

# House Bill 2990

Sponsored by Representative KOTEK

## 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 **as introduced**.

Authorizes Department of Human Services to collect fee for licensure of private child-caring agency. Creates Private Child-Caring Agencies Fund. Continuously appropriates moneys in fund to department.

## A BILL FOR AN ACT

1  
2 Relating to child-caring agencies; creating new provisions; amending ORS 418.240 and 418.998; and  
3 appropriating money.

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

5 **SECTION 1.** ORS 418.240 is amended to read:

6 418.240. (1) All private child-caring agencies subject to ORS 418.205 to 418.325 shall obtain from  
7 the Department of Human Services a license authorizing their work. The department shall use the  
8 criteria designated in this subsection, and such rules pursuant thereto as the department may de-  
9 velop subject to ORS chapter 183, as the basis of judgment in granting, withholding, suspending or  
10 revoking such licenses. The criteria are as follows:

11 (a) The fitness of the applicant.

12 (b) The employment of capable, trained or experienced staff who are not applicants for the ap-  
13 proval.

14 (c) Sufficient financial backing to insure effective work.

15 (d) The probability of permanence in the proposed organization.

16 (e) The care and services provided to the children served will be in their best interests and that  
17 of society.

18 (f) That the agency is in compliance with the standards of care and treatment established in  
19 rules by the department.

20 (2) In addition to the licensing requirements of subsection (1) of this section, a private child-  
21 caring agency shall submit written proof of compliance with ORS 336.575 to the department.

22 (3) *[The department shall charge no fee for its own inspections leading to its decisions regarding*  
23 *such licensing, nor for issuance of such licenses, but may impose fees to cover costs of related in-*  
24 *spections done for the department by other governmental agencies.]* **An application for a license**  
25 **under this section must be accompanied by a nonrefundable fee in an amount determined by**  
26 **the department. The department shall adopt a schedule of fees for issuing licenses under this**  
27 **section. In establishing the schedule, the department shall consider the type of private**  
28 **child-caring agency or private organization applying for the license and the number of chil-**  
29 **children receiving care. The amount of the fees may not exceed the cost of licensing and ad-**  
30 **ministering private child-caring agencies. The department shall deposit fees received under**  
31 **this section in the Private Child-Caring Agencies Fund established in section 3 of this 2009**

**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 **Act.**

2 (4) A license issued by the department under this section shall be valid for a period of two years,  
3 unless suspended or revoked sooner by the department. However, the department at any time may  
4 require amendments to an existing license to accommodate changes in the factors upon which an  
5 existing license was based.

6 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of ORS 418.205 to**  
7 **418.310.**

8 **SECTION 3. There is established in the State Treasury, separate and distinct from the**  
9 **General Fund, the Private Child-Caring Agencies Fund. The fund consists of moneys received**  
10 **by the Department of Human Services under ORS 418.240 and such other moneys as may be**  
11 **otherwise made available by law. Interest earned on the fund shall be credited to the fund.**  
12 **Moneys in the fund are continuously appropriated to the department and must be used only**  
13 **for the administration and enforcement of ORS 418.205 to 418.310.**

14 **SECTION 4. ORS 418.998 is amended to read:**

15 418.998. (1) **Except as provided in subsection (2) of this section,** all penalties recovered un-  
16 der ORS 418.992 to 418.998 shall be paid into the State Treasury and credited to the General Fund.

17 (2) **All penalties recovered under ORS 418.992 to 418.998 for violations of any provision**  
18 **of ORS 418.205 to 418.310 shall be paid to the Department of Human Services to be paid into**  
19 **the State Treasury and credited to the Private Child-Caring Agencies Fund.**

20 **SECTION 5. Section 3 of this 2009 Act and the amendments to ORS 418.240 and 418.998**  
21 **by sections 1 and 4 of this 2009 Act become operative on July 1, 2010.**

22 **SECTION 6. The Department of Human Services may take any action before the opera-**  
23 **tive date specified in section 5 of this 2009 Act that is necessary to enable the department**  
24 **to implement section 3 of this 2009 Act and the amendments to ORS 418.240 and 418.998 by**  
25 **sections 1 and 4 of this 2009 Act on and after the operative date specified in section 5 of this**  
26 **2009 Act.**