

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2260**

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 pe-
3 riod insert “and 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
7 Office of Child Care.

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

14 “(b) Through the legislative budgeting process, the Legislative Assembly
15 shall identify the portion of the funds received by the State of Oregon pur-
16 suant to the federal Child Care and Development Block Grant Act of [1990]
17 **2014** to be spent to provide quality child care, to provide child care subsidies
18 and for administrative expenditures. The Office of Child Care shall adminis-
19 ter the funds according to the portions identified by the Legislative Assem-
20 bly.

21 “(c) The Office of Child Care shall submit an annual report to the Leg-

1 islative Fiscal Office regarding the expenditures of the funds received by the
2 State of Oregon pursuant to the federal Child Care and Development Block
3 Grant Act of [1990] **2014** and the most recent estimate of the balance of the
4 funds.

5 “(3) The Office of Child Care shall comply with directives of the Early
6 Learning Council established in ORS 326.425 in the office’s implementation
7 of the provisions of ORS 329A.250 to 329A.450.

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

10 “(5) **The Office of Child Care may share information with other
11 public entities when the office determines that sharing the informa-
12 tion would support the health or safety of children in child care, ex-
13 cept as otherwise prohibited by state or federal law.**

14 “[4] (6) There is established in the State Treasury, separate and distinct
15 from the General Fund, the Child Care Fund. The Child Care Fund shall
16 consist of moneys collected and received by the Office of Child Care pursuant
17 to subsection (2) of this section, ORS 329A.310 and 329A.992 and such moneys
18 as may be otherwise made available by law. Interest earned on the fund shall
19 be credited to the fund. The moneys in the Child Care Fund are appropriated
20 continuously to the Office of Child Care and shall be used in a manner
21 consistent with the grant of funds or for the administration of ORS 181A.200,
22 329A.030 and 329A.250 to 329A.450.”.

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

24 Delete lines 15 through 27 and delete page 2.

25 On page 3, delete lines 1 and 2.

26 In line 23, delete “unless otherwise au-”.

27 Delete lines 24 and 25 and insert a period.

28 In line 34, after “information” insert “regarding investigations or in-
29 spections conducted under this section”.

30 After line 38, insert:

1 **SECTION 4.** ORS 329A.310 is amended to read:

2 “329A.310. (1) Application for a certification or for the annual renewal
3 thereof shall be made to the Office of Child Care on forms provided by the
4 office and accompanied by a nonrefundable fee. The fee shall vary according
5 to the type of facility and the number of children for which the facility is
6 requesting to be certified, and shall be determined and applied through rules
7 adopted by the Early Learning Council pursuant to ORS 329A.275.

8 “(2) All fees received under subsection (1) of this section shall be depos-
9 ited in the Child Care Fund established under ORS 329A.010 [(4)] and may
10 be used for the administration of ORS 181A.200, 329A.030 and 329A.250 to
11 329A.450.

12 “(3) Any certification issued pursuant to ORS 329A.030 and 329A.250 to
13 329A.450 authorizes operation of the facility only on the premises described
14 in the certification and only by the person named in the certification.

15 “(4) Unless sooner revoked, a temporary certification expires on the date
16 specified therein. Unless sooner revoked and except as provided in ORS
17 329A.270 (2), an annual certification expires one year from the date of issu-
18 ance.

19 **SECTION 5.** ORS 329A.992 is amended to read:

20 “329A.992. (1) In addition to any other provision of law or rule adopted
21 pursuant to ORS 329A.260 for enforcement of the provisions of ORS chapter
22 329A, the Office of Child Care may suspend or revoke a certification or
23 registration issued under ORS 329A.030 and 329A.250 to 329A.450, or impose
24 a civil penalty in the manner provided in ORS 183.745, for violation of:

25 “(a) Any of the provisions of ORS 329A.030 and 329A.250 to 329A.450;

26 “(b) The terms and conditions of a certification or registration issued
27 under ORS 329A.030 and 329A.250 to 329A.450; or

28 “(c) Any rule of the Early Learning Council adopted under ORS 329A.030
29 and 329A.250 to 329A.450.

30 “(2) The Early Learning Council shall adopt by rule a schedule estab-

1 lishing the civil penalties that may be imposed under this section. The
2 schedule must provide for categories of violations for which a penalty may
3 be imposed, including ‘nonserious’ and ‘serious’ to be defined by the council
4 by rule under ORS 329A.260.

5 “(3) The office must issue a written warning for a nonserious or serious
6 violation before assessing a civil penalty under this section. The written
7 warning must prescribe a reasonable time in which to correct a violation.

8 “(4) The office may not impose a civil penalty of more than \$100 for a first
9 violation.

10 “(5) The office may not impose a civil penalty for a subsequent violation
11 that exceeds the penalty imposed for the previous violation by more than
12 \$100. Penalties imposed under this subsection may not exceed \$500 per vio-
13 lation, or \$1,000 total for multiple violations per quarter.

14 “(6) Notwithstanding any other provision of this section, the maximum
15 civil penalty that may be imposed:

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

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

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

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

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

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