

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3112**

1 On page 26 of the printed bill, delete lines 28 through 45 and delete pages
2 27 and 28 and insert:

3 **“SECTION 51.** ORS 475B.759, as amended by section 10, chapter 2,
4 Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

5 “475B.759. (1) There is established the Oregon Marijuana Account, sepa-
6 rate and distinct from the General Fund.

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

9 “(3)(a) The Department of Revenue shall certify quarterly the amount of
10 moneys available in the Oregon Marijuana Account.

11 **“(b) Before making any other distribution from the Oregon**
12 **Marijuana Account, each quarter the department shall first distribute**
13 **25 percent of the moneys available in the account to the Cannabis**
14 **Equity Fund established under section 9 of this 2021 Act.**

15 “[~~(b)~~] (c) Subject to subsection (4) of this section, and after making the
16 transfer of moneys required by subsection (7) of this section, the department
17 shall transfer quarterly 20 percent of the moneys in the Oregon Marijuana
18 Account as follows:

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

21 “(i) Seventy-five percent of the 10 percent must be transferred in shares

1 that reflect the population of each city of this state that is not exempt from
2 this paragraph pursuant to subsection (4)(a) of this section compared to the
3 population of all cities of this state that are not exempt from this paragraph
4 pursuant to subsection (4)(a) of this section, as determined by Portland State
5 University under ORS 190.510 to 190.610, on the date immediately preceding
6 the date of the transfer; and

7 “(ii) Twenty-five percent of the 10 percent must be transferred in shares
8 that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090,
9 475B.100 and 475B.105 on the last business day of the calendar quarter pre-
10 ceding the date of the transfer for premises located in each city compared
11 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100
12 and 475B.105 on the last business day of that calendar quarter for all prem-
13 ises in this state located in cities; and

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

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

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

30 “[c)] (d) After making the transfer of moneys required by subsection (7)

1 of this section, eighty percent of the remaining moneys in the Oregon
2 Marijuana Account must be used as follows:

3 “(A) Forty percent of the moneys in the account [*must be used solely for*
4 *purposes for which moneys in the State School Fund established under ORS*
5 *327.008 may be used*] **must be used as follows:**

6 “(i) **Twenty percent of the 40 percent solely for the purposes de-**
7 **scribed in ORS 329.841;**

8 “(ii) **Ten percent of the 40 percent solely for the purposes described**
9 **in ORS 329.843; and**

10 “(iii) **Ten percent of the 40 percent solely for the purposes described**
11 **in ORS 329.845;**

12 “(B) Twenty percent of the moneys in the account must be used solely for
13 mental health treatment or for alcohol and drug abuse prevention, early
14 intervention and treatment;

15 “(C) **In addition to the moneys described in paragraph (b) of this**
16 **subsection, 15** [*fifteen*] percent of the moneys in the account must be [*used*
17 *solely for purposes for which moneys in*] **transferred to the State Police Ac-**
18 **count established under ORS 181A.020** [*may be used*] **to be prioritized for**
19 **use in covering any costs incurred by the Department of State Police**
20 **as a result of ORS 475B.401 and sections 37 and 38 of this 2021 Act; and**

21 “(D) Five percent of the moneys in the account must be used solely for:

22 “(i) Purposes related to alcohol and drug abuse prevention, early inter-
23 vention and treatment services[.];

24 “(ii) **Assisting the Oregon Health Authority in administering ORS**
25 **475B.785 to 475B.949; and**

26 “(iii) **Assisting the authority in providing public education about**
27 **the medical use of marijuana.**

28 “(4)(a) A city that has an ordinance prohibiting the establishment of a
29 premises for which issuance of a license under ORS 475B.070, 475B.090,
30 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys

1 under subsection [(3)(b)(A)] **(3)(c)(A)** of this section.

2 “(b) A county that has an ordinance prohibiting the establishment of a
3 premises for which issuance of a license under ORS 475B.070 is required is
4 not eligible to receive transfers of moneys under subsection [(3)(b)(B)(i)]
5 **(3)(c)(B)(i)** of this section.

6 “(c) A county that has an ordinance prohibiting the establishment of a
7 premises for which issuance of a license under ORS 475B.090, 475B.100 or
8 475B.105 is required is not eligible to receive transfers of moneys under
9 subsection [(3)(b)(B)(ii)] **(3)(c)(B)(ii)** of this section.

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

17 “(b) If the Director of the Oregon Department of Administrative Services
18 determines that a city or county received a transfer of moneys under sub-
19 section [(3)(b)] **(3)(c)** of this section but was ineligible to receive that
20 transfer under subsection (4) of this section, the director shall provide notice
21 to the ineligible city or county and order the city or county to return the
22 amount received to the Department of Revenue, with interest as described
23 under paragraph (f) of this subsection. A city or county may appeal the order
24 within 30 days of the date of the order under the procedures for a contested
25 case under ORS chapter 183.

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

30 “(d) The Department of Revenue shall have the benefit of all laws of the

1 state pertaining to the collection of income and excise taxes and may proceed
2 to collect the amounts described in the notice under paragraph (c) of this
3 subsection. An assessment of tax is not necessary and the collection de-
4 scribed in this subsection is not precluded by any statute of limitations.

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

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

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

15 “(6)(a) Not later than July 1 of each year, each city and county in this
16 state shall certify with the Oregon Department of Administrative Services
17 whether the city or county has an ordinance prohibiting the establishment
18 of a premises for which issuance of a license under ORS 475B.070, 475B.090,
19 475B.100 or 475B.105 is required. The certification shall be made concurrently
20 with the certifications under ORS 221.770, in a form and manner prescribed
21 by the Oregon Department of Administrative Services.

22 “(b) If a city fails to comply with this subsection, the city is not eligible
23 to receive transfers of moneys under subsection [(3)(b)(A)] **(3)(c)(A)** of this
24 section. If a county fails to comply with this subsection, the county is not
25 eligible to receive transfers of moneys under subsection [(3)(b)(B)] **(3)(c)(B)**
26 of this section.

27 “(c) A city or county that repeals an ordinance as provided in ORS
28 475B.496 shall file an updated certification with the Oregon Department of
29 Administrative Services in a form and manner prescribed by the department,
30 noting the effective date of the change. A city or county that repeals an or-

1 dinance as provided in ORS 475B.496 is eligible to receive quarterly transfers
2 of moneys under this section for quarters where the repeal is effective for
3 the entire quarter and the updated certification was filed at least 30 days
4 before the date of transfer.

5 “(7) Before making the transfer of moneys required by subsection (3) of
6 this section, the department shall transfer quarterly to the Drug Treatment
7 and Recovery Services Fund all moneys in the Oregon Marijuana Account
8 in excess of \$11,250,000.

9 **“SECTION 51a.** ORS 475B.759, as amended by section 10, chapter 2,
10 Oregon Laws 2021 (Ballot Measure 110 (2020)), and section 51 of this 2021
11 Act, is amended to read:

12 “475B.759. (1) There is established the Oregon Marijuana Account, sepa-
13 rate and distinct from the General Fund.

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

16 “(3)(a) The Department of Revenue shall certify quarterly the amount of
17 moneys available in the Oregon Marijuana Account.

18 “(b) Before making any other distribution from the Oregon Marijuana
19 Account, each quarter the department shall first distribute 25 percent of the
20 moneys available in the account to the Cannabis Equity Fund established
21 under section 9 of this 2021 Act.

22 “(c) Subject to subsection (4) of this section, and after making the transfer
23 of moneys required by subsection (7) of this section, the department shall
24 transfer quarterly 20 percent of the moneys in the Oregon Marijuana Ac-
25 count as follows:

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

28 “(i) Seventy-five percent of the 10 percent must be transferred in shares
29 that reflect the population of each city of this state that is not exempt from
30 this paragraph pursuant to subsection (4)(a) of this section compared to the

1 population of all cities of this state that are not exempt from this paragraph
2 pursuant to subsection (4)(a) of this section, as determined by Portland State
3 University under ORS 190.510 to 190.610, on the date immediately preceding
4 the date of the transfer; and

5 “(ii) Twenty-five percent of the 10 percent must be transferred in shares
6 that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090,
7 475B.100 and 475B.105 on the last business day of the calendar quarter pre-
8 ceding the date of the transfer for premises located in each city compared
9 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100
10 and 475B.105 on the last business day of that calendar quarter for all prem-
11 ises in this state located in cities; and

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

14 “(i) Fifty percent of the 10 percent must be transferred in shares that re-
15 flect the total commercially available area of all grow canopies associated
16 with marijuana producer licenses held pursuant to ORS 475B.070 on the last
17 business day of the calendar quarter preceding the date of the transfer for
18 all premises located in each county compared to the total commercially
19 available area of all grow canopies associated with marijuana producer li-
20 censes held pursuant to ORS 475B.070 on the last business day of that cal-
21 endar quarter for all premises located in this state; and

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

28 “(d) After making the transfer of moneys required by subsection (7) of this
29 section, eighty percent of the remaining moneys in the Oregon Marijuana
30 Account must be used as follows:

1 “(A) Forty percent of the moneys in the account must be used as follows:

2 “(i) Twenty percent of the 40 percent solely for the purposes described in
3 ORS 329.841;

4 “(ii) Ten percent of the 40 percent solely for the purposes described in
5 ORS 329.843; and

6 “(iii) Ten percent of the 40 percent solely for the purposes described in
7 ORS 329.845;

8 “(B) Twenty percent of the moneys in the account must be used solely for
9 mental health treatment or for alcohol and drug abuse prevention, early
10 intervention and treatment;

11 “(C) In addition to the moneys described in paragraph (b) of this sub-
12 section, 15 percent of the moneys in the account must be transferred to the
13 State Police Account established under ORS 181A.020 to be prioritized for
14 use in covering any costs incurred by the Department of State Police as a
15 result of ORS 475B.401 and [sections 37 and 38] **section 37** of this 2021 Act;
16 and

17 “(D) Five percent of the moneys in the account must be used solely for:

18 “(i) Purposes related to alcohol and drug abuse prevention, early inter-
19 vention and treatment services;

20 “(ii) Assisting the Oregon Health Authority in administering ORS
21 475B.785 to 475B.949; and

22 “(iii) Assisting the authority in providing public education about the
23 medical use of marijuana.

24 “(4)(a) A city that has an ordinance prohibiting the establishment of a
25 premises for which issuance of a license under ORS 475B.070, 475B.090,
26 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys
27 under subsection (3)(c)(A) of this section.

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

1 section.

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

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

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

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

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

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

5 “(f) Interest under this section shall accrue at the rate established in ORS
6 305.220 beginning on the date the ineligible transfer was made.

7 “(g) Both the moneys and the interest collected from or returned by an
8 ineligible city or county shall be redistributed to the cities or counties that
9 were eligible to receive a transfer under subsection (3)(c) of this section on
10 the date the ineligible transfer was made.

11 “(6)(a) Not later than July 1 of each year, each city and county in this
12 state shall certify with the Oregon Department of Administrative Services
13 whether the city or county has an ordinance prohibiting the establishment
14 of a premises for which issuance of a license under ORS 475B.070, 475B.090,
15 475B.100 or 475B.105 is required. The certification shall be made concurrently
16 with the certifications under ORS 221.770, in a form and manner prescribed
17 by the Oregon Department of Administrative Services.

18 “(b) If a city fails to comply with this subsection, the city is not eligible
19 to receive transfers of moneys under subsection (3)(c)(A) of this section. If
20 a county fails to comply with this subsection, the county is not eligible to
21 receive transfers of moneys under subsection (3)(c)(B) of this section.

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

30 “(7) Before making the transfer of moneys required by subsection (3) of

1 this section, the department shall transfer quarterly to the Drug Treatment
2 and Recovery Services Fund all moneys in the Oregon Marijuana Account
3 in excess of \$11,250,000.

4 **“SECTION 51b.** ORS 475B.759, as amended by section 10, chapter 2,
5 Oregon Laws 2021 (Ballot Measure 110 (2020)), and sections 51 and 51a of
6 this 2021 Act, is amended to read:

7 “475B.759. (1) There is established the Oregon Marijuana Account, sepa-
8 rate and distinct from the General Fund.

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

11 “(3)(a) The Department of Revenue shall certify quarterly the amount of
12 moneys available in the Oregon Marijuana Account.

13 “(b) Before making any other distribution from the Oregon Marijuana
14 Account, each quarter the department shall first distribute 25 percent of the
15 moneys available in the account to the Cannabis Equity Fund established
16 under section 9 of this 2021 Act.

17 “(c) Subject to subsection (4) of this section, and after making the transfer
18 of moneys required by subsection (7) of this section, the department shall
19 transfer quarterly 20 percent of the moneys in the Oregon Marijuana Ac-
20 count as follows:

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22 cities of this state in the following shares:

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

30 “(ii) Twenty-five percent of the 10 percent must be transferred in shares

1 that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090,
2 475B.100 and 475B.105 on the last business day of the calendar quarter pre-
3 ceding the date of the transfer for premises located in each city compared
4 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100
5 and 475B.105 on the last business day of that calendar quarter for all prem-
6 ises in this state located in cities; and

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

9 “(i) Fifty percent of the 10 percent must be transferred in shares that re-
10 flect the total commercially available area of all grow canopies associated
11 with marijuana producer licenses held pursuant to ORS 475B.070 on the last
12 business day of the calendar quarter preceding the date of the transfer for
13 all premises located in each county compared to the total commercially
14 available area of all grow canopies associated with marijuana producer li-
15 censes held pursuant to ORS 475B.070 on the last business day of that cal-
16 endar quarter for all premises located in this state; and

17 “(ii) Fifty percent of the 10 percent must be transferred in shares that
18 reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and
19 475B.105 on the last business day of the calendar quarter preceding the date
20 of the transfer for premises located in each county compared to the number
21 of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last
22 business day of that calendar quarter for all premises in this state.

23 “(d) After making the transfer of moneys required by subsection (7) of this
24 section, eighty percent of the remaining moneys in the Oregon Marijuana
25 Account must be used as follows:

26 “(A) Forty percent of the moneys in the account must be used as follows:

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4 mental health treatment or for alcohol and drug abuse prevention, early
5 intervention and treatment;

6 “(C) In addition to the moneys described in paragraph (b) of this sub-
7 section, 15 percent of the moneys in the account must be transferred to the
8 State Police Account established under ORS 181A.020 to be prioritized for
9 use in covering any costs incurred by the Department of State Police as a
10 result of ORS 475B.401 [*and section 37 of this 2021 Act*]; and

11 “(D) Five percent of the moneys in the account must be used solely for:

12 “(i) Purposes related to alcohol and drug abuse prevention, early inter-
13 vention and treatment services;

14 “(ii) Assisting the Oregon Health Authority in administering ORS
15 475B.785 to 475B.949; and

16 “(iii) Assisting the authority in providing public education about the
17 medical use of marijuana.

18 “(4)(a) A city that has an ordinance prohibiting the establishment of a
19 premises for which issuance of a license under ORS 475B.070, 475B.090,
20 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys
21 under subsection (3)(c)(A) of this section.

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

26 “(c) A county that has an ordinance prohibiting the establishment of a
27 premises for which issuance of a license under ORS 475B.090, 475B.100 or
28 475B.105 is required is not eligible to receive transfers of moneys under
29 subsection (3)(c)(B)(ii) of this section.

30 “(5)(a) A city or county that is ineligible under subsection (4) of this

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

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

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

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

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

29 “(f) Interest under this section shall accrue at the rate established in ORS
30 305.220 beginning on the date the ineligible transfer was made.

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

5 “(6)(a) Not later than July 1 of each year, each city and county in this
6 state shall certify with the Oregon Department of Administrative Services
7 whether the city or county has an ordinance prohibiting the establishment
8 of a premises for which issuance of a license under ORS 475B.070, 475B.090,
9 475B.100 or 475B.105 is required. The certification shall be made concurrently
10 with the certifications under ORS 221.770, in a form and manner prescribed
11 by the Oregon Department of Administrative Services.

12 “(b) If a city fails to comply with this subsection, the city is not eligible
13 to receive transfers of moneys under subsection (3)(c)(A) of this section. If
14 a county fails to comply with this subsection, the county is not eligible to
15 receive transfers of moneys under subsection (3)(c)(B) of this section.

16 “(c) A city or county that repeals an ordinance as provided in ORS
17 475B.496 shall file an updated certification with the Oregon Department of
18 Administrative Services in a form and manner prescribed by the department,
19 noting the effective date of the change. A city or county that repeals an or-
20 dinance as provided in ORS 475B.496 is eligible to receive quarterly transfers
21 of moneys under this section for quarters where the repeal is effective for
22 the entire quarter and the updated certification was filed at least 30 days
23 before the date of transfer.

24 “(7) Before making the transfer of moneys required by subsection (3) of
25 this section, the department shall transfer quarterly to the Drug Treatment
26 and Recovery Services Fund all moneys in the Oregon Marijuana Account
27 in excess of \$11,250,000.”.

28 On page 29, delete lines 1 through 6.

29 After line 24, insert:

30 “(2) The amendments to ORS 475B.759 by section 51a of this 2021 Act

1 become operative on January 1, 2023.

2 “(3) The amendments to ORS 475B.759 by section 51b of this 2021 Act
3 become operative on January 1, 2026.”

4 In line 25, delete “(2)” and insert “(4)”.

5 _____