

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO
SENATE BILL 700**

1 On page 1 of the printed bill, delete lines 18 through 29 and delete pages
2 2 through 5 and insert:

3 **“SECTION 1. (1) The Oregon Brain Injury Board is established in**
4 **the Department of Human Services.**

5 **“(2) The board consists of the following members:**

6 **“(a) The Director of Human Services or the director’s designee, who**
7 **serves ex officio;**

8 **“(b) The executive director of the Center on Brain Injury Research**
9 **and Training or the executive director’s designee, who serves ex**
10 **officio;**

11 **“(c) The Director of the Oregon Health Authority or the director’s**
12 **designee, who serves ex officio; and**

13 **“(d) The following individuals appointed by the Governor, repre-**
14 **senting rural and urban areas of this state to the greatest extent**
15 **practicable:**

16 **“(A) Two individuals who have experienced a brain injury and at**
17 **least one family member of an individual with a brain injury; and**

18 **“(B) Up to seven individuals with an interest and expertise in the**
19 **area of brain injury, two of whom must be individuals who have spe-**
20 **cific personal or professional experience with brain injury and the re-**
21 **maining of whom may be:**

1 “(i) Physicians with experience and a strong interest in the pro-
2 vision of care to individuals with brain injuries, including but not
3 limited to neurologists, neuropsychiatrists, physiatrists or other med-
4 ical doctors who have direct experience working with individuals with
5 brain injuries;

6 “(ii) Social workers, nurses, neuropsychologists or clinical psychol-
7 ologists who have experience working with individuals with brain inju-
8 ries;

9 “(iii) Rehabilitation specialists, such as speech pathologists, voca-
10 tional rehabilitation counselors, occupational therapists or physical
11 therapists, who have experience working with individuals with brain
12 injuries;

13 “(iv) Clinical research scientists who have experience evaluating
14 individuals with brain injuries;

15 “(v) Civilians or servicemembers with brain injuries or family
16 members of civilians or servicemembers with brain injuries;

17 “(vi) Individuals with expertise in working with children with brain
18 injuries; or

19 “(vii) Individuals who have experience and specific interest in the
20 needs of and services for individuals with brain injuries.

21 “(3) The term of office of each member of the board who does not
22 serve ex officio is three years, but serves at the pleasure of the Gov-
23 ernor. Before the expiration of the term of a member, the Governor
24 shall appoint a successor whose term begins on January 1 next fol-
25 lowing. A member is eligible for reappointment for up to two consec-
26 utive terms. If there is a vacancy for any cause, the Governor shall
27 make an appointment to become immediately effective for the unex-
28 pired term.

29 “(4) The appointment of each member of the board appointed by the
30 Governor is subject to confirmation by the Senate in the manner pre-

1 scribed in ORS 171.562 and 171.565.

2 “(5) A member of the board is not entitled to compensation for
3 service on the board but may be reimbursed for actual and necessary
4 travel and other expenses incurred by the member in the performance
5 of the member’s official duties in the manner and amount provided in
6 ORS 292.495.

7 “(6) The board shall select one of its members as chairperson and
8 another as vice chairperson, for terms and with duties and powers
9 necessary for the performance of the functions of the offices as the
10 board determines.

11 “(7) A majority of the members of the board constitutes a quorum
12 for the transaction of business.

13 “(8) In accordance with applicable provisions of ORS chapter 183,
14 the board may adopt rules necessary for the administration of the laws
15 that the board is charged with administering.

16 “(9) The board may contract with third parties to provide services
17 described in section 4 of this 2021 Act to individuals with brain inju-
18 ries.

19 “(10) ORS chapter 183 applies to the board.

20 “(11) The board may solicit and accept gifts, grants and donations
21 from public and private sources for the purpose of carrying out the
22 provisions of sections 1 to 5 of this 2021 Act, which moneys shall be
23 deposited into the Oregon Brain Injury Fund established under section
24 3 of this 2021 Act.

25 “(12) The Department of Human Services shall provide staff support
26 to the board and shall facilitate the administrative functions of the
27 board described in section 4 of this 2021 Act.

28 **“SECTION 2.** Notwithstanding the term of office specified by sec-
29 tion 1 of this 2021 Act, of the members first appointed to the Oregon
30 Brain Injury Board who are not ex officio members:

1 **“(1) Three shall serve for a term ending December 31, 2022.**

2 **“(2) Three shall serve for a term ending December 31, 2023.**

3 **“(3) Three shall serve for a term ending December 31, 2024.**

4 **“SECTION 3. The Oregon Brain Injury Fund is established in the**
5 **State Treasury, separate and distinct from the General Fund, consist-**
6 **ing of gifts, grants and donations from public and private sources re-**
7 **ceived by the Oregon Brain Injury Board, allocations to the Oregon**
8 **Brain Injury Fund from the Criminal Fine Account and other moneys**
9 **that may be appropriated to the board by the Legislative Assembly.**
10 **Interest earned by the Oregon Brain Injury Fund shall be credited to**
11 **the fund. Moneys in the fund are continuously appropriated to the**
12 **Oregon Brain Injury Board for carrying out the board’s duties under**
13 **sections 1 to 5 of this 2021 Act, for reimbursing the costs of the De-**
14 **partment of Human Services in providing staff and administrative**
15 **support to the board and for providing services, education and grants**
16 **described in section 4 of this 2021 Act.**

17 **“SECTION 4. (1) As used in this section, ‘brain injury’ means**
18 **damage to the brain from an internal or external source that occurs**
19 **after birth and is not congenital, degenerative or hereditary, that re-**
20 **sults in total or partial impairment in functioning in one or more ac-**
21 **tivities of daily living, including but not limited to attention, memory,**
22 **reasoning, problem solving, processing speed, decision-making, learn-**
23 **ing, perception, sensing, speech and language, motor and physical**
24 **function or psychosocial behavior and is of sufficient severity to**
25 **produce partial or total disability.**

26 **“(2) The Oregon Brain Injury Board shall use moneys in the Oregon**
27 **Brain Injury Fund to provide services to individuals with brain injuries**
28 **and to support research and education to increase awareness and**
29 **understanding of issues and needs related to brain injuries.**

30 **“(3) The board shall monitor expenditures from the fund and may**

1 establish criteria to preclude abuses in expenditures by, for example,
2 limiting the fees of providers of services to amounts deemed by the
3 board to be reasonable and equitable.

4 “(4) Annually, the board shall establish the percentage of the mon-
5 eys in the fund to be expended on:

6 “(a) Service coordination, skills training and resource facilitation
7 for individuals with brain injuries;

8 “(b) Education related to increasing understanding of brain injuries;
9 and

10 “(c) Grants to support research related to the treatment and
11 understanding of brain injuries, awarded in consultation with educa-
12 tional institutions or private institutions in this state or in other
13 states.

14 “(5) At least 55 percent of the moneys in the fund shall be expended
15 for services described in subsection (4)(a) of this section.

16 “(6) The board shall prioritize research related to traumatic brain
17 injuries in awarding grants.

18 “(7) The board shall establish:

19 “(a) Eligibility requirements for services described in subsection
20 (4)(a) of this section, including required documentation of brain injury
21 through medical history, to prioritize the types of services to be paid
22 for by the fund while ensuring that the expenditures serve individuals
23 with brain injuries; and

24 “(b) Application processes and procedures for the administration
25 of the grant program described in subsection (4)(c) of this section.

26 “(8) To qualify for services described in subsection (4)(a) of this
27 section, an individual is not required to exhaust all private funds. In-
28 dividuals who have health insurance, medical assistance or other
29 source of coverage for health services may receive services described
30 in subsection (4)(a) of this section that are not covered by their in-

1 **surance, medical assistance or other source of coverage.**

2 **“(9) Moneys in the fund may not be expended for**
3 **institutionalization, hospitalization or medication.**

4 **“SECTION 5. No later than September 1 of each year, the Oregon**
5 **Brain Injury Board shall report to the Joint Interim Committee on**
6 **Ways and Means and the interim committees of the Legislative As-**
7 **sembly related to health, in the manner provided in ORS 192.245, on**
8 **the expenditures of the board from the Oregon Brain Injury Fund, the**
9 **number of individuals with brain injuries that received services de-**
10 **scribed in section 4 (4)(a) of this 2021 Act, the educational information**
11 **provided under section 4 (4)(b) of this 2021 Act and the research grants**
12 **awarded under section 4 (4)(c) of this 2021 Act and the progress on the**
13 **grants.**

14 **“SECTION 6. ORS 137.300 is amended to read:**

15 **“137.300. (1) The Criminal Fine Account is established in the General**
16 **Fund. Except as otherwise provided by law, all amounts collected in state**
17 **courts as monetary obligations in criminal actions shall be deposited by the**
18 **courts in the account. All moneys in the account are continuously appro-**
19 **propriated to the Department of Revenue to be distributed by the Department**
20 **of Revenue as provided in this section. The Department of Revenue shall**
21 **keep a record of moneys transferred into and out of the account.**

22 **“(2) The Legislative Assembly shall first allocate moneys from the Crim-**
23 **inal Fine Account for the following purposes, in the following order of pri-**
24 **ority:**

25 **“(a) Allocations for public safety standards, training and facilities.**

26 **“(b) Allocations for criminal injuries compensation and assistance to**
27 **victims of crime and children reasonably suspected of being victims of crime.**

28 **“(c) Allocations for the forensic services provided by the Oregon State**
29 **Police, including, but not limited to, services of the Chief Medical Examiner.**

30 **“(d) Allocations for the maintenance and operation of the Law Enforce-**

1 ment Data System.

2 “(3) After making allocations under subsection (2) of this section, the
3 Legislative Assembly shall allocate moneys from the Criminal Fine Account
4 for the following purposes:

5 “(a) Allocations to the Law Enforcement Medical Liability Account es-
6 tablished under ORS 414.815.

7 “(b) Allocations to the State Court Facilities and Security Account es-
8 tablished under ORS 1.178.

9 “(c) Allocations to the Department of Corrections for the purpose of
10 planning, operating and maintaining county juvenile and adult corrections
11 programs and facilities and drug and alcohol programs.

12 “(d) Allocations to the Oregon Health Authority for the purpose of grants
13 under ORS 430.345 for the establishment, operation and maintenance of al-
14 cohol and drug abuse prevention, early intervention and treatment services
15 provided through a county.

16 “(e) Allocations to the Oregon State Police for the purpose of the
17 enforcement of the laws relating to driving under the influence of
18 intoxicants.

19 “(f) Allocations to the Arrest and Return Account established under ORS
20 133.865.

21 “(g) Allocations to the Intoxicated Driver Program Fund established un-
22 der ORS 813.270.

23 “(h) Allocations to the State Court Technology Fund established under
24 ORS 1.012.

25 “(i) **Allocations to the Oregon Brain Injury Fund established in**
26 **section 3 of this 2021 Act.**

27 “(4) It is the intent of the Legislative Assembly that allocations from the
28 Criminal Fine Account under subsection (3) of this section be consistent with
29 historical funding of the entities, programs and accounts listed in subsection
30 (3) of this section from monetary obligations imposed in criminal pro-

1 ceedings. Amounts that are allocated under subsection (3)(c) of this section
2 shall be distributed to counties based on the amounts that were transferred
3 to counties by circuit courts during the 2009-2011 biennium under the pro-
4 visions of ORS 137.308, as in effect January 1, 2011.

5 “(5) Moneys in the Criminal Fine Account may not be allocated for the
6 payment of debt service obligations.

7 “(6) The Department of Revenue shall deposit in the General Fund all
8 moneys remaining in the Criminal Fine Account after the distributions listed
9 in subsections (2) and (3) of this section have been made.

10 “(7) The Department of Revenue shall establish by rule a process for dis-
11 tributing moneys in the Criminal Fine Account. The department may not
12 distribute more than one-eighth of the total biennial allocation to an entity
13 during a calendar quarter.

14 **“SECTION 7. 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.”.**

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