

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3698

By JOINT COMMITTEE ON WAYS AND MEANS

February 22

1 On page 1 of the printed A-engrossed bill, line 2, after “employers;” insert “creating new pro-
2 visions; amending ORS 443.004 and 443.875 and section 5, chapter 721, Oregon Laws 2009;”.

3 On page 2, after line 45, insert:

4 “(3) The department may charge administrative costs to the account to pay for actual and nec-
5 essary administrative expenses incurred by the department in administering the account and imple-
6 menting section 2 of this 2010 Act.”.

7 On page 3, line 21, delete “\$7,000,000” and insert “\$3,000,000”.

8 After line 26, insert:

9 **“SECTION 7. Notwithstanding any other law limiting expenditures, the limitation on**
10 **expenditures established by section 2 (1), chapter 721, Oregon Laws 2009, for the biennium**
11 **beginning July 1, 2009, as the maximum limit for payment of expenses from fees, moneys or**
12 **other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal**
13 **funds, collected or received by the Oregon Business Development Department for business,**
14 **innovation and trade, is increased by \$41,538.**

15 **“SECTION 8.** If Senate Bill 1017 becomes law, section 5 of this 2010 Act is amended to read:

16 **“Sec. 5.** (1) The Tax Enforcement Fund is established in the State Treasury, separate and dis-
17 tinct from the General Fund. Interest earned by the Tax Enforcement Fund shall be credited to the
18 Tax Enforcement Fund. Moneys in the fund are continuously appropriated to the Department of
19 Revenue for the purpose described in subsection (3) of this section.

20 “(2) Notwithstanding ORS 316.502, 317.850 and 318.070, all moneys received by the department
21 as a result of the expanded enforcement activities under section 4 of this 2010 Act shall be deposited
22 in the Tax Enforcement Fund.

23 “(3)(a) At least quarterly, the department shall transfer the balance of the Tax Enforcement
24 Fund to the Oregon Business Development Department to be deposited in the Building Opportunities
25 for Oregon Small Business Today Account established in section 3 of this 2010 Act.

26 “(b) Notwithstanding paragraph (a) of this subsection, for the biennium beginning July 1, 2009,
27 the total amount of transfers from the Tax Enforcement Fund to the Building Opportunities for
28 Oregon Small Business Today Account may not exceed [~~\$3,000,000~~] **\$5,000,000.**”.

29 In line 27, delete “7” and insert “9”.

30 Delete lines 28 through 31 and insert:

31 **“SECTION 10. (1) All moneys remaining in the Tax Enforcement Fund on June 30, 2011,**
32 **shall be transferred to the General Fund.**

33 **“(2) All moneys remaining in the Building Opportunities for Oregon Small Business Today**
34 **Account on June 30, 2013, shall be transferred to the General Fund.**

35 **“(3) All moneys remaining in the Tax Enforcement Fund on June 30, 2013, shall be**

1 transferred to the General Fund.

2 “SECTION 11. Section 5, chapter 721, Oregon Laws 2009, is amended to read:

3 “Sec. 5. For the biennium beginning July 1, 2009, expenditures by the [*Economic and*
4 *Community*] **Oregon Business** Development Department are not limited for:

5 “(1) Loans from the following funds:

6 “(a) Oregon Business Development Fund (ORS 285B.092), Oregon Entrepreneurial Development
7 Loan Fund (ORS 285B.758), Credit Enhancement Fund (ORS 285B.215) and Brownfields Redevelop-
8 ment Fund (ORS 285A.188); and

9 “(b) Special Public Works Fund (ORS 285B.455), Water Fund (ORS 285B.563), Marine Navigation
10 Improvement Fund (ORS 777.267), Oregon Port Revolving Fund (ORS 285A.708) and Safe Drinking
11 Water Revolving Loan Fund (ORS 285A.213).

12 “(2) Debt service, excluding debt service on lottery revenue bonds.

13 “(3) **Loans or grants from the Building Opportunities for Oregon Small Business Today**
14 **Account established by section 3 of this 2010 Act.**

15 “SECTION 12. ORS 443.004 is amended to read:

16 “443.004. (1) The Department of Human Services or the Oregon Health Authority shall complete
17 a criminal records check under ORS 181.534 on:

18 “(a) An employee of a residential facility, adult foster home, in-home care agency or home
19 health agency[, *and on*];

20 “(b) Any individual who is paid directly or indirectly with public funds who has or will have
21 contact with a recipient of home health, in-home care or support services or a resident of an adult
22 foster home or a residential facility; **and**

23 “(c) **A home care worker registering with the Home Care Commission or renewing a**
24 **registration with the Home Care Commission.**

25 “(2) Public funds may not be used to support, in whole or in part, the employment in any ca-
26 pacity having contact with a recipient of home health, in-home care or support services or a resident
27 of a residential facility or an adult foster home, of an individual who has been convicted:

28 “(a) Of a crime described in ORS 163.095, 163.115, 163.118, 163.125, 163.145, 163.149, 163.165,
29 163.175, 163.185, 163.187, 163.200, 163.205, 163.225, 163.235, 163.263, 163.264, 163.266, 163.275, 163.465,
30 163.467, 163.535, 163.537, 163.689, 163.700, 164.055, 164.057, 164.098, 164.125 (5)(c) or (d), 164.215,
31 164.225, 164.325, 164.377 (2) or (3), 164.405, 164.415, 165.022, 165.032, 165.800, 165.803, 167.012, 167.017,
32 167.054 or 167.057;

33 “(b) Of a crime listed in ORS 181.594;

34 “(c) In the last 10 years, of a crime involving the delivery or manufacture of a controlled sub-
35 stance;

36 “(d) Of an attempt, conspiracy or solicitation to commit a crime described in paragraphs (a) to
37 (c) of this subsection; or

38 “(e) Of a crime in another jurisdiction that is substantially equivalent, as defined by rule, to a
39 crime described in paragraphs (a) to (d) of this subsection.

40 “(3) Subsection (2) of this section does not apply to:

41 “(a) A peer support specialist; **or**

42 “(b) **An employee of a residential treatment facility or a residential treatment home that**
43 **is licensed under ORS 443.415 to provide for individuals with alcohol or drug dependence.**

44 “(4) If the department or authority has a record of substantiated abuse committed by an em-
45 ployee or potential employee of a home health agency, in-home care agency, adult foster home or

1 residential facility, regardless of whether criminal charges were filed, the department or authority
2 shall notify, in writing, the employer and the employee or potential employee.

3 “(5) As used in this section:

4 “(a) ‘Adult foster home’ has the meaning given that term in ORS 443.705.

5 “(b) ‘Home care worker’ has the meaning given that term in ORS 410.600.

6 “[b] (c) ‘Home health agency’ has the meaning given that term in ORS 443.005.

7 “[c] (d) ‘In-home care agency’ has the meaning given that term in ORS 443.305.

8 “[d] (e) ‘Peer support specialist’ means a person who:

9 “(A) Is providing peer support services as defined by the authority by rule;

10 “(B) Is under the supervision of a qualified clinical supervisor;

11 “(C) Has completed training required by the authority; and

12 “(D) Is currently receiving or has formerly received mental health services, or is in recovery
13 from a substance use disorder and meets the abstinence requirements for staff providing services in
14 alcohol or other drug treatment programs.

15 “[e] (f) ‘Residential facility’ has the meaning given that term in ORS 443.400.

16 “(g) ‘Residential treatment facility’ has the meaning given that term in ORS 443.400.

17 “(h) ‘Residential treatment home’ has the meaning given that term in ORS 443.400.

18 “**SECTION 13.** ORS 443.004, as amended by section 12 of this 2010 Act, is amended to read:

19 “443.004. (1) The Department of Human Services or the Oregon Health Authority shall complete
20 a criminal records check under ORS 181.534 on:

21 “(a) An employee of a residential facility, adult foster home, in-home care agency or home health
22 agency;

23 “(b) Any individual who is paid directly or indirectly with public funds who has or will have
24 contact with a recipient of home health, in-home care or support services or a resident of an adult
25 foster home or a residential facility; and

26 “(c) A home care worker registering with the Home Care Commission or renewing a registration
27 with the Home Care Commission.

28 “(2) Public funds may not be used to support, in whole or in part, the employment in any ca-
29 pacity having contact with a recipient of home health, in-home care or support services or a resident
30 of a residential facility or an adult foster home, of an individual who has been convicted:

31 “(a) Of a crime described in ORS 163.095, 163.115, 163.118, 163.125, 163.145, 163.149, 163.165,
32 163.175, 163.185, 163.187, 163.200, 163.205, 163.225, 163.235, 163.263, 163.264, 163.266, 163.275, 163.465,
33 163.467, 163.535, 163.537, 163.689, 163.700, 164.055, 164.057, 164.098, 164.125 (5)(c) or (d), 164.215,
34 164.225, 164.325, 164.377 (2) or (3), 164.405, 164.415, 165.022, 165.032, 165.800, 165.803, 167.012, 167.017,
35 167.054 or 167.057;

36 “(b) Of a crime listed in ORS 181.594;

37 “(c) In the last 10 years, of a crime involving the delivery or manufacture of a controlled sub-
38 stance;

39 “(d) Of an attempt, conspiracy or solicitation to commit a crime described in paragraphs (a) to
40 (c) of this subsection; or

41 “(e) Of a crime in another jurisdiction that is substantially equivalent, as defined by rule, to a
42 crime described in paragraphs (a) to (d) of this subsection.

43 “(3) Subsection (2) of this section does not apply to[.]

44 “[a] a peer support specialist.[; or]

45 “[b] An employee of a residential treatment facility or a residential treatment home that is licensed

1 *under ORS 443.415 to provide for individuals with alcohol or drug dependence.]*

2 “(4) If the department or authority has a record of substantiated abuse committed by an em-
3 ployee or potential employee of a home health agency, in-home care agency, adult foster home or
4 residential facility, regardless of whether criminal charges were filed, the department or authority
5 shall notify, in writing, the employer and the employee or potential employee.

6 “(5) As used in this section:

7 “(a) ‘Adult foster home’ has the meaning given that term in ORS 443.705.

8 “(b) ‘Home care worker’ has the meaning given that term in ORS 410.600.

9 “(c) ‘Home health agency’ has the meaning given that term in ORS 443.005.

10 “(d) ‘In-home care agency’ has the meaning given that term in ORS 443.305.

11 “(e) ‘Peer support specialist’ means a person who:

12 “(A) Is providing peer support services as defined by the authority by rule;

13 “(B) Is under the supervision of a qualified clinical supervisor;

14 “(C) Has completed training required by the authority; and

15 “(D) Is currently receiving or has formerly received mental health services, or is in recovery
16 from a substance use disorder and meets the abstinence requirements for staff providing services in
17 alcohol or other drug treatment programs.

18 “(f) ‘Residential facility’ has the meaning given that term in ORS 443.400.

19 “[*g*] ‘Residential treatment facility’ has the meaning given that term in ORS 443.400.]

20 “[*h*] ‘Residential treatment home’ has the meaning given that term in ORS 443.400.]

21 “**SECTION 14.** ORS 443.875 is amended to read:

22 “443.875. (1) If the Department of Human Services or the Oregon Health Authority substantiates
23 an allegation of abuse that occurred in a facility, the department or authority shall immediately
24 notify the facility of its findings.

25 “(2) Upon receipt of the notice described in subsection (1) of this section, a facility shall provide
26 written notice of the findings to the individual found to have committed abuse, residents of the fa-
27 cility, the residents’ case managers and the residents’ guardians.

28 “(3) An application for employment at a facility must inquire whether the applicant has been
29 found to have committed abuse.

30 “(4) As used in this section:

31 “(a) ‘Abuse’ has the meaning given that term in ORS [*124.050 and*] 430.735.

32 “(b) ‘Facility’ means:

33 “(A) A residential facility as defined in ORS 443.400; or

34 “(B) An adult foster home as defined in ORS 443.705.

35 “**SECTION 15. The amendments to ORS 443.004 by section 13 of this 2010 Act become**
36 **operative July 1, 2011.”.**

37 In line 32, delete “9” and insert “16”.