

A-Engrossed Senate Bill 1566

Ordered by the Senate February 15
Including Senate Amendments dated February 15

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Employer Incentive Fund. Appropriates moneys in fund to Public Employees Retirement Board for purpose of matching portions of certain lump sum payments of employer contributions to Public Employees Retirement System.

[Directs Department of Revenue to establish general tax amnesty program of limited duration. Directs department to transfer certain moneys collected under program to Public Employees Retirement Fund to be credited to side account for school districts.]

Allows participating public employer that makes lump sum payment of employer contributions to system in amount equal to or greater than \$10 million to choose amortization period for use of lump sum payment to offset employer contributions otherwise owed.

Directs transfer of certain proceeds from debt collection, capital gains tax, estate tax, marijuana tax, wine, cider and malt beverage privilege tax and lawsuit settlements to Public Employees Retirement Fund to be credited to side account for school districts.

Directs transfer of certain proceeds from lottery revenues to Public Employees Retirement Fund to be credited to side accounts for school districts, community colleges and public universities.

Provides that Department of State Lands shall *[distribute certain proceeds from sale of unclaimed property in Common School Fund Account]* **transfer from Common School Fund Account all or part of interest earned from certain unclaimed property** to Public Employees Retirement Fund to be credited to side account for school districts.

Directs State Treasurer to study feasibility and prudence of borrowing moneys in Oregon Short Term Fund to be redeployed into investments. Directs State Treasurer to report to Legislative Assembly on results of study no later than September 30, 2019.

Provides for direct review by Supreme Court.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to employer contributions to the Public Employees Retirement System; creating new provisions; amending ORS 475B.759 and 475B.895; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

EMPLOYER INCENTIVE FUND

SECTION 1. (1) The Employer Incentive Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Employer Incentive Fund shall be credited to the fund, but interest earned may not be used under section 2 of this 2018 Act to match lump sum payments made under ORS 238.229.

(2) Moneys in the fund are continuously appropriated to the Public Employees Retirement Board for the purposes described in section 2 of this 2018 Act.

SECTION 2. (1)(a) The Public Employees Retirement Board shall establish a process for

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 distributing the moneys in the Employer Incentive Fund established under section 1 of this
2 2018 Act.

3 (b) The process must allow a participating public employer to apply to reserve matching
4 amounts in the Employer Incentive Fund by committing to make a qualifying lump sum
5 payment to an account established under ORS 238.229.

6 (2) The board shall adopt rules establishing:

7 (a) The percentage of a lump sum payment that may be matched by distributions from
8 the fund, not to exceed 25 percent of a qualifying lump sum payment.

9 (b) The maximum matching amount that may be reserved by a participating public em-
10 ployer, not to exceed \$____.

11 (c) The qualifications for lump sum payments that may be matched under this section.
12 The qualifications must include the following requirements:

13 (A) The participating public employer must apply to reserve matching funds no later than
14 December 31, 2019.

15 (B) The participating public employer must make the qualifying lump sum payment no
16 later than July 1, 2023.

17 (C) A qualifying lump sum payment may not be a payment from moneys borrowed by the
18 employer.

19 (3)(a) The board may begin accepting applications under subsection (1) of this section on
20 the date on which the board determines that there are sufficient moneys in the Employer
21 Incentive Fund.

22 (b) For 180 days after the board begins accepting applications under subsection (1) of this
23 section, a participating public employer may apply to reserve matching amounts from the
24 Employer Incentive Fund under subsection (1) of this section only if the unfunded actuarial
25 liability attributable to the employer, as determined in the most recent report prepared un-
26 der ORS 238.605, is more than 200 percent of the employer's payroll for members of the
27 Public Employees Retirement System.

28 (c) After the 180-day period described in paragraph (b) of this subsection, any partic-
29 ipating public employer may apply to reserve matching funds from the Employer Incentive
30 Fund under subsection (1) of this section.

31 (4) The board shall approve applications that meet the qualifications established under
32 subsection (2) of this section in the order in which the applications are submitted. The board
33 shall continue approving applications as long as moneys in the Employer Incentive Fund are
34 available.

35 (5) The board shall transfer matching amounts approved under subsection (4) of this
36 section from the Employer Incentive Fund to the approved employers' accounts established
37 under ORS 238.229.

38 (6) The board may transfer moneys from the Employer Incentive Fund to the Public
39 Employees Retirement Fund established under ORS 238.660 for crediting to the reserves for
40 pension accounts and annuities as provided in ORS 238.670 (2).

41 **SECTION 3.** (1) Section 2 of this 2018 Act is repealed January 2, 2025.

42 (2)(a) The Employer Incentive Fund established under section 1 of this 2018 Act is abol-
43 ished on January 2, 2025.

44 (b) The unexpended moneys remaining in the Employer Incentive Fund on January 2,
45 2025, shall be transferred to the General Fund.

1 (b) Use the rate of change calculated under paragraph (a) of this subsection to forecast
2 the tax liability from personal income taxes on taxable capital gains for the biennium begin-
3 ning on July 1 of the year in which the calculation is made.

4 (2) Not later than November 1 of the odd-numbered year following each calculation under
5 subsection (1) of this section, the Oregon Department of Administrative Services, in consul-
6 tation with the Department of Revenue, shall estimate the tax liability from personal income
7 taxes on taxable capital gains for the previous biennium.

8 (3) Not later than November 30 of the odd-numbered year in which the estimate is made
9 under subsection (2) of this section, the Oregon Department of Administrative Services, in
10 consultation with the Department of Revenue, shall determine whether the tax liability from
11 personal income taxes on capital gains estimated under subsection (2) of this section exceeds
12 the tax liability from personal income taxes on taxable capital gains forecasted under sub-
13 section (1) of this section.

14 (4) The Department of Revenue shall transfer an amount equal to the amount of any
15 excess calculated under subsection (3) of this section, less any amount required to be re-
16 turned to taxpayers under ORS 291.349, to the Public Employees Retirement Fund established
17 under ORS 238.660. The Public Employees Retirement Board shall credit the amounts trans-
18 ferred to the account established under section 24 (1) of this 2018 Act.

19 (5) The Department of Revenue shall retain unreceipted revenue from the tax imposed
20 under ORS chapter 316 in an amount necessary to make the transfer required under sub-
21 section (4) of this section. The department shall make the transfer out of the unreceipted
22 revenue in lieu of paying the revenue over to the State Treasurer for deposit in the General
23 Fund.

24 **SECTION 14.** The division of the Oregon Department of Administrative Services that
25 serves as office of economic analysis shall make the first calculation required under section
26 13 (1) of this 2018 Act not later than October 1, 2019. The calculation shall be for the five
27 biennia beginning July 1, 2009.

28
29 **PROCEEDS FROM ESTATE TAXES**

30
31 **SECTION 15.** (1) Not earlier than July 1 and not later than October 1 of the years 2019,
32 2021 and 2023, the division of the Oregon Department of Administrative Services that serves
33 as office of economic analysis shall:

34 (a) Calculate the rate of change in collections from estate taxes during the five preceding
35 biennia; and

36 (b) Use the rate of change calculated under paragraph (a) of this subsection to forecast
37 the collections from estate taxes for the biennium beginning on July 1 of the year in which
38 the calculation is made.

39 (2) Not later than November 1 of the odd-numbered year following each calculation under
40 subsection (1) of this section, the Oregon Department of Administrative Services, in consul-
41 tation with the Department of Revenue, shall estimate the collections from estate taxes for
42 the previous biennium.

43 (3) Not later than November 30 of the odd-numbered year in which the estimate is made
44 under subsection (2) of this section, the Oregon Department of Administrative Services, in
45 consultation with the Department of Revenue, shall determine whether the collections from

1 estate taxes estimated under subsection (2) of this section exceed the collections from estate
2 taxes forecasted under subsection (1) of this section.

3 (4) The Department of Revenue shall transfer an amount equal to the amount of any
4 excess calculated under subsection (3) of this section, less any amount required to be re-
5 turned to taxpayers under ORS 291.349, to the Public Employees Retirement Fund established
6 under ORS 238.660. The Public Employees Retirement Board shall credit the amounts trans-
7 ferred to the account established under section 24 (1) of this 2018 Act.

8 (5) The Department of Revenue shall retain unreceipted revenue from estate taxes im-
9 posed under ORS 118.005 to 118.540 in an amount necessary to make the transfer required
10 under subsection (4) of this section. The department shall make the transfer out of the un-
11 receipted revenue in lieu of paying the revenue over to the State Treasurer for deposit in the
12 General Fund.

13 **SECTION 16.** The division of the Oregon Department of Administrative Services that
14 serves as office of economic analysis shall make the first calculation required under section
15 15 (1) of this 2018 Act not later than October 1, 2019. The calculation shall be for the five
16 biennia beginning January 1, 2009.

17
18 **PROCEEDS FROM MARIJUANA TAX**
19

20 **SECTION 17.** (1) No earlier than July 1 and no later than October 1 of the years 2019, 2021
21 and 2023, the Oregon Department of Administrative Services shall compare:

22 (a) The amount estimated to be received pursuant to the tax imposed under ORS 475B.705
23 for the immediately preceding biennium in the last estimate under ORS 475B.712 before the
24 beginning of the immediately preceding biennium; and

25 (b) The revenue received pursuant to the tax imposed under ORS 475B.705 during the
26 immediately preceding biennium.

27 (2) If the Oregon Department of Administrative Services determines that the amount
28 specified in subsection (1)(b) of this section exceeds the amount specified in subsection (1)(a)
29 of this section, the Department of Revenue shall transfer an amount equal to the excess, less
30 the 20 percent of the moneys transferred to the Oregon Marijuana Account under ORS
31 475B.760 that are required to be transferred to cities and counties under ORS 475B.759 (3)(b),
32 from the Oregon Marijuana Account established under ORS 475B.759 to the Public Employees
33 Retirement Fund established under ORS 238.660. The Public Employees Retirement Board
34 shall credit the amounts transferred to the account established under section 24 (1) of this
35 2018 Act.

36 (3) The Department of Revenue shall retain unreceipted revenue from the tax imposed
37 under ORS 475B.705 in an amount necessary to make the transfer required under subsection
38 (2) of this section. The department shall make the transfer out of the unreceipted revenue
39 in lieu of paying the revenue over to the State Treasurer for deposit in the suspense account
40 established under ORS 475B.760.

41 **SECTION 17a.** ORS 475B.759 is amended to read:

42 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
43 General Fund.

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

45 (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the

1 Oregon Marijuana Account.

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

4 (A) Ten percent of the moneys in the account must be transferred to the cities of this state in
5 the following shares:

6 (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-
7 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)
8 of this section compared to the population of all cities of this state that are not exempt from this
9 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University
10 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

11 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
12 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day
13 of the calendar quarter preceding the date of the transfer for premises located in each city compared
14 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the
15 last business day of that calendar quarter for all premises in this state located in cities; and

16 (B) Ten percent of the moneys in the account must be transferred to counties in the following
17 shares:

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

24 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
25 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-
26 endar quarter preceding the date of the transfer for premises located in each county compared to
27 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business
28 day of that calendar quarter for all premises in this state.

29 (c) *[Eighty percent of]* **The remainder of** the moneys in the Oregon Marijuana Account **after**
30 **the transfers required by paragraph (b) of this subsection and section 17 of this 2018 Act** must
31 be used as follows:

32 (A) *[Forty]* **50** percent of the **remaining** moneys in the account must be used solely for purposes
33 for which moneys in the State School Fund established under ORS 327.008 may be used;

34 (B) *[Twenty]* **25** percent of the **remaining** moneys in the account must be used solely for pur-
35 poses for which moneys in the Mental Health Alcoholism and Drug Services Account established
36 under ORS 430.380 may be used;

37 (C) *[Fifteen]* **18.75** percent of the **remaining** moneys in the account must be used solely for
38 purposes for which moneys in the State Police Account established under ORS 181A.020 may be
39 used; and

40 (D) *[Five]* **6.25** percent of the **remaining** moneys in the account must be used solely for purposes
41 related to alcohol and drug abuse prevention, early intervention and treatment services.

42 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
43 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to
44 receive transfers of moneys under subsection (3)(b)(A) of this section.

45 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-

1 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under
2 subsection (3)(b)(B)(i) of this section.

3 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
4 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
5 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

6 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
7 county in this state shall certify with the commission whether the city or county has an ordinance
8 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
9 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
10 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
11 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
12 section (3)(b)(B) of this section.

13 **SECTION 17b.** ORS 475B.895 is amended to read:

14 475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-
15 quor Control Commission under which the commission shall use the system developed and main-
16 tained under ORS 475B.177 to track:

17 (a) The propagation of immature marijuana plants and the production of marijuana by marijuana
18 grow sites;

19 (b) The processing of marijuana into medical cannabinoid products, cannabinoid concentrates
20 and cannabinoid extracts that are transferred to a medical marijuana dispensary;

21 (c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products,
22 cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana
23 dispensary to a registry identification cardholder or the designated primary caregiver of a registry
24 identification cardholder; and

25 (d) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products,
26 cannabinoid concentrates and cannabinoid extracts between marijuana grow sites, marijuana pro-
27 cessing sites and medical marijuana dispensaries.

28 (2) Marijuana grow sites, marijuana processing sites, medical marijuana dispensaries and any
29 other person that processes marijuana into medical cannabinoid products and cannabinoid concen-
30 trates for the purpose of transferring the medical cannabinoid products and cannabinoid concen-
31 trates to a medical marijuana dispensary are subject to tracking under this section.

32 (3) On and after the date on which a marijuana grow site becomes subject to tracking under this
33 section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS
34 475B.810 that relate to ORS 475B.816.

35 (4) On and after the date on which a marijuana processing site becomes subject to tracking
36 under this section, the marijuana processing site is exempt from the requirements of ORS 475B.846
37 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

38 (5) On and after the date on which a medical marijuana dispensary becomes subject to tracking
39 under this section, the medical marijuana dispensary is exempt from the requirements of ORS
40 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

41 (6) The commission may conduct inspections and investigations of alleged violations of ORS
42 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing the
43 commission's duties under this section. Notwithstanding ORS 475B.299, the commission may use
44 regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-
45 cluding inspections and investigations of marijuana grow sites located at a primary residence.

1 (7) Notwithstanding ORS 475B.759 **and section 17 of this 2018 Act**, before making any other
2 distribution from the Oregon Marijuana Account established under ORS 475B.759, the Department
3 of Revenue shall first distribute moneys quarterly from the account to the commission for deposit
4 in the Marijuana Control and Regulation Fund established under ORS 475B.296 for purposes of
5 paying administrative, inspection and investigatory costs incurred by the commission under this
6 section, provided that the amount of distributed moneys does not exceed \$1.25 million per quarter.
7 For purposes of estimating the amount of moneys necessary to pay costs incurred under this section,
8 the commission shall establish a formulary based on expected costs for each marijuana grow site,
9 marijuana processing site or medical marijuana dispensary that is tracked under this section. The
10 commission shall provide to the Department of Revenue and the Legislative Fiscal Officer before
11 each quarter the estimated amount of moneys necessary to pay costs expected to be incurred under
12 this section and the formulary.

13 (8) When imposing a fee on a person responsible for a marijuana grow site, marijuana processing
14 site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the authority shall
15 impose an additional fee that is reasonably calculated to pay costs incurred under this section other
16 than costs paid pursuant to subsection (7) of this section. As part of the agreement entered into
17 under subsection (1) of this section, the authority shall transfer fee moneys collected pursuant to
18 this subsection to the commission for deposit in the Marijuana Control and Regulation Fund estab-
19 lished under ORS 475B.296. Moneys collected pursuant to this subsection and deposited in the
20 Marijuana Control and Regulation Fund are continuously appropriated to the commission for pur-
21 poses of this section.

22 (9) The authority and the commission may adopt rules as necessary to administer this section.

23 (10) This section does not apply to a marijuana grow site located at an address where a registry
24 identification cardholder produces marijuana and no more than 12 mature marijuana plants and 24
25 immature marijuana plants are produced at the address.

26
27 **PROCEEDS FROM WINE, CIDER AND**
28 **MALT BEVERAGE PRIVILEGE TAX**
29

30 **SECTION 18. (1) No earlier than July 1 and no later than October 1 of the years 2019, 2021**
31 **and 2023, the Oregon Liquor Control Commission shall compare:**

32 (a) **The revenue estimated to be received pursuant to taxes imposed under ORS chapter**
33 **473 during the immediately preceding biennium in the first estimate under ORS 291.349 after**
34 **the beginning of the immediately preceding biennium; and**

35 (b) **The revenue received pursuant to taxes imposed under ORS chapter 473 during the**
36 **immediately preceding biennium.**

37 (2) **If the commission determines that the amount specified in subsection (1)(b) of this**
38 **section exceeds the amount specified in subsection (1)(a) of this section, the commission**
39 **shall transfer an amount equal to the excess to the Public Employees Retirement Fund es-**
40 **tablished under ORS 238.660. The Public Employees Retirement Board shall credit the**
41 **amounts transferred to the account established under section 24 (1) of this 2018 Act.**

42 (3) **The commission shall retain unreceipted revenue from the taxes imposed under ORS**
43 **chapter 473 in an amount necessary to make the transfer required under subsection (2) of**
44 **this section. The commission shall make the transfer out of the unreceipted revenue in lieu**
45 **of paying the revenue over to the State Treasurer for deposit in the General Fund.**

1 (b) The department's investment expenses related to the Common School Fund for the
2 previous calendar year; and

3 (c) Operating expenses that the department is entitled to recover for the previous cal-
4 endar year.

5 (3) The Public Employees Retirement Board shall credit the amounts transferred under
6 this section to the account established under section 24 (1) of this 2018 Act.

7 SECTION 23. Section 22 of this 2018 Act is repealed on January 2, 2027.

8
9 **SIDE ACCOUNTS FOR SCHOOL DISTRICTS,
10 COMMUNITY COLLEGES AND PUBLIC UNIVERSITIES**

11
12 SECTION 24. (1) The Public Employees Retirement Board shall establish an account un-
13 der ORS 238.229 (2) for the moneys transferred to the Public Employees Retirement Fund
14 under sections 10, 12, 13, 15, 17, 18 to 20 and 22 of this 2018 Act. The board shall credit 100
15 percent of the moneys transferred to the fund under sections 10, 12, 13, 15, 17, 18, 20 and 22
16 of this 2018 Act and __ percent of the moneys transferred to the fund under section 19 of this
17 2018 Act to the account to be applied against the liabilities of participating public employers
18 that are school districts, as provided in ORS 238.229.

19 (2) The Public Employees Retirement Board shall establish an account under ORS 238.229
20 (2) for moneys transferred to the Public Employees Retirement Fund under section 19 of this
21 2018 Act. The board shall credit __ percent of the moneys transferred to the fund under
22 section 19 of this 2018 Act to the account to be applied against the liabilities of participating
23 public employers that are community college districts and public universities listed in ORS
24 352.002, as provided in ORS 238.229.

25
26 **STUDY BY STATE TREASURER**

27
28 SECTION 25. (1) The State Treasurer shall study the feasibility and prudence of borrow-
29 ing moneys currently deposited by state agencies and other state entities into the Oregon
30 Short Term Fund created by ORS 293.728 to be redeployed by the Oregon Investment Council
31 into investments in the Public Employees Retirement Fund created in ORS 238.660, that
32 would generate a higher rate of return sufficient to repay the borrowing and make supple-
33 mental deposits targeted at reducing the unfunded actuarial liability of the Public Employees
34 Retirement System. The study must include an examination of recent similar actions in
35 other states.

36 (2) The State Treasurer shall report to the Legislative Assembly in the manner provided
37 in ORS 192.245 on the results of the study performed under subsection (1) of this section no
38 later than September 30, 2019.

39
40 **REVIEW BY SUPREME COURT**

41
42 SECTION 26. (1) Jurisdiction is conferred upon the Supreme Court to determine in the
43 manner provided by this section whether this 2018 Act violates any provision of the Oregon
44 Constitution or of the United States Constitution.

45 (2) A person who is adversely affected by this 2018 Act or who will be adversely affected

1 by this 2018 Act may institute a proceeding for review by filing with the Supreme Court a
2 petition that meets the following requirements:

3 (a) The petition must be filed within 60 days after the effective date of this 2018 Act.

4 (b) The petition must include the following:

5 (A) A statement of the basis of the challenge; and

6 (B) A statement and supporting affidavit showing how the petitioner is adversely af-
7 fected.

8 (3) The petitioner shall serve a copy of the petition by registered or certified mail upon
9 the Public Employees Retirement Board, the Attorney General and the Governor.

10 (4) Proceedings for review under this section shall be given priority over all other mat-
11 ters before the Supreme Court.

12 (5) The Supreme Court shall allow public employers participating in the Public Employees
13 Retirement System to intervene in any proceeding under this section.

14 (6)(a) The Supreme Court shall allow members of the Legislative Assembly to intervene
15 in any proceeding relating to this 2018 Act. After a member intervenes in a proceeding re-
16 lating to this 2018 Act, the member has standing to participate in the proceeding even if the
17 member ceases to be a member of the Legislative Assembly.

18 (b) A member of the Senate or the House of Representatives who intervenes in or par-
19 ticipates in a proceeding under this subsection may not use public funds to pay legal ex-
20 penses incurred in intervening in or participating in the proceeding.

21 (7) In the event the Supreme Court determines that there are factual issues in the peti-
22 tion, the Supreme Court may appoint a special master to hear evidence and to prepare re-
23 commended findings of fact.

24 (8) The Supreme Court may not award attorney fees to a petitioner in a proceeding under
25 this section.

26
27 **CAPTIONS**

28
29 **SECTION 27.** The unit captions used in this 2018 Act are provided only for the conven-
30 ience of the reader and do not become part of the statutory law of this state or express any
31 legislative intent in the enactment of this 2018 Act.

32
33 **EFFECTIVE DATE**

34
35 **SECTION 28.** This 2018 Act takes effect on the 91st day after the date on which the 2018
36 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

37 _____