

(To Resolve Conflicts)

A-Engrossed
Senate Bill 792

Ordered by the House June 22
Including House Amendments dated June 22 to resolve conflicts

Sponsored by Senators GELSER, KENNEMER

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.

Exempts from disclosure as public record personally identifiable information about child under age of 16 years that is submitted to State Fish and Wildlife Commission or agent of commission to obtain license, tag or permit under wildlife laws.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to information about children; creating new provisions; amending ORS 30.298 and 192.355;
3 repealing section 4, chapter ___, Oregon Laws 2021 (Enrolled Senate Bill 193); and declaring an
4 emergency.

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

6 **SECTION 1.** ORS 192.355 is amended to read:

7 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

8 (1) Communications within a public body or between public bodies of an advisory nature to the
9 extent that they cover other than purely factual materials and are preliminary to any final agency
10 determination of policy or action. This exemption shall not apply unless the public body shows that
11 in the particular instance the public interest in encouraging frank communication between officials
12 and employees of public bodies clearly outweighs the public interest in disclosure.

13 (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-
14 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless
15 the public interest by clear and convincing evidence requires disclosure in the particular instance.
16 The party seeking disclosure shall have the burden of showing that public disclosure would not
17 constitute an unreasonable invasion of privacy.

18 (b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency
19 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of
20 the deceased person, unless the public interest by clear and convincing evidence requires disclosure
21 in the particular instance. The party seeking disclosure shall have the burden of showing that public
22 disclosure would not constitute an unreasonable invasion of privacy.

23 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
24 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-
25 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
26 formation, Social Security numbers, dates of birth and other telephone numbers contained in

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 personnel records maintained by the public body that is the employer or the recipient of volunteer
2 services. This exemption:

3 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
4 unteers who are elected officials, except that a judge or district attorney subject to election may
5 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
6 terms of ORS 192.368;

7 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
8 shows by clear and convincing evidence that the public interest requires disclosure in a particular
9 instance pursuant to ORS 192.363;

10 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
11 fessional education association of which the substitute teacher may be a member; and

12 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.806.

13 (4) Information submitted to a public body in confidence and not otherwise required by law to
14 be submitted, where such information should reasonably be considered confidential, the public body
15 has obliged itself in good faith not to disclose the information, and when the public interest would
16 suffer by the disclosure.

17 (5) Information or records of the Department of Corrections, including the State Board of Parole
18 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
19 a person in custody of the department or substantially prejudice or prevent the carrying out of the
20 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
21 terest in disclosure.

22 (6) Records, reports and other information received or compiled by the Director of the Depart-
23 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
24 otherwise required by law to be made public, to the extent that the interests of lending institutions,
25 their officers, employees and customers in preserving the confidentiality of such information out-
26 weighs the public interest in disclosure.

27 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

28 (8) Any public records or information the disclosure of which is prohibited by federal law or
29 regulations.

30 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
31 wise made confidential or privileged under Oregon law.

32 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information
33 compiled in a public record when:

34 (A) The basis for the claim of exemption is ORS 40.225;

35 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
36 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311
37 to 192.478;

38 (C) The factual information was compiled by or at the direction of an attorney as part of an
39 investigation on behalf of the public body in response to information of possible wrongdoing by the
40 public body;

41 (D) The factual information was not compiled in preparation for litigation, arbitration or an
42 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
43 or against the public body; and

44 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
45 characterizing or partially disclosing the factual information compiled by or at the attorney's di-

1 rection.

2 (10) Public records or information described in this section, furnished by the public body ori-
3 ginally compiling, preparing or receiving them to any other public officer or public body in con-
4 nection with performance of the duties of the recipient, if the considerations originally giving rise
5 to the confidential or exempt nature of the public records or information remain applicable.

6 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
7 programs pursuant to ORS 469.530.

8 (12) Employee and retiree address, telephone number and other nonfinancial membership records
9 and employee financial records maintained by the Public Employees Retirement System pursuant to
10 ORS chapters 238 and 238A.

11 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
12 agents of the treasurer or the council relating to active or proposed publicly traded investments
13 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
14 liquidation of the investments. For the purposes of this subsection:

15 (a) The exemption does not apply to:

16 (A) Information in investment records solely related to the amount paid directly into an invest-
17 ment by, or returned from the investment directly to, the treasurer or council; or

18 (B) The identity of the entity to which the amount was paid directly or from which the amount
19 was received directly.

20 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
21 or liquidation of the investment has been concluded.

22 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
23 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
24 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset
25 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
26 liquidation of the investments including but not limited to:

27 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
28 or to their respective investment vehicles.

29 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
30 ment vehicles.

31 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
32 vehicles.

33 (D) Records containing information regarding the portfolio positions in which an investment
34 fund, an asset ownership or their respective investment vehicles invest.

35 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
36 spective investment vehicles.

37 (F) Investment agreements and related documents.

38 (b) The exemption under this subsection does not apply to:

39 (A) The name, address and vintage year of each privately placed investment fund.

40 (B) The dollar amount of the commitment made to each privately placed investment fund since
41 inception of the fund.

42 (C) The dollar amount of cash contributions made to each privately placed investment fund since
43 inception of the fund.

44 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
45 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,

1 council or board from each privately placed investment fund.

2 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
3 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
4 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

5 (F) The net internal rate of return of each privately placed investment fund since inception of
6 the fund.

7 (G) The investment multiple of each privately placed investment fund since inception of the fund.

8 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
9 basis to each privately placed investment fund.

10 (I) The dollar amount of cash profit received from each privately placed investment fund on a
11 fiscal year-end basis.

12 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
13 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
14 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

15 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
16 by ORS 98.352.

17 (17)(a) The following records, communications and information submitted to the Oregon Business
18 Development Commission, the Oregon Business Development Department, the State Department of
19 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
20 777.005, or a county or city governing body and any board, department, commission, council or
21 agency thereof, by applicants for investment funds, grants, loans, services or economic development
22 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

23 (A) Personal financial statements.

24 (B) Financial statements of applicants.

25 (C) Customer lists.

26 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
27 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
28 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
29 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
30 ery or deposition statutes to a party to litigation or potential litigation.

31 (E) Production, sales and cost data.

32 (F) Marketing strategy information that relates to applicant's plan to address specific markets
33 and applicant's strategy regarding specific competitors.

34 (b) The following records, communications and information submitted to the State Department
35 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

36 (A) Personal financial statements.

37 (B) Financial statements of applicants.

38 (C) Customer lists.

39 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
40 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
41 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
42 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
43 ery or deposition statutes to a party to litigation or potential litigation.

44 (E) Production, sales and cost data.

45 (F) Marketing strategy information that relates to applicant's plan to address specific markets

1 and applicant's strategy regarding specific competitors.

2 (18) Records, reports or returns submitted by private concerns or enterprises required by law
3 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
4 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
5 information is in a form which would permit identification of the individual concern or enterprise.
6 Nothing in this subsection shall limit the use which can be made of such information for regulatory
7 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
8 payer of the delinquency immediately by certified mail. However, in the event that the payment or
9 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
10 public body shall disclose, upon the request of any person, the following information:

11 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
12 payment or delivery of the taxes.

13 (b) The period for which the taxes are delinquent.

14 (c) The actual, or estimated, amount of the delinquency.

15 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
16 pointed counsel, and all information supplied to the court from whatever source for the purpose of
17 verifying the financial eligibility of a person pursuant to ORS 151.485.

18 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
19 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
20 ness Services, in any of the following circumstances:

21 (a) When necessary for insurers, self-insured employers and third party claim administrators to
22 process workers' compensation claims.

23 (b) When necessary for the director, other governmental agencies of this state or the United
24 States to carry out their duties, functions or powers.

25 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
26 to identify any worker who is the subject of a claim.

27 (d) When a worker or the worker's representative requests review of the worker's claim record.

28 (21) Sensitive business records or financial or commercial information of the Oregon Health and
29 Science University that is not customarily provided to business competitors.

30 (22) Records of Oregon Health and Science University regarding candidates for the position of
31 president of the university.

32 (23) The records of a library, including:

33 (a) Circulation records, showing use of specific library material by a named person;

34 (b) The name of a library patron together with the address or telephone number of the patron;
35 and

36 (c) The electronic mail address of a patron.

37 (24) The following records, communications and information obtained by the Housing and Com-
38 munity Services Department in connection with the department's monitoring or administration of
39 financial assistance or of housing or other developments:

40 (a) Personal and corporate financial statements and information, including tax returns.

41 (b) Credit reports.

42 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
43 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
44 of as part of the project, but only after the transactions have closed and are concluded.

45 (d) Market studies and analyses.

- 1 (e) Articles of incorporation, partnership agreements and operating agreements.
- 2 (f) Commitment letters.
- 3 (g) Project pro forma statements.
- 4 (h) Project cost certifications and cost data.
- 5 (i) Audits.
- 6 (j) Project tenant correspondence.
- 7 (k) Personal information about a tenant.
- 8 (L) Housing assistance payments.
- 9 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
10 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
11 that is not otherwise required by law to be submitted.
- 12 (26) Sensitive business, commercial or financial information furnished to or developed by a
13 public body engaged in the business of providing electricity or electricity services, if the information
14 is directly related to a transaction described in ORS 261.348, or if the information is directly related
15 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
16 disclosure of the information would cause a competitive disadvantage for the public body or its re-
17 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
18 velopment or review of generally applicable rate schedules.
- 19 (27) Sensitive business, commercial or financial information furnished to or developed by the
20 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
21 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
22 and disclosure of the information would cause a competitive disadvantage for the Klamath
23 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
24 ment or review of generally applicable rate schedules.
- 25 (28) Personally identifiable information about customers of a municipal electric utility or a
26 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
27 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
28 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
29 lease personally identifiable information about a customer, and a public body providing water, sewer
30 or storm drain services may release the name, date of birth, driver license number, telephone num-
31 ber, electronic mail address or Social Security number of a customer, if the customer consents in
32 writing or electronically, if the disclosure is necessary for the utility, district or other public body
33 to render services to the customer, if the disclosure is required pursuant to a court order or if the
34 disclosure is otherwise required by federal or state law. The utility, district or other public body
35 may charge as appropriate for the costs of providing such information. The utility, district or other
36 public body may make customer records available to third party credit agencies on a regular basis
37 in connection with the establishment and management of customer accounts or in the event such
38 accounts are delinquent.
- 39 (29) A record of the street and number of an employee's address submitted to a special district
40 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.
- 41 (30) Sensitive business records, capital development plans or financial or commercial information
42 of Oregon Corrections Enterprises that is not customarily provided to business competitors.
- 43 (31) Documents, materials or other information submitted to the Director of the Department of
44 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
45 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates

1 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
2 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
3 when:

4 (a) The document, material or other information is received upon notice or with an under-
5 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
6 the document, material or other information; and

7 (b) The director has obligated the Department of Consumer and Business Services not to dis-
8 close the document, material or other information.

9 (32) A county elections security plan developed and filed under ORS 254.074.

10 (33) Information about review or approval of programs relating to the security of:

11 (a) Generation, storage or conveyance of:

12 (A) Electricity;

13 (B) Gas in liquefied or gaseous form;

14 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

15 (D) Petroleum products;

16 (E) Sewage; or

17 (F) Water.

18 (b) Telecommunication systems, including cellular, wireless or radio systems.

19 (c) Data transmissions by whatever means provided.

20 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
21 ignates the information as confidential by rule under ORS 1.002.

22 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

23 (b) As used in this subsection, "employer account records" means all records maintained in any
24 form that are specifically related to the account of any employer insured, previously insured or un-
25 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
26 mation obtained or developed by the corporation in connection with providing, offering to provide
27 or declining to provide insurance to a specific employer. "Employer account records" includes, but
28 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
29 employee names and identification information, experience modification factors, loss experience and
30 dividend payment history.

31 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
32 discovery documents in litigation pursuant to applicable rules of civil procedure.

33 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

34 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held
35 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
36 records pertaining to such a claim.

37 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
38 discovery documents in litigation pursuant to applicable rules of civil procedure.

39 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge
40 or other separation from military service.

41 (38) Records of or submitted to a domestic violence service or resource center that relate to the
42 name or personal information of an individual who visits a center for service, including the date of
43 service, the type of service received, referrals or contact information or personal information of a
44 family member of the individual. As used in this subsection, "domestic violence service or resource
45 center" means an entity, the primary purpose of which is to assist persons affected by domestic or

1 sexual violence by providing referrals, resource information or other assistance specifically of ben-
2 efit to domestic or sexual violence victims.

3 (39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-
4 vided in ORS 431A.865 (3)(b), information disclosed by the authority under ORS 431A.865 and any
5 information related to disclosures made by the authority under ORS 431A.865, including information
6 identifying the recipient of the information.

7 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
8 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
9 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
10 ernment body, as defined in ORS 174.117.

11 (b) This subsection does not apply to electronic mail addresses assigned by a public body to
12 public employees for use by the employees in the ordinary course of their employment.

13 (c) This subsection and ORS 244.040 do not prohibit the campaign office of the current
14 officeholder or current candidates who have filed to run for that elective office from receiving upon
15 request the electronic mail addresses used by the current officeholder's legislative office for news-
16 letter distribution, except that a campaign office that receives electronic mail addresses under this
17 paragraph may not make a further disclosure of those electronic mail addresses to any other person.

18 (41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,
19 personal electronic mail addresses, driver license numbers, emergency contact information, Social
20 Security numbers, dates of birth and other telephone numbers of individuals currently or previously
21 certified or licensed by the Department of Public Safety Standards and Training contained in the
22 records maintained by the department.

23 (42) Personally identifiable information and contact information of veterans as defined in ORS
24 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
25 United States, National Guard or other reserve component that was obtained by the Department of
26 Veterans' Affairs in the course of performing its duties and functions, including but not limited to
27 names, residential and employment addresses, dates of birth, driver license numbers, telephone
28 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
29 acter of discharge from military service, military rating or rank, that the person is a veteran or has
30 provided military service, information relating to an application for or receipt of federal or state
31 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
32 formation relating to a home loan or grant application, including but not limited to financial infor-
33 mation provided in connection with the application.

34 **(43) Personally identifiable information about a child under the age of 16 years that is**
35 **submitted to the State Fish and Wildlife Commission or an agent of the commission to obtain**
36 **a license, tag or permit under the wildlife laws.**

37 **SECTION 1a. If both Senate Bill 193 and Senate Bill 436 become law, section 4, chapter**
38 **___, Oregon Laws 2021 (Enrolled Senate Bill 193) (amending ORS 30.298), is repealed and ORS**
39 **30.298, as amended by section 8, chapter ___, Oregon Laws 2021 (Enrolled Senate Bill 436), is**
40 **amended to read:**

41 30.298. (1) Except as otherwise provided in this section, the Department of Human Services is
42 liable, without regard to fault, for injury to the person of foster parents or damage to the property
43 of foster parents caused by a foster child if the foster child is residing in:

44 (a) A foster home that is maintained by the foster parents and that has been certified by the
45 department under the provisions of ORS 418.625 to 418.645;

1 (b) An approved home that is maintained by the foster parents and that is receiving payment
2 from the department under the provisions of ORS 418.027 or under the provisions of ORS 420.810
3 and 420.815; or

4 (c) A developmental disability child foster home that has been certified by the department under
5 the provisions of ORS 443.830 and 443.835.

6 (2) Except as otherwise provided in this section, the Oregon Youth Authority is liable, without
7 regard to fault, for injury to the person of foster parents or damage to the property of foster parents
8 caused by an adjudicated youth if the adjudicated youth resides in an adjudicated youth foster home
9 that is maintained by the foster parents and that has been certified by the authority under the
10 provisions of ORS 420.888 to 420.892.

11 (3) Except as otherwise provided in this section, the liability of the department and of the au-
12 thority under this section is subject to the same requirements and limitations provided in ORS
13 30.260 to 30.300, and a claim under this section shall be treated as a claim for damages within the
14 scope of ORS 30.260 to 30.300 for the purposes of ORS 278.120.

15 (4) Notwithstanding ORS 30.260 to 30.300:

16 (a) In no event shall the liability of the department or the authority under this section exceed
17 \$5,000 for any number of claims arising out of a single occurrence;

18 (b) The liability of the department and the authority under this section is limited to economic
19 damages, and in no event shall the department or the authority be liable for noneconomic damages;

20 (c) The department and the authority are liable under this section only to the extent the loss
21 is not covered by other insurance; and

22 (d) No claim shall be allowed under this section unless written notice of the claim is delivered
23 to the Oregon Department of Administrative Services within 90 days after the alleged loss or injury.

24 (5) The department and the authority are not liable under this section for:

25 (a) Damage to or destruction of currency, securities or any other intangible property;

26 (b) The unexplained disappearance of any property; or

27 (c) Loss or damage that is due to wear and tear, inherent vice or gradual deterioration.

28 (6) In no event does the liability of the department or the authority under this section for
29 damage to property exceed the difference between the fair market value of the property immediately
30 before its damage or destruction and its fair market value immediately thereafter. The department
31 and the authority are not liable for the costs of any betterments to the property that may be re-
32 quired by code, statute or other law as a condition of repair, replacement or reconstruction.

33 (7) The liability imposed under this section is in addition to that imposed for the intentional
34 torts of a foster child or adjudicated youth under ORS 30.297, but any amounts paid under this
35 section shall reduce any recovery that may be made under ORS 30.297.

36 (8) For the purposes of this section:

37 (a) "Adjudicated youth" has the meaning given **that term** in ORS 419A.004.

38 (b) "Authority" means the Oregon Youth Authority.

39 (c) "Department" means the Department of Human Services.

40 (d) "Economic damages" and "noneconomic damages" have *[those meanings given in ORS*
41 *31.710]* **the meanings given those terms in ORS 31.705.**

42 (e) "Foster child" has *[that]* **the meaning given that term** in ORS 30.297.

43 **SECTION 1b. If both Senate Bill 193 and Senate Bill 436 become law, the amendments to**
44 **ORS 30.298 by section 1a of this 2021 Act become operative on January 1, 2022.**

45 **SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
2 **on its passage.**

3
