

B-Engrossed
House Bill 4005

Ordered by the House February 24
Including House Amendments dated February 10 and February 24

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood for Representative Karin Power)

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.

Extends date for transition of Early Learning Division to Department of Early Learning and Care.

Extends date by which Early Learning Council is required to establish by rule process for determining true cost of child care compared to market rate cost for purposes of Employment Related Day Care subsidy program.

Clarifies authority of Early Learning Division related to day care resource and referral system.

Extends date by which Early Learning Division is required to submit report on proposed implementation of prohibition on suspensions or expulsions of children from certain publicly funded early childhood care or education programs.

Clarifies entities with which Early Learning Division may share specified information related to child care.

Corrects certain statutory cross-references related to Central Background Check Registry. Modifies Employment Related Day Care subsidy program to require certain individuals associated with subsidized care provider to be enrolled in Central Background Registry.

Authorizes Early Learning Division to use moneys in Early Learning Account to pay for costs incurred in conducting biennial evaluation related to early childhood support grant program.

Directs Department of Human Services to adopt rules to establish reimbursement rates under Employment Related Day Care subsidy program that are specified percentile of market rate cost for child care.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to early childhood; creating new provisions; amending ORS 307.480, 315.208, 327.274, 329A.010, 329A.030, 329A.120, 329A.135, 329A.250, 329A.270, 329A.310, 329A.500, 329A.992, 419B.005, 419B.035, 433.235, 609.652, 742.260 and 825.017 and section 5, chapter 576, Oregon Laws 2021, and sections 10 and 64, chapter 631, Oregon Laws 2021; and declaring an emergency.

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

TRANSITION TO DEPARTMENT OF EARLY LEARNING AND CARE

SECTION 1. Section 64, chapter 631, Oregon Laws 2021, is amended to read:

Sec. 64. (1) [*Sections 12 and 13 of this 2021 Act*] **ORS 326.432 and 329A.750**, the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**, and the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and

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 329A.493 by section 63 [of this 2021 Act], **chapter 631, Oregon Laws 2021**, become operative on
2 [January] **July 1, 2023**.

3 (2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early
4 Learning Division and the Department of Education may take any action before the operative date
5 set forth in subsection (1) of this section that is necessary for the Department of Early Learning and
6 Care to exercise, on and after the operative date set forth in subsection (1) of this section, all of the
7 duties, functions and powers conferred on the Department of Early Learning and Care by [sections
8 12 and 13 of this 2021 Act,] **ORS 326.432 and 329A.750** and the amendments to ORS 131A.360,
9 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165,
10 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845,
11 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475,
12 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829,
13 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [of this 2021 Act], **chapter**
14 **631, Oregon Laws 2021**.

15 (3) For the purpose of ensuring that the Department of Early Learning and Care may exercise,
16 on and after the operative date set forth in subsection (1) of this section, all of the duties, functions
17 and powers conferred on the Department of Early Learning and Care by [sections 12 and 13 of this
18 2021 Act] **ORS 326.432 and 329A.750** and the amendments to ORS 131A.360, 131A.365, 183.459,
19 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172,
20 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010,
21 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781,
22 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301,
23 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [of this 2021 Act], **chapter 631, Oregon**
24 **Laws 2021**, the Early Learning Division and the Department of Education shall develop and imple-
25 ment a plan that provides for a seamless transfer of duties, functions and powers.

26 (4) The Governor shall resolve any disputes related to the plan developed and implemented un-
27 der subsection (3) of this section, and the Governor's decision is final.

28
29 **TRUE COST OF EMPLOYMENT RELATED DAY CARE**

30
31 **SECTION 2.** Section 10, chapter 631, Oregon Laws 2021, is amended to read:

32 **Sec. 10.** (1) No later than July 1, [2022] **2023**, the Early Learning Council shall establish by rule
33 a process by which to determine the true cost of child care compared to the market rate cost **for**
34 **purposes of the Employment Related Day Care subsidy program**.

35 (2) No later than December 31, 2022, the Early Learning Division shall submit a report to the
36 appropriate interim committees of the Legislative Assembly on the transition to a rate of re-
37 imbursement that reflects the true cost of providing care.

38
39 **CHILD CARE RESOURCE AND REFERRAL SYSTEM**

40
41 **SECTION 3.** ORS 329A.120 is amended to read:

42 329A.120. (1) The Office of Child Care shall implement, **administer and maintain** the resource
43 and referral system.

44 (2) Resource and referral entities must provide services including, but not limited to:

45 (a) Training and technical assistance for existing and potential child care providers that in-

1 cludes, but is not limited to, coaching, mentoring, consulting and advising on professional develop-
2 ment;

3 (b) Referrals for parents or guardians seeking child care providers; or

4 (c) Recruitment of qualified individuals to meet the child care needs of a community.

5 **SECTION 4.** ORS 329A.120, as amended by section 38, chapter 631, Oregon Laws 2021, is
6 amended to read:

7 329A.120. (1) The Department of Early Learning and Care shall implement, **administer and**
8 **maintain** the resource and referral system.

9 (2) Resource and referral entities must provide services including, but not limited to:

10 (a) Training and technical assistance for existing and potential child care providers that in-
11 cludes, but is not limited to, coaching, mentoring, consulting and advising on professional develop-
12 ment;

13 (b) Referrals for parents or guardians seeking child care providers; or

14 (c) Recruitment of qualified individuals to meet the child care needs of a community.

15 **SECTION 5.** ORS 329A.135 is amended to read:

16 329A.135. (1) The Office of Child Care shall implement federal requirements for the resource and
17 referral system.

18 (2) The office shall establish criteria for proposals, prepare requests for proposals, receive pro-
19 posals and award grants or enter into agreements [*for the establishment of*] **to establish, support,**
20 **fund, maintain and expand** resource and referral entities.

21 **SECTION 6.** ORS 329A.135, as amended by section 39, chapter 631, Oregon Laws 2021, is
22 amended to read:

23 329A.135. (1) The Department of Early Learning and Care shall implement federal requirements
24 for the resource and referral system.

25 (2) The department shall establish criteria for proposals, prepare requests for proposals, receive
26 proposals and award grants or enter into agreements [*for the establishment of*] **to establish, sup-**
27 **port, fund, maintain and expand** resource and referral entities.

28 29 **IMPLEMENTATION OF PROHIBITION ON SUSPENSION OR EXPULSION**

30
31 **SECTION 7.** Section 5, chapter 576, Oregon Laws 2021, is amended to read:

32 **Sec. 5.** No later than [*July 1, 2022*] **November 15, 2023**, the Early Learning Division must sub-
33 mit to the appropriate interim committees of the Legislative Assembly a report on the proposed
34 implementation of section 3 [*of this 2021 Act*], **chapter 576, Oregon Laws 2021**. The report must
35 include a description of the processes for conducting investigations and contested case hearings
36 under ORS chapter 183 for any violations of section 3 [*of this 2021 Act*], **chapter 576, Oregon Laws**
37 **2021**, and must make any related recommendations for legislation.

38 39 **INFORMATION SHARING WITH STATE AGENCIES**

40
41 **SECTION 8.** ORS 329A.010 is amended to read:

42 329A.010. (1) There is established within the Early Learning Division the Office of Child Care.

43 (2)(a) The Office of Child Care, as designated by the Governor, shall be responsible for admin-
44 istering funds received by the State of Oregon pursuant to the federal Child Care and Development
45 Block Grant Act of 2014, the Child Care and Development Fund and other federal child care funds

1 and grants received by the State of Oregon.

2 (b) Through the legislative budgeting process, the Legislative Assembly shall identify the portion
3 of the funds received by the State of Oregon pursuant to the federal Child Care and Development
4 Block Grant Act of 2014 to be spent to provide quality child care, to provide child care subsidies
5 and for administrative expenditures. The Office of Child Care shall administer the funds according
6 to the portions identified by the Legislative Assembly.

7 (c) The Office of Child Care shall submit an annual report to the Legislative Fiscal Office re-
8 garding the expenditures of the funds received by the State of Oregon pursuant to the federal Child
9 Care and Development Block Grant Act of 2014 and the most recent estimate of the balance of the
10 funds.

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

13 (4) The Office of Child Care may maintain information about child care facilities and providers
14 through electronic records systems.

15 *[(5) The Office of Child Care may share information with other public entities when the office de-*
16 *termines that sharing the information would support the health or safety of children in child care, ex-*
17 *cept as otherwise prohibited by state or federal law.]*

18 **(5) Except as otherwise prohibited by state or federal law, the Office of Child Care may**
19 **share information with:**

20 **(a) Other public entities when the office determines that sharing the information would**
21 **support the health or safety of children in child care; and**

22 **(b) Within the Early Learning Division for purposes of:**

23 **(A) Developing a long-range plan for serving children and families, as provided by ORS**
24 **329.165;**

25 **(B) Administering preschool programs, as provided by ORS 329.170 to 329.200; and**

26 **(C) Implementing policies and practices related to early childhood professional develop-**
27 **ment systems, as provided by ORS 329.219.**

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

35 **SECTION 9.** ORS 329A.010, as amended by section 37, chapter 631, Oregon Laws 2021, is
36 amended to read:

37 329A.010. (1) There is established within the Department of Early Learning and Care the Office
38 of Child Care.

39 (2) The Office of Child Care shall comply with directives of the Early Learning Council estab-
40 lished in ORS 326.425 in the office's implementation of the provisions of ORS 329A.250 to 329A.450.

41 (3) The Office of Child Care may maintain information about child care facilities and providers
42 through electronic records systems.

43 *[(4) The Office of Child Care may share information with other public entities when the office de-*
44 *termines that sharing the information would support the health or safety of children in child care, ex-*
45 *cept as otherwise prohibited by state or federal law.]*

1 **(4) Except as otherwise prohibited by state or federal law, the Office of Child Care may**
2 **share information with:**

3 **(a) Other public entities when the office determines that sharing the information would**
4 **support the health or safety of children in child care; and**

5 **(b) Within the Department of Early Learning and Care for purposes of:**

6 **(A) Developing a long-range plan for serving children and families, as provided by ORS**
7 **329.165;**

8 **(B) Administering preschool programs, as provided by ORS 329.170 to 329.200; and**

9 **(C) Implementing policies and practices related to early childhood professional develop-**
10 **ment systems, as provided by ORS 329.219.**

11 (5) There is established in the State Treasury, separate and distinct from the General Fund, the
12 Child Care Fund. The Child Care Fund shall consist of moneys collected, received and administered
13 by the Office of Child Care and Department of Early Learning and Care pursuant to ORS 329A.310,
14 329A.700 to 329A.712, 329A.750 and 329A.992 and such moneys as may be otherwise made available
15 by law. Interest earned on the fund shall be credited to the fund. The moneys in the Child Care Fund
16 are appropriated continuously to the Department of Early Learning and Care and shall be used in
17 a manner consistent with the grant of funds or for the administration of ORS 181A.200, 329A.030,
18 329A.250 to 329A.450 and 329A.700 to 329A.712.

19 **SECTION 10.** ORS 419B.035 is amended to read:

20 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
21 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
22 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
23 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
24 ment of Human Services shall make the records available to:

25 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
26 subsequent investigation of child abuse;

27 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
28 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
29 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
30 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
31 tion, care or treatment;

32 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
33 ceeding;

34 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
35 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile
36 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
37 participants in case reviews;

38 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
39 that a child has been subjected to child abuse or neglect;

40 *[(f) The Office of Child Care for certifying, registering or otherwise regulating child care*
41 *facilities;]*

42 **(f) The Early Learning Division for the purpose of carrying out the functions of the di-**
43 **vision, including the certification, registration or regulation of child care facilities and child**
44 **care providers and the administration of enrollment in the Central Background Registry;**

45 (g) The Office of Children's Advocate;

1 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS
2 339.390 or 342.176 involving any child or any student;

3 (i) Any person, upon request to the Department of Human Services, if the reports or records
4 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
5 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
6 disclosed in accordance with ORS 192.311 to 192.478;

7 *[(j) The Office of Child Care for purposes of ORS 329A.030 (10)(g), (h) and (i);]*

8 **(j) The Office of Child Care for purposes of applications described in ORS 329A.030**
9 **(10)(c)(G), (H) and (I);**

10 (k) With respect to a report of abuse occurring at a school or in an educational setting that
11 involves a child with a disability, Disability Rights Oregon;

12 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;
13 and

14 (m) An education provider for the purpose of making determinations under ORS 339.388.

15 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
16 partment of Human Services may exempt from disclosure the names, addresses and other identifying
17 information about other children, witnesses, victims or other persons named in the report or record
18 if the department determines, in written findings, that the safety or well-being of a person named in
19 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
20 information, and if that concern outweighs the public's interest in the disclosure of that information.

21 (b) If the Department of Human Services does not have a report or record of abuse regarding
22 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
23 161.015, the department may disclose that information.

24 (3) The Department of Human Services may make reports and records compiled under the pro-
25 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
26 agency, organization or other entity when the department determines that such disclosure is neces-
27 sary to administer its child welfare services and is in the best interests of the affected child, or that
28 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
29 children from abuse and neglect or for research when the Director of Human Services gives prior
30 written approval. The Department of Human Services shall adopt rules setting forth the procedures
31 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
32 section. The name, address and other identifying information about the person who made the report
33 may not be disclosed pursuant to this subsection and subsection (1) of this section.

34 (4) A law enforcement agency may make reports and records compiled under the provisions of
35 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
36 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
37 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
38 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
39 ORS 147.005 to 147.367.

40 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific
41 case relating to child abuse or neglect, shall make reports and records in the case available upon
42 request to any law enforcement agency or community corrections agency in this state, to the De-
43 partment of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-
44 Prison Supervision for the purpose of managing and supervising offenders in custody or on
45 probation, parole, post-prison supervision or other form of conditional or supervised release. A law

1 enforcement agency may make reports and records compiled under the provisions of ORS 419B.010
2 to 419B.050 available to the Oregon Youth Authority, law enforcement, community corrections,
3 corrections or parole agencies in an open case when the law enforcement agency determines that
4 the disclosure will not interfere with an ongoing investigation in the case. The name, address and
5 other identifying information about the person who made the report may not be disclosed under this
6 subsection or subsection (6)(b) of this section.

7 (6)(a) Any record made available to a law enforcement agency or community corrections agency
8 in this state, to the Department of Corrections, the Oregon Youth Authority or the State Board of
9 Parole and Post-Prison Supervision or to a physician, physician assistant or nurse practitioner in
10 this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential by the
11 agency, department, board, physician, physician assistant or nurse practitioner. Any record or report
12 disclosed by the Department of Human Services to other persons or entities pursuant to subsections
13 (1) and (3) of this section shall be kept confidential.

14 (b) Notwithstanding paragraph (a) of this subsection:

15 (A) A law enforcement agency, a community corrections agency, the Department of Corrections,
16 the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose
17 records made available to them under subsection (5) of this section to each other, to law enforce-
18 ment, community corrections, corrections and parole agencies of other states and to authorized
19 treatment providers for the purpose of managing and supervising offenders in custody or on pro-
20 bation, parole, post-prison supervision or other form of conditional or supervised release.

21 (B) The Department of Corrections and the Oregon Youth Authority may disclose records made
22 available to them under subsection (5) of this section regarding a person in the custody of the De-
23 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district
24 attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200
25 to 420A.206.

26 (C) A person may disclose records made available to the person under subsection (1)(i) of this
27 section if the records are disclosed for the purpose of advancing the public interest.

28 (7) Except as provided by ORS 339.389, an officer or employee of the Department of Human
29 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-
30 suant to subsections (1) to (6) of this section may not release any information not authorized by
31 subsections (1) to (6) of this section.

32 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS
33 181A.010.

34 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.
35

36 **CHILD CARE CENTRAL BACKGROUND REGISTRY**

37
38 **SECTION 11.** ORS 307.480 is amended to read:

39 307.480. As used in ORS 307.480 to 307.510 unless the context requires otherwise:

40 (1) "Agricultural workforce housing" means housing:

41 (a) That is limited to occupancy by agricultural workers, including agricultural workers who are
42 retired or disabled, and the immediate family members of the agricultural workers; and

43 (b) No dwelling unit of which is occupied by a relative of the owner or operator of the agricul-
44 tural workforce housing, other than a manufactured dwelling in a manufactured dwelling park
45 nonprofit cooperative as defined in ORS 62.803.

- 1 (2) “Eligible agricultural workforce housing” means agricultural workforce housing that:
- 2 (a) Is owned or operated by a nonprofit corporation as a nonprofit facility;
- 3 (b) Is not provided in connection with the recruitment or employment of agricultural workers;
- 4 and
- 5 (c) Complies with all applicable local, state and federal building codes.
- 6 (3) “Eligible child care facility” means a child care facility that is:
- 7 (a) Certified under ORS [329A.030 and] 329A.250 to 329A.450;
- 8 (b) Owned or operated by a nonprofit corporation as a nonprofit facility; and
- 9 (c) Operated in conjunction or cooperation with an eligible farm labor camp.
- 10 (4) “Eligible farm labor camp” means a farm labor camp that:
- 11 (a) Is owned or operated by a nonprofit corporation as a nonprofit facility; and
- 12 (b) Complies with the safety and health standards for agricultural labor housing and related fa-
- 13 cilities adopted under the Oregon Safe Employment Act.
- 14 (5) “Farm labor camp” means any place, area or piece of land where housing or sleeping places
- 15 are owned or maintained:
- 16 (a) By a person engaged in the business of providing housing or sleeping places for employees
- 17 or prospective employees of another person and the immediate families of the employees or pro-
- 18 spective employees if the employees or prospective employees are or will be engaged in agricultural
- 19 work. Eligible farm labor camps may provide housing to workers not currently engaged in agricul-
- 20 tural work if agricultural work is not available and employees or prospective employees are required
- 21 either to engage in agricultural work or to leave the farm labor camp once agricultural work be-
- 22 comes available in the area.
- 23 (b) In connection with any work or place where agricultural work is being performed, whether
- 24 the housing or sleeping places are owned or maintained by the employer or by another person.
- 25 (6) “Owned or operated by a nonprofit corporation as a nonprofit facility” includes, but is not
- 26 limited to:
- 27 (a) The possession or operation of agricultural workforce housing, child care facility or farm
- 28 labor camp property by a nonprofit corporation pursuant to a written lease or lease-purchase
- 29 agreement if:
- 30 (A) The nonprofit corporation is obligated under the terms of the lease or lease-purchase
- 31 agreement to pay the ad valorem taxes on the property used in operating the agricultural workforce
- 32 housing, child care facility or farm labor camp; or
- 33 (B) The rent payable by the nonprofit corporation has been established to reflect the savings
- 34 resulting from the exemption from taxation.
- 35 (b) The possession or operation of the property by a partnership of which the nonprofit corpo-
- 36 ration is:
- 37 (A) A general partner or the general manager; and
- 38 (B) Responsible for the day-to-day operation of the property.
- 39 (7)(a) “Rental” means the net amount of income from eligible agricultural workforce housing,
- 40 an eligible child care facility or an eligible farm labor camp after deduction of costs paid or incurred
- 41 in the operation of the housing, facility or camp.
- 42 (b) Deductible costs under this subsection:
- 43 (A) Include, but are not limited to, salaries or other compensation, insurance, utilities, garbage
- 44 disposal, supplies, repairs and maintenance, interest and capital costs, whether capitalized and de-
- 45 preciated or amortized or deducted currently.

1 (B) Do not include in lieu taxes imposed under ORS 307.490.

2 **SECTION 12.** ORS 315.208 is amended to read:

3 315.208. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer
4 is a corporation that is an employer, under ORS chapter 317 or 318) is allowed to an employer, based
5 upon costs actually paid or incurred by the employer, to acquire, construct, reconstruct, renovate
6 or otherwise improve real property so that the property may be used primarily as a dependent care
7 facility.

8 (2) The credit allowed under this section shall be the least of:

9 (a) \$2,500 multiplied by the number of full-time equivalent employees employed by the employer
10 (on the property or within such proximity to the property that any dependents of the employees may
11 be cared for in the facility) on any date within the two years immediately preceding the end of the
12 first tax year for which credit is first claimed;

13 (b) Fifty percent of the cost of the acquisition, construction, reconstruction, renovation or other
14 improvement; or

15 (c) \$100,000.

16 (3) To qualify for the credit allowed under subsection (1) of this section:

17 (a) The amounts paid or incurred by the employer for the acquisition, construction, recon-
18 struction, renovation or other improvement to real property may be paid or incurred either:

19 (A) To another to be used to acquire, construct, reconstruct, renovate or otherwise improve real
20 property to the end that it may be used as a dependent care facility with which the employer con-
21 tracts to make dependent care assistance payments which payments are wholly or partially entitled
22 to exclusion from income of the employee for federal tax purposes under section 129 of the Internal
23 Revenue Code; or

24 (B) To acquire, construct, reconstruct, renovate or otherwise improve real property to the end
25 that it may be operated by the employer, or a combination of employers, to provide dependent care
26 assistance to the employees of the employer under a program or programs under which the assist-
27 ance is, under section 129 of the Internal Revenue Code, wholly or partially excluded from the in-
28 come of the employee.

29 (b) The property must be in actual use as a dependent care facility on the last day of the tax
30 year for which credit is claimed and dependent care services assisted by the employer must take
31 place on the acquired, constructed, reconstructed, renovated or improved property and must be en-
32 titled to an exclusion (whole or partial) from the income of the employee for federal tax purposes
33 under section 129 of the Internal Revenue Code on the last day of the tax year for which credit is
34 claimed.

35 (c) The person or persons operating the dependent care facility on the property acquired, con-
36 structed, reconstructed, renovated or improved must hold a certification (temporary or not) issued
37 under ORS [329A.030 and] 329A.250 to 329A.450 by the Office of Child Care to operate the facility
38 on the property on the last day of the tax year of any tax year in which credit under this section
39 is claimed.

40 (d) The dependent care facility acquired, constructed, reconstructed, renovated or otherwise
41 improved must be located in Oregon. No credit shall be allowed under this section if the dependent
42 care facility is not acquired, constructed, reconstructed, renovated or improved to accommodate six
43 or more children.

44 (e) The employer must meet any other requirements or furnish any information, including in-
45 formation furnished by the employees or person operating the dependent care facility, to the De-

1 partment of Revenue that the department requires under its rules to carry out the purposes of this
2 section.

3 (f) The dependent care facility, the costs of the acquisition, construction, reconstruction, reno-
4 vation or improvement upon which the credit granted under this section is based, must be placed
5 in operation before January 1, 2002.

6 (4) The total amount of the costs upon which the credit allowable under this section is based,
7 and the total amount of the credit, shall be determined by the employer, subject to any rules adopted
8 by the department, during the tax year in which the property acquired, constructed, reconstructed,
9 renovated or otherwise improved is first placed in operation as a dependent care facility certified
10 by the Office of Child Care under ORS [329A.030 and] 329A.250 to 329A.450. One-tenth of the total
11 credit is allowable in that tax year and one-tenth of the total credit is allowable in each succeeding
12 tax year, not to exceed nine tax years, thereafter. No credit shall be allowed under this section for
13 any tax year at the end of which the dependent care facility is not in actual operation under a
14 current certification (temporary or not) issued by the Office of Child Care nor shall any credit be
15 allowed for any tax year at the end of which the employer is not providing dependent care assist-
16 ance entitled to exclusion (whole or partial) from employee income for federal tax purposes under
17 section 129 of the Internal Revenue Code for dependent care on the property. Any tax credit al-
18 lowable under this section in a tax year may be carried forward in the same manner and to the same
19 tax years as if it were a tax credit described in ORS 315.204.

20 (5) Nothing in this section shall affect the computation of depreciation or basis of a dependent
21 care facility. If a deduction is allowed for purposes of ORS chapter 316, 317 or 318 for the amounts
22 paid or incurred upon which the credit under this section is based, the deduction shall be reduced
23 by the dollar amount of the credit granted under this section.

24 (6) For purposes of the credit allowed under this section:

25 (a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code
26 shall apply to the extent applicable.

27 (b) "Employer" means a resident, part-year resident or full-year nonresident employer carrying
28 on a business, trade, occupation or profession in this state.

29 (7) The department shall require that evidence that the person operating the dependent care
30 facility on the date that the taxpayer's tax year ends holds a current certification (temporary or
31 otherwise) to operate the facility accompany the tax return on which any amount of tax credit
32 granted under this section is claimed, or that such evidence be separately furnished. If the evidence
33 is not so furnished, no credit shall be allowed for the tax year for which the evidence is not fur-
34 nished. The Office of Child Care shall cooperate by making such evidence, in an appropriate form,
35 available to the person operating the facility, if the person is currently certified (temporary or not)
36 so that, if necessary, it may be made available to the taxpayer.

37 **SECTION 13.** ORS 329A.270 is amended to read:

38 329A.270. (1) A certification or registration authorized by ORS [329A.030 and] 329A.250 to
39 329A.450 and issued to a child care facility may be renewed upon submission of an application and
40 payment of the required fee not later than 30 days prior to the expiration date of the current cer-
41 tification or registration if the Office of Child Care finds that the child care facility that is seeking
42 renewal of the certification or registration is in compliance with the requirements of ORS 181A.200,
43 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200,
44 181A.215, 329A.030 and 329A.250 to 329A.450.

45 (2) Upon submission of an application for renewal in proper time, manner and form, and payment

1 of the required fee, the current certification or registration, unless officially revoked, shall remain
2 in force until the Office of Child Care has acted on the application for renewal and has given notice
3 of the action taken.

4 **SECTION 14.** ORS 329A.310 is amended to read:

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

10 (2) All fees received under subsection (1) of this section shall be deposited in the Child Care
11 Fund established under ORS 329A.010 and may be used for the administration of ORS 181A.200,
12 329A.030 and 329A.250 to 329A.450.

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

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

19 **SECTION 15.** ORS 329A.992, as amended by section 27 of this 2022 Act, is amended to read:

20 329A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 329A.260
21 for enforcement of the provisions of ORS chapter 329A, the Office of Child Care may:

22 (a) Suspend or revoke a certification or registration issued under ORS [329A.030 and] 329A.250
23 to 329A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation of:

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

25 (B) The terms and conditions of a certification or registration issued under ORS [329A.030
26 and] 329A.250 to 329A.450; or

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

29 (b) Impose a civil penalty in the manner provided in ORS 183.745 and file for injunctive relief
30 in a circuit court for the provision of child care, or for having a child in an individual's care, in
31 violation of ORS 329A.030 (2).

32 (c) Remove an individual described in ORS 329A.030 (10)(d) from the Central Background Reg-
33 istry, or impose a civil penalty in the manner provided in ORS 183.745, for the individual's or the
34 subsidized care facility's violation of:

35 (A) Any of the provisions of ORS 329A.030 or 329A.500; or

36 (B) Any rule of the Early Learning Council adopted under ORS 329A.030, 329A.500 or 329A.505
37 or of the Department of Human Services adopted under ORS 329A.500.

38 (2) The Early Learning Council may adopt by rule a schedule establishing the civil penalties
39 that may be imposed under this section.

40 (3) Except as provided in subsection (4) of this section, penalties imposed under this section may
41 not exceed:

42 (a) \$750 per violation for a registered family child care home.

43 (b) \$1,200 per violation for a certified family child care home.

44 (c) \$2,500 per violation for a certified child care center that is not a family child care home.

45 (4) The office may impose a civil penalty of not more than \$1,500 for a child care facility that

1 provides child care without a valid:

2 (a) Certification, in violation of ORS 329A.280; or

3 (b) Registration, in violation of ORS 329A.330.

4 (5) Each day that a child care facility is operating in violation of any of the provisions described
5 in subsection (1) of this section is a separate violation.

6 (6) The office may revoke a child care facility's certification or registration or deny a child care
7 facility's renewal application for a certification or registration if the facility fails to pay a civil
8 penalty after the order imposing the penalty becomes final.

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

11 (8) All moneys received under this section shall be paid into the State Treasury and credited to
12 the General Fund.

13 **SECTION 16.** ORS 419B.005, as amended by section 58, chapter 631, Oregon Laws 2021, is
14 amended to read:

15 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

16 (1)(a) "Abuse" means:

17 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
18 which has been caused by other than accidental means, including any injury which appears to be
19 at variance with the explanation given of the injury.

20 (B) Any mental injury to a child, which shall include only observable and substantial impairment
21 of the child's mental or psychological ability to function caused by cruelty to the child, with due
22 regard to the culture of the child.

23 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
24 tration and incest, as those acts are described in ORS chapter 163.

25 (D) Sexual abuse, as described in ORS chapter 163.

26 (E) Sexual exploitation, including but not limited to:

27 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
28 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
29 in the performing for people to observe or the photographing, filming, tape recording or other ex-
30 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
31 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
32 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
33 which is designed to serve educational or other legitimate purposes; and

34 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
35 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
36 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

37 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
38 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
39 welfare of the child.

40 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
41 to the child's health or welfare.

42 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

43 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
44 methamphetamines are being manufactured.

45 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful

1 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
2 stantial risk of harm to the child's health or safety.

3 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
4 conditions described in paragraph (a) of this subsection.

5 (2) "Child" means an unmarried person who:

6 (a) Is under 18 years of age; or

7 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring
8 agency as that term is defined in ORS 418.205.

9 (3) "Higher education institution" means:

10 (a) A community college as defined in ORS 341.005;

11 (b) A public university listed in ORS 352.002;

12 (c) The Oregon Health and Science University; and

13 (d) A private institution of higher education located in Oregon.

14 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
15 to have experienced abuse.

16 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

17 (5) "Law enforcement agency" means:

18 (a) A city or municipal police department.

19 (b) A county sheriff's office.

20 (c) The Oregon State Police.

21 (d) A police department established by a university under ORS 352.121 or 353.125.

22 (e) A county juvenile department.

23 (6) "Public or private official" means:

24 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
25 including any intern or resident.

26 (b) Dentist.

27 (c) School employee, including an employee of a higher education institution.

28 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
29 or employee of an in-home health service.

30 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
31 Early Learning and Care, Department of Education, Youth Development Division, Office of Child
32 Care, the Oregon Youth Authority, a local health department, a community mental health program,
33 a community developmental disabilities program, a county juvenile department, a child-caring
34 agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

35 (f) Peace officer.

36 (g) Psychologist.

37 (h) Member of the clergy.

38 (i) Regulated social worker.

39 (j) Optometrist.

40 (k) Chiropractor.

41 (L) Certified provider of foster care, or an employee thereof.

42 (m) Attorney.

43 (n) Licensed professional counselor.

44 (o) Licensed marriage and family therapist.

45 (p) Firefighter or emergency medical services provider.

- 1 (q) A court appointed special advocate, as defined in ORS 419A.004.
 - 2 (r) A child care provider registered or certified under ORS [329A.030 and] 329A.250 to 329A.450.
 - 3 (s) An elected official of a branch of government of this state or a state agency, board, com-
4 mission or department of a branch of government of this state or of a city, county or other political
5 subdivision in this state.
 - 6 (t) Physical, speech or occupational therapist.
 - 7 (u) Audiologist.
 - 8 (v) Speech-language pathologist.
 - 9 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
10 gations or discipline by the commission.
 - 11 (x) Pharmacist.
 - 12 (y) An operator of a preschool recorded program under ORS 329A.255.
 - 13 (z) An operator of a school-age recorded program under ORS 329A.257.
 - 14 (aa) Employee of a private agency or organization facilitating the provision of respite services,
15 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
16 109.056.
 - 17 (bb) An employee of a public or private organization providing child-related services or activ-
18 ities:
 - 19 (A) Including but not limited to an employee of a:
 - 20 (i) Youth group or center;
 - 21 (ii) Scout group or camp;
 - 22 (iii) Summer or day camp;
 - 23 (iv) Survival camp; or
 - 24 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
25 ligious, public or private educational system or a community service organization; and
 - 26 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
27 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
28 man trafficking.
 - 29 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
30 if compensated and if the athlete is a child.
 - 31 (dd) Personal support worker, as defined in ORS 410.600.
 - 32 (ee) Home care worker, as defined in ORS 410.600.
 - 33 (ff) Animal control officer, as defined in ORS 609.500.
 - 34 (gg) Member of a school district board, an education service district board or a public charter
35 school governing body.
 - 36 (hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a
37 service identified in an individualized written service plan of a child with a developmental disability.
 - 38 (ii) Referral agent, as defined in ORS 418.351.
- 39 **SECTION 17.** ORS 433.235 is amended to read:
40 433.235. As used in ORS 433.235 to 433.284:
- 41 (1) "Administrator" means the principal or other person having general control and supervision
42 of a school or children's facility.
 - 43 (2) "Children's facility" or "facility" means:
 - 44 (a) A certified child care facility as described in ORS [329A.030 and] 329A.250 to 329A.450, ex-
45 cept as exempted by rule of the Oregon Health Authority;

1 (b) A program operated by, or sharing the premises with, a certified child care facility, school
2 or post-secondary institution where care is provided to children, six weeks of age to kindergarten
3 entry, except as exempted by rule of the authority; or

4 (c) A program providing child care or educational services to children, six weeks of age to
5 kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the au-
6 thority.

7 (3) "Local health department" has the meaning given that term in ORS 431.003.

8 (4) "Parent" means a parent or guardian of a child or any adult responsible for the child.

9 (5) "Physician" means a physician licensed by the Oregon Medical Board or by the Oregon
10 Board of Naturopathic Medicine or a physician similarly licensed by another state or country in
11 which the physician practices or a commissioned medical officer of the Armed Forces or Public
12 Health Service of the United States.

13 (6) "School" means a public, private, parochial, charter or alternative educational program of-
14 fering kindergarten through grade 12 or any part thereof, except as exempted by rule of the au-
15 thority.

16 **SECTION 18.** ORS 609.652, as amended by section 60, chapter 631, Oregon Laws 2021, is
17 amended to read:

18 609.652. As used in ORS 609.654:

19 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

20 (b) "Aggravated animal abuse" does not include:

21 (A) Good animal husbandry, as defined in ORS 167.310; or

22 (B) Any exemption listed in ORS 167.335.

23 (2) "Law enforcement agency" means:

24 (a) Any city or municipal police department.

25 (b) A police department established by a university under ORS 352.121 or 353.125.

26 (c) Any county sheriff's office.

27 (d) The Oregon State Police.

28 (e) A law enforcement division of a county or municipal animal control agency that employs
29 sworn officers.

30 (f) A humane investigation agency as defined in ORS 181A.340 that employs humane special
31 agents commissioned under ORS 181A.340.

32 (3) "Public or private official" means:

33 (a) A physician, including any intern or resident.

34 (b) A dentist.

35 (c) A school employee.

36 (d) A licensed practical nurse or registered nurse.

37 (e) An employee of the Department of Human Services, Oregon Health Authority, Department
38 of Early Learning and Care, Youth Development Division, Office of Child Care, the Oregon Youth
39 Authority, a local health department, a community mental health program, a community develop-
40 mental disabilities program, a county juvenile department, a child-caring agency as defined in ORS
41 418.205 or an alcohol and drug treatment program.

42 (f) A peace officer.

43 (g) A psychologist.

44 (h) A member of the clergy.

45 (i) A regulated social worker.

- 1 (j) An optometrist.
- 2 (k) A chiropractor.
- 3 (L) A certified provider of foster care, or an employee thereof.
- 4 (m) An attorney.
- 5 (n) A naturopathic physician.
- 6 (o) A licensed professional counselor.
- 7 (p) A licensed marriage and family therapist.
- 8 (q) A firefighter or emergency medical services provider.
- 9 (r) A court appointed special advocate, as defined in ORS 419A.004.
- 10 (s) A child care provider registered or certified under ORS [329A.030 and] 329A.250 to 329A.450.
- 11 (t) A member of the Legislative Assembly.

12 **SECTION 19.** ORS 742.260 is amended to read:

13 742.260. (1) An insurer offering homeowner or renter liability or fire insurance may not cancel
14 or refuse to issue or renew a policy on a private home solely on the basis that the policyholder
15 operates a child care facility if the policyholder is registered or certified pursuant to ORS [329A.030
16 and] 329A.250 to 329A.450.

17 (2) A homeowner or renter liability or fire insurance policy may not provide coverage for losses
18 arising out of or in connection with child care provided by a registered or certified child care fa-
19 cility. Coverage for losses arising out of or in connection with child care by a registered or certified
20 child care facility may be provided only by a separate policy or indorsement for which premiums
21 are assessed and paid.

22 (3) As used in this section, "child care facility" has the meaning given in ORS 329A.250.

23 **SECTION 20.** ORS 825.017 is amended to read:

24 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not
25 apply to the persons or vehicles described in this section. The exemption under this section applies
26 to the following persons and vehicles:

27 (1) Vehicles being used by, or under contract with, any school board, district or person respon-
28 sible for the administration of elementary or secondary school activities, and engaged exclusively
29 in transporting students or combinations of students and other persons to or from school, to or from
30 authorized school activities or other activities sponsored by the governing board of a public uni-
31 versity listed in ORS 352.002, or for purposes provided under ORS 332.427. This exemption shall not
32 be affected by the charging of a fee to cover the costs of the transportation.

33 (2) Vehicles being used in a taxicab operation if the vehicle:

34 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

35 (b) Carries passengers for hire where the destination and route traveled may be controlled by
36 a passenger and the fare is calculated on the basis of any combination of an initial fee, distance
37 traveled or waiting time; and

38 (c) Is transporting persons or property, or both, between points in Oregon.

39 (3) Vehicles being used for the transportation of property by private carrier by means of a single
40 vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

41 (4) Vehicles being used in operating implements of husbandry.

42 (5) Vehicles being used as a hearse or ambulance.

43 (6) Vehicles being used over any private road or thoroughfare.

44 (7) Vehicles being used on any road, thoroughfare or property, other than a state highway,
45 county road or city street, for the removal of forest products as defined in ORS 321.005, or the

1 product of forest products converted to a form other than logs at or near the harvesting site, or
2 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
3 a written agreement or permit authorizing the use, construction or maintenance of the road,
4 thoroughfare or property, with:

- 5 (a) An agency of the United States;
- 6 (b) The State Board of Forestry;
- 7 (c) The State Forester; or
- 8 (d) A licensee of an agency named in this subsection.

9 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
10 321.005, or the products of forest products converted to a form other than logs at or near the har-
11 vesting site, if:

12 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
13 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
14 to use the road and requiring the owner to pay for or to perform the construction or maintenance
15 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
16 piling for the owners who are exempt under this section;

17 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
18 tract with the county court or board of county commissioners, has assumed the responsibility for the
19 construction or maintenance of the county road; and

20 (c) Copies of the agreements or permits required by this subsection are filed with the Director
21 of Transportation.

22 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-
23 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is
24 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption
25 provided by this subsection applies only when the motor vehicle is operated by or under contract
26 with any person responsible for the administration of rehabilitation facilities as defined in ORS
27 344.710 to 344.730 or child care services provided by a facility licensed under ORS [329A.030 and]
28 329A.250 to 329A.450.

29 (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within
30 the United States except as provided in ORS 825.022. This chapter does apply to vehicles when
31 owned or operated:

- 32 (a) As a carrier of property for hire;
- 33 (b) By a transportation district organized under ORS 267.510 to 267.650;
- 34 (c) By a county service district authorized to provide public transportation under ORS 451.010;

35 or

36 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS
37 174.109, to provide public transportation.

38 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to
39 267.394.

40 (12) Vehicles owned or operated by, or under contract with, a person responsible for the con-
41 struction or reconstruction of a highway under contract with the Department of Transportation or
42 with an agency of the United States when operated within the immediate construction project as
43 described in the governmental agency contract during the construction period.

44 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-
45 clusively engaged in performing transportation, either one way or round trip, necessary to the op-

1 eration of the charitable organization. As used in this subsection, “charitable organization” means
2 an organization that has no capital stock and no provision for making dividends or profits, but de-
3 rives its funds principally from public and private charity and holds them in trust for the promotion
4 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-
5 section shall file an affidavit with the department stating that it is organized and operated in ac-
6 cordance with the requirements of this subsection.

7 (14) Passenger vehicles with a passenger seating capacity that does not exceed five when used
8 in the transportation of new telephone books.

9 (15) A vehicle that is used in a limousine service operation in which the destination and route
10 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
11 nation of initial fee, distance traveled and waiting time if the vehicle:

- 12 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 13 (b) Carries passengers for hire between points in Oregon; and
- 14 (c) Operates on an irregular route basis.

15 (16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-
16 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

17 (17) A person who provides services related to the packing or loading of household goods if the
18 person does not:

- 19 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 20 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
21 ment of the household goods.

22 **SECTION 21. The amendments to ORS 307.480, 315.208, 329A.270, 329A.310, 329A.992,**
23 **419B.005, 433.235, 609.652, 742.260 and 825.017 by sections 11 to 20 of this 2022 Act become**
24 **operative on January 1, 2023.**

25 **SECTION 22.** ORS 329A.250 is amended to read:

26 329A.250. As used in ORS 329A.030, [and] 329A.250 to 329A.450 **and 329A.500**, unless the context
27 requires otherwise:

28 (1) “Babysitter” means a person who goes into the home of a child to give care during the
29 temporary absence of the parent or legal guardian or custodian.

30 (2) “Certification” means the certification that is issued under ORS 329A.280 by the Office of
31 Child Care to a family child care home, child care center or other child care facility.

32 (3) “Child” means a child under 13 years of age or a child under 18 years of age who has special
33 needs or disabilities and requires a level of care that is above normal for the child’s age.

34 (4)(a) “Child care” means the care, supervision and guidance on a regular basis of a child, un-
35 accompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours
36 of the day, in a place other than the child’s home, with or without compensation.

37 (b) “Child care” does not include care provided:

- 38 (A) In the home of the child;
- 39 (B) By the child’s parent, guardian, or person acting in loco parentis;
- 40 (C) By a person related to the child by blood or marriage within the fourth degree as determined
41 by civil law;
- 42 (D) On an occasional basis by a person not ordinarily engaged in providing child care;
- 43 (E) By providers of medical services;
- 44 (F) By a babysitter;
- 45 (G) By a person who cares for children from only one family other than the person’s own family;

- 1 (H) By a person who cares for no more than three children other than the person's own children;
2 or
- 3 (I) By a person who is a member of the child's extended family, as determined by the office on
4 a case-by-case basis.
- 5 (5) "Child care facility" means any facility that provides child care to children, including a day
6 nursery, nursery school, child care center, certified or registered family child care home or similar
7 unit operating under any name, but not including any:
- 8 (a) Preschool recorded program.
- 9 (b) Facility providing care for school-age children that is primarily a single enrichment activity,
10 for eight hours or less a week.
- 11 (c) Facility providing care that is primarily group athletic or social activities sponsored by or
12 under the supervision of an organized club or hobby group.
- 13 (d) Facility operated by:
- 14 (A) A school district as defined in ORS 332.002;
- 15 (B) A political subdivision of this state; or
- 16 (C) A governmental agency.
- 17 (e) Residential facility licensed under ORS 443.400 to 443.455.
- 18 (f) Babysitters.
- 19 (g) Facility operated as a parent cooperative for no more than four hours a day.
- 20 (h) Facility providing care while the child's parent remains on the premises and is engaged in
21 an activity offered by the facility or in other nonwork activity.
- 22 (i) Facility operated as a school-age recorded program.
- 23 (6) "Family" has the meaning given that term in ORS 329.145.
- 24 (7) "Occasional" means that care is provided for no more than 70 days in any calendar year.
- 25 (8) "Parent cooperative" means a child care program in which:
- 26 (a) Care is provided by parents on a rotating basis;
- 27 (b) Membership in the cooperative includes parents;
- 28 (c) There are written policies and procedures; and
- 29 (d) A board of directors that includes parents of the children cared for by the cooperative con-
30 trols the policies and procedures of the program.
- 31 (9) "Preschool recorded program" means a facility providing care for preschool children that is
32 primarily educational for four hours or less per day and where no child is present at the facility for
33 more than four hours per day.
- 34 (10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded
35 program or under ORS 329A.257 to a school-age recorded program.
- 36 (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of
37 Child Care to a family child care home where care is provided in the family living quarters of the
38 provider's home.
- 39 (12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before
40 the first day of the current school year.
- 41 (13) "School-age recorded program" means a program for school-age children:
- 42 (a) That is not operated by a school district as defined in ORS 332.002;
- 43 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;
- 44 and
- 45 (c) In which youth development activities are provided to children during hours that school is

1 not in session and does not take the place of a parent's care.

2 (14)(a) **"Subsidized care" means the care, supervision and guidance on a regular basis of**
3 **a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part**
4 **of the 24 hours of a day, paid for in whole or in part by public funds.**

5 (b) **"Subsidized care" does not include care provided:**

6 (A) **By the child's parent, guardian or person acting in loco parentis;**

7 (B) **By a sibling living in the same home as the child;**

8 (C) **By a person on the same subsidized care case of a child in care; or**

9 (D) **By a provider of medical services, as determined by the office on a case-by-case basis.**

10 (15) **"Subsidized care facility" means any facility that provides subsidized care to chil-**
11 **dren, including a day nursery, nursery school, child care center, certified or registered family**
12 **child care home or similar unit operating under any name, but not including any program**
13 **or facility identified by the Early Learning Council by rule.**

14 [(14)] (16) **"Youth development activities" means care, supervision or guidance that is intended**
15 **for enrichment, including but not limited to teaching skills or proficiency in physical, social or ed-**
16 **ucational activities such as tutoring, music lessons, social activities, sports and recreational activ-**
17 **ities.**

18 **SECTION 23.** ORS 329A.250, as amended by section 40, chapter 631, Oregon Laws 2021, is
19 amended to read:

20 329A.250. As used in ORS 329A.030, [and] 329A.250 to 329A.450 **and 329A.500**, unless the context
21 requires otherwise:

22 (1) **"Babysitter" means a person who goes into the home of a child to give care during the**
23 **temporary absence of the parent or legal guardian or custodian.**

24 (2) **"Certification" means the certification that is issued under ORS 329A.280 by the Office of**
25 **Child Care to a family child care home, child care center or other child care facility.**

26 (3) **"Child" means a child under 13 years of age or a child under 18 years of age who has special**
27 **needs or disabilities and requires a level of care that is above normal for the child's age.**

28 (4)(a) **"Child care" means the care, supervision and guidance on a regular basis of a child, un-**
29 **accompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours**
30 **of the day, in a place other than the child's home, with or without compensation.**

31 (b) **"Child care" does not include care provided:**

32 (A) **In the home of the child;**

33 (B) **By the child's parent, guardian, or person acting in loco parentis;**

34 (C) **By a person related to the child by blood or marriage within the fourth degree as determined**
35 **by civil law;**

36 (D) **On an occasional basis by a person not ordinarily engaged in providing child care;**

37 (E) **By providers of medical services;**

38 (F) **By a babysitter;**

39 (G) **By a person who cares for children from only one family other than the person's own family;**

40 (H) **By a person who cares for no more than three children other than the person's own children;**

41 or

42 (I) **By a person who is a member of the child's extended family, as determined by the office on**
43 **a case-by-case basis.**

44 (5) **"Child care facility" means any facility that provides child care to children, including a day**
45 **nursery, nursery school, child care center, certified or registered family child care home or similar**

- 1 unit operating under any name, but not including any:
- 2 (a) Preschool recorded program.
- 3 (b) Facility providing care for school-age children that is primarily a single enrichment activity,
4 for eight hours or less a week.
- 5 (c) Facility providing care that is primarily group athletic or social activities sponsored by or
6 under the supervision of an organized club or hobby group.
- 7 (d) Facility operated by:
- 8 (A) A school district as defined in ORS 332.002;
- 9 (B) A political subdivision of this state; or
- 10 (C) A governmental agency.
- 11 (e) Residential facility licensed under ORS 443.400 to 443.455.
- 12 (f) Babysitters.
- 13 (g) Facility operated as a parent cooperative for no more than four hours a day.
- 14 (h) Facility providing care while the child's parent remains on the premises and is engaged in
15 an activity offered by the facility or in other nonwork activity.
- 16 (i) Facility operated as a school-age recorded program.
- 17 (6) "Family" has the meaning given that term in ORS 329.155.
- 18 (7) "Occasional" means that care is provided for no more than 70 days in any calendar year.
- 19 (8) "Parent cooperative" means a child care program in which:
- 20 (a) Care is provided by parents on a rotating basis;
- 21 (b) Membership in the cooperative includes parents;
- 22 (c) There are written policies and procedures; and
- 23 (d) A board of directors that includes parents of the children cared for by the cooperative con-
24 trols the policies and procedures of the program.
- 25 (9) "Preschool recorded program" means a facility providing care for preschool children that is
26 primarily educational for four hours or less per day and where no child is present at the facility for
27 more than four hours per day.
- 28 (10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded
29 program or under ORS 329A.257 to a school-age recorded program.
- 30 (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of
31 Child Care to a family child care home where care is provided in the family living quarters of the
32 provider's home.
- 33 (12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before
34 the first day of the current school year.
- 35 (13) "School-age recorded program" means a program for school-age children:
- 36 (a) That is not operated by a school district as defined in ORS 332.002;
- 37 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;
38 and
- 39 (c) In which youth development activities are provided to children during hours that school is
40 not in session and does not take the place of a parent's care.
- 41 **(14)(a) "Subsidized care" means the care, supervision and guidance on a regular basis of**
42 **a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part**
43 **of the 24 hours of a day, paid for in whole or in part by public funds.**
- 44 **(b) "Subsidized care" does not include care provided:**
- 45 **(A) By the child's parent, guardian or person acting in loco parentis;**

1 (B) By a sibling living in the same home as the child;

2 (C) By a person on the same subsidized care case of a child in care; or

3 (D) By a provider of medical services, as determined by the office on a case-by-case basis.

4 (15) "Subsidized care facility" means any facility that provides subsidized care to chil-
5 dren, including a day nursery, nursery school, child care center, certified or registered family
6 child care home or similar unit operating under any name, but not including any program
7 or facility identified by the Early Learning Council by rule.

8 [(14)] (16) "Youth development activities" means care, supervision or guidance that is intended
9 for enrichment, including but not limited to teaching skills or proficiency in physical, social or ed-
10 ucational activities such as tutoring, music lessons, social activities, sports and recreational activ-
11 ities.

12 **SECTION 24.** ORS 329A.500 is amended to read:

13 329A.500. (1) As used in this section, "family" means any individual who is responsible for the
14 care, control and supervision of a child.

15 (2) The Department of Human Services and the Early Learning Council shall adopt rules for the
16 operation of the Employment Related Day Care subsidy program **and for other subsidy programs**
17 administered by the department.

18 (3) The rules adopted under this section must support equitable access to a supply of diverse
19 [*child care providers*] **subsidized care facilities** that meet the needs of families, as those needs are
20 defined by the department by rule, including:

21 (a) Cultural diversity;

22 (b) Linguistic diversity;

23 (c) Racial and ethnic diversity; and

24 (d) Diversity of [*provider*] **subsidized care facility** types.

25 (4) The rules adopted under this section must provide that:

26 (a) A child's eligibility to participate in the Employment Related Day Care subsidy program
27 must be based on:

28 (A) The household income of a child's family; and

29 (B) Any other criteria established by the department.

30 (b) A child must be able to receive care that:

31 (A) Meets the child's developmental, disability and neurodiversity needs; and

32 (B) Enables the child's family to complete activities that relate to family well-being, which may
33 include the family's work hours, education hours, commute time, study time and other activities that
34 support family well-being.

35 (c) Payment to [*child care providers*] **subsidized care facilities** must be based on enrollment
36 instead of attendance.

37 (d) A child's family may qualify for an incentive if the family voluntarily chooses a [*child care*
38 *provider*] **subsidized care facility** that participates in the quality recognition and improvement
39 system established under ORS 329A.261. A fair representation of the recipients who qualify for in-
40 centives must be families with children who are from underserved racial, ethnic or minority popu-
41 lations. In addition, [*child care providers*] **subsidized care facilities** that participate in the quality
42 recognition and improvement system may receive financial incentives under the subsidy programs
43 in accordance with criteria established by rule.

44 (e) **A child care facility is not eligible to be a subsidized care facility and to receive a**
45 **reimbursement under the subsidy program unless each subject individual described in ORS**

1 **329A.030 (10)(d) who operates, resides in or may have unsupervised contact with children at**
2 **the subsidized care facility that provides or will provide subsidized care to the person's child**
3 **is enrolled in the Central Background Registry under ORS 329A.030.**

4 (5) Taking into account the availability of funds, the rules adopted under this section must es-
5 tablish a sliding scale for copayment, with the requirement that a copayment may not exceed seven
6 percent of the household income of the child's family.

7 (6) In developing rules under this section, the department shall consider policies for increasing
8 the stability and continuity of a child's access to a family's preferred child care [*provider*] **facility**.

9 (7) Rules adopted by the department under this section establish minimum requirements per-
10 taining to the Employment Related Day Care subsidy program and may not be construed to preempt,
11 limit or otherwise diminish the applicability of any policy, standard or collective bargaining agree-
12 ment that provides for an increased subsidy or a [*child care provider*] **subsidized care facility** re-
13 imbursement amount under state or federal law.

14 (8)(a) The department shall work to meet federal recommendations for income eligibility and
15 market access in regard to the Employment Related Day Care subsidy program administered by the
16 department.

17 (b) Notwithstanding any provision of this section or any rule adopted by the department pursu-
18 ant to this section, the laws and regulations applicable to any federal funds shall govern when any
19 aspect of child care is funded by federal funds.

20 **SECTION 25.** ORS 329A.500, as amended by section 73, chapter 631, Oregon Laws 2021, is
21 amended to read:

22 329A.500. (1) As used in this section, "family" means any individual who is responsible for the
23 care, control and supervision of a child.

24 (2) The Early Learning Council shall adopt rules for the operation of the Employment Related
25 Day Care subsidy program **and for other subsidy programs** administered by the Department of
26 Early Learning and Care.

27 (3) The rules adopted under this section must support equitable access to a supply of diverse
28 [*child care providers*] **subsidized care facilities** that meet the needs of families, as those needs are
29 defined by the council by rule, including:

- 30 (a) Cultural diversity;
- 31 (b) Linguistic diversity;
- 32 (c) Racial and ethnic diversity; and
- 33 (d) Diversity of [*provider*] **subsidized care facility** types.

34 (4) The rules adopted under this section must provide that:

35 (a) A child's eligibility to participate in the Employment Related Day Care subsidy program
36 must be based on:

- 37 (A) The household income of a child's family; and
- 38 (B) Any other criteria established by the council.

39 (b) A child must be able to receive care that:

40 (A) Meets the child's developmental, disability and neurodiversity needs; and

41 (B) Enables the child's family to complete activities that relate to family well-being, which may
42 include the family's work hours, education hours, commute time, study time and other activities that
43 support family well-being.

44 (c) Payment to [*child care providers*] **subsidized care facilities** must be based on enrollment
45 instead of attendance.

1 (d) A child's family may qualify for an incentive if the family voluntarily chooses a [*child care*
2 *provider*] **subsidized care facility** that participates in the quality recognition and improvement
3 system established under ORS 329A.261. A fair representation of the recipients who qualify for in-
4 centives must be families with children who are from underserved racial, ethnic or minority popu-
5 lations. In addition, [*child care providers*] **subsidized care facilities** that participate in the quality
6 recognition and improvement system may receive financial incentives under the subsidy programs
7 in accordance with criteria established by rule.

8 (e) **A child care facility is not eligible to be a subsidized care facility and to receive a**
9 **reimbursement under the subsidy program unless each subject individual described in ORS**
10 **329A.030 (10)(d) who operates, resides in or may have unsupervised contact with children at**
11 **the subsidized care facility that provides or will provide subsidized care to the person's child**
12 **is enrolled in the Central Background Registry under ORS 329A.030.**

13 [(e)] (f) A [*child care provider*] **subsidized care facility** may be eligible to receive a higher rate
14 of reimbursement or other financial incentives for:

15 (A) Participating in quality improvement measures;

16 (B) Providing culturally or linguistically specific or appropriate care;

17 (C) Providing evening, overnight or weekend care;

18 (D) Providing care to children with a diagnosed disability;

19 (E) Providing infant or toddler care;

20 (F) Providing care to a population that has been identified as historically having an inadequate
21 child care [*provider*] **facility** supply; or

22 (G) Providing any other specialized care that justifies a higher rate of reimbursement.

23 (5) Taking into account the availability of funds, the rules adopted under this section:

24 (a) Must establish a sliding scale for copayment, with the requirement that a copayment may
25 not exceed seven percent of the household income of the child's family.

26 (b) Must provide that eligibility to participate in the Employment Related Day Care subsidy
27 program:

28 (A) May not be based on the citizenship or legal status of a child or a child's family; and

29 (B) Shall, for a child who met the initial eligibility requirements prescribed under subsection (4)
30 of this section, continue for a minimum of 12 months from the date of initial eligibility unless the
31 child's family leaves this state or requests a termination of benefits or for any other reason identi-
32 fied by the council. Rules adopted under this subparagraph shall give priority to families receiving
33 temporary assistance under the temporary assistance for needy families program described in ORS
34 412.006.

35 (c) May provide that a determination of eligibility to participate in the Employment Related Day
36 Care subsidy program consider the availability of family to attend to the child, regardless of the
37 family's physical presence.

38 (6) In developing rules under this section, the council shall consider policies for increasing the
39 stability and continuity of a child's access to a family's preferred child care [*provider*] **facility**.

40 (7) Rules adopted by the council under this section establish minimum requirements pertaining
41 to the Employment Related Day Care subsidy program and may not be construed to preempt, limit
42 or otherwise diminish the applicability of any policy, standard or collective bargaining agreement
43 that provides for an increased subsidy or a [*child care provider*] **subsidized care facility** re-
44 imbursement amount under state or federal law.

45 (8)(a) The council shall work to meet federal recommendations for income eligibility and market

1 access in regard to the Employment Related Day Care subsidy program administered by the council.

2 (b) Notwithstanding any provision of this section or any rule adopted by the council pursuant
3 to this section, the laws and regulations applicable to any federal funds shall govern when any as-
4 pect of child care is funded by federal funds.

5 **SECTION 26.** ORS 329A.030 is amended to read:

6 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may
7 maintain information in the registry through electronic records systems.

8 [(2)(a) A subject individual shall apply to and must be enrolled in the Central Background Registry
9 as part of the individual's application to operate a program or serve in a position described in sub-
10 section (10) of this section.]

11 **(2)(a) A subject individual described in subsection (10)(a), (c) or (d) of this section shall**
12 **apply to and must be enrolled in the Central Background Registry prior to the provision of**
13 **care.**

14 (b) An individual who has been the subject of a founded or substantiated report of child abuse
15 shall apply to and **must** be enrolled in the Central Background Registry prior to providing any of
16 the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

17 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
18 suffered serious physical injury, as defined in ORS 161.015; or

19 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
20 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
21 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

22 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
23 of this subsection is not required to enroll in the Central Background Registry if more than seven
24 years has elapsed since the date of the child abuse determination.

25 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
26 fice shall complete:

27 (A) A criminal records check under ORS 181A.195;

28 (B) A criminal records check of other registries or databases in accordance with rules adopted
29 by the Early Learning Council;

30 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
31 and

32 (D) A foster care certification check and an adult protective services check in accordance with
33 rules adopted by the council.

34 (b) In addition to the information that the office is required to check under paragraph (a) of this
35 subsection, the office may consider any other information obtained by the office that the office, by
36 rule, determines is relevant to enrollment in the Central Background Registry.

37 (4)[(a)] The office shall enroll the individual in the Central Background Registry if the individ-
38 ual:

39 [(A)] (a) Is determined to have no criminal, child abuse and neglect, negative adult protective
40 services or negative foster home certification history, or to have dealt with the issues and provided
41 adequate evidence of suitability for the registry;

42 [(B)] (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

43 [(C)] (c) Has complied with the rules of the Early Learning Council adopted pursuant to this
44 section.

45 [(b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office

1 *may enroll an individual in the registry if the Department of Human Services has completed a back-*
2 *ground check on the individual and the individual has received approval from the department for*
3 *purposes of providing child care.]*

4 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-
5 vidual in the Central Background Registry if:

6 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

7 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

8 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
9 enrolled in the registry, the office shall remove the individual from the registry.

10 (6)(a) The office may conditionally enroll an individual in the Central Background Registry
11 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
12 gation if the individual has successfully completed the criminal records check and the child abuse
13 and neglect records check in this state and in the state of the individual's residence, if other than
14 Oregon.

15 (b) The office may enroll an individual in the registry subject to limitations identified in rules
16 adopted by the council.

17 (7) An enrollment in the Central Background Registry may be renewed upon application to the
18 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted
19 by the Early Learning Council pursuant to this section. However, an individual who is determined
20 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed
21 or suspended from the registry by the office.

22 (8)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled
23 in the Central Background Registry.

24 (b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a
25 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

26 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
27 section, including but not limited to rules regarding expiration and renewal periods and limitations
28 related to the subject individual's enrollment in the Central Background Registry.

29 (10) *[For purposes of]* **As used in** this section, "subject individual" means:

30 (a) A subject individual as defined by the Early Learning Council by rule[.];

31 (b) An individual subject to subsection (2)(b) of this section *[or]*;

32 (c) A person who applies to be:

33 [(a)] (A) The operator or an employee of a child care or treatment program;

34 [(b)] (B) The operator or an employee of an Oregon prekindergarten program under ORS 329.170
35 to 329.200;

36 [(c)] (C) The operator or an employee of a federal Head Start program regulated by the United
37 States Department of Health and Human Services;

38 [(d)] (D) An individual in a child care facility who may have unsupervised contact with children
39 *[as identified by the office]*, **as determined by the council by rule**;

40 [(e)] (E) A contractor or an employee of the contractor who provides early childhood special
41 education or early intervention services pursuant to ORS 343.455 to 343.534;

42 [(f)] (F) A child care provider who is required to be enrolled in the Central Background Registry
43 by any state agency;

44 [(g)] (G) A contractor, employee or volunteer of a metropolitan service district organized under
45 ORS chapter 268 who may have unsupervised contact with children and who is required to be en-

1 rolled in the Central Background Registry by the metropolitan service district;

2 [(h)] (H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a
3 properly executed power of attorney under ORS 109.056 who is providing respite services as a vol-
4 unteer with a private agency or organization that facilitates the provision of such respite services;
5 or

6 [(i)] (I) The operator or an employee of an early learning program as defined in rules adopted
7 by the council[.]; or

8 (d)(A) An individual who operates a subsidized care facility;

9 (B) An individual who has attained 18 years of age and resides in a subsidized care facil-
10 ity; or

11 (C) An individual in a subsidized care facility who has attained 18 years of age and who
12 may have unsupervised contact with children, as determined by the council by rule.

13 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268
14 about the enrollment status of the persons described in subsection [(10)(g)] (10)(c)(G) of this section
15 shall be subject to a reciprocal agreement with the metropolitan service district. The agreement
16 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
17 office from participation in the agreement. Any moneys collected under this paragraph shall be
18 deposited in the Child Care Fund established under ORS 329A.010.

19 (b) Information provided to a private agency or organization facilitating the provision of respite
20 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
21 under ORS 109.056 about the enrollment status of the persons described in subsection [(10)(h)]
22 (10)(c)(H) of this section shall be subject to an agreement with the private agency or organization.
23 The agreement must provide for the recovery of administrative, including direct and indirect, costs
24 incurred by the office from participation in the agreement. Any moneys collected under this para-
25 graph shall be deposited in the Child Care Fund established under ORS 329A.010.

26 (c) Information provided to a private agency or organization about the enrollment status of the
27 persons described in subsection [(10)(i)] (10)(c)(I) of this section shall be subject to an agreement
28 with the private agency or organization. The agreement must provide for the recovery of adminis-
29 trative, including direct and indirect, costs incurred by the office from participation in the agree-
30 ment. Any moneys collected under this paragraph shall be deposited in the Child Care Fund
31 established under ORS 329A.010.

32 **SECTION 27.** ORS 329A.992 is amended to read:

33 329A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 329A.260
34 for enforcement of the provisions of ORS chapter 329A, the Office of Child Care may:

35 (a) Suspend or revoke a certification or registration issued under ORS 329A.030 and 329A.250
36 to 329A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation of:

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

38 (B) The terms and conditions of a certification or registration issued under ORS 329A.030 and
39 329A.250 to 329A.450; or

40 (C) Any rule of the Early Learning Council adopted under ORS 329A.030 and 329A.250 to
41 329A.450.

42 (b) Impose a civil penalty in the manner provided in ORS 183.745 and file for injunctive relief
43 in a circuit court for the provision of child care, or for having a child in an individual's care, in
44 violation of ORS 329A.030 (2).

45 (c) Remove an individual described in ORS 329A.030 (10)(d) from the Central Background

1 **Registry, or impose a civil penalty in the manner provided in ORS 183.745, for the individual's**
2 **or the subsidized care facility's violation of:**

3 **(A) Any of the provisions of ORS 329A.030 or 329A.500; or**

4 **(B) Any rule of the Early Learning Council adopted under ORS 329A.030, 329A.500 or**
5 **329A.505 or of the Department of Human Services adopted under ORS 329A.500.**

6 (2) The Early Learning Council may adopt by rule a schedule establishing the civil penalties
7 that may be imposed under this section.

8 (3) Except as provided in subsection (4) of this section, penalties imposed under this section may
9 not exceed:

10 (a) \$750 per violation for a registered family child care home.

11 (b) \$1,200 per violation for a certified family child care home.

12 (c) \$2,500 per violation for a certified child care center that is not a family child care home.

13 (4) The office may impose a civil penalty of not more than \$1,500 for a child care facility that
14 provides child care without a valid:

15 (a) Certification, in violation of ORS 329A.280; or

16 (b) Registration, in violation of ORS 329A.330.

17 (5) Each day that a child care facility is operating in violation of any of the provisions described
18 in subsection (1) of this section is a separate violation.

19 (6) The office may revoke a child care facility's certification or registration or deny a child care
20 facility's renewal application for a certification or registration if the facility fails to pay a civil
21 penalty after the order imposing the penalty becomes final.

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

24 (8) All moneys received under this section shall be paid into the State Treasury and credited to
25 the General Fund.

26 **SECTION 28. (1)(a) The amendments to ORS 329A.030, 329A.250, 329A.500 and 329A.992**
27 **by sections 22 to 27 of this 2022 Act apply to subsidized care facilities providing subsidized**
28 **care under ORS 329A.500 on or after July 1, 2023.**

29 **(b) On or after July 1, 2023, a subject individual described in ORS 329A.030 (10)(d) must**
30 **enroll in the Central Background Registry under ORS 329A.030 for the purpose of the Em-**
31 **ployment Related Day Care subsidy program.**

32 **(2) Notwithstanding subsection (1) of this section and ORS 329A.030 (2)(a), as amended**
33 **by section 26 of this 2022 Act:**

34 **(a) A subject individual described in ORS 329A.030 (10)(d) who was approved before July**
35 **1, 2023, as a provider of care by the Department of Human Services for the purposes of the**
36 **Employment Related Day Care subsidy program is not required to enroll in the Central**
37 **Background Registry until the earlier of the expiration of a child care background check or**
38 **June 30, 2025.**

39 **(b) Until July 1, 2023, a subject individual described in ORS 329A.030 (10)(d) who is seeking**
40 **initial approval or renewed approval as a provider of care for purposes of the Employment**
41 **Related Day Care subsidy program may choose to enroll in the Central Background Registry**
42 **under ORS 329A.030 or may seek a child background check through the Department of Hu-**
43 **man Services.**

44 **(3) For the purpose of transferring the Employment Related Day Care subsidy program**
45 **from the Department of Human Services to the Department of Early Learning and Care, as**

1 provided by section 79, chapter 631, Oregon Laws 2021, the Department of Human Services
2 and the Early Learning Council shall adopt rules that provide:

3 (a) Until July 1, 2023, the Department of Human Services shall accept an individual's
4 enrollment in the Central Background Registry as satisfying any requirement for background
5 checks for the Employment Related Day Care subsidy program.

6 (b) Until July 1, 2025, the Office of Child Care shall accept the Department of Human
7 Service's background check of an individual for the purposes of the Employment Related Day
8 Care subsidy program as satisfying the requirements of the Central Background Registry.

9 (4) No later than July 1, 2023, the Department of Human Services shall transfer copies
10 of all files necessary for the Office of Child Care to provide background checks for individuals
11 described in ORS 329A.030 (10)(d).

12 **SECTION 28a.** Notwithstanding any other provision of law, the General Fund appropri-
13 ation made to the Department of Education by section 1 (1), chapter 603, Oregon Laws 2021,
14 for the biennium ending June 30, 2023, for operations, is increased by \$1,170,074, for purposes
15 of section 28 of this 2022 Act and ORS 329A.030, 329A.250, 329A.500 and 329A.992, as amended
16 by sections 22 to 27 of this 2022 Act.

17
18 **USE OF EARLY LEARNING ACCOUNT MONEYS**

19
20 **SECTION 29.** ORS 327.274 is amended to read:

21 327.274. (1) The Department of Education and the Early Learning Division shall use moneys in
22 the Early Learning Account to provide funding for early learning programs in a manner consistent
23 with a statewide early learning system plan overseen by the Early Learning Council. Early learning
24 programs that may receive moneys from the Early Learning Account include:

25 (a) Early childhood special education or early intervention services, as provided by ORS 343.475;

26 (b) Relief nurseries;

27 (c) Programs funded by the Early Childhood Equity Fund;

28 (d) The Oregon prekindergarten program and other public preschool programs established under
29 ORS 329.170 to 329.200, by increasing:

30 (A) The total number of spaces for children served by the programs; or

31 (B) Existing spaces for full-day programs from half-day programs;

32 (e) Professional development for early childhood educators; and

33 (f) Early Head Start programs.

34 (2) In addition to the uses identified in subsection (1) of this section, moneys in the Early
35 Learning Account may be used for:

36 (a) Staffing needs of the Early Learning Division for the purpose of implementing this section.

37 (b) **Costs incurred by the division in conducting the biennial evaluation of programs that**
38 **receive grants under ORS 417.782.**

39 (3) The State Board of Education and the Early Learning Council shall adopt rules necessary
40 for the distribution of moneys under this section.

41 **SECTION 30.** ORS 327.274, as amended by section 21, chapter 631, Oregon Laws 2021, is
42 amended to read:

43 327.274. (1) The Department of Early Learning and Care shall use moneys in the Early Learning
44 Account to provide funding for early learning programs in a manner consistent with a statewide
45 early learning system plan overseen by the Early Learning Council. Early learning programs that

1 may receive moneys from the Early Learning Account include:

2 (a) Early childhood special education or early intervention services, as provided by ORS 343.475;

3 (b) Relief nurseries;

4 (c) Programs funded by the Early Childhood Equity Fund;

5 (d) The Oregon prekindergarten program and other public preschool programs established under
6 ORS 329.170 to 329.200, by increasing:

7 (A) The total number of spaces for children served by the programs; or

8 (B) Existing spaces for full-day programs from half-day programs;

9 (e) Professional development for early childhood educators; and

10 (f) Early Head Start programs.

11 (2) In addition to the uses identified in subsection (1) of this section, moneys in the Early
12 Learning Account may be used for:

13 (a) Staffing needs of the Department of Early Learning and Care for the purpose of implement-
14 ing this section.

15 (b) **Costs incurred by the department in conducting the biennial evaluation of programs**
16 **that receive grants under ORS 417.782.**

17 (3) The Early Learning Council shall adopt rules necessary for the distribution of moneys under
18 this section.

19
20 **REIMBURSEMENT RATE FOR EMPLOYMENT RELATED DAY CARE**

21
22 **SECTION 31. (1) No later than June 1, 2022, the Department of Human Services shall**
23 **adopt rules to provide reimbursement rates under the Employment Related Day Care subsidy**
24 **program, operated as provided by ORS 329A.500, that are at least:**

25 (a) **For child care provided in a certified or registered family child care home or in a**
26 **certified child care center, the 90th percentile of the 2020 Oregon Child Care Market Price**
27 **Study rate.**

28 (b) **For child care provided by an exempt child care center that is enhanced, 85 percent**
29 **of the rate that applies to child care provided in a certified child care center.**

30 (c) **For child care provided by an exempt child care center that is not enhanced, 75 per-**
31 **cent of the rate that applies to child care provided in a certified child care center.**

32 (d) **For an exempt family child care home, regardless of enhanced or not enhanced, an**
33 **18 percent increase to the rates for those providers, as calculated based on the Department**
34 **of Human Services maximum rates in effect on January 1, 2022.**

35 (2) **As used in this section:**

36 (a) **“Enhanced” means a child care provider that meets training requirements prescribed**
37 **by the Department of Human Services by rule.**

38 (b) **“Exempt” means a child care provider or center that is exempt from certification by**
39 **the Office of Child Care under rules adopted by the Early Learning Council.**

40 **SECTION 32. Section 31 of this 2022 Act is repealed on June 30, 2023.**

41 **SECTION 32a. Notwithstanding any other provision of law, the General Fund appropri-**
42 **ation made to the Department of Human Services by section 1 (3), chapter 606, Oregon Laws**
43 **2021, for the biennium ending June 30, 2023, for self-sufficiency programs, is increased by**
44 **\$26,601,216 to implement the requirements of section 31 of this 2022 Act.**

CAPTIONS

SECTION 33. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EFFECTIVE DATE

SECTION 34. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.
