

## HOUSE AMENDMENTS TO HOUSE BILL 2260

By COMMITTEE ON EARLY CHILDHOOD AND FAMILY SUPPORTS

March 23

1 On page 1 of the printed bill, line 2, after “ORS” insert “329A.010,”.

2 In line 3, delete “329A.030 and” and insert “329A.310,” and before the period insert “and  
3 329A.992”.

4 After line 4, insert:

5 **“SECTION 1.** ORS 329A.010 is amended to read:

6 **“329A.010.** (1) There is established within the Early Learning Division the Office of Child Care.

7 **“(2)(a)** The Office of Child Care, as designated by the Governor, shall be responsible for admin-  
8 istering funds received by the State of Oregon pursuant to the federal Child Care and Development  
9 Block Grant Act of [1990] **2014**, the [*Dependent Care Planning and Development Grant*] **Child Care**  
10 **and Development Fund** and other federal child care funds and grants received by the State of  
11 Oregon.

12 **“(b)** Through the legislative budgeting process, the Legislative Assembly shall identify the por-  
13 tion of the funds received by the State of Oregon pursuant to the federal Child Care and Develop-  
14 ment Block Grant Act of [1990] **2014** to be spent to provide quality child care, to provide child care  
15 subsidies and for administrative expenditures. The Office of Child Care shall administer the funds  
16 according to the portions identified by the Legislative Assembly.

17 **“(c)** The Office of Child Care shall submit an annual report to the Legislative Fiscal Office re-  
18 garding the expenditures of the funds received by the State of Oregon pursuant to the federal Child  
19 Care and Development Block Grant Act of [1990] **2014** and the most recent estimate of the balance  
20 of the funds.

21 **“(3)** The Office of Child Care shall comply with directives of the Early Learning Council estab-  
22 lished in ORS 326.425 in the office’s implementation of the provisions of ORS 329A.250 to 329A.450.

23 **“(4) The Office of Child Care may maintain information about child care facilities and**  
24 **providers through electronic records systems.**

25 **“(5) The Office of Child Care may share information with other public entities when the**  
26 **office determines that sharing the information would support the health or safety of children**  
27 **in child care, except as otherwise prohibited by state or federal law.**

28 **“[(4)] (6)** There is established in the State Treasury, separate and distinct from the General  
29 Fund, the Child Care Fund. The Child Care Fund shall consist of moneys collected and received  
30 by the Office of Child Care pursuant to subsection (2) of this section, ORS 329A.310 and 329A.992  
31 and such moneys as may be otherwise made available by law. Interest earned on the fund shall be  
32 credited to the fund. The moneys in the Child Care Fund are appropriated continuously to the Office  
33 of Child Care and shall be used in a manner consistent with the grant of funds or for the adminis-  
34 tration of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.”.

35 In line 5, delete “1” and insert “2”.

1 Delete lines 15 through 27 and delete page 2.  
2 On page 3, delete lines 1 and 2.  
3 In line 23, delete “unless otherwise au-”.  
4 Delete lines 24 and 25 and insert a period.  
5 In line 34, after “information” insert “regarding investigations or inspections conducted under  
6 this section”.  
7 After line 38, insert:  
8 “**SECTION 4.** ORS 329A.310 is amended to read:  
9 “329A.310. (1) Application for a certification or for the annual renewal thereof shall be made to  
10 the Office of Child Care on forms provided by the office and accompanied by a nonrefundable fee.  
11 The fee shall vary according to the type of facility and the number of children for which the facility  
12 is requesting to be certified, and shall be determined and applied through rules adopted by the Early  
13 Learning Council pursuant to ORS 329A.275.  
14 “(2) All fees received under subsection (1) of this section shall be deposited in the Child Care  
15 Fund established under ORS 329A.010 [(4)] and may be used for the administration of ORS 181A.200,  
16 329A.030 and 329A.250 to 329A.450.  
17 “(3) Any certification issued pursuant to ORS 329A.030 and 329A.250 to 329A.450 authorizes  
18 operation of the facility only on the premises described in the certification and only by the person  
19 named in the certification.  
20 “(4) Unless sooner revoked, a temporary certification expires on the date specified therein. Un-  
21 less sooner revoked and except as provided in ORS 329A.270 (2), an annual certification expires one  
22 year from the date of issuance.  
23 “**SECTION 5.** ORS 329A.992 is amended to read:  
24 “329A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS  
25 329A.260 for enforcement of the provisions of ORS chapter 329A, the Office of Child Care may sus-  
26 pend or revoke a certification or registration issued under ORS 329A.030 and 329A.250 to 329A.450,  
27 or impose a civil penalty in the manner provided in ORS 183.745, for violation of:  
28 “(a) Any of the provisions of ORS 329A.030 and 329A.250 to 329A.450;  
29 “(b) The terms and conditions of a certification or registration issued under ORS 329A.030 and  
30 329A.250 to 329A.450; or  
31 “(c) Any rule of the Early Learning Council adopted under ORS 329A.030 and 329A.250 to  
32 329A.450.  
33 “(2) The Early Learning Council shall adopt by rule a schedule establishing the civil penalties  
34 that may be imposed under this section. The schedule must provide for categories of violations for  
35 which a penalty may be imposed, including ‘nonserious’ and ‘serious’ to be defined by the council  
36 by rule under ORS 329A.260.  
37 “(3) The office must issue a written warning for a nonserious or serious violation before as-  
38 sessing a civil penalty under this section. The written warning must prescribe a reasonable time in  
39 which to correct a violation.  
40 “(4) The office may not impose a civil penalty of more than \$100 for a first violation.  
41 “(5) The office may not impose a civil penalty for a subsequent violation that exceeds the pen-  
42 alty imposed for the previous violation by more than \$100. Penalties imposed under this subsection  
43 may not exceed \$500 per violation, or \$1,000 total for multiple violations per quarter.  
44 “(6) Notwithstanding any other provision of this section, the maximum civil penalty that may  
45 be imposed:

1           “(a) For violation of ORS 329A.330 by a registered family child care home provider is \$100.

2           “(b) For violation of ORS 329A.280 by an operator of a child care facility that is not a child care  
3 center is \$200.

4           “(c) For violation of ORS 329A.280 by an operator of a child care facility that is a child care  
5 center is \$500.

6           “(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and  
7 conditions as the office considers proper and consistent with the public health and safety.

8           “(8) All moneys received under this section shall be deposited in the Child Care Fund estab-  
9 lished under ORS 329A.010 [(4)] and may be used for the administration of ORS 181A.200, 329A.030  
10 and 329A.250 to 329A.450.”.

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