

**A-Engrossed**  
**Senate Bill 846**

Ordered by the Senate March 22  
Including Senate Amendments dated March 22

Sponsored by Senator COURTNEY

**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.

*[Directs State Treasurer to study and make recommendations regarding improvements to state financial administration. Requires State Treasurer to submit report on findings by January 1, 2023.]*

**Modifies method for calculating amount transferred from Administrative Services Economic Development Fund to Employer Incentive Fund.**

**Repeals transfer of moneys from certain funds and accounts to General Fund. Modifies dates for certain transfers of moneys to General Fund.**

**Authorizes Oregon Health Authority to oversee and approve expenditures from Drug Treatment and Recovery Services Fund during biennium ending June 30, 2021. Modifies certain deadlines established by Drug Addiction Treatment and Recovery Act.**

**Authorizes Department of Education to enter into agreements to disburse moneys for summer academic and enrichment opportunities. Requires transfer to General Fund of certain unexpended and uncommitted moneys appropriated for education purposes.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

Relating to state financial administration; creating new provisions; amending section 44, chapter 355, Oregon Laws 2019, sections 2, 3, 4, 5, 7 and 8, chapter 643, Oregon Laws 2019, sections 56, 58, 59, 60, 62 and 63, chapter 10, Oregon Laws 2020 (second special session), and sections 2, 4 and 23, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)); repealing section 1, chapter 643, Oregon Laws 2019, and sections 53, 54 and 55, chapter 10, Oregon Laws 2020 (second special session); and declaring an emergency.

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

**LOTTERY TRANSFER TO EMPLOYER INCENTIVE FUND**

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

**Sec. 44.** (1) The Oregon State Lottery Commission shall separately record and account for the costs and net proceeds of sports betting games.

(2) When the commission transfers net lottery proceeds to the Administrative Services Economic Development Fund established under ORS 461.540[.];

(a) The commission shall certify to the Oregon Department of Administrative Services the amount of such transfer that represents the net proceeds of sports betting games[.];

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

[(3)] (c) The department shall transfer an amount *[equal to the net proceeds of sports betting*

**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 *games to the Employer Incentive Fund established under section 1, chapter 105, Oregon Laws 2018.]*  
2 **to the Employer Incentive Fund from the Administrative Services Economic Development**  
3 **Fund equal to the lesser of:**

- 4 **(A) The amount certified under subsection (2)(a) of this section, reduced by the percent-**  
5 **age of net lottery proceeds dedicated to specific purposes under the Oregon Constitution; or**  
6 **(B) The amount certified under subsection (2)(b) of this section.**

7  
8 **TRANSFERS FOR**  
9 **GENERAL GOVERNMENTAL PURPOSES**

10  
11 **SECTION 2. Section 1, chapter 643, Oregon Laws 2019, and sections 53, 54 and 55, chapter**  
12 **10, Oregon Laws 2020 (second special session), are repealed.**

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

15 **Sec. 2.** Notwithstanding ORS 283.076, the amount of \$58,900,000 is transferred from the Oregon  
16 Department of Administrative Services Operating Fund to the General Fund for general govern-  
17 mental purposes. The transfer shall be made on *[May 31]* **June 30**, 2021.

18 **SECTION 4.** Section 3, chapter 643, Oregon Laws 2019, as amended by section 51, chapter 10,  
19 Oregon Laws 2020 (second special session), is amended to read:

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

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

25 **Sec. 4.** Notwithstanding ORS 180.095, the amount of \$50,666,667 is transferred from the De-  
26 partment of Justice Protection and Education Revolving Account to the General Fund for general  
27 governmental purposes. The transfer shall be made on *[May 31]* **June 30**, 2021.

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

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

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

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

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

38 **Sec. 8.** Notwithstanding ORS 274.064, the amount of \$3,000,000 is transferred from the Portland  
39 Harbor Cleanup Fund to the General Fund for general governmental purposes. The transfer shall  
40 be made on *[May 31]* **June 30**, 2021.

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

43 **Sec. 56.** Notwithstanding ORS 180.205, the amount of \$500,000 is transferred from the Tobacco  
44 Enforcement Fund to the General Fund for general governmental purposes. The transfer shall be  
45 made on *[May 31]* **June 30**, 2021.

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

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

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

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

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

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

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

**Sec. 62.** Notwithstanding ORS 346.315, the amount of \$500,000 is transferred from the Blind and Visually Impaired Student Fund to the General Fund for general governmental purposes. The transfer shall be made on [May 31] **June 30**, 2021.

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

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

**DRUG ADDICTION TREATMENT AND RECOVERY ACT**

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

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

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

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

[(a)] (b) Grants must be disbursed such that at least one center shall be established within each

1 existing coordinated care organization service area. Centers within each existing coordinated care  
 2 organization service area shall be established and operational by *[October 1, 2021]* **January 1,**  
 3 **2022.**

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

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

13 *[(ii)]* (B) Health assessment.*[:]* Centers shall conduct a comprehensive behavioral health needs  
 14 assessment for each client, including a substance use disorder screening by a certified alcohol and  
 15 drug counselor or other credentialed addiction treatment professional. The assessment shall prior-  
 16 itize the self-identified needs of the client.

17 *[(iii)]* (C) Individual intervention plan, intensive case management and connection to  
 18 services.*[:]* If, after the completion of the assessment, the client indicates a desire to address some  
 19 or all of the identified needs, a case manager shall work with the client to design an individual  
 20 intervention plan. The plan must address the client's need for substance use disorder treatment,  
 21 coexisting health problems, housing, employment and training, *[childcare]* **child care** and other ser-  
 22 vices. Intensive case management requires, in the least, that case managers have a sufficiently low  
 23 staff-to-client ratio to provide daily support as needed to connect clients to services and care needed  
 24 to fulfill the individual intervention plan and have the capacity to *[follow-up]* **follow up** to ensure  
 25 clients are accessing care and, if not, to reconnect clients to care as necessary and as desired by  
 26 clients.

27 *[(iv)]* (D) Peer support.*[:]* Each center shall offer ongoing peer counseling and support from  
 28 triage and assessment through implementation of individual intervention plans as well as provide  
 29 peer outreach workers to engage directly with marginalized community members who could poten-  
 30 tially benefit from the center's services.

31 *[(v)]* (E) Outreach.*[:]* Each center shall assess the need for, and provide, mobile or virtual out-  
 32 reach services to reach clients who are unable to access the center.

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

36 *[(c)]* (d) All services provided at the centers must be evidence-informed, trauma-informed, cul-  
 37 turally responsive, patient-centered, *[non-judgmental,]* **nonjudgmental** and centered on principles of  
 38 harm reduction. The goal of the individual intervention plan and intensive case management shall  
 39 be to address effectively the client's substance use disorder and any other factors driving problem-  
 40 atic behaviors without employing coercion or shame or mandating abstinence.

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

- 44 (A) Certified alcohol and drug counselor or other credentialed addiction treatment professional;
- 45 (B) Intensive case manager; and[,]

1 (C) Peer support specialist.

2 [(e)] (f) Each center shall provide timely verification on behalf of any client who has completed  
3 a health assessment, as set forth in subsection [(2)(b)(ii)] (2)(c)(B) of this section, if the client re-  
4 quests such verification to comply with section 22 or [section] 23 (2), **chapter 2, Oregon Laws 2021**  
5 **(Ballot Measure 110 (2020))** [of this Act].

6 (3) [*Increasing Community Access to Care.*] The Oversight and Accountability Council shall pro-  
7 vide grants to existing agencies or organizations, whether government or community based, to in-  
8 crease access to one or more of the following:

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

11 (b) Peer support and recovery services;

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

13 **or**

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

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

22 (5) Services provided by grantees, including services provided by Addiction Recovery Centers,  
23 shall be free of charge to the persons receiving the services. To the extent consistent with applica-  
24 ble law, grantees and service providers may seek and obtain reimbursement for services provided  
25 to any person from any insurer or entity providing insurance to that person.

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

28 **Sec. 23.** [*Implementation.*] (1) Not later than February 1, 2021, the Oregon Health Authority[,  
29 *Health Systems Division Behavioral Health Services*] shall establish a statewide temporary telephone  
30 Addiction Recovery Center. The temporary telephone Addiction Recovery Center shall be staffed  
31 [*twenty-four*] **24** hours a day, seven days a week, 365 days a year. The temporary telephone Addiction  
32 Recovery Center shall provide the services set forth in section 2 [(2)(b)(i)-(iii)] (2)(c)(A) to (C),  
33 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, and the verification set forth in section  
34 2 [(2)(e)] (2)(f), **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

35 (2) Until such time as an Addiction Recovery Center is established in the coordinated care or-  
36 ganization service area where a person subject to the penalty set forth in ORS 153.018 (2)(e) for a  
37 violation that has been classified or reclassified as a Class E violation pursuant to [*section 11 to*  
38 *section 19*] **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894**  
39 resides, the person shall be fined up to \$100, but in lieu of the fine may complete a health assess-  
40 ment, as set forth in section 2 [(2)(b)(ii)] (2)(c)(B), **chapter 2, Oregon Laws 2021 (Ballot Measure**  
41 **110 (2020))**, through the temporary telephone Addiction Recovery Center. Upon verification that the  
42 person has received a health assessment through the temporary telephone Addiction Recovery Cen-  
43 ter within 45 days of when the person receives a citation for a violation subject to the penalty set  
44 forth in ORS 153.018 (2)(e), the fine shall be waived. Failure to pay the fine shall not be a basis for  
45 further penalties or for a term of incarceration.

1 (3) When an Addiction Recovery Center is established in each coordinated care organization  
2 service area, and not later than [October 1, 2021] **January 1, 2022**, the temporary telephone Ad-  
3 diction Recovery Center shall be terminated.

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

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

10 (b) The council shall from time to time adopt such rules, and amend and revise rules it has  
11 adopted, as it deems proper and necessary for the administration of [*this Act*] **chapter 2, Oregon**  
12 **Laws 2021 (Ballot Measure 110 (2020))**, and the performance of its work.

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

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

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

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

28 (5) The **authority** [*Oregon Health Authority, Health Systems Division Behavioral Health*  
29 *Services*] shall provide requested technical, logistical and other support to the council to assist the  
30 council with its duties and obligations.

31  
32 **EDUCATION**

33  
34 **SECTION 19.** (1) **The Summer Learning Program Account is established in the State**  
35 **Treasury, separate and distinct from the General Fund.**

36 (2) **The account consists of moneys appropriated, allocated, deposited or transferred to**  
37 **the account by the Legislative Assembly or otherwise.**

38 (3) **The Department of Education, on behalf of the State of Oregon, may solicit and ac-**  
39 **cept gifts, grants, donations and other moneys from public and private sources for deposit**  
40 **in the account.**

41 (4) **Moneys in the account are continuously appropriated to the Department of Education**  
42 **to disburse or expend for activities or programs related to providing summer academic and**  
43 **enrichment opportunities for school-aged children.**

44 (5) **The Department of Education may enter into grant agreements, contracts, intergov-**  
45 **ernmental agreements or other agreements with school districts, community-based organ-**

1 izations, nonprofit organizations, federally recognized tribes or other entities to provide  
2 summer academic and enrichment programs and may disburse or expend moneys from the  
3 account pursuant to such agreements.

4 (6) The State Board of Education may adopt rules necessary for the administration of the  
5 account.

6 **SECTION 20.** (1) Of the moneys appropriated by section 89, chapter \_\_, Oregon Laws  
7 2021 (Enrolled House Bill 5042), to the Department of Education for distribution to the  
8 Oregon Community Foundation, the Oregon Community Foundation shall remit to the de-  
9 partment any amounts that are unexpended and uncommitted on November 1, 2021.

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

12 **SECTION 21.** Of the moneys appropriated by section 87, chapter \_\_, Oregon Laws 2021  
13 (Enrolled House Bill 5042), for deposit in the Summer Learning Program Account established  
14 by section 19 of this 2021 Act, any amounts that are unexpended and uncommitted on Janu-  
15 ary 1, 2022, are transferred to the General Fund for general governmental purposes.

16 **SECTION 22.** The unit captions used in this 2021 Act are provided only for the conven-  
17 ience of the reader and do not become part of the statutory law of this state or express any  
18 legislative intent in the enactment of this 2021 Act.

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

22 \_\_\_\_\_