

Requested by Representative BUEHLER

**PROPOSED AMENDMENTS TO
B-ENGROSSED SENATE BILL 1528**

1 On page 1 of the printed B-engrossed bill, line 2, after “amending” delete
2 the rest of the line and delete line 3 and insert “ORS 323.031 and 323.457;
3 prescribing an effective date; and providing for revenue raising that requires
4 approval by a three-fifths majority.”.

5 Delete lines 5 through 19 and delete pages 2 through 4 and insert:

6 **“SECTION 1.** ORS 323.031 is amended to read:

7 “323.031. (1) Notwithstanding ORS 323.030 (2) and in addition to and not
8 in lieu of any other tax, every distributor shall pay a tax upon distributions
9 of cigarettes at the rate of [30] **45** mills for the distribution of each cigarette
10 in this state.

11 “(2) Any cigarette for which a tax has once been imposed under ORS
12 323.005 to 323.482 may not be subject upon a subsequent distribution to the
13 taxes imposed by ORS 323.005 to 323.482.

14 **“SECTION 2.** ORS 323.457 is amended to read:

15 “323.457. (1) Moneys received under ORS 323.031 shall be paid over to the
16 State Treasurer to be held in a suspense account established under ORS
17 293.445. After the payment of refunds:

18 “(a) [29.37/30] **29.37/45** of the moneys shall be credited to the Oregon
19 Health Plan Fund established under ORS 414.109;

20 “(b) [0.14/30] **0.14/45** of the moneys are continuously appropriated to the
21 Oregon Department of Administrative Services for distribution to the cities

1 of this state;

2 “(c) [0.14/30] **0.14/45** of the moneys are continuously appropriated to the
3 Oregon Department of Administrative Services for distribution to the coun-
4 ties of this state;

5 “(d) [0.14/30] **0.14/45** of the moneys are continuously appropriated to the
6 Department of Transportation to be distributed and transferred to the El-
7 derly and Disabled Special Transportation Fund established under ORS
8 391.800; [and]

9 “(e) [0.21/30] **0.21/45** of the moneys shall be credited to the Tobacco Use
10 Reduction Account established under ORS 431A.153[.]; and

11 **“(f) 15/45 of the moneys are continuously appropriated to the De-**
12 **partment of Human Services to provide immediate relief to the child**
13 **protective services system by funding a rapid response team charged**
14 **with implementing the 24 recommendations in the Secretary of State’s**
15 **January 2018 audit report.**

16 “(2)(a) Moneys distributed to cities and counties under this section shall
17 be distributed to each city or county using the proportions used for distrib-
18 utions made under ORS 323.455.

19 “(b) Moneys shall be distributed to cities, counties and the Elderly and
20 Disabled Special Transportation Fund at the same time moneys are distrib-
21 uted to cities, counties and the Elderly and Disabled Special Transportation
22 Fund under ORS 323.455.

23 **“SECTION 3. (1) In addition to and not in lieu of any other tax, for**
24 **the privilege of holding or storing cigarettes for sale, use or con-**
25 **sumption, a floor tax is imposed upon every dealer at the rate of 15**
26 **mills for each cigarette in the possession of or under the control of the**
27 **dealer in this state at 12:01 a.m. on January 1, 2019.**

28 **“(2) The tax imposed by this section is due and payable on or before**
29 **January 20, 2019. Any amount of tax that is not paid within the time**
30 **required shall bear interest at the rate established under ORS 305.220**

1 per month, from the date on which the tax is due to be paid, until
2 paid.

3 “(3) By January 20, 2019, every dealer must file a report with the
4 Department of Revenue in such form as the department may prescribe.
5 The report must state the number of cigarettes in the possession of
6 or under the control of the dealer in this state at 12:01 a.m. on January
7 1, 2019, and the amount of tax due. Each report must be accompanied
8 by a remittance payable to the department for the amount of tax due.

9 “(4) As used in this section, ‘dealer’ has the meaning given that
10 term in ORS 323.010.

11 “SECTION 4. Notwithstanding ORS 323.030 (3), for the privilege of
12 distributing cigarettes as a distributor, as defined in ORS 323.015, and
13 for holding or storing cigarettes for sale, use or consumption, a floor
14 tax and cigarette adjustment indicia tax is imposed upon every dis-
15 tributor in the amount of 37.5 cents for each Oregon cigarette tax
16 stamp bearing the designation ‘25,’ and in the amount of 30 cents for
17 each Oregon cigarette tax stamp bearing the designation ‘20,’ that is
18 affixed to any package of cigarettes in the possession of or under the
19 control of the distributor at 12:01 a.m. on January 1, 2019.

20 “SECTION 5. (1) Every distributor, as defined in ORS 323.015, must
21 take an inventory as of 12:01 a.m. on January 1, 2019, of all packages
22 of cigarettes to which are affixed Oregon cigarette tax stamps and of
23 all unaffixed Oregon cigarette tax stamps in the possession of or under
24 the control of the distributor.

25 “(2) Every distributor must file a report with the Department of
26 Revenue by January 20, 2019, in such form as the department may
27 prescribe, showing:

28 “(a) The number of Oregon cigarette tax stamps, with the desig-
29 nations of the stamps, that were affixed to packages of cigarettes in
30 the possession of or under the control of the distributor at 12:01 a.m.

1 on January 1, 2019; and

2 “(b) The number of unaffixed Oregon cigarette tax stamps, with the
3 designations of the stamps, that were in the possession of or under the
4 control of the distributor at 12:01 a.m. on January 1, 2019.

5 “(3) The amount of tax required to be paid with respect to the af-
6 fixed Oregon cigarette tax stamps shall be computed pursuant to sec-
7 tion 4 of this 2018 Act and remitted with the distributor’s report. Any
8 amount of tax not paid within the time specified for the filing of the
9 report shall bear interest at the rate established under ORS 305.220,
10 from the due date of the report until paid.

11 “SECTION 6. The amendments to ORS 323.031 and 323.457 by
12 sections 1 and 2 of this 2018 Act apply to cigarette distributions made
13 on or after January 1, 2019.

14 “SECTION 7. As used in sections 7 to 18 of this 2018 Act:

15 “(1) ‘Consumer’ means a person who purchases an inhalant delivery
16 system or inhalant-form nicotine in this state for the person’s use or
17 consumption, or for any purpose other than reselling the inhalant de-
18 livery system or inhalant-form nicotine to another person.

19 “(2) ‘Inhalant delivery system’ has the meaning given that term in
20 ORS 431A.175.

21 “(3) ‘Inhalant-form nicotine’ means nicotine that:

22 “(a) Is in a form that allows the nicotine to be delivered into a
23 person’s respiratory system;

24 “(b) Is inhaled for the purpose of delivering the nicotine into a
25 person’s respiratory system; and

26 “(c)(A) Is not approved by, or emitted by a device approved by, the
27 United States Food and Drug Administration for a therapeutic pur-
28 pose; or

29 “(B) If approved by, or emitted by a device approved by, the United
30 States Food and Drug Administration for a therapeutic purpose, is not

1 marketed and sold solely for that purpose.

2 “(4) ‘Inhalant wholesaler’ means a person that:

3 “(a) Holds inhalant-form nicotine or inhalant delivery systems for
4 sale in this state to any person; or

5 “(b) Makes the first sale of inhalant-form nicotine or an inhalant
6 delivery system in this state.

7 “(5) ‘Nicotine retailer’ means a person that is engaged in the busi-
8 ness of selling or otherwise dispensing inhalant-form nicotine to con-
9 sumers. The term also includes the operators of or recipients of
10 revenue from all places such as smoke shops, cigar stores and vending
11 machines, where inhalant-form nicotine is made or stored for ultimate
12 sale to consumers.

13 “(6) ‘Sale’ means any transfer, exchange or barter, in any manner
14 or by any means, for a consideration, and includes all sales made by
15 any person. It includes a gift by a person engaged in the business of
16 selling inhalant-form nicotine, for advertising, as a means of evading
17 the provisions of sections 7 to 18 of this 2018 Act, or for any other
18 purpose.

19 “(7) ‘Taxpayer’ includes a nicotine retailer or other person required
20 to collect a tax imposed under section 8 of this 2018 Act.

21 “(8) ‘Untaxed inhalant delivery system’ means an inhalant delivery
22 system for which the tax required under section 8 of this 2018 Act has
23 not been paid.

24 “(9) ‘Wholesale price’ means the price paid for an inhalant delivery
25 system by a nicotine retailer at the point of first sale in this state.

26 **“SECTION 8. (1)(a) A tax is hereby imposed upon the retail sale of**
27 **inhalant-form nicotine in this state. The tax imposed under this sec-**
28 **tion is a direct tax on the consumer, for which payment upon retail**
29 **sale is required. The tax shall be collected at the point of sale of**
30 **inhalant-form nicotine by a nicotine retailer at the time at which the**

1 retail sale occurs.

2 “(b) The tax imposed under this subsection shall be imposed at the
3 rate of 5 cents on each container of inhalant-form nicotine with a
4 volume of two milliliters or less.

5 “(2)(a) A tax is hereby imposed upon the wholesale sale of inhalant
6 delivery systems and inhalant-form nicotine. The tax shall be collected
7 from a nicotine retailer or consumer at the point of first sale in this
8 state.

9 “(b) The tax imposed under this subsection shall be imposed at the
10 rate of 10 cents on each:

11 “(A) Container of inhalant-form nicotine with a volume greater
12 than two milliliters; and

13 “(B) Inhalant delivery system.

14 “(3) Except as otherwise provided by the Department of Revenue
15 by rule, the amount of the tax shall be separately stated on an invoice,
16 receipt or other similar document that the inhalant wholesaler or
17 nicotine retailer provides to the purchaser or consumer at the time
18 at which the sale occurs.

19 “(4) A person may not knowingly sell, purchase, install, transfer
20 or possess electronic devices or software programs for the purposes
21 of:

22 “(a) Hiding or removing records of wholesale or retail sales of
23 inhalant delivery systems or inhalant-form nicotine; or

24 “(b) Falsifying records of wholesale or retail sales of inhalant de-
25 livery systems or inhalant-form nicotine.

26 “(5) A nicotine retailer may not offer inhalant-form nicotine at no
27 charge if the retail sale of the inhalant-form nicotine is made in con-
28 junction with the retail sale of any other item.

29 **“SECTION 9. (1) Except as otherwise provided in sections 7 to 18**
30 **of this 2018 Act, the tax imposed upon the purchaser or consumer**

1 under section 8 of this 2018 Act shall be collected at the point of sale
2 and remitted by each wholesale or retail seller of inhalant delivery
3 systems or inhalant-form nicotine that engages in the wholesale or
4 retail sale of inhalant delivery systems or inhalant-form nicotine. The
5 tax is a tax upon the inhalant wholesaler or nicotine retailer that is
6 required to collect the tax, and the inhalant wholesaler or nicotine
7 retailer is a taxpayer.

8 “(2) The inhalant wholesaler or nicotine retailer shall file a return
9 with the Department of Revenue on or before the last day of January,
10 April, July and October of each year for the previous calendar quarter.

11 “(3) The inhalant wholesaler or nicotine retailer shall pay the tax
12 to the department in the form and manner prescribed by the depart-
13 ment, but not later than with each quarterly return, without regard
14 to an extension granted under subsection (5) of this section.

15 “(4) Inhalant wholesalers or nicotine retailers shall file the returns
16 required under this section regardless of whether any tax is owed.

17 “(5) For good cause, the department may extend the time for filing
18 a return under this section. The extension may be granted at any time
19 if a written request is filed with the department during or prior to the
20 period for which the extension may be granted. The department may
21 not grant an extension of more than 30 days.

22 “(6) Interest shall be added at the rate established under ORS
23 305.220, from the time the return was originally required to be filed to
24 the time of payment.

25 “(7) If an inhalant wholesaler or a nicotine retailer fails to file a
26 return or pay the tax as required by this section, the department shall
27 impose a penalty in the manner provided in ORS 314.400.

28 “(8) Except as provided in subsections (9) and (10) of this section,
29 the period prescribed for the department to allow or make a refund
30 of any overpayment of tax paid under sections 7 to 18 of this 2018 Act

1 is as provided in ORS 314.415.

2 “(9)(a) The department shall first apply any overpayment of tax by
3 an inhalant wholesaler or a nicotine retailer to any tax imposed under
4 sections 7 to 18 of this 2018 Act that is owed by the inhalant wholesaler
5 or nicotine retailer.

6 “(b) If after any offset against any delinquent amount the over-
7 payment of tax remains greater than \$1,000, the remaining refund shall
8 be applied as a credit against the next subsequent calendar quarter as
9 an estimated payment.

10 “(10) The department may not make a refund of, or credit, any
11 overpayment of tax under sections 7 to 18 of this 2018 Act that was
12 credited to the account of an inhalant wholesaler or a nicotine retailer
13 under subsection (9)(b) of this section if the return for that tax period
14 is not filed within three years after the due date of that return.

15 “SECTION 10. (1) Every person who collects any amount under
16 section 9 of this 2018 Act shall hold the same in trust for the State of
17 Oregon and for the payment thereof to the Department of Revenue in
18 the manner and at the time provided in section 9 of this 2018 Act.

19 “(2) At any time an inhalant wholesaler or a nicotine retailer fails
20 to remit any amount collected, the department may enforce collection
21 by the issuance of a distraint warrant for the collection of the delin-
22 quent amount and all penalties, interest and collection charges ac-
23 crued thereon. The warrant shall be issued, recorded and proceeded
24 upon in the same manner and shall have the same force and effect as
25 is prescribed with respect to warrants for the collection of delinquent
26 income taxes.

27 “(3)(a) In the case of an inhalant wholesaler or a nicotine retailer
28 that is assessed pursuant to the provisions of ORS 305.265 (12) and
29 314.407 (1), the department may issue a notice of liability to any offi-
30 cer, employee or member of the inhalant wholesaler or nicotine

1 retailer within three years from the time of assessment. Within 30
2 days from the date the notice of liability is mailed to the officer, em-
3 ployee or member, the officer, employee or member shall pay the as-
4 sessment, plus penalties and interest, or advise the department in
5 writing of objections to the liability and, if desired, request a confer-
6 ence. A conference shall be governed by the provisions of ORS 305.265
7 pertaining to a conference requested from a notice of deficiency.

8 “(b) After a conference or, if no conference is requested, a deter-
9 mination of the issues considering the written objections, the depart-
10 ment shall mail the officer, employee or member a conference letter
11 affirming, canceling or adjusting the notice of liability. Within 90 days
12 from the date the conference letter is mailed to the officer, employee
13 or member, the officer, employee or member shall pay the assessment,
14 plus penalties and interest, or appeal to the Oregon Tax Court in the
15 manner provided for an appeal from a notice of assessment.

16 “(c) If the department does not receive payment or written ob-
17 jection to the notice of liability within 30 days after the notice of li-
18 ability was mailed, the notice of liability becomes final. In that event,
19 the officer, employee or member may appeal the notice of liability to
20 the tax court within 90 days after it became final in the manner pro-
21 vided for an appeal from a notice of assessment.

22 “(4)(a) In the case of a failure to file a return on the due date,
23 governed by the provisions of ORS 305.265 (10) and 314.400, the depart-
24 ment, in addition to any action described in the provisions of ORS
25 305.265 (10) and 314.400, may send notices of determination and assess-
26 ment to any officer, employee or member any time within three years
27 after the assessment. The time of assessment against the officer, em-
28 ployee or member is 30 days after the date the notice of determination
29 and assessment is mailed. Within 30 days from the date the notice of
30 determination and assessment is mailed to the officer, employee or

1 member, the officer, employee or member shall pay the assessment,
2 plus penalties and interest, or advise the department in writing of ob-
3 jections to the assessment and, if desired, request a conference. A
4 conference shall be governed by the provisions of ORS 305.265 per-
5 taining to a conference requested from a notice of deficiency.

6 “(b) After a conference or, if no conference is requested, a deter-
7 mination of the issues considering the written objections, the depart-
8 ment shall mail the officer, employee or member a conference letter
9 affirming, canceling or adjusting the notice of determination and as-
10 sessment. Within 90 days from the date the conference letter is mailed
11 to the officer, employee or member, the officer, employee or member
12 shall pay the assessment, plus penalties and interest, or appeal in the
13 manner provided for an appeal from a notice of assessment.

14 “(c) If the department does not receive payment or written ob-
15 jection to the notice of determination and assessment within 30 days
16 after the notice of determination and assessment was mailed, the no-
17 tice of determination and assessment becomes final. In that event, the
18 officer, employee or member may appeal the notice of determination
19 and assessment to the tax court within 90 days after it became final
20 in the manner provided for an appeal from a notice of assessment.

21 “(5)(a) More than one officer or employee of a corporation may be
22 held jointly and severally liable for payment of taxes.

23 “(b) Notwithstanding the confidentiality provisions of section 17 of
24 this 2018 Act, if more than one officer or employee of a corporation
25 may be held jointly and severally liable for payment of taxes, the de-
26 partment may require any or all of the officers, members or employees
27 who may be held liable to appear before the department for a joint
28 determination of liability. The department shall notify each officer,
29 member or employee of the time and place set for the determination
30 of liability.

1 “(c) Each person notified of a joint determination under this sub-
2 section shall appear and present such information as is necessary to
3 establish that person’s liability or nonliability for payment of taxes to
4 the department. If a person who was notified fails to appear, the de-
5 partment shall make its determination on the basis of all the infor-
6 mation and evidence presented. The department’s determination is
7 binding on all persons notified and required to appear under this sub-
8 section.

9 “(d)(A) If an appeal is taken to the tax court pursuant to section
10 17 of this 2018 Act by any person determined to be liable for unpaid
11 taxes under this subsection, each person required to appear before the
12 department under this subsection shall be impleaded by the plaintiff.
13 The department may implead any officer, employee or member who
14 may be held jointly and severally liable for the payment of taxes. Each
15 person impleaded under this paragraph shall be made a party to the
16 action before the tax court and shall make available to the tax court
17 the information that was presented before the department, as well as
18 other information that may be presented to the tax court.

19 “(B) The tax court may determine that one or more persons
20 impleaded under this paragraph are liable for unpaid taxes without
21 regard to any earlier determination by the department that an
22 impleaded person was not liable for unpaid taxes.

23 “(C) If a person required to appear before the tax court under this
24 subsection fails or refuses to appear or bring such information in part
25 or in whole, or is outside the jurisdiction of the tax court, the tax
26 court shall make its determination on the basis of all the evidence
27 introduced. Notwithstanding section 17 of this 2018 Act, the evidence
28 constitutes a public record and shall be available to the parties and the
29 tax court. The determination of the tax court is binding on all persons
30 made parties to the action under this subsection.

1 “(e) This section may not be construed to preclude a determination
2 by the department or the tax court that more than one officer, em-
3 ployee or member is jointly and severally liable for unpaid taxes.

4 “SECTION 11. (1) An inhalant wholesaler or a nicotine retailer shall
5 keep receipts, invoices and other pertinent records related to wholesale
6 and retail sales of inhalant delivery systems and inhalant-form
7 nicotine in the form required by the Department of Revenue. Each
8 record shall be preserved for five years from the time to which the
9 record relates, or for as long as the inhalant wholesaler or nicotine
10 retailer retains the inhalant delivery systems or inhalant-form
11 nicotine to which the record relates, whichever is later. During the
12 retention period and at any time prior to the destruction of records,
13 the department may give written notice to the inhalant wholesaler or
14 nicotine retailer not to destroy records described in the notice without
15 written permission of the department. Notwithstanding any other
16 provision of law, the department shall preserve reports and returns
17 filed with the department for at least five years.

18 “(2) The department or its authorized representative, upon oral or
19 written demand, may make examinations of the books, papers, records
20 and equipment of persons making wholesale or retail sales of inhalant
21 delivery systems or inhalant-form nicotine and any other investi-
22 gations the department deems necessary to carry out the provisions
23 of sections 7 to 18 of this 2018 Act.

24 “SECTION 12. (1) The Department of Revenue has authority, by
25 order or subpoena to be served with the same force and effect and in
26 the same manner as a subpoena is served in a civil action in the cir-
27 cuit court, or the Oregon Tax Court, to require the production at any
28 time and place the department designates of any books, papers, ac-
29 counts or other information necessary to carry out sections 7 to 18 of
30 this 2018 Act. The department may require the attendance of any

1 person having knowledge in the premises, and may take testimony and
2 require proof material for the information, with power to administer
3 oaths to the person.

4 “(2) If a person fails to comply with a subpoena or order of the de-
5 partment or to produce or permit the examination or inspection of any
6 books, papers, records and equipment pertinent to an investigation or
7 inquiry under sections 7 to 18 of this 2018 Act, or to testify to any
8 matter regarding which the person is lawfully interrogated, the de-
9 partment may apply to the Oregon Tax Court or to the circuit court
10 of the county in which the person resides or where the person is lo-
11 cated for an order to the person to attend and testify, or otherwise to
12 comply with the demand or request of the department. The depart-
13 ment shall apply to the court by ex parte motion, upon which the
14 court shall make an order requiring the person against whom the
15 motion is directed to comply with the request or demand of the de-
16 partment within 10 days after the service of the order, or within the
17 additional time granted by the court, or to justify the failure within
18 that time. The order shall be served upon the person to whom it is
19 directed in the manner required by this state for service of process,
20 which service is required to confer jurisdiction upon the court. Failure
21 to obey any order issued by the court under this section is contempt
22 of court. The remedy provided by this section is in addition to other
23 remedies, civil or criminal, existing under the tax laws or other laws
24 of this state.

25 “SECTION 13. Except as otherwise provided in sections 7 to 18 of
26 this 2018 Act, a person aggrieved by an act or determination of the
27 Department of Revenue or its authorized agent under sections 7 to 18
28 of this 2018 Act may appeal, within 90 days after the act or determi-
29 nation, to the Oregon Tax Court in the manner provided in ORS 305.404
30 to 305.560. These appeal rights are the exclusive remedy available to

1 determine the person's liability for the tax imposed under section 8
2 of this 2018 Act.

3 **SECTION 14.** (1)(a) When an amount represented by a nicotine
4 retailer at retail to a consumer as constituting the tax imposed under
5 section 8 of this 2018 Act is computed upon an amount that is not
6 taxable or is in excess of the taxable amount and is actually paid by
7 the consumer to the nicotine retailer, the excess tax paid shall be re-
8 turned by the nicotine retailer to the consumer upon written notifi-
9 cation by the Department of Revenue or the consumer.

10 **"(b)** The written notification must contain information necessary
11 to determine the validity of the consumer's claim.

12 **"(2)** If the nicotine retailer does not return the excess tax within
13 60 days after mailing of the written notification required under sub-
14 section (1) of this section, the consumer may appeal to the department
15 for a refund of the amount of the excess tax, in the manner and within
16 the time allowed under rules adopted by the department.

17 **"(3)** If excess tax is returned to the consumer by the department,
18 the department may issue a notice of deficiency for the excess tax to
19 the nicotine retailer in the manner provided under ORS 305.265.

20 **SECTION 15.** For the purpose of compensating nicotine retailers
21 for expenses incurred in collecting the tax imposed under section 8 of
22 this 2018 Act, each nicotine retailer is permitted to deduct and retain
23 two percent of the amount of taxes that are collected by the nicotine
24 retailer from all retail sales of inhalant-form nicotine conducted by
25 the nicotine retailer.

26 **SECTION 16.** The Department of Revenue shall administer and
27 enforce sections 7 to 18 of this 2018 Act. The department is authorized
28 to establish rules and procedures for the implementation and enforce-
29 ment of sections 7 to 18 of this 2018 Act that are consistent with
30 sections 7 to 18 of this 2018 Act and that the department considers

1 necessary and appropriate to administer and enforce sections 7 to 18
2 of this 2018 Act.

3 **“SECTION 17.** Except as otherwise provided in sections 7 to 18 of
4 this 2018 Act or where the context requires otherwise, the provisions
5 of ORS chapters 305 and 314 as to the audit and examination of re-
6 turns, periods of limitation, determination of and notices of deficien-
7 cies, assessments, collections, liens, delinquencies, claims for refund
8 and refunds, conferences, appeals to the Oregon Tax Court, stays of
9 collection pending appeal, confidentiality of returns and the penalties
10 relative thereto, and the procedures relating thereto, apply to the de-
11 terminations of taxes, penalties and interest under sections 7 to 18 of
12 this 2018 Act.

13 **“SECTION 18. (1)** All moneys received by the Department of Reve-
14 nue under sections 7 to 18 of this 2018 Act shall be deposited in the
15 State Treasury and credited to a suspense account established under
16 ORS 293.445. The department may pay expenses for the administration
17 and enforcement of sections 7 to 18 of this 2018 Act out of moneys re-
18 ceived from the tax imposed under section 8 of this 2018 Act. Amounts
19 necessary to pay administrative and enforcement expenses are con-
20 tinuously appropriated to the department from the suspense account.

21 **“(2)** After the payment of administrative and enforcement expenses
22 and refunds or credits arising from erroneous overpayments, the bal-
23 ance of the moneys received by the Department of Revenue under
24 sections 7 to 18 of this 2018 Act shall be distributed as follows:

25 **“(a)** \$2,000,000 per biennium shall be transferred to the Oregon De-
26 partment of Administrative Services to provide funding for CASA
27 Volunteer Programs as defined in ORS 184.489.

28 **“(b)** After the transfer required under paragraph (a) of this sub-
29 section, the remaining balance of moneys are continuously appropri-
30 ated to the Department of Human Services to provide immediate relief

1 to the child protective services system by funding a rapid response
2 team charged with implementing the 24 recommendations in the Sec-
3 retary of State's January 2018 audit report.

4 **"SECTION 19.** Sections 7 to 18 of this 2018 Act apply to inhalant-
5 form nicotine and inhalant delivery systems sold on or after January
6 1, 2019.

7 **"SECTION 20.** This 2018 Act takes effect on the 91st day after the
8 date on which the 2018 regular session of the Seventy-ninth Legislative
9 Assembly adjourns sine die."

10 _____