

HOUSE AMENDMENTS TO HOUSE BILL 2662

By COMMITTEE ON JUDICIARY

April 25

1 In line 2 of the printed bill, delete “amending ORS 166.015” and insert “amending sections 12,
2 14 and 15, chapter 826, Oregon Laws 2009; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

4 “**SECTION 1.** Section 12, chapter 826, Oregon Laws 2009, as amended by section 21, chapter
5 826, Oregon Laws 2009, is amended to read:

6 “**Sec. 12.** (1) [*Section 1 of this 2009 Act*] **ORS 181.740** applies to records and information in the
7 possession of the Department of Human Services, the Oregon Health Authority, the Psychiatric Se-
8 curity Review Board or the Judicial Department on or after [*the effective date of this 2009 Act*]
9 **January 1, 2010**, irrespective of when the record or information was created.

10 “[*(2)(a) When the Department of Human Services determines that the department has received a*
11 *sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this*
12 *2009 Act, the department shall adopt a rule so indicating. The department shall notify Legislative*
13 *Counsel when the rule is adopted.*.]

14 “[*(b) When the Oregon Health Authority determines that the authority has received a sufficient*
15 *legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the*
16 *authority shall adopt a rule so indicating. The authority shall notify Legislative Counsel when the rule*
17 *is adopted.*.]

18 “[*(c) When the Chief Justice of the Supreme Court determines that the Judicial Department has*
19 *received a sufficient legislative appropriation or federal funding to carry out the provisions of section*
20 *1 of this 2009 Act, the Chief Justice shall issue an order so indicating. The Chief Justice shall notify*
21 *Legislative Counsel when the order is issued.*.]

22 “[*(d) When the Psychiatric Security Review Board determines that the board has received a suffi-*
23 *cient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009*
24 *Act, the board shall adopt a rule so indicating. The board shall notify Legislative Counsel when the*
25 *rule is adopted.*.]

26 “[*(3)(a)(A) The Department of Human Services may not comply with section 1 of this 2009 Act until*
27 *the department adopts the rule described in subsection (2)(a) of this section; and*]

28 “[*(B) If the Department of Human Services adopts the rule described in subsection (2)(a) of this*
29 *section before January 2, 2012, the department may not comply with section 1 of this 2009 Act until the*
30 *later of:*]

31 “[*(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this*
32 *2009 Act; or*]

33 “[*(ii) January 2, 2012.*.]

34 “[*(b)(A) The Oregon Health Authority may not comply with section 1 of this 2009 Act or the*
35 *amendments to ORS 166.412 by section 17 of this 2009 Act until the authority adopts the rule described*]

1 in subsection (2)(b) of this section; and]

2 “[(B) If the Oregon Health Authority adopts the rule described in subsection (2)(b) of this section
3 before January 2, 2012, the authority may not comply with section 1 of this 2009 Act or the amendments
4 to ORS 166.412 by section 17 of this 2009 Act until the later of:]

5 “[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this
6 2009 Act; or]

7 “[(ii) January 2, 2012.]

8 “[(c)(A) The Judicial Department may not comply with section 1 of this 2009 Act until the Chief
9 Justice issues the order described in subsection (2)(c) of this section; and]

10 “[(B) If the Chief Justice issues the order described in subsection (2)(c) of this section before Jan-
11 uary 2, 2012, the Judicial Department may not comply with section 1 of this 2009 Act until the later
12 of:]

13 “[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this
14 2009 Act; or]

15 “[(ii) January 2, 2012.]

16 “[(d)(A) The Psychiatric Security Review Board may not comply with section 1 of this 2009 Act
17 until the board adopts the rule described in subsection (2)(d) of this section; and]

18 “[(B) If the board adopts the rule described in subsection (2)(d) of this section before January 2,
19 2012, the board may not comply with section 1 of this 2009 Act until the later of:]

20 “[(i) The date the board adopts the rule described in section 13 of this 2009 Act; or]

21 “[(ii) January 2, 2012.]

22 “[(4)(a) When the Chief Justice of the Supreme Court determines that the Judicial Department has
23 received a sufficient legislative appropriation or federal funding to carry out the provisions of the
24 amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act, the Chief Justice shall
25 issue an order so indicating. The Chief Justice shall notify Legislative Counsel when the order is is-
26 sued.]

27 “[(b)(A)] (2) [Except as provided in subparagraph (B) of this paragraph,] The amendments to ORS
28 426.160 and 427.293 by sections 2 and 3, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] become
29 operative on the **effective date of this 2011 Act**. [date the Chief Justice issues the order described
30 in paragraph (a) of this subsection.]

31 “[(B) If the Chief Justice issues the order described in paragraph (a) of this subsection before
32 January 2, 2012, the amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act
33 become operative on the later of:]

34 “[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this
35 2009 Act; or]

36 “[(ii) January 2, 2012.]

37 “**SECTION 2.** Section 14, chapter 826, Oregon Laws 2009, as amended by section 23, chapter
38 826, Oregon Laws 2009, is amended to read:

39 “**Sec. 14.** [(1) Sections 5 and 13 of this 2009 Act are repealed on January 2, 2012.]

40 “(1) **Section 5, chapter 826, Oregon Laws 2009, as amended by sections 18 and 18a, chapter**
41 **826, Oregon Laws 2009, is repealed on January 2, 2016.**

42 “(2) **Section 13, chapter 826, Oregon Laws 2009, as amended by section 22, chapter 826,**
43 **Oregon Laws 2009, is repealed on January 2, 2016.**

44 “[(2)] (3) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 10, 11, 11a
45 and 20, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] become operative on January 2, [2012]

1 **2016.**

2 **“SECTION 3.** Section 15, chapter 826, Oregon Laws 2009, as amended by section 24, chapter
3 826, Oregon Laws 2009, is amended to read:

4 **“Sec. 15.** (1) The repeal of section 5, **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] by
5 section 14, **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] does not affect any petition for relief
6 filed pursuant to section 5, **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] with the Psychiatric
7 Security Review Board before January 2, [2012] **2016**. Any proceeding commenced under section 5,
8 **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] before January 2, [2012] **2016**, shall continue to
9 be governed by the provisions of section 5, **chapter 826, Oregon Laws 2009** [*of this 2009 Act*].

10 **“(2)** Nothing in the repeal of section 5, **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] by
11 section 14, **chapter 826, Oregon Laws 2009**, [*of this 2009 Act*] or the amendments to ORS 166.250,
12 166.274, 166.291 and 166.470 by sections 10, 11, 11a and 20, **chapter 826, Oregon Laws 2009**, [*of this*
13 *2009 Act*] affects the relief granted to a person under section 5, **chapter 826, Oregon Laws 2009**
14 [*of this 2009 Act*].

15 **“SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
17 **on its passage.”.**

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