eligible to receive distributions**
3 **under subsection (3)(d)(A) of this section.**

4 **“(b) A city that adopts an ordinance prohibiting the establishment**
5 **of a premises for which issuance of a license under ORS 475B.110 is**
6 **required is not eligible to receive distributions under subsection**
7 **(3)(d)(B) of this section.**

8 **“(c) A county that adopts an ordinance prohibiting the establish-**
9 **ment of a premises for which issuance of a license under ORS 475B.070,**
10 **475B.090 or 475B.100 is required is not eligible to receive distributions**
11 **under subsection (3)(e)(A) of this section.**

12 **“(d) A county that adopts an ordinance prohibiting the establish-**
13 **ment of a premises for which issuance of a license under ORS 475B.110**
14 **is required is not eligible to receive distributions under subsection**
15 **(3)(e)(B) of this section.**

16 **“(5) It is the intent of the Legislative Assembly that the moneys distrib-**
17 **uted from the Oregon Marijuana Account to the persons listed in subsection**
18 **(3) of this section are in addition to, and not in lieu of, any other moneys**
19 **available to [such] those persons.**

20 **“SECTION 2.** ORS 327.008 is amended to read:

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

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

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

1 “(d) The State School Fund is continuously appropriated to the Depart-
2 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
3 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
4 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws
5 2013.

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

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

18 “(4) There shall be apportioned from the State School Fund to each edu-
19 cation service district a State School Fund grant as calculated under ORS
20 327.019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Department of Education after consultation with the Legislative Fiscal Of-
2 ficer.

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

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

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

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

18 “(17) Each fiscal year, the Department of Education shall transfer the
19 amount of \$2.5 million from the State School Fund to the Small School Dis-
20 trict Supplement Fund established in section 3, chapter 735, Oregon Laws
21 2013.

22 “**SECTION 3.** ORS 327.008, as amended by section 7, chapter 735, Oregon
23 Laws 2013, section 7, chapter 81, Oregon Laws 2014, section 2, chapter 68,
24 Oregon Laws 2015, section 38, chapter 245, Oregon Laws 2015, section 2,
25 chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws 2015,
26 section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon
27 Laws 2015, is amended to read:

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

30 “(b) The Department of Education, on behalf of the State of Oregon, may

1 solicit and accept gifts, grants, donations and other moneys from public and
2 private sources for the State School Fund. Moneys received as provided in
3 this paragraph shall be deposited into the State School Fund.

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

8 “(d) The State School Fund is continuously appropriated to the Depart-
9 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
10 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
11 343.533, 343.941 and 343.961.

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

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

24 “(4) There shall be apportioned from the State School Fund to each edu-
25 cation service district a State School Fund grant as calculated under ORS
26 327.019.

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

30 “(6) Numbers of students in average daily membership used in the dis-

1 tribution formula shall be the numbers as of June of the year of distribution.

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

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

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

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

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

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

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

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

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

30 “(C) The amount distributed to education service districts from the State

1 School Fund under this section and ORS 327.019 shall be reduced by \$14
2 million.

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

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

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

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

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

24 **“SECTION 4. (1) Notwithstanding section 44 (3)(d), chapter 1,**
25 **Oregon Laws 2015, ten percent of the moneys transferred to the**
26 **Oregon Marijuana Account that were collected before July 1, 2017,**
27 **must be distributed to the cities of this state in shares that reflect the**
28 **population of each city of this state compared to the population of all**
29 **cities of this state, as determined by Portland State University under**
30 **ORS 190.510 to 190.610 on the date immediately preceding July 1, 2017.**

1 **“(2) Notwithstanding section 44 (3)(e), chapter 1, Oregon Laws 2015,**
2 **ten percent of the moneys transferred to the Oregon Marijuana Ac-**
3 **count that were collected before July 1, 2017, must be distributed to**
4 **the counties of this state in shares that reflect the population of each**
5 **county of this state compared to the population of all counties of this**
6 **state, as determined by Portland State University under ORS 190.510**
7 **to 190.610 on the date immediately preceding July 1, 2017.**

8 **“SECTION 5. The amendments to section 44, chapter 1, Oregon**
9 **Laws 2015, by section 1 of this 2017 Act apply to moneys transferred**
10 **by the Department of Revenue on and after the effective date of this**
11 **2017 Act.**

12 **“SECTION 6. This 2017 Act takes effect on the 91st day after the**
13 **date on which the 2017 regular session of the Seventy-ninth Legislative**
14 **Assembly adjourns sine die.”.**

15
