

HOUSE AMENDMENTS TO HOUSE BILL 3470

By JOINT COMMITTEE ON WAYS AND MEANS

July 5

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; amending ORS
2 327.008, 458.555, 458.558, 458.563, 458.578 and 458.580 and sections 7 and 8, chapter 604, Oregon
3 Laws 2011, section 4, chapter 578, Oregon Laws 2013, section 3, chapter 106, Oregon Laws 2014,
4 section 44, chapter 1, Oregon Laws 2015, section 4, chapter 763, Oregon Laws 2015, section 29,
5 chapter 765, Oregon Laws 2015, and section 28, chapter ___, Oregon Laws 2017 (Enrolled House Bill
6 2795); repealing ORS 469.960, 469.961, 469.962, 469.963, 469.964, 469.965 and 469.966 and sections 49
7 and 50, chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 908);”.

8 Delete lines 4 through 21 and insert:

9
10 **“ADMINISTRATION**

11
12 **“SECTION 1. Notwithstanding ORS 173.240:**

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

16 **“(a) Identify deficiencies in current law; and**

17 **“(b) Make recommendations to clarify, simplify, consolidate and update the existing**
18 **statutory framework.**

19 **“(2) For purposes of the review, the Legislative Counsel and the Legislative Fiscal Officer**
20 **may consult with the Department of Justice and the State Treasurer and any other officer**
21 **or employee of this state or of any local or tribal government.**

22 **“(3) The Legislative Counsel and the Legislative Fiscal Officer shall submit a report in**
23 **the manner provided in ORS 192.245, and may include recommendations for legislation, to the**
24 **Joint Committee on Ways and Means, or the Joint Interim Committee on Ways and Means,**
25 **no later than December 31, 2017.**

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 Section 1 of this 2017 Act is repealed on January 2, 2018.**

27 **“SECTION 3. (1) Notwithstanding ORS 221.770, 471.805 and 471.810, for the biennium be-**
28 **ginning July 1, 2017, the Oregon Liquor Control Commission may expend moneys from the**
29 **Oregon Liquor Control Commission Account to pay any expenses incurred by the commission**
30 **in implementing and carrying out duties under ORS 475B.010 to 475B.395. Any expenditure**
31 **made under this subsection is considered a loan and must be repaid as provided in subsection**
32 **(2) of this section.**

33 **“(2) Not later than June 30, 2019, the commission shall transfer from the Marijuana**
34 **Control and Regulation Fund to the Oregon Liquor Control Commission Account an amount**
35 **equal to the total amount expended under subsection (1) of this section, plus an amount of**

1 **simple interest calculated at two percent per annum of the total amount expended.**

2
3 **“EDUCATION**

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

6 **“Sec. 4.** [*Section 3 of this 2015 Act*] **ORS 327.376** and the amendments to [*section 1 of this 2015*
7 *Act*] **ORS 327.372** by section 2 [*of this 2015 Act*], **chapter 763, Oregon Laws 2015**, become operative
8 on July 1, [2017] **2019**.

9
10 **“HUMAN SERVICES**

11
12 **“SECTION 5.** Section 3, chapter 106, Oregon Laws 2014, as amended by section 1, chapter 776,
13 Oregon Laws 2015, is amended to read:

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

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

17 **“Sec. 7.** (1) The amendments to ORS 412.009, 412.014 and 412.024 by sections 2, 3 and 5, chapter
18 604, Oregon Laws 2011, become operative on October 1, 2011.

19 **“(2)** The amendments to ORS 412.014 by section 4, chapter 604, Oregon Laws 2011, become op-
20 erative on July 1, [2017] **2019**.

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

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

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

27 **“Sec. 29.** (1) [*Section 4 of this 2015 Act*] **ORS 412.007** and the amendments to ORS 411.635,
28 412.001, 412.009, 412.079 and 412.124 by sections 6, 10, 12, 19 and 26 [*of this 2015 Act*], **chapter 765,**
29 **Oregon Laws 2015**, become operative on April 1, 2016.

30 **“(2)** The amendments to ORS 412.124 by section 7 [*of this 2015 Act*], **chapter 765, Oregon Laws**
31 **2015**, become operative on July 1, [2017] **2019**.

32
33 **“ECONOMIC DEVELOPMENT**

34
35 **“SECTION 9.** ORS 458.555 is amended to read:

36 **“458.555.** (1) There is established the Oregon Volunteers Commission for Voluntary Action and
37 Service within the [*Housing and Community Services Department*] **Office of the Governor**.

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

40 **“(3)** The term of office of each member is three years, but a member serves at the pleasure of
41 the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
42 whose term begins on the first day of the next following month. A member is eligible for reap-
43 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to become
44 immediately effective for the unexpired term.

45 **“(4)** The appointment of the members of the commission is subject to confirmation by the Senate

1 in the manner prescribed in ORS 171.562 and 171.565.

2 “(5) A member of the commission is entitled to receive, from moneys available to the commis-
3 sion, actual and necessary travel and other expenses incurred in the performance of official duties
4 as provided in ORS 292.495.

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

6 “458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-
7 vice must be citizens of this state who have a proven commitment to community service and who
8 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for
9 strengthening communities and promoting the ethic of service in all sectors of this state.

10 “(2) The Governor shall appoint as members of the commission at least one of each of the fol-
11 lowing:

12 “(a) An individual with experience in educational, training and development needs of youth,
13 particularly disadvantaged youth.

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

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

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

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

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

20 “(g) A representative of business.

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

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

24 “(3) In addition to appointing members under subsection (2) of this section, the Governor may
25 appoint as members individuals from the following groups:

26 “(a) Educators.

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

29 “(c) Members of Native American tribes.

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

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

33 “[*(f) A director or representative of a CASA Volunteer Program.*]

34 “[*(g) A court appointed special advocate.*]

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

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

38 “(b) No more than 25 percent of the appointed members are state employees.

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

40 “458.563. (1) The Oregon Volunteers Commission for Voluntary Action and Service shall appoint
41 a director to serve at the pleasure of the [*commission*] **Governor**. The director must have experience
42 and education in public administration or nonprofit management.

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

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

1 compensation.

2 “(4) The director of the commission shall report to, and comply with the directions of, the [*Di-*
3 *rector of the Housing and Community Services Department*] **Office of the Governor** in the develop-
4 ment and administration of nonpolicymaking activities, including but not limited to rules and other
5 directions for commission personnel, fiscal practices and purchasing of commission supplies.

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

7 “458.578. (1) The Legislative Assembly declares that the purpose of this section is to promote
8 the development of better communities by using citizen participation and volunteerism to foster
9 greater civic responsibility.

10 “(2) The Oregon Volunteers Commission for Voluntary Action and Service shall identify goals
11 to develop and facilitate the initiation of public and private entity programs that will encourage and
12 reward citizen participation and volunteerism. [*The Housing and Community Services Department*
13 *may adopt rules and develop procedures appropriate to foster the initiation of programs that fulfill the*
14 *citizen participation and volunteerism goals recommended by the commission.*] The programs developed
15 and facilitated by the commission goals [*and department rules and procedures*] must have one or
16 more of the following objectives:

17 “(a) To place increased priority on citizen participation and volunteerism as a means for ad-
18 dressing complex problems facing Oregon communities.

19 “(b) To encourage community leaders to implement strategies that recognize community volun-
20 teers as a valuable and much-needed asset for expanding civic responsibility.

21 “(c) To promote the concept and practice of business and corporate volunteering, with emphasis
22 on communities where business and corporate volunteering initiatives are less developed.

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

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

28 “(f) To implement policy and administrative changes that encourage and enable citizen partic-
29 ipation and volunteerism by individuals.

30 “(g) To encourage nonprofit agencies to increase effectiveness and efficiency by including the
31 use of volunteers in their service delivery systems.

32 “(h) To promote and support the concept of participation and volunteerism by all citizens as an
33 effective means to address community needs and achieve a collective commitment to lifelong com-
34 munity service.

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

37 “(j) To recognize the importance of individual volunteers and of volunteer and service organ-
38 izations and to honor and celebrate the success of volunteers.

39 “**SECTION 13.** ORS 458.580 is amended to read:

40 “458.580. As used in ORS 419B.112, [*458.558,*] 458.581 and 458.582:

41 “(1) ‘CASA Volunteer Program’ means a program that is approved or sanctioned by a juvenile
42 court, has received accreditation from the National CASA Association and has entered into a con-
43 tract with the Oregon Volunteers Commission for Voluntary Action and Service under ORS 458.581
44 to recruit, train and supervise volunteers to serve as court appointed special advocates.

45 “(2) ‘Court appointed special advocate’ means a person in a CASA Volunteer Program who is

1 appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

2
3 **“TRANSPORTATION**

4
5 **“SECTION 14. Notwithstanding ORS 367.080 to 367.086, for the biennium beginning July**
6 **1, 2017, the Department of Transportation shall first transfer the amount of \$3 million, out**
7 **of the moneys received from the repayment of loans from the Connect Oregon Fund, to the**
8 **Oregon Business Development Department for deposit into the Oregon Business Develop-**
9 **ment Fund established under ORS 285B.092, for the purpose of providing a grant to the**
10 **Oregon Manufacturing Innovation Center to advance manufacturing technologies through**
11 **applied research and development relating to marine, freight and aviation transportation.**

12
13 **“LEGISLATIVE BRANCH**

14
15 **“SECTION 15. Section 4, chapter 578, Oregon Laws 2013, as amended by section 5, chapter 840,**
16 **Oregon Laws 2015, is amended to read:**

17 **“Sec. 4. The amendments to ORS 171.072, 292.912 and 292.930 by sections 1 to 3, chapter 578,**
18 **Oregon Laws 2013, apply to salaries established for biennia beginning on or after July 1, [2017]**
19 **2019.**

20 **“SECTION 16. If this 2017 Act does not become effective until after June 30, 2017, the**
21 **amendments to section 4, chapter 578, Oregon Laws 2013, by section 15 of this 2017 Act shall**
22 **be operative retroactively to that date, and the operation and effect of section 4, chapter 578,**
23 **Oregon Laws 2013, as amended by section 5, chapter 840, Oregon Laws 2015, and section 15**
24 **of this 2017 Act, shall continue unaffected from June 30, 2017, to the effective date of this**
25 **2017 Act. Any otherwise lawful action taken or otherwise lawful obligation incurred under**
26 **the authority of section 4, chapter 578, Oregon Laws 2013, as amended by section 5, chapter**
27 **840, Oregon Laws 2015, and section 15 of this 2017 Act, after June 30, 2017, and before the**
28 **effective date of this 2017 Act, is ratified and approved.**

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

32 **“Sec. 4. The amendments to ORS 171.072[, 292.912 and 292.930 by sections 1 to 3] by section 1,**
33 **chapter 578, Oregon Laws 2013, apply to salaries established for biennia beginning on or after July**
34 **1, 2019.**

35 **“SECTION 18. The amendments to section 4, chapter 578, Oregon Laws 2013, by section**
36 **17 of this 2017 Act become operative on January 1, 2018.**

37
38 **“JUDICIAL BRANCH**

39
40 **“SECTION 19. Notwithstanding any other law, the governing body of a county may, after**
41 **consulting with the presiding judge of the circuit court, use up to one-half of the moneys**
42 **distributed to the county by the Chief Justice of the Supreme Court from moneys appropri-**
43 **ated to the Judicial Department for the purpose of operating law libraries or providing law**
44 **library services, for the purpose of providing conciliation and mediation services in circuit**
45 **courts.**

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

3 “**Sec. 28.** The amendments to ORS 21.006 by section 27, **chapter ___, Oregon Laws 2017 (En-**
4 **rolled House Bill 2795)**, *[of this 2017 Act]* apply to fees collected on or after *[October]* **July 1, 2017.**

5
6 “**NATURAL RESOURCES**
7

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

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

13 “(2) Specifically identified in legislation enacted by the Seventy-ninth Legislative Assem-
14 bly that authorizes a transfer of lottery bond proceeds to the account for carrying out the
15 purpose.

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

17 “**SECTION 22.** ORS 469.960, 469.961, 469.962, 469.963, 469.964, 469.965 and 469.966 are re-
18 pealed.

19 “**SECTION 22a.** If Senate Bill 908 becomes law, sections 49 (amending ORS 469.963) and
20 50 (amending ORS 469.966), chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 908), are
21 repealed.

22
23 “**TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES**
24

25 “**SECTION 23.** (1) The Alternative Fuel Vehicle Revolving Fund established under ORS
26 469.961 is abolished on the effective date of this 2017 Act.

27 “(2) Any moneys remaining in the fund specified in subsection (1) of this section on the
28 effective date of this 2017 Act shall be transferred, on the effective date of this 2017 Act, to
29 the General Fund for general governmental purposes.

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

33 “**SECTION 25.** Notwithstanding ORS 283.076, the amount of \$18,500,000 is transferred
34 from the Oregon Department of Administrative Services Operating Fund to the General
35 Fund for general governmental purposes. The transfer shall be made on May 31, 2019.

36 “**SECTION 26.** Notwithstanding ORS 291.041, the amount of \$10,500,000 is transferred
37 from the State Information Technology Operating Fund to the General Fund for general
38 governmental purposes. The transfer shall be made on May 31, 2019.

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

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

45 “**SECTION 29.** The transfers described in sections 23, 24, 25, 26, 27 and 28 of this 2017 Act

1 shall be made from moneys maintained, on the effective date of this 2017 Act, in the funds
2 or accounts from which the transfers are made.

3
4 "MARIJUANA REVENUE DISTRIBUTION

5
6 "SECTION 30. Section 31 of this 2017 Act is added to and made a part of ORS 475B.700
7 to 475B.760.

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

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

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

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

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

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

28 "[a] Forty percent must be transferred to the Common School Fund;]

29 "[b] Twenty percent must be transferred to the Mental Health Alcoholism and Drug Services Ac-
30 count established under ORS 430.380;]

31 "[c] Fifteen percent must be transferred to the State Police Account established under ORS
32 181.175;]

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

35 "[A] For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such
36 shares as the population of each city bears to the population of the cities of this state, as determined
37 by Portland State University last preceding such apportionment, under ORS 190.510 to 190.610; and]

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

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

43 "[ii] Fifty percent of the 10 percent must be transferred in such shares as the number of licenses
44 issued by the commission under section 22, chapter 1, Oregon Laws 2015, during the calendar year
45 preceding the date of the distribution for premises located in each city bears to the number of such li-

1 *censes issued by the commission during such calendar year for all premises in this state;]*

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

4 *“(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such*
5 *shares as their respective populations bear to the total population of this state, as estimated from time*
6 *to time by Portland State University; and]*

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

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

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

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

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

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

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

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

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

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

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

35 **“(i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the**
36 **population of each city of this state that is not exempt from this paragraph pursuant to**
37 **subsection (4)(a) of this section compared to the population of all cities of this state that are**
38 **not exempt from this paragraph pursuant to subsection (4)(a) of this section, as determined**
39 **by Portland State University under ORS 190.510 to 190.610, on the date immediately preceding**
40 **the date of the transfer; and**

41 **“(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the**
42 **number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.110 on the last**
43 **business day of the calendar quarter preceding the date of the transfer for premises located**
44 **in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090,**
45 **475B.100 and 475B.110 on the last business day of that calendar quarter for all premises in**

1 this state located in cities; and

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

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

11 “(ii) Fifty percent of the 10 percent must be transferred in shares that reflect the num-
12 ber of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.110 on the last business day
13 of the calendar quarter preceding the date of the transfer for premises located in each
14 county compared to the number of licenses held pursuant to ORS 475B.090, 475B.100 and
15 475B.110 on the last business day of that calendar quarter for all premises in this state.

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

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

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

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

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

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

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

33 “(c) A county that has an ordinance prohibiting the establishment of a premises for
34 which issuance of a license under ORS 475B.090, 475B.100 or 475B.110 is required is not eli-
35 gible to receive transfers of moneys under subsection (3)(b)(B)(ii) of this section.

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

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

44 “327.008. (1)(a) There is established a State School Fund in the General Fund.

45 “(b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,

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

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

6 “(d) The State School Fund is continuously appropriated to the Department of Education for the
7 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,
8 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws
9 2013.

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

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

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

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

24 “(6) Numbers of students in average daily membership used in the distribution formula shall be
25 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 grant that is attributable
27 to the facility grant for capital construction costs.

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

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

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

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

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

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

45 “(A) The total amount available for all distributions from the State School Fund shall be reduced

1 by \$5 million;

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

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

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

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

13 “(14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
14 School Fund for the contract described in ORS 329.488. The amount distributed to education service
15 districts from the State 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 \$350,000 from the State
18 School Fund to provide administration of and support for the development of talented and gifted
19 education under ORS 343.404.

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

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

26 “**SECTION 34.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, section
27 7, chapter 81, Oregon Laws 2014, section 2, chapter 68, Oregon Laws 2015, section 38, chapter 245,
28 Oregon Laws 2015, section 2, chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws
29 2015, section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon Laws 2015, is
30 amended to read:

31 “327.008. (1)(a) There is established a State School Fund in the General Fund.

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

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

38 “(d) The State School Fund is continuously appropriated to the Department of Education for the
39 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,
40 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

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

45 “(3) For the first school year after a public charter school ceases to operate because of dissol-

1 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned
2 from the State School Fund to each school district that had sponsored a public charter school that
3 ceased to operate an amount equal to the school district's general purpose grant per extended
4 ADMw multiplied by five percent of the ADM of the public charter school for the previous school
5 year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 “(13) Each biennium, the Department of Education shall transfer \$12.5 million from the State
42 School Fund to the Statewide English Language Learner Program Account established under ORS
43 327.344.

44 “(14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
45 School Fund for the contract described in ORS 329.488. The amount distributed to education service

1 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
2 amount expended by the department under this subsection.

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

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

9 “**SECTION 35.** (1) **Notwithstanding section 44 (3)(b)(A), chapter 1, Oregon Laws 2015, 10**
10 **percent of the moneys transferred to the Oregon Marijuana Account that were collected**
11 **before July 1, 2017, must be transferred to the cities of this state in shares that reflect the**
12 **population of each city of this state compared to the population of all cities of this state on**
13 **July 1, 2017, as determined by Portland State University under ORS 190.510 to 190.610.**

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

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

20 “**SECTION 37.** **The amendments to section 44, chapter 1, Oregon Laws 2015, by section**
21 **32 of this 2017 Act apply to moneys transferred or used by the Department of Revenue on**
22 **or after the effective date of this 2017 Act.**

23
24 “CAPTIONS

25
26 “**SECTION 38.** **The unit captions used in this 2017 Act are provided only for the conven-**
27 **ience of the reader and do not become part of the statutory law of this state or express any**
28 **legislative intent in the enactment of this 2017 Act.**

29
30 “EMERGENCY CLAUSE

31
32 “**SECTION 39.** **This 2017 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
34 **on its passage.”.**