

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3067**

1 On page 2 of the printed bill, delete lines 28 through 31 and insert:

2 “(5)(a) A city or county that is ineligible under subsection (4) of this  
3 section to receive a transfer of moneys from the Oregon Marijuana Account  
4 during a given quarter but has received a transfer of moneys for that quarter  
5 shall return the amount transferred to the Department of Revenue, with in-  
6 terest as described under paragraph (f) of this subsection. An ineligible city  
7 or county may voluntarily transfer the moneys to the Department of Revenue  
8 immediately upon receipt of the ineligible transfer.

9 “(b) If the Director of the Oregon Department of Administrative Services  
10 determines that a city or county received a transfer of moneys under sub-  
11 section (3)(b) of this section but was ineligible to receive that transfer under  
12 subsection (4) of this section, the director shall provide notice to the ineli-  
13 gible city or county and order the city or county to return the amount re-  
14 ceived to the Department of Revenue, with interest as described under  
15 paragraph (f) of this subsection. A city or county may appeal the order  
16 within 30 days of the date of the order under the procedures for a contested  
17 case under ORS chapter 183.

18 “(c) As soon as the order under paragraph (b) of this subsection becomes  
19 final, the director shall notify the Department of Revenue and the ineligible  
20 city or county. Upon notification, the Department of Revenue immediately  
21 shall proceed to collect the amount stated in the notice.

1 “(d) The Department of Revenue shall have the benefit of all laws of the  
2 state pertaining to the collection of income and excise taxes and may proceed  
3 to collect the amounts described in the notice under paragraph (c) of this  
4 subsection. An assessment of tax is not necessary and the collection de-  
5 scribed in this subsection is not precluded by any statute of limitations.

6 “(e) If a city or county is subject to an order to return moneys from an  
7 ineligible transfer, the city or county shall be denied any further relief in  
8 connection with the ineligible transfer on or after the date that the order  
9 becomes final.

10 “(f) Interest under this section shall accrue at the rate established in ORS  
11 305.220 beginning on the date the ineligible transfer was made.

12 “(g) Both the moneys and the interest collected from or returned by an  
13 ineligible city or county shall be redistributed to the cities or counties that  
14 were eligible to receive a transfer under subsection (3)(b) of this section on  
15 the date the ineligible transfer was made.”.

16 In line 32, delete “(5)(a)” and insert “(6)(a)”.

17 Delete lines 42 through 45 and insert:

18 “(c) A city or county that repeals an ordinance as provided in ORS  
19 475B.496 shall file an updated certification with the Oregon Department of  
20 Administrative Services in a form and manner prescribed by the department,  
21 noting the effective date of the change. A city or county that repeals an or-  
22 dinance as provided in ORS 475B.496 is eligible to receive quarterly transfers  
23 of moneys under this section for quarters where the repeal is effective for  
24 the entire quarter and the updated certification was filed at least 30 days  
25 before the date of transfer.”.

26 On page 4, delete lines 9 through 12 and insert:

27 “(5)(a) A city or county that is ineligible under subsection (4) of this  
28 section to receive a transfer of moneys from the Oregon Marijuana Account  
29 during a given quarter but has received a transfer of moneys for that quarter  
30 shall return the amount transferred to the Department of Revenue, with in-

1 terest as described under paragraph (f) of this subsection. An ineligible city  
2 or county may voluntarily transfer the moneys to the Department of Revenue  
3 immediately upon receipt of the ineligible transfer.

4 “(b) If the Director of the Oregon Department of Administrative Services  
5 determines that a city or county received a transfer of moneys under sub-  
6 section (3)(b) of this section but was ineligible to receive that transfer under  
7 subsection (4) of this section, the director shall provide notice to the ineli-  
8 gible city or county and order the city or county to return the amount re-  
9 ceived to the Department of Revenue, with interest as described under  
10 paragraph (f) of this subsection. A city or county may appeal the order  
11 within 30 days of the date of the order under the procedures for a contested  
12 case under ORS chapter 183.

13 “(c) As soon as the order under paragraph (b) of this subsection becomes  
14 final, the director shall notify the Department of Revenue and the ineligible  
15 city or county. Upon notification, the Department of Revenue immediately  
16 shall proceed to collect the amount stated in the notice.

17 “(d) The Department of Revenue shall have the benefit of all laws of the  
18 state pertaining to the collection of income and excise taxes and may proceed  
19 to collect the amounts described in the notice under paragraph (c) of this  
20 subsection. An assessment of tax is not necessary and the collection de-  
21 scribed in this subsection is not precluded by any statute of limitations.

22 “(e) If a city or county is subject to an order to return moneys from an  
23 ineligible transfer, the city or county shall be denied any further relief in  
24 connection with the ineligible transfer on or after the date that the order  
25 becomes final.

26 “(f) Interest under this section shall accrue at the rate established in ORS  
27 305.220 beginning on the date the ineligible transfer was made.

28 “(g) Both the moneys and the interest collected from or returned by an  
29 ineligible city or county shall be redistributed to the cities or counties that  
30 were eligible to receive a transfer under subsection (3)(b) of this section on

1 the date the ineligible transfer was made.”.

2 In line 13, delete “(5)(a)” and insert “(6)(a)”.

3 Delete lines 23 through 26 and insert:

4 “(c) A city or county that repeals an ordinance as provided in ORS  
5 475B.496 shall file an updated certification with the Oregon Department of  
6 Administrative Services in a form and manner prescribed by the department,  
7 noting the effective date of the change. A city or county that repeals an or-  
8 dinance as provided in ORS 475B.496 is eligible to receive quarterly transfers  
9 of moneys under this section for quarters where the repeal is effective for  
10 the entire quarter and the updated certification was filed at least 30 days  
11 before the date of transfer.”.

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