

HB 3112-6
(LC 1467)
4/7/21 (SCT/ps)

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3112**

1 On page 1 of the printed bill, line 4, after “475B.759,” insert “475B.760,”.

2 In line 5, after “2018” insert “, and section 5, chapter 2, Oregon Laws 2021
3 (Ballot Measure 110 (2020))”.

4 On page 5, line 19, delete “475B.759” and insert “475B.760”.

5 On page 26, delete lines 35 through 37 and insert:

6 “(b) Before making other transfers of moneys required by this section, the
7 department shall transfer quarterly to the Drug Treatment and Recovery
8 Services Fund all moneys in the Oregon Marijuana Account in excess of
9 \$11,250,000.”.

10 In line 39, after “by” insert “paragraph (b) of this” and delete “(7) of this
11 section”.

12 On page 27, line 21, after “by” insert “paragraph (b) of this” and delete
13 “(7) of this section”.

14 Delete lines 26 through 28 and insert:

15 “(i) Fifty percent of the 40 percent solely for the purposes described in
16 ORS 329.841;

17 “(ii) Twenty-five percent of the 40 percent solely for the purposes de-
18 scribed in ORS 329.843; and

19 “(iii) Twenty-five percent of the 40 percent solely for the purposes de-
20 scribed in ORS 329.845.”.

21 On page 29, delete lines 4 through 6 and insert:

1 **“SECTION 51a.** ORS 475B.760 is amended to read:

2 “475B.760. (1) All moneys received by the Department of Revenue under
3 ORS 475B.700 to 475B.760 shall be deposited in the State Treasury and cred-
4 ited to a suspense account established under ORS 293.445. The department
5 may pay expenses for the administration and enforcement of ORS 475B.700
6 to 475B.760 out of moneys received from the tax imposed under ORS 475B.705.
7 Amounts necessary to pay administrative and enforcement expenses are
8 continuously appropriated to the department from the suspense account.

9 “(2) After the payment of administrative and enforcement expenses and
10 refunds or credits arising from erroneous overpayments, the department shall
11 credit the balance of the moneys received by the department under this sec-
12 tion **as follows:**

13 **“(a) Twenty-five percent to the Cannabis Equity Fund established**
14 **under section 9 of this 2021 Act; and**

15 **“(b) Seventy-five percent to the Oregon Marijuana Account established**
16 **under ORS 475B.759.**

17 **“SECTION 51b.** Section 5, chapter 2, Oregon Laws 2021 (Ballot Measure
18 110 (2020)), is amended to read:

19 **“Sec. 5.** (1) The Drug Treatment and Recovery Services Fund is estab-
20 lished in the State Treasury, separate and distinct from the General Fund.
21 Interest earned by the **Drug Treatment and Recovery Services** Fund shall
22 be credited to the fund.

23 “(2) The Drug Treatment and Recovery Services Fund shall consist of:

24 “(a) Moneys deposited into the fund pursuant to section 6, **chapter 2,**
25 **Oregon Laws 2021 (Ballot Measure 110 (2020));**

26 “(b) Moneys appropriated or otherwise transferred to the fund by the
27 Legislative Assembly;

28 “(c) Moneys allocated from the Oregon Marijuana Account, pursuant to
29 ORS 475B.759 [(7)] **(3)(b);** and[,]

30 “(d) All other moneys deposited [*in*] **into** the fund from any source.

1 “(3) Moneys in the fund shall be continuously appropriated to the Oregon
2 Health Authority for the purposes set forth in section 2, **chapter 2, Oregon**
3 **Laws 2021 (Ballot Measure 110 (2020))**.

4 “[*(4) Unexpended moneys in the fund may not lapse and shall be carried*
5 *forward and may be used without regard to fiscal year or biennium.*]

6 “[*(5)(a)*] **(4)(a)** Pursuant to subsection (2)(b) of this section, the Legisla-
7 tive Assembly shall appropriate or transfer to the fund an amount sufficient
8 to fully fund the grants program required by section 2, **chapter 2, Oregon**
9 **Laws 2021 (Ballot Measure 110 (2020))**.

10 “(b) The total amount deposited and transferred into the fund shall not
11 be less than \$57 million for the first year [*this Act*] **chapter 2, Oregon Laws**
12 **2021 (Ballot Measure 110 (2020))**, is in effect.

13 “(c) In each subsequent year, [*that*] **the minimum transfer** amount set
14 forth in **paragraph (b) of this** subsection [*(5)(b) of this section*] shall be in-
15 creased by not less than **the sum of**:

16 “[*(i)*] **(A) \$57 million multiplied by** the percentage [*(if any)*], **if any**, by
17 which the monthly averaged U.S. City Average Consumer Price Index for the
18 12 consecutive months ending [*December*] **August** 31 of the prior calendar
19 year exceeds the monthly index for the fourth quarter of the calendar year
20 2020; and[,]

21 “[*(ii)*] **(B) [An amount not less than the increase] The annual increase,**
22 **if any**, in moneys distributed pursuant to ORS 475B.759 [*(7)*] **(3)(b).**”.

23 Delete lines 22 through 29 and insert:

24 **“SECTION 53. (1) The amendments to ORS 137.300, 475B.759 and**
25 **475B.760 and section 16, chapter 103, Oregon Laws 2018, and section 5,**
26 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), by sections**
27 **50 to 52 of this 2021 Act become operative on August 22, 2022.**

28 **“(2) The Department of Revenue may take any action before the**
29 **operative date specified in subsection (1) of this section that is neces-**
30 **sary to enable the department to exercise, on and after the operative**

1 **date specified in subsection (1) of this section, all of the duties, func-**
2 **tions and powers conferred on the department by the amendments to**
3 **ORS 137.300, 475B.759 and 475B.760 and section 16, chapter 103, Oregon**
4 **Laws 2018, and section 5, chapter 2, Oregon Laws 2021 (Ballot Measure**
5 **110 (2020)), by sections 50 to 52 of this 2021 Act.”.**

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