

## SENATE AMENDMENTS TO SENATE BILL 846

By JOINT COMMITTEE ON WAYS AND MEANS

March 22

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

7 Delete lines 4 through 7 and insert:  
8

### 9 “LOTTERY TRANSFER TO EMPLOYER INCENTIVE FUND

10  
11 “**SECTION 1.** Section 44, chapter 355, Oregon Laws 2019, is amended to read:

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

14 “(2) When the commission transfers net lottery proceeds to the Administrative Services Eco-  
15 nomic Development Fund established under ORS 461.540[.];

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

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

21 “[3] (c) The department shall transfer an amount [*equal to the net proceeds of sports betting*  
22 *games to the Employer Incentive Fund established under section 1, chapter 105, Oregon Laws 2018.*]  
23 **to the Employer Incentive Fund from the Administrative Services Economic Development**  
24 **Fund equal to the lesser of:**

25 “(A) **The amount certified under subsection (2)(a) of this section, reduced by the per-**  
26 **centage of net lottery proceeds dedicated to specific purposes under the Oregon Constitution;**  
27 **or**

28 “(B) **The amount certified under subsection (2)(b) of this section.**  
29

### 30 “TRANSFERS FOR 31 GENERAL GOVERNMENTAL PURPOSES

32  
33 “**SECTION 2.** Section 1, chapter 643, Oregon Laws 2019, and sections 53, 54 and 55, chap-  
34 **ter 10, Oregon Laws 2020 (second special session), are repealed.**

35 “**SECTION 3.** Section 2, chapter 643, Oregon Laws 2019, as amended by section 50, chapter 10,

1 Oregon Laws 2020 (second special session), is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 “**Sec. 60.** Notwithstanding ORS 327.008 and 327.026, the amount of \$1,500,000 is transferred from

1 the State School Fund, from moneys allocated to the Youth Corrections Education Program and the  
2 Juvenile Detention Education Program, to the General Fund for general governmental purposes. The  
3 transfer shall be made on [May 31] **June 30**, 2021.

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

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

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

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

14  
15 **“DRUG ADDICTION TREATMENT AND RECOVERY ACT**

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

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

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

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

32 “[a] (b) Grants must be disbursed such that at least one center shall be established within each  
33 existing coordinated care organization service area. Centers within each existing coordinated care  
34 organization service area shall be established and operational by [*October 1, 2021*] **January 1,**  
35 **2022.**

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

39 “[i] (A) 24/7 triage.[:] Centers shall assess a client’s need for immediate medical or other  
40 treatment shortly upon the client’s arrival to determine what acute care is needed and where it can  
41 be best provided. Centers shall provide this service [*twenty-four*] **24** hours a day, seven days a week,  
42 365 days a year. **Notwithstanding paragraph (b) of this subsection, only one center within**  
43 **each coordinated care organization service area is required to provide the triage assessments**  
44 **set forth in this subparagraph.**

45 “[ii] (B) Health assessment.[:] Centers shall conduct a comprehensive behavioral health needs

1 assessment for each client, including a substance use disorder screening by a certified alcohol and  
2 drug counselor or other credentialed addiction treatment professional. The assessment shall prior-  
3 itize the self-identified needs of the client.

4 “[*iii*] (C) Individual intervention plan, intensive case management and connection to  
5 services.[.] If, after the completion of the assessment, the client indicates a desire to address some  
6 or all of the identified needs, a case manager shall work with the client to design an individual  
7 intervention plan. The plan must address the client’s need for substance use disorder treatment,  
8 coexisting health problems, housing, employment and training, [*childcare*] **child care** and other ser-  
9 vices. Intensive case management requires, in the least, that case managers have a sufficiently low  
10 staff-to-client ratio to provide daily support as needed to connect clients to services and care needed  
11 to fulfill the individual intervention plan and have the capacity to [*follow-up*] **follow up** to ensure  
12 clients are accessing care and, if not, to reconnect clients to care as necessary and as desired by  
13 clients.

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

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

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

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

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

31 “(A) Certified alcohol and drug counselor or other credentialed addiction treatment profes-  
32 sional;

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

34 “(C) Peer support specialist.

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

39 “(3) [*Increasing Community Access to Care.*] The Oversight and Accountability Council shall  
40 provide grants to existing agencies or organizations, whether government or community based, to  
41 increase access to one or more of the following:

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

44 “(b) Peer support and recovery services;

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

1 or

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

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

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

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

16 “**Sec. 23. [Implementation.]** (1) Not later than February 1, 2021, the Oregon Health Authority[,  
17 *Health Systems Division Behavioral Health Services*] shall establish a statewide temporary telephone  
18 Addiction Recovery Center. The temporary telephone Addiction Recovery Center shall be staffed  
19 [*twenty-four*] **24** hours a day, seven days a week, 365 days a year. The temporary telephone Addiction  
20 Recovery Center shall provide the services set forth in section 2 [(2)(b)(i)-(iii)] **(2)(c)(A) to (C),**  
21 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, and the verification set forth in section  
22 2 [(2)(e)] **(2)(f), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

23 “(2) Until such time as an Addiction Recovery Center is established in the coordinated care  
24 organization service area where a person subject to the penalty set forth in ORS 153.018 (2)(e) for  
25 a violation that has been classified or reclassified as a Class E violation pursuant to [*section 11 to*  
26 *section 19*] **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894**  
27 resides, the person shall be fined up to \$100, but in lieu of the fine may complete a health assess-  
28 ment, as set forth in section 2 [(2)(b)(ii)] **(2)(c)(B), chapter 2, Oregon Laws 2021 (Ballot Measure**  
29 **110 (2020))**, through the temporary telephone Addiction Recovery Center. Upon verification that the  
30 person has received a health assessment through the temporary telephone Addiction Recovery Cen-  
31 ter within 45 days of when the person receives a citation for a violation subject to the penalty set  
32 forth in ORS 153.018 (2)(e), the fine shall be waived. Failure to pay the fine shall not be a basis for  
33 further penalties or for a term of incarceration.

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

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

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

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

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

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

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

12 “(b) The **authority** [*Oregon Health Authority, Health Systems Division Behavioral Health Ser-*  
13 *vices*] shall encourage and take all reasonable measures to ensure that grant recipients cooperate,  
14 coordinate and act jointly with one another to offer the services described in section 2, **chapter 2,**  
15 **Oregon Laws 2021 (Ballot Measure 110 (2020))**.

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

19  
20 “EDUCATION

21  
22 “**SECTION 19.** (1) **The Summer Learning Program Account is established in the State**  
23 **Treasury, separate and distinct from the General Fund.**

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

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

29 “(4) **Moneys in the account are continuously appropriated to the Department of Educa-**  
30 **tion to disburse or expend for activities or programs related to providing summer academic**  
31 **and enrichment opportunities for school-aged children.**

32 “(5) **The Department of Education may enter into grant agreements, contracts, inter-**  
33 **governmental agreements or other agreements with school districts, community-based or-**  
34 **ganizations, nonprofit organizations, federally recognized tribes or other entities to provide**  
35 **summer academic and enrichment programs and may disburse or expend moneys from the**  
36 **account pursuant to such agreements.**

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

39 “**SECTION 20.** (1) **Of the moneys appropriated by section 89, chapter \_\_, Oregon Laws**  
40 **2021 (Enrolled House Bill 5042), to the Department of Education for distribution to the**  
41 **Oregon Community Foundation, the Oregon Community Foundation shall remit to the de-**  
42 **partment any amounts that are unexpended and uncommitted on November 1, 2021.**

43 “(2) **The department shall transfer any moneys remitted under this section to the Gen-**  
44 **eral Fund for general governmental purposes.**

45 “**SECTION 21.** **Of the moneys appropriated by section 87, chapter \_\_, Oregon Laws 2021**

1 (Enrolled House Bill 5042), for deposit in the Summer Learning Program Account established  
2 by section 19 of this 2021 Act, any amounts that are unexpended and uncommitted on Janu-  
3 ary 1, 2022, are transferred to the General Fund for general governmental purposes.

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

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

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