

SB 846-1
(LC 3697)
3/15/21 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
SENATE BILL 846**

1 In line 2 of the printed bill, before the period insert “; creating new pro-
2 visions; amending section 44, chapter 355, Oregon Laws 2019, sections 2, 3,
3 4, 5, 7 and 8, chapter 643, Oregon Laws 2019, sections 56, 58, 59, 60, 62 and
4 63, chapter 10, Oregon Laws 2020 (second special session), and sections 2, 4
5 and 23, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)); repealing
6 section 1, chapter 643, Oregon Laws 2019, and sections 53, 54 and 55, chapter
7 10, Oregon Laws 2020 (second special session); and declaring an
8 emergency”.

9 Delete lines 4 through 7 and insert:
10

11 **“LOTTERY TRANSFER TO EMPLOYER INCENTIVE FUND**
12

13 **“SECTION 1.** Section 44, chapter 355, Oregon Laws 2019, is amended to
14 read:

15 **“Sec. 44.** (1) The Oregon State Lottery Commission shall separately re-
16 cord and account for the costs and net proceeds of sports betting games.

17 **“(2)** When the commission transfers net lottery proceeds to the Adminis-
18 trative Services Economic Development Fund established under ORS
19 461.540[,]:

20 **“(a)** The commission shall certify to the Oregon Department of Adminis-
21 trative Services the amount of such transfer that represents the net proceeds

1 of sports betting games[.];

2 **“(b) The Public Employees Retirement Board shall certify to the**
3 **department the total amount of matching amounts approved for dis-**
4 **bursement, but not yet disbursed, from the Employer Incentive Fund**
5 **pursuant to section 2, chapter 105, Oregon Laws 2018; and**

6 **“[(3)] (c) The department shall transfer an amount [equal to the net pro-**
7 **ceeds of sports betting games to the Employer Incentive Fund established un-**
8 **der section 1, chapter 105, Oregon Laws 2018.] to the Employer Incentive**
9 **Fund from the Administrative Services Economic Development Fund**
10 **equal to the lesser of:**

11 **“(A) The amount certified under subsection (2)(a) of this section,**
12 **reduced by the percentage of net lottery proceeds dedicated to specific**
13 **purposes under the Oregon Constitution; or**

14 **“(B) The amount certified under subsection (2)(b) of this section.**

15

16

**“TRANSFERS FOR
GENERAL GOVERNMENTAL PURPOSES**

17

18

19 **“SECTION 2. Section 1, chapter 643, Oregon Laws 2019, and sections**
20 **53, 54 and 55, chapter 10, Oregon Laws 2020 (second special session),**
21 **are repealed.**

22 **“SECTION 3. Section 2, chapter 643, Oregon Laws 2019, as amended by**
23 **section 50, chapter 10, Oregon Laws 2020 (second special session), is amended**
24 **to read:**

25 **“Sec. 2.** Notwithstanding ORS 283.076, the amount of \$58,900,000 is
26 transferred from the Oregon Department of Administrative Services Operat-
27 ing Fund to the General Fund for general governmental purposes. The
28 transfer shall be made on [*May 31*] **June 30**, 2021.

29 **“SECTION 4. Section 3, chapter 643, Oregon Laws 2019, as amended by**
30 **section 51, chapter 10, Oregon Laws 2020 (second special session), is amended**

1 to read:

2 “**Sec. 3.** Notwithstanding ORS 276A.209, the amount of \$33,500,000 is
3 transferred from the State Information Technology Operating Fund to the
4 General Fund for general governmental purposes. The transfer shall be made
5 on [May 31] **June 30**, 2021.

6 “**SECTION 5.** Section 4, chapter 643, Oregon Laws 2019, as amended by
7 section 49, chapter 10, Oregon Laws 2020 (second special session), is amended
8 to read:

9 “**Sec. 4.** Notwithstanding ORS 180.095, the amount of \$50,666,667 is
10 transferred from the Department of Justice Protection and Education Re-
11 volving Account to the General Fund for general governmental purposes. The
12 transfer shall be made on [May 31] **June 30**, 2021.

13 “**SECTION 6.** Section 5, chapter 643, Oregon Laws 2019, is amended to
14 read:

15 “**Sec. 5.** Notwithstanding ORS 741.102, the amount of \$3,800,000 is trans-
16 ferred from the Health Insurance Exchange Fund to the General Fund for
17 general governmental purposes. The transfer shall be made on [May 31] **June**
18 **30**, 2021.

19 “**SECTION 7.** Section 7, chapter 643, Oregon Laws 2019, as amended by
20 section 52, chapter 10, Oregon Laws 2020 (second special session), is amended
21 to read:

22 “**Sec. 7.** Notwithstanding ORS 243.167, the amount of \$63,000,000 is
23 transferred from the Public Employees’ Revolving Fund to the General Fund
24 for general governmental purposes. The transfer shall be made on [May 31]
25 **June 30**, 2021.

26 “**SECTION 8.** Section 8, chapter 643, Oregon Laws 2019, is amended to
27 read:

28 “**Sec. 8.** Notwithstanding ORS 274.064, the amount of \$3,000,000 is trans-
29 ferred from the Portland Harbor Cleanup Fund to the General Fund for
30 general governmental purposes. The transfer shall be made on [May 31] **June**

1 **30, 2021.**

2 **“SECTION 9.** Section 56, chapter 10, Oregon Laws 2020 (second special
3 session), is amended to read:

4 **“Sec. 56.** Notwithstanding ORS 180.205, the amount of \$500,000 is trans-
5 ferred from the Tobacco Enforcement Fund to the General Fund for general
6 governmental purposes. The transfer shall be made on [May 31] **June 30,**
7 2021.

8 **“SECTION 10.** Section 58, chapter 10, Oregon Laws 2020 (second special
9 session), is amended to read:

10 **“Sec. 58.** Notwithstanding section 24, chapter 105, Oregon Laws 2018, the
11 amount of \$33,133,022 is transferred from the School Districts Unfunded Li-
12 ability Fund to the General Fund for general governmental purposes. The
13 transfer shall be made on [May 31] **June 30, 2021.**

14 **“SECTION 11.** Section 59, chapter 10, Oregon Laws 2020 (second special
15 session), is amended to read:

16 **“Sec. 59.** Notwithstanding ORS 414.815, the amount of \$2,100,000 is
17 transferred from the Law Enforcement Medical Liability Account to the
18 General Fund for general governmental purposes. The transfer shall be made
19 on [May 31] **June 30, 2021.**

20 **“SECTION 12.** Section 60, chapter 10, Oregon Laws 2020 (second special
21 session), is amended to read:

22 **“Sec. 60.** Notwithstanding ORS 327.008 and 327.026, the amount of
23 \$1,500,000 is transferred from the State School Fund, from moneys allocated
24 to the Youth Corrections Education Program and the Juvenile Detention
25 Education Program, to the General Fund for general governmental purposes.
26 The transfer shall be made on [May 31] **June 30, 2021.**

27 **“SECTION 13.** Section 62, chapter 10, Oregon Laws 2020 (second special
28 session), is amended to read:

29 **“Sec. 62.** Notwithstanding ORS 346.315, the amount of \$500,000 is trans-
30 ferred from the Blind and Visually Impaired Student Fund to the General

1 Fund for general governmental purposes. The transfer shall be made on [*May*
2 *31*] **June 30**, 2021.

3 **“SECTION 14.** Section 63, chapter 10, Oregon Laws 2020 (second special
4 session), is amended to read:

5 **“Sec. 63.** Notwithstanding ORS 652.409, the amount of \$1,500,000 is
6 transferred from the Wage Security Fund to the General Fund for general
7 governmental purposes. The transfer shall be made on [*May 31*] **June 30**,
8 2021.

9

10 **“DRUG ADDICTION TREATMENT AND RECOVERY ACT**

11

12 **“SECTION 15.** Notwithstanding section 2, chapter 2, Oregon Laws
13 2021 (Ballot Measure 110 (2020)), the Oregon Health Authority shall
14 directly oversee and approve expenditures, including the provision of
15 grants, from the Drug Treatment and Recovery Services Fund estab-
16 lished in section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110
17 (2020)), consistent with the intent of the Legislative Assembly, for the
18 biennium ending **June 30, 2021**.

19 **“SECTION 16.** Section 2, chapter 2, Oregon Laws 2021 (Ballot Measure
20 110 (2020)), is amended to read:

21 **“Sec. 2.** [*Grants Program.*] (1) The Oversight and Accountability Council
22 shall oversee and approve grants to implement Addiction Recovery Centers
23 and increase access to community care, as set forth below.

24 **“(2)(a)** [*Addiction Recovery Centers.*] The Oversight and Accountability
25 Council shall provide grants to existing agencies or organizations, whether
26 government or [*community-based*] **community based**, to [*create*] **establish**
27 Addiction Recovery Centers for the purposes of immediately triaging the
28 acute needs of people who use drugs and assessing and addressing any [*on-*
29 *going*] **ongoing** needs [*thorough*] **through** intensive case management and
30 linkage to care and services.

1 “[(a)] (b) Grants must be disbursed such that at least one center shall be
2 established within each existing coordinated care organization service area.
3 Centers within each existing coordinated care organization service area shall
4 be established and operational by [October 1, 2021] **January 1, 2022**.

5 “[(b)] (c) Grantees must be able to provide or display an ability to provide
6 the following services to any Oregon resident who requests it, in order to
7 receive funding as an Addiction Recovery Center:

8 “[(i)] (A) 24/7 triage.[:] Centers shall assess a client’s need for immediate
9 medical or other treatment shortly upon the client’s arrival to determine
10 what acute care is needed and where it can be best provided. Centers shall
11 provide this service [twenty-four] **24** hours a day, seven days a week, 365 days
12 a year. **Notwithstanding paragraph (b) of this subsection, only one**
13 **center within each coordinated care organization service area is re-**
14 **quired to provide the triage assessments set forth in this subpara-**
15 **graph.**

16 “[(ii)] (B) Health assessment.[:] Centers shall conduct a comprehensive
17 behavioral health needs assessment for each client, including a substance use
18 disorder screening by a certified alcohol and drug counselor or other cre-
19 dentialized addiction treatment professional. The assessment shall prioritize
20 the self-identified needs of the client.

21 “[(iii)] (C) Individual intervention plan, intensive case management and
22 connection to services.[:] If, after the completion of the assessment, the cli-
23 ent indicates a desire to address some or all of the identified needs, a case
24 manager shall work with the client to design an individual intervention plan.
25 The plan must address the client’s need for substance use disorder treatment,
26 coexisting health problems, housing, employment and training, [childcare]
27 **child care** and other services. Intensive case management requires, in the
28 least, that case managers have a sufficiently low staff-to-client ratio to pro-
29 vide daily support as needed to connect clients to services and care needed
30 to fulfill the individual intervention plan and have the capacity to

1 *[follow-up]* **follow up** to ensure clients are accessing care and, if not, to re-
2 connect clients to care as necessary and as desired by clients.

3 “[*iv*] (D) Peer support.[:] Each center shall offer ongoing peer coun-
4 seling and support from triage and assessment through implementation of
5 individual intervention plans as well as provide peer outreach workers to
6 engage directly with marginalized community members who could potentially
7 benefit from the center’s services.

8 “[*v*] (E) Outreach.[:] Each center shall assess the need for, and provide,
9 mobile or virtual outreach services to reach clients who are unable to access
10 the center.

11 “[*A*] *Notwithstanding subsection (2)(a) of this section, only one center*
12 *within each coordinated care organization service area is required to provide*
13 *the triage assessments set forth in subsection (2)(b)(i) of this section.*]

14 “[*c*] (d) All services provided at the centers must be evidence-informed,
15 trauma-informed, culturally responsive, patient-centered, [*non-judgmental*,]
16 **nonjudgmental** and centered on principles of harm reduction. The goal of
17 the individual intervention plan and intensive case management shall be to
18 address effectively the client’s substance use disorder and any other factors
19 driving problematic behaviors without employing coercion or shame or
20 mandating abstinence.

21 “[*d*] (e) The centers shall be adequately staffed to address the needs of
22 people with substance use disorder within their regions as determined by the
23 Oversight and Accountability Council, but must include, at a minimum, at
24 least one person qualified in each of the following categories:

25 “(A) Certified alcohol and drug counselor or other credentialed addiction
26 treatment professional;

27 “(B) Intensive case manager; and[,]

28 “(C) Peer support specialist.

29 “[*e*] (f) Each center shall provide timely verification on behalf of any
30 client who has completed a health assessment, as set forth in subsection

1 [(2)(b)(ii)] **(2)(c)(B)** of this section, if the client requests such verification to
2 comply with section 22 or [section] 23 (2), **chapter 2, Oregon Laws 2021**
3 **(Ballot Measure 110 (2020))** [of this Act].

4 “(3) [*Increasing Community Access to Care.*] The Oversight and Account-
5 ability Council shall provide grants to existing agencies or organizations,
6 whether government or community based, to increase access to one or more
7 of the following:

8 “(a) Low barrier substance use disorder treatment that is evidence-
9 informed, trauma-informed, culturally responsive, patient-centered[,] and
10 [*non-judgmental*] **nonjudgmental**;

11 “(b) Peer support and recovery services;

12 “(c) Transitional, supportive[,] and permanent housing for persons with
13 substance use disorder; **or**

14 “(d) Harm reduction interventions including, but not limited to, overdose
15 prevention education, access to naloxone hydrochloride and sterile
16 syringes[,] and stimulant-specific drug education and outreach.

17 “(4) The council shall prioritize providing grants to community-based
18 nonprofit organizations within each coordinated care organization service
19 area. However, if within any such service area a community-based nonprofit
20 organization does not apply for a grant or grants are not sought within that
21 service area for which services are needed, then the council may request and
22 fund grants to any community care organization or county within that ser-
23 vice area.

24 “(5) Services provided by grantees, including services provided by Ad-
25 diction Recovery Centers, shall be free of charge to the persons receiving the
26 services. To the extent consistent with applicable law, grantees and service
27 providers may seek and obtain reimbursement for services provided to any
28 person from any insurer or entity providing insurance to that person.

29 **“SECTION 17.** Section 23, chapter 2, Oregon Laws 2021 (Ballot Measure
30 110 (2020)), is amended to read:

1 “**Sec. 23.** [*Implementation.*] (1) Not later than February 1, 2021, the
2 Oregon Health Authority[, *Health Systems Division Behavioral Health Ser-*
3 *vices*] shall establish a statewide temporary telephone Addiction Recovery
4 Center. The temporary telephone Addiction Recovery Center shall be staffed
5 [*twenty-four*] **24** hours a day, seven days a week, 365 days a year. The tem-
6 porary telephone Addiction Recovery Center shall provide the services set
7 forth in section 2 [(2)(b)(i)-(iii)] **(2)(c)(A) to (C), chapter 2, Oregon Laws**
8 **2021 (Ballot Measure 110 (2020))**, and the verification set forth in section
9 2 [(2)(e)] **(2)(f), chapter 2, Oregon Laws 2021 (Ballot Measure 110**
10 **(2020))**.

11 “(2) Until such time as an Addiction Recovery Center is established in the
12 coordinated care organization service area where a person subject to the
13 penalty set forth in ORS 153.018 (2)(e) for a violation that has been classified
14 or reclassified as a Class E violation pursuant to [*section 11 to section 19*]
15 **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and**
16 **475.894** resides, the person shall be fined up to \$100, but in lieu of the fine
17 may complete a health assessment, as set forth in section 2 [(2)(b)(ii)]
18 **(2)(c)(B), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**,
19 through the temporary telephone Addiction Recovery Center. Upon verifica-
20 tion that the person has received a health assessment through the temporary
21 telephone Addiction Recovery Center within 45 days of when the person re-
22 ceives a citation for a violation subject to the penalty set forth in ORS
23 153.018 (2)(e), the fine shall be waived. Failure to pay the fine shall not be
24 a basis for further penalties or for a term of incarceration.

25 “(3) When an Addiction Recovery Center is established in each coordi-
26 nated care organization service area, and not later than [*October 1, 2021*]
27 **January 1, 2022**, the temporary telephone Addiction Recovery Center shall
28 be terminated.

29 “**SECTION 18.** Section 4, chapter 2, Oregon Laws 2021 (Ballot Measure
30 110 (2020)), is amended to read:

1 “**Sec. 4.** [*Administration.*] (1)(a) On or before [*June 30, 2021*] **September**
2 **1, 2021**, the Oversight and Accountability Council shall adopt rules that es-
3 tablish general criteria and requirements for the Addiction Recovery Centers
4 and the grants required by section 2, **chapter 2, Oregon Laws 2021 (Ballot**
5 **Measure 110 (2020))**.

6 “(b) The council shall from time to time adopt such rules, and amend and
7 revise rules it has adopted, as it deems proper and necessary for the admin-
8 istration of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure 110**
9 **(2020))**, and the performance of its work.

10 “(2) **On and after July 1, 2021**, the council shall have and retain the
11 authority to implement and oversee the Addiction Recovery Centers [*created*
12 *by*] **established under** section 2, **chapter 2, Oregon Laws 2021 (Ballot**
13 **Measure 110 (2020))**, and the grants program created and required by section
14 **2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

15 “(3) The Oregon Health Authority[, *Health Systems Division Behavioral*
16 *Health Services*] shall administer and provide all necessary support to ensure
17 the implementation of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot**
18 **Measure 110 (2020))**.

19 “(4)(a) The **authority**, [*Oregon Health Authority, Health Systems Division*
20 *Behavioral Health Services,*] in consultation with the council, may enter into
21 interagency agreements to ensure proper distribution of funds for the grants
22 created and required by section 2, **chapter 2, Oregon Laws 2021 (Ballot**
23 **Measure 110 (2020))**.

24 “(b) The **authority** [*Oregon Health Authority, Health Systems Division*
25 *Behavioral Health Services*] shall encourage and take all reasonable measures
26 to ensure that grant recipients cooperate, coordinate and act jointly with one
27 another to offer the services described in section 2, **chapter 2, Oregon Laws**
28 **2021 (Ballot Measure 110 (2020))**.

29 “(5) The **authority** [*Oregon Health Authority, Health Systems Division*
30 *Behavioral Health Services*] shall provide requested technical, logistical and

1 other support to the council to assist the council with its duties and obli-
2 gations.

3
4 **“EDUCATION**

5
6 **“SECTION 19. (1) The Summer Learning Program Account is es-**
7 **tablished in the State Treasury, separate and distinct from the General**
8 **Fund.**

9 **“(2) The account consists of moneys appropriated, allocated, depos-**
10 **ited or transferred to the account by the Legislative Assembly or**
11 **otherwise.**

12 **“(3) The Department of Education, on behalf of the State of Oregon,**
13 **may solicit and accept gifts, grants, donations and other moneys from**
14 **public and private sources for deposit in the account.**

15 **“(4) Moneys in the account are continuously appropriated to the**
16 **Department of Education to disburse or expend for activities or pro-**
17 **grams related to providing summer academic and enrichment oppor-**
18 **tunities for school-aged children.**

19 **“(5) The Department of Education may enter into grant agree-**
20 **ments, contracts, intergovernmental agreements or other agreements**
21 **with school districts, community-based organizations, nonprofit or-**
22 **ganizations, federally recognized tribes or other entities to provide**
23 **summer academic and enrichment programs and may disburse or ex-**
24 **pend moneys from the account pursuant to such agreements.**

25 **“(6) The State Board of Education may adopt rules necessary for**
26 **the administration of the account.**

27 **“SECTION 20. (1) Of the moneys appropriated by section 89, chapter**
28 **___, Oregon Laws 2021 (Enrolled House Bill 5042), to the Department**
29 **of Education for distribution to the Oregon Community Foundation,**
30 **the Oregon Community Foundation shall remit to the department any**

1 amounts that are unexpended and uncommitted on November 1, 2021.

2 “(2) The department shall transfer any moneys remitted under this
3 section to the General Fund for general governmental purposes.

4 **“SECTION 21.** Of the moneys appropriated by section 87, chapter
5 ___, Oregon Laws 2021 (Enrolled House Bill 5042), for deposit in the
6 Summer Learning Program Account established by section 19 of this
7 2021 Act, any amounts that are unexpended and uncommitted on
8 January 1, 2022, are transferred to the General Fund for general gov-
9 ernmental purposes.

10 **“SECTION 22.** The unit captions used in this 2021 Act are provided
11 only for the convenience of the reader and do not become part of the
12 statutory law of this state or express any legislative intent in the
13 enactment of this 2021 Act.

14 **“SECTION 23.** This 2021 Act being necessary for the immediate
15 preservation of the public peace, health and safety, an emergency is
16 declared to exist, and this 2021 Act takes effect on its passage.”.

17
