

# House Bill 2414

Sponsored by Representative BUTLER (Presession filed.)

## 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 **as introduced**.

Dedicates \_\_\_\_\_ percent of revenues collected by Oregon Liquor Control Commission to establishment, operation and maintenance of programs related to fetal alcohol syndrome.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to fetal alcohol syndrome; amending ORS 430.338, 430.380 and 471.810; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 471.810 is amended to read:

6 471.810. (1) At the end of each month, the Oregon Liquor Control Commission shall certify the  
7 amount of moneys available for distribution in the Oregon Liquor Control Commission Account, and  
8 after withholding such moneys as it may deem necessary to pay its outstanding obligations shall  
9 within 35 days of the month for which a distribution is made direct the State Treasurer to pay the  
10 amounts due, upon warrants drawn by the Oregon Department of Administrative Services, as fol-  
11 lows:

12 (a) [*Fifty-six*] \_\_\_\_\_ percent, or the amount remaining after the distribution under subsection  
13 (4) of this section, credited to the General Fund available for general governmental purposes  
14 wherein it shall be considered as revenue during the quarter immediately preceding receipt;

15 (b) Twenty percent to the cities of the state in such shares as the population of each city bears  
16 to the population of the cities of the state, as determined by the State Board of Higher Education  
17 last preceding such apportionment, under ORS 190.510 to 190.610;

18 (c) Ten percent to counties in such shares as their respective populations bear to the total  
19 population of the state, as estimated from time to time by the State Board of Higher Education;  
20 [*and*]

21 (d) Fourteen percent to the cities of the state to be distributed as provided in ORS 221.770 and  
22 this section[.]; **and**

23 (e) \_\_\_\_\_ percent to the **Mental Health Alcoholism and Drug Services Account to be**  
24 **used for the purposes described in ORS 430.380 (3).**

25 (2) The commission shall direct the Oregon Department of Administrative Services to transfer  
26 50 percent of the revenues from the taxes imposed by ORS 473.030, 473.035 and 473.040 to the  
27 Mental Health Alcoholism and Drug Services Account in the General Fund to be paid monthly as  
28 provided in ORS 430.380.

29 (3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding  
30 month were reduced as a result of credits claimed under ORS 473.047, the commission shall compute  
31 the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d)

**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 and (2) of this section and the amounts that would have been paid or transferred under subsections  
 2 (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct  
 3 the Oregon Department of Administrative Services to pay or transfer amounts equal to the differ-  
 4 ences computed for subsections (1)(b), (c) and (d) and (2) of this section from the General Fund to  
 5 the recipients or accounts described in subsections (1)(b), (c) and (d) and (2) of this section.

6 (4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal  
 7 year an amount less than the amount distributed to the city or county in accordance with ORS  
 8 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the  
 9 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census.  
 10 If the population declined, the per capita distribution to the city or county shall be not less than  
 11 the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to  
 12 maintain the level of distribution under this subsection shall be paid from funds credited under  
 13 subsection (1)(a) of this section.

14 **SECTION 2.** ORS 430.380 is amended to read:

15 430.380. (1) There is established in the General Fund of the State Treasury an account to be  
 16 known as the Mental Health Alcoholism and Drug Services Account. Moneys deposited in the ac-  
 17 count are continuously appropriated **to the Department of Human Services** for the *[purposes of]*  
 18 **purpose of implementing** ORS 430.345 to 430.380. Moneys deposited in the account may be invested  
 19 in the manner prescribed in ORS 293.701 to 293.820.

20 **(2) Except as provided in subsection (3) of this section, moneys in the Mental Health**  
 21 **Alcoholism and Drug Services Account shall be distributed or set aside each month by the**  
 22 **Department of Human Services as follows:**

23 *[(2)](a)* Forty percent of the moneys *[in the Mental Health Alcoholism and Drug Services Account*  
 24 *shall be continuously appropriated]* **shall be distributed** to the counties on the basis of population.  
 25 The counties *[must]* **may** use the moneys **only** for the establishment, operation and maintenance of  
 26 alcohol and drug abuse prevention, early intervention and treatment services and for local matching  
 27 funds under ORS 430.345 to 430.380.

28 *[(3)] (b)* Forty percent of the moneys shall be *[continuously appropriated to]* **set aside by** the  
 29 Department of Human Services to be used for state matching funds to counties for alcohol and drug  
 30 abuse prevention, early intervention and treatment services pursuant to ORS 430.345 to 430.380.

31 *[(4)] (c)* Twenty percent of the moneys shall be *[continuously appropriated to]* **set aside by** the  
 32 Department of Human Services to be used for alcohol and drug abuse prevention, early intervention  
 33 and treatment services for inmates of correctional and penal institutions and for parolees therefrom  
 34 and for probationers as provided pursuant to rules of the department. *[However, prior to]* **Before the**  
 35 expenditure of **any** moneys under this *[subsection]* **paragraph**, the department must *[present its]*  
 36 **make a report on the department's** program plans *[for approval to the appropriate legislative body*  
 37 *which is either]* **to** the Joint Ways and Means Committee *[during a session of]* **when** the Legislative  
 38 Assembly **is in session** or **to** the Emergency Board during the interim between sessions.

39 **(3) All moneys deposited in the Mental Health Alcoholism and Drug Services Account**  
 40 **under ORS 471.810 (1)(e) may be used by the Department of Human Services only for the**  
 41 **establishment, operation and maintenance of programs for:**

- 42 (a) **Aiding children with fetal alcohol syndrome;**
- 43 (b) **Educating the public about fetal alcohol syndrome; and**
- 44 (c) **Reducing the number of children born with fetal alcohol syndrome.**

45 **SECTION 3.** ORS 430.338 is amended to read:

1 430.338. The purposes of ORS 430.306, 430.338 to 430.380, 471.810, 473.030 and 473.050 are:

2 (1) To encourage local units of government to provide treatment and rehabilitation services to  
3 persons suffering from alcoholism;

4 (2) To foster sound local planning to address the problem of alcoholism and its social conse-  
5 quences;

6 (3) To promote a variety of treatment and rehabilitation services for alcoholics designed to meet  
7 the therapeutic needs of diverse segments of a community's population, recognizing that no single  
8 approach to alcoholism treatment and rehabilitation is suitable to every individual;

9 (4) To increase the independence and ability of individuals recovering from alcoholism to lead  
10 satisfying and productive lives, thereby reducing continued reliance upon therapeutic support;

11 (5) To insure sufficient emphasis upon the unique treatment and rehabilitation needs of minori-  
12 ties; [*and*]

13 (6) To stimulate adequate evaluation of alcoholism treatment and rehabilitation programs;  
14 **and[.]**

15 **(7) To aid children with fetal alcohol syndrome, to educate the public about fetal alcohol**  
16 **syndrome and to reduce the number of children born with fetal alcohol syndrome.**

17 **SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
19 **on its passage.**

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