

Enrolled House Bill 2243

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Consumer and Business Services and Office of Regulatory Streamlining of Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to agencies; creating new provisions; amending ORS 183.335, 183.705, 184.615, 184.651, 435.050, 438.130, 460.065, 508.470, 508.781, 508.807, 508.892, 508.947, 537.747, 571.075, 571.535, 585.040, 586.270, 601.030, 601.080, 603.025, 604.620, 616.706, 618.146, 619.031, 621.166, 621.266, 621.335, 622.050, 624.020, 628.230, 632.715, 632.730, 633.015, 633.029, 633.318, 633.700, 634.112, 635.030, 670.304, 670.306, 675.290, 678.760, 681.320, 682.047, 682.216, 685.100, 686.420, 688.650, 689.275, 691.465, 692.160, 696.530, 704.020, 726.125, 776.105, 776.365, 835.106 and 837.020 and section 1, chapter 73, Oregon Laws 2005; repealing sections 2 and 3, chapter 73, Oregon Laws 2005; and declaring an emergency.

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

SECTION 1. ORS 183.705 is amended to read:

183.705. (1) Notwithstanding any other provision of law, an agency that issues licenses that must be renewed on an annual basis under the laws administered by the agency also may offer those licenses with terms of two, three, four or five years. Notwithstanding any other provision of law, an agency that issues licenses that must be renewed on a biennial basis under the laws administered by the agency also may offer those licenses with terms of three, four or five years. Extended terms may be offered only for renewed licenses[,] and may not be offered for initial applications for licenses.

(2) An agency may offer an extended term under this section for a license issued by the agency only after adopting a rule authorizing the extended term. An agency may adopt a rule authorizing an extended term only if the agency finds that the extended term is consistent with public safety and with the objectives of the licensing requirement. An agency by rule may prohibit extended terms based on prior license discipline of an applicant.

(3) *[If an agency offers an extended term under this section for a license issued by the agency, the agency shall allow an applicant for renewal of a license to choose between the license term provided under the laws administered by the agency and any extended term offered by the agency under this section.]* An applicant must meet all qualifications established by the agency to be granted an extended term.

(4) An agency may not offer an extended term under this section if:

(a) Another agency or a local government, as defined by ORS 174.116, is authorized by statute to make a recommendation on the issuance of the license;

(b) The agency or the local government, as defined by ORS 174.116, that has authority to make a recommendation on the issuance of the license has recommended against the issuance of the license; and

(c) The recommendation of the agency or the local government, as defined by ORS 174.116, is based on licensing criteria established by statute or by rule.

(5) An extended term granted under this section may be revoked by an agency if the agency determines that the licensee is subject to discipline under the licensing criteria applicable to the licensee. An agency offering extended terms under this section by rule may establish other grounds for revoking an extended term under this section.

(6) Notwithstanding any other provision of law, an agency that offers an extended term under this section for a license issued by the agency shall increase the annual or biennial license fee established by statute by a percentage no greater than necessary to ensure that there is no revenue loss by reason of the extended term.

(7) Notwithstanding any other provision of law, an agency that offers an extended term under this section for a license issued by the agency shall increase any annual or biennial continuing education requirement established by statute as necessary to ensure that there is no reduction in the continuing education requirement for licensees by reason of the extended term.

NOTE: Section 2 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 3. ORS 435.050 is amended to read:

435.050. (1) All licenses shall be issued by the State Board of Pharmacy on written application and payment of an annual license fee for each manufacturer or wholesale license, which fee shall not exceed \$300.

(2) Licenses shall be in effect for one year from January 1 of each year **or such date as may be specified by board rule.**

SECTION 4. ORS 438.130 is amended to read:

438.130. (1) The application for a license for a clinical laboratory shall be made on forms provided by the Department of Human Services and shall be executed by the owner or one of the owners or by an officer of the firm or corporation owning the clinical laboratory, or in the case of a county or municipality, by the public official responsible for operation of the laboratory, or in the case of an institution, by the administrator of the institution. The application shall contain the names of the owner, the director or directors of the clinical laboratory, the location and physical description of the clinical laboratory, the laboratory specialties for which a license is requested and such other information as the department may require.

(2)(a) The application shall be accompanied by an annual or biennial license fee to be established by the department. The fee shall be based on test volume, test complexity, the number of specialties performed and private laboratory accreditation. For each level of laboratory testing, the fee shall be not more than 100 percent of the corresponding fee charged by the federal laboratory certification program known as the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a) in effect on July 1, 1999. The fee for substance of abuse screening laboratories not certified under the Clinical Laboratory Improvement Amendments of 1988 shall be comparable to the clinical laboratory fee established under this section.

(b) The department may establish prorated fees for licenses issued for a year or less and when there is a change in the laboratory's owner, director or address. A prorated license fee shall be issued to a laboratory accredited by an organization recognized by the department.

(3) Unless sooner voided, suspended or revoked, all licenses issued under this section expire on June 30 of the [~~one-~~] **one-year** or two-year cycle following the date of issuance [~~and~~] **or on such date as may be specified by department rule. Licenses issued under this section** shall be renewable in the manner prescribed by the department.

(4) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the Department of Human Services pertaining to the purpose for which the fee or charge is established, as

authorized by the Legislative Assembly within the department's budget, as the budget may be modified by the Emergency Board.

SECTION 5. ORS 460.065 is amended to read:

460.065. [(1) *The expiration date of:*]

[(a)] (1) A certified elevator inspector certificate of competency [is] **expires on** December 31 of the year in which the certificate is issued **or on a date established by rule of the Department of Consumer and Business Services.**

[(b)] (2) An elevator operating permit [is as] **expires on a date** established [by the Department of Consumer and Business Services] by **department** rule.

[(2)] (3) Except as provided in ORS 460.055, a holder of a valid elevator inspector certificate of competency or elevator operating permit who has complied with ORS 460.005 to 460.175 and the rules adopted under ORS 460.085 (1) is entitled to renewal at the expiration of the certificate or permit.

SECTION 6. ORS 508.470 is amended to read:

508.470. All licenses for which fees are provided for under ORS 508.285 unless otherwise specified in law expire as of midnight, December 31, following the dates of their issuance[, and shall] **or on such date as may be specified by rule of the State Department of Fish and Wildlife. The licenses may** be renewed annually thereafter upon application and payment of fees required therefor.

SECTION 7. ORS 508.781 is amended to read:

508.781. An individual who obtained the permit required by ORS 508.775 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year, upon application and payment of the fees therefor by December 31 of the permit year **or by such date as may be specified by rule of the State Department of Fish and Wildlife.**

SECTION 8. ORS 508.807 is amended to read:

508.807. (1) An individual who obtained the permit required by ORS 508.801 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year[, upon application by December 31 of the permit year and payment of the fees therefor, and] upon obtaining the annual boat license referred to in ORS 508.285[.]. **The permit must be renewed, and the boat license obtained,** not later than December 31 of each year **or such date as may be established by rule of the State Department of Fish and Wildlife.**

(2) Notwithstanding any other provision of law, an individual who permanently loses the services of a vessel through capsizing, sinking, fire, collision or other catastrophic accident has a period of two years from the date of loss to replace the vessel without losing eligibility to renew the vessel permit.

SECTION 9. ORS 508.892 is amended to read:

508.892. (1) An individual who obtained the permit required by ORS 508.880 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year[,] upon application [by December 31 of the permit year] and payment of the fees therefor and upon obtaining the annual boat license referred to in ORS 508.285 [not later than December 31 of each year]. **The permit must be applied for, and the boat license obtained, not later than December 31 of each year or such date as may be established by rule of the State Department of Fish and Wildlife.**

(2) An individual who permanently loses the services of a vessel through capsizing, sinking, fire, collision or other catastrophic accident shall remain eligible to obtain a vessel permit for a replacement vessel for two years from the date of loss.

SECTION 10. ORS 508.947 is amended to read:

508.947. (1) The State Department of Fish and Wildlife may issue a black rockfish and blue rockfish vessel permit to an owner of a vessel that landed a minimum of 750 pounds of nontrawl caught black rockfish, blue rockfish or nearshore fish in any one calendar year between January 1, 1995, and January 1, 2001, or in the six-month period between January 1, 2001, and July 1, 2001, for delivery to a fish processor licensed pursuant to ORS 508.025.

(2) The department may issue a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement to an owner of a vessel that was issued a permit under the Interim Nearshore Fisheries Plan through the Developmental Fisheries Program.

(3) The department may renew a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement if the vessel made a minimum of five commercial fish landings during the calendar year prior to the request for renewal for delivery to a fish processor licensed pursuant to ORS 508.025.

(4) Permits issued under this section expire on December 31 of each year **or on such date as may be specified by department rule**. An owner of a vessel with a permit must submit a renewal application to the department by January 1 of each year **or by such date as may be specified by department rule**. If the owner of a vessel with a permit does not **timely** submit a renewal application [*by January 1*], the department shall, not [*later than February 1*] **more than 30 days after the application was due**, send to the owner by certified letter a notice of the failure to submit the renewal application. An owner may **submit a late application** to renew a permit [*later than January 1, but not later than April 1,*] **not more than 90 days after the application was due** if the owner pays a \$150 late fee in addition to the fee required in ORS 508.949.

(5) In making determinations regarding initial eligibility for and renewal of a permit issued under this section, the department may consider department records and receipts and accounts, contracts and other business records of private parties that the department considers reliable.

(6) Except as provided in ORS 508.955, new vessel permits may not be issued under this section after December 30, 2005.

SECTION 11. ORS 537.747 is amended to read:

537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, offer to enter or enter into a contract with another person or public agency to construct, alter, abandon or convert a well for such other person, cause any well construction, alteration, abandonment or conversion to be performed under such a contract or operate well drilling machinery without possessing a water well constructor's license therefor in good standing issued by the Water Resources Department. The department shall adopt a single water well constructor's license that may specify the type of well, type of well alteration or construction or type of well drilling machine operation for which the water well constructor is qualified.

(2) Notwithstanding subsection (1) of this section, a person may operate a well drilling machine without a water well constructor's license if supervised by one who possesses such a license.

(3) A person shall be qualified to receive a water well constructor's license if the person:

(a) Is at least 18 years of age.

(b) Has passed a written examination conducted by the department to determine fitness to operate as a water well constructor.

(c) Has paid a license fee and an examination fee according to the fee schedule set forth under subsection (6) of this section.

(d) Has one year or more experience in the operation of well drilling machinery.

(4) Upon fulfillment of all the requirements set out in subsection (3) of this section, the department shall issue the applicant a water well constructor's license in a form prescribed by the department. The license may be issued for a period of two years.

(5) A water well constructor's license shall expire on June 30 **or on such date as may be specified by department rule**. A person may renew a license by submitting an application and the appropriate fees any time before the license expires but not later than one year after the license expires. At the time of application, the person shall provide the department with evidence of compliance with the continuing education requirements established pursuant to section 4, chapter 496, Oregon Laws 2001. A person who renews a license within the 12 months after the license expires may either pay a penalty fee set forth under subsection (6)(d) of this section or requalify for a water well constructor's license in accordance with subsection (3) of this section. If a person fails to renew a license within 12 months after expiration the person must comply with the requirements of subsection (3) of this section for a new water well constructor's license.

(6) The department shall collect in advance the following fees:

- (a) An examination fee of \$20.
- (b) A license fee of \$150.
- (c) A renewal fee of \$150.

(d) Unless a person requalifies for a water well constructor's license in accordance with subsection (3) of this section, a water well constructor shall pay a renewal fee of \$250 if the license is renewed within 12 months after expiration.

(e) If a person requalifies for a water well constructor's license under subsection (3) of this section, the person shall pay the renewal fee established under paragraph (c) of this subsection.

(7) The department may revoke, suspend or refuse to renew any water well constructor's license when it appears to the satisfaction of the department, after notice and opportunity to be heard by the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such licensee, or has made a material misstatement of fact on an application for a license or well log or established a pattern of conduct that willfully or negligently violates any provision of ORS 537.505 to 537.795 and 537.992, or any rule adopted pursuant thereto, applicable to such licensee.

(8) The provisions of subsection (3) of this section requiring one year or more experience in the operation of well drilling machinery do not apply to any person who, on July 1, 1981, holds the license required by this section and who continues thereafter to maintain the license in good standing.

(9) The fees collected under subsection (6) of this section shall be paid into the Water Resources Department Water Right Operating Fund. Such moneys are continuously appropriated to the Water Resources Department to pay the department's expenses in administering and enforcing the water well constructor's licensing program.

SECTION 12. ORS 537.747, as amended by section 8, chapter 496, Oregon Laws 2001, and section 10, chapter 594, Oregon Laws 2003, is amended to read:

537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, offer to enter or enter into a contract with another person or public agency to construct, alter, abandon or convert a well for such other person, cause any well construction, alteration, abandonment or conversion to be performed under such a contract or operate well drilling machinery without possessing a water well constructor's license therefor in good standing issued by the Water Resources Department.

(2) Notwithstanding subsection (1) of this section, a person may operate a well drilling machine without a water well constructor's license if supervised by one who possesses such a license.

(3) A person shall be qualified to receive a water well constructor's license if the person:

- (a) Is at least 18 years of age.
- (b) Has passed a written examination conducted by the department to determine fitness to operate as a water well constructor.
- (c) Has paid a license fee and an examination fee according to the fee schedule set forth under subsection (6) of this section.

(d) Has one year or more experience in the operation of well drilling machinery.

(4) Upon fulfillment of all the requirements set out in subsection (3) of this section, the department shall issue the applicant a water well constructor's license in a form prescribed by the department. The license may be issued for a period of either one year or five years.

(5) A water well constructor's license shall expire on June 30 **or on such date as may be specified by department rule**. A person may renew a license by submitting an application and the appropriate fees any time before the license expires but not later than one year after the license expires. A person who renews a license within the 12 months after the license expires may either pay a penalty fee set forth under subsection (6)(d) of this section or requalify for a water well constructor's license in accordance with subsection (3) of this section. If a person fails to renew a license within 12 months after expiration the person must comply with the requirements of subsection (3) of this section for a new water well constructor's license.

- (6) The department shall collect in advance the following fees:
- (a) An examination fee of \$20.
 - (b) A license fee of \$50 for a license issued for one year, or \$200 for a license issued for a period of five years.
 - (c) A renewal fee of \$50 for a one-year license renewed before the license expires or \$200 for a five-year license renewed before the license expires.
 - (d) Unless a person requalifies for a water well constructor's license in accordance with subsection (3) of this section, a water well constructor shall pay a renewal fee of \$100 for a one-year license if the license is renewed within 12 months after expiration or \$250 for a five-year license if the license is renewed within 12 months after expiration.
 - (e) If a person requalifies for a water well constructor's license under subsection (3) of this section, the person shall pay the renewal fee established under paragraph (c) of this subsection.
- (7) The department may revoke, suspend or refuse to renew any water well constructor's license when it appears to the satisfaction of the department, after notice and opportunity to be heard by the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such licensee, or has made a material misstatement of fact on an application for a license or well log or established a pattern of conduct that willfully or negligently violates any provision of ORS 537.505 to 537.795 and 537.992, or any rule adopted pursuant thereto, applicable to such licensee.
- (8) The provisions of subsection (3) of this section requiring one year or more experience in the operation of well drilling machinery do not apply to any person who, on July 1, 1981, holds the license required by this section and who continues thereafter to maintain the license in good standing.
- (9) The fees collected under subsection (6) of this section shall be paid into the Water Resources Department Water Right Operating Fund. Such moneys are continuously appropriated to the Water Resources Department to pay the department's expenses in administering and enforcing the water well constructor's licensing program.

SECTION 13. ORS 571.075 is amended to read:

571.075. (1) The fees for the renewal of the annual licenses and the fees for inspections required by ORS 571.005 to 571.230 and 571.991 shall be paid with the application for license renewal and before July 1 of each year **or before such date as may be specified by rule of the State Department of Agriculture.**

(2) Failure to pay the fees when due forfeits the right to operate as a grower, dealer or agent.

(3) Any person who has been previously licensed to grow or sell nursery stock and whose right to grow or sell has been forfeited shall not be issued a renewal license except upon written application to the [*State Department of Agriculture*] **department** accompanied by a sum of money equal to the regular license fee, as provided in ORS 571.057.

SECTION 14. ORS 571.535 is amended to read:

571.535. (1) The fees for the renewal of the annual licenses required by ORS 571.505 to 571.580 shall be paid with the application for license renewal and before July 1 of each year **or before such date as may be specified by rule of the State Department of Agriculture.**

(2) Failure to pay the fees when due forfeits the right to operate as a grower.

(3) Any person who has been previously licensed to grow Christmas tree stock and whose right to grow has been forfeited shall not be issued a renewal license except upon written application to the [*State Department of Agriculture*] **department** accompanied by a sum of money equal to the regular license fee.

SECTION 15. ORS 585.040 is amended to read:

585.040. Upon the filing of the application and the payment of appropriate fees, the State Department of Agriculture shall, if [*it*] **the department** is satisfied that the applicant is entitled thereto, issue to the applicant a license to conduct the business of wholesale produce dealer, retail produce peddler or cash buyer, as the case may be. The licenses shall be in the form the department

prescribes and shall expire on June 30 of each year **or on such date as may be specified by department rule.**

SECTION 16. ORS 586.270 is amended to read:

586.270. (1) Every person operating any public warehouse in this state shall, before July 1 of each year **or such date as may be specified by rule of the State Department of Agriculture,** procure from the [*State Department of Agriculture*] **department** a license for each such warehouse so operated for the ensuing year, before transacting business at such public warehouse; but the holder of a license to store grain under the United States Warehouse Act shall furnish the department with a copy of such license and bond and, having furnished such copies, is not required to secure a state license or pay state warehouse inspection fees during the time the license holder continues to operate under the federal license. The license shall be posted in a conspicuous place in the office of each warehouse.

(2) Application for a license under this section shall be made to the department upon forms furnished by it. The application shall include:

- (a) The name and address of the applicant.
- (b) The location of each public warehouse of the applicant.
- (c) The total rated storage capacity in bushels of each public warehouse.
- (d) The tariff schedule of charges to be made at each public warehouse for the handling, storage and shipment of grain during the license year.
- (e) Documentation satisfactory to the department that the applicant has net assets of at least \$50,000.
- (f) Such other information as the department deems necessary to carry out the purposes of ORS 586.210 to 586.730.

(3) The applicant shall submit with the application an annual license fee of \$500 for each public warehouse.

(4) The department shall issue a license to the applicant if it finds that the application is in due form and the applicant has complied with the provisions of ORS 586.210 to 586.730.

SECTION 17. ORS 601.030 is amended to read:

601.030. Before any person shall engage in the business of disposing of the bodies, carcasses or parts of animals by rendering, burning, burying or any other means, the person shall procure from the State Department of Agriculture a license. All such licenses shall expire on June 30 next succeeding their date of issuance **or on such date as may be specified by department rule.**

SECTION 18. ORS 601.080 is amended to read:

601.080. (1) Before any person, not holding a license for the disposal of bodies, carcasses or parts of animals, transports for hire the bodies, carcasses or parts of animals upon the highways of the state, the person shall obtain a license for such truck or conveyance used, from the State Department of Agriculture.

(2) The license fee for each conveyance shall be \$10 per year. The license shall expire on June 30 next succeeding the date of its issuance **or on such date as may be specified by department rule.** Application for the license shall be made on forms furnished by the department with such information as the department may require.

SECTION 19. ORS 603.025 is amended to read:

603.025. (1) A person may not sell, offer to sell or expose for sale meat products or engage in any other activity described or identified in subsection (4) of this section without first obtaining and maintaining a license therefor from the State Department of Agriculture. All such licenses shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.** Renewal applications must be postmarked [*prior to June 30 to be a timely application*] **before the expiration date to be timely.**

(2) Application for a license required by this section shall be made to the department on forms prescribed by the department, which shall contain any information the department deems necessary. The license is personal and nontransferable, with a separate license required for each establishment

location. A new license is required each time there is a change in ownership, legal entity or establishment location.

(3) In addition to other license requirements of this section, if an applicant for a license under subsection (4)(c) of this section has an average weekly dollar value of meat animal purchases that exceeds \$10,000, the applicant shall submit with the application a surety bond with one or more corporate sureties authorized to do business in this state, or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008. The bond or letter of credit shall be in an amount equal to twice the average daily value of meat animal purchases during the preceding calendar year, or the amount of \$20,000, whichever amount is greater. The department shall prescribe the form for and approve the bond or letter of credit, which shall be conditioned upon faithful performance by the licensee of all obligations to the producers of meat animals arising from the sale of meat animals by producers to the licensee.

(4) Each of the following activities shall be licensed, and the fee established by the department paid with the application therefor:

(a) Operation of a meat seller establishment. A license under this section allows only the meat products preparation described in ORS 603.010 (8).

(b) Operation of a nonslaughtering processing establishment. A license under this section allows selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(c) Operation of a slaughterhouse. A license under this section allows selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(d) Operation of a custom slaughtering establishment or custom processing establishment. A license under this section does not allow selling meat products without first obtaining and maintaining the license described in paragraph (a) of this subsection.

(e) Operation of a slaughterhouse, custom slaughtering establishment or custom processing establishment wherein only poultry or rabbits are slaughtered or prepared. A license under this section allows selling only poultry or rabbit products at the same location without obtaining the license described in paragraph (a) of this subsection.

(5) The license required by this section shall be displayed at all times in a conspicuous manner at the address shown on the license.

(6) Except as provided in subsections (7) and (8) of this section, the license fees for establishments under this section are:

(a) \$200 if the establishment's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$250 if the establishment's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$300 if the establishment's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$450 if the establishment's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$500 if the establishment's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$650 if the establishment's annual gross dollar volume of sales and services is more than \$10 million.

(7) If the establishment sells only prepackaged meats packaged at a facility inspected by the United States Department of Agriculture, except as provided in subsection (8) of this section, the following license fee amounts shall apply instead of the fee established in subsection (6)(a) of this section:

(a) \$100 if the establishment's annual gross dollar volume of sales and services is not more than \$5,000; or

(b) \$150 if the establishment's annual gross dollar volume of sales and services is more than \$5,000 and not more than \$50,000.

(8) The State Department of Agriculture shall increase the license fee amounts described in subsections (6) and (7) of this section by two percent annually, rounded to the nearest whole dollar amount for assessment and collection purposes. The department shall determine each annual increase using the unrounded figure from the preceding year. The first increase in the fees shall occur on July 1, 2006.

(9) In establishing the amount of the license fee for an establishment, the State Department of Agriculture shall use the annual gross dollar volume of sales and services by that establishment within Oregon during the prior calendar year or, if the establishment maintains sales and service records on a fiscal basis, the prior fiscal year. If the establishment applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales and services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the establishment. If an establishment whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual annual gross dollar volume of sales and services by the establishment.

SECTION 20. ORS 603.025, as amended by section 2, chapter 735, Oregon Laws 2005, is amended to read:

603.025. (1) A person may not sell, offer to sell or expose for sale meat products or engage in any other activity described or identified in subsection (4) of this section without first obtaining and maintaining a license therefor from the State Department of Agriculture. All such licenses shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.** Renewal applications must be postmarked [*prior to June 30 to be a timely application*] **before the expiration date to be timely.**

(2) Application for a license required by this section shall be made to the department on forms prescribed by the department, which shall contain any information the department deems necessary. The license is personal and nontransferable, with a separate license required for each establishment location. A new license is required each time there is a change in ownership, legal entity or establishment location.

(3) In addition to other license requirements of this section, if an applicant for a license under subsection (4)(c) of this section has an average weekly dollar value of meat animal purchases that exceeds \$10,000, the applicant shall submit with the application a surety bond with one or more corporate sureties authorized to do business in this state, or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008. The bond or letter of credit shall be in an amount equal to twice the average daily value of meat animal purchases during the preceding calendar year, or the amount of \$20,000, whichever amount is greater. The department shall prescribe the form for and approve the bond or letter of credit, which shall be conditioned upon faithful performance by the licensee of all obligations to the producers of meat animals arising from the sale of meat animals by producers to the licensee.

(4) Each of the following activities shall be licensed, and the fee established by the department paid with the application therefor:

(a) Operation of a meat seller establishment. A license under this section allows only the meat products preparation described in ORS 603.010 (8).

(b) Operation of a nonslaughtering processing establishment. A license under this section allows selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(c) Operation of a slaughterhouse. A license under this section allows selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(d) Operation of a custom slaughtering establishment or custom processing establishment. A license under this section does not allow selling meat products without first obtaining and maintaining the license described in paragraph (a) of this subsection.

(e) Operation of a slaughterhouse, custom slaughtering establishment or custom processing establishment wherein only poultry or rabbits are slaughtered or prepared. A license under this sec-

tion allows selling only poultry or rabbit products at the same location without obtaining the license described in paragraph (a) of this subsection.

(5) The license required by this section shall be displayed at all times in a conspicuous manner at the address shown on the license.

(6) Except as provided in subsection (7) of this section, the license fees for establishments under this section are:

(a) \$216 if the establishment's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$271 if the establishment's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$325 if the establishment's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$487 if the establishment's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$541 if the establishment's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$704 if the establishment's annual gross dollar volume of sales and services is more than \$10 million.

(7) If the establishment sells only prepackaged meats packaged at a facility inspected by the United States Department of Agriculture, the following license fee amounts shall apply instead of the fee established in subsection (6)(a) of this section:

(a) \$108 if the establishment's annual gross dollar volume of sales and services is not more than \$5,000; or

(b) \$162 if the establishment's annual gross dollar volume of sales and services is more than \$5,000 and not more than \$50,000.

(8) In establishing the amount of the license fee for an establishment, the State Department of Agriculture shall use the annual gross dollar volume of sales and services by that establishment within Oregon during the prior calendar year or, if the establishment maintains sales and service records on a fiscal basis, the prior fiscal year. If the establishment applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales and services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the establishment. If an establishment whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual annual gross dollar volume of sales and services by the establishment.

SECTION 21. ORS 604.620 is amended to read:

604.620. (1) No person shall be entitled to utilize the brand inspection and inventory procedures prescribed in ORS 604.630 to 604.650 and 604.670 without first obtaining and maintaining a license as a licensed feedlot.

(2) An application for a license or renewal thereof shall be made to the State Department of Agriculture on forms prescribed by the department, and shall be accompanied by the annual license fee of \$100. The license is personal and nontransferable. A new license is required at any time there is a change in ownership, legal entity or establishment location. All such licenses shall expire on January 1[,] next succeeding the date of issuance **or on such date as may be specified by department rule.**

(3) In accordance with the provisions of ORS chapter 183, the department may suspend, revoke or refuse to issue or renew a license to any applicant or licensee whose establishment construction or methods of operation do not comply with the requirements established by the department.

SECTION 22. ORS 616.706 is amended to read:

616.706. (1) Except as otherwise provided in ORS 616.695 to 616.755, a person may not operate a food establishment without first obtaining and thereafter maintaining a license under this section. A person shall make an application for a license to the State Department of Agriculture on forms

prescribed by the department. Each license shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.**

(2) The department may, subject to the applicable provisions of ORS chapter 183, suspend, revoke or refuse to issue a license if the licensee has violated any of the provisions of ORS 616.695 to 616.755 or rules adopted under ORS 616.695 to 616.755.

(3) A license is personal to the applicant and may not be transferred. A new license is necessary if the business entity of the licensee is changed, or if the membership of a partnership is changed, irrespective of whether or not the business name is changed.

(4) The license shall cover all operations of the person licensed, under one entity or ownership. With prior approval of the department, the location of a licensed food establishment, or any part of a licensed food establishment, may be moved without the requirement of a new license if there is no change in the ownership or business entity.

(5) The license shall be posted in a conspicuous place in the main office of the food establishment. Duplicate copies of the license shall be conspicuously posted in branch offices, warehouses and other places owned or operated by the licensee at locations other than the main office. A license is automatically canceled if the food establishment ceases or discontinues operations or business.

(6) Except as provided in subsection (10) of this section, the license fee for a food establishment that is part of a domestic kitchen is \$175.

(7) Except as provided in subsection (10) of this section, the license fees for a food establishment other than an establishment that is part of a domestic kitchen, or other than a retail food store or a warehouse, are:

- (a) \$300 if the gross sales of an applicant's covered operations are not more than \$50,000;
- (b) \$425 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$500,000;
- (c) \$500 if the gross sales of an applicant's covered operations are more than \$500,000 and not more than \$1 million;
- (d) \$650 if the gross sales of an applicant's covered operations are more than \$1 million and not more than \$5 million;
- (e) \$750 if the gross sales of an applicant's covered operations are more than \$5 million and not more than \$10 million; or
- (f) \$850 if the gross sales of an applicant's covered operations are more than \$10 million.

(8) Except as provided in subsection (10) of this section, the food establishment license fees for a retail food store, as defined by the department by rule, are:

- (a) \$125 if the gross sales of an applicant's covered operations are not more than \$50,000;
- (b) \$250 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$500,000;
- (c) \$300 if the gross sales of an applicant's covered operations are more than \$500,000 and not more than \$1 million;
- (d) \$450 if the gross sales of an applicant's covered operations are more than \$1 million and not more than \$5 million;
- (e) \$550 if the gross sales of an applicant's covered operations are more than \$5 million and not more than \$10 million; or
- (f) \$650 if the gross sales of an applicant's covered operations are more than \$10 million.

(9) Except as provided in subsection (10) of this section, the food establishment license fees for a warehouse, as defined by the department by rule, are:

- (a) \$100 if the gross sales of an applicant's covered operations are not more than \$50,000;
- (b) \$125 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$10 million; or
- (c) \$150 if the gross sales of an applicant's covered operations are more than \$10 million.

(10) The department shall increase the license fee amounts described in subsections (6) to (9) of this section by two percent annually, rounded to the nearest whole dollar amount for assessment

and collection purposes. The department shall determine each annual increase using the unrounded figure from the preceding year. The first increase in the permissible fee amounts shall occur on July 1, 2006.

(11) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales of covered operations by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales of covered operations for a full calendar year, the department shall base the fee on estimated annual gross sales of covered operations by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales of covered operations figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales of covered operations by the applicant.

SECTION 23. ORS 616.706, as amended by section 4, chapter 735, Oregon Laws 2005, is amended to read:

616.706. (1) Except as otherwise provided in ORS 616.695 to 616.755, a person may not operate a food establishment without first obtaining and thereafter maintaining a license under this section. A person shall make an application for a license to the State Department of Agriculture on forms prescribed by the department. Each license shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.**

(2) The department may, subject to the applicable provisions of ORS chapter 183, suspend, revoke or refuse to issue a license if the licensee has violated any of the provisions of ORS 616.695 to 616.755 or rules adopted under ORS 616.695 to 616.755.

(3) A license is personal to the applicant and may not be transferred. A new license is necessary if the business entity of the licensee is changed, or if the membership of a partnership is changed, irrespective of whether or not the business name is changed.

(4) The license shall cover all operations of the person licensed, under one entity or ownership. With prior approval of the department, the location of a licensed food establishment, or any part of a licensed food establishment, may be moved without the requirement of a new license if there is no change in the ownership or business entity.

(5) The license shall be posted in a conspicuous place in the main office of the food establishment. Duplicate copies of the license shall be conspicuously posted in branch offices, warehouses and other places owned or operated by the licensee at locations other than the main office. A license is automatically canceled if the food establishment ceases or discontinues operations or business.

(6) The license fee for a food establishment that is part of a domestic kitchen is \$189.

(7) The license fees for a food establishment other than an establishment that is part of a domestic kitchen, or other than a retail food store or a warehouse, are:

(a) \$325 if the gross sales of an applicant's covered operations are not more than \$50,000;

(b) \$460 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$500,000;

(c) \$541 if the gross sales of an applicant's covered operations are more than \$500,000 and not more than \$1 million;

(d) \$704 if the gross sales of an applicant's covered operations are more than \$1 million and not more than \$5 million;

(e) \$812 if the gross sales of an applicant's covered operations are more than \$5 million and not more than \$10 million; or

(f) \$920 if the gross sales of an applicant's covered operations are more than \$10 million.

(8) The food establishment license fees for a retail food store, as defined by the department by rule, are:

(a) \$135 if the gross sales of an applicant's covered operations are not more than \$50,000;

(b) \$271 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$500,000;

(c) \$325 if the gross sales of an applicant's covered operations are more than \$500,000 and not more than \$1 million;

(d) \$487 if the gross sales of an applicant's covered operations are more than \$1 million and not more than \$5 million;

(e) \$595 if the gross sales of an applicant's covered operations are more than \$5 million and not more than \$10 million; or

(f) \$704 if the gross sales of an applicant's covered operations are more than \$10 million.

(9) The food establishment license fees for a warehouse, as defined by the department by rule, are:

(a) \$108 if the gross sales of an applicant's covered operations are not more than \$50,000;

(b) \$135 if the gross sales of an applicant's covered operations are more than \$50,000 and not more than \$10 million; or

(c) \$162 if the gross sales of an applicant's covered operations are more than \$10 million.

(10) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales of covered operations by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales of covered operations for a full calendar year, the department shall base the fee on estimated annual gross sales of covered operations by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales of covered operations figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales of covered operations by the applicant.

SECTION 24. ORS 618.146 is amended to read:

618.146. (1) All weighing and measuring instrument or device licenses issued under ORS 618.010 to 618.246 expire on June 30 next after the date of issuance **or on such date as may be specified by rule of the State Department of Agriculture.**

(2) In accordance with the provisions of ORS chapter 183, any license issued under ORS 618.010 to 618.246 may be suspended or revoked by the [*State Department of Agriculture*] **department** if the instrument or device is operated or used contrary to ORS 618.010 to 618.246 or rules promulgated pursuant thereto.

SECTION 25. ORS 619.031 is amended to read:

619.031. (1) A person may not operate an animal food slaughtering establishment or processing establishment without first obtaining a license therefor from the State Department of Agriculture.

(2) Except as provided in subsection (3) of this section, the license fees for an animal food slaughtering establishment or processing establishment are:

(a) \$200 if the establishment's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$250 if the establishment's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$300 if the establishment's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$450 if the establishment's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$500 if the establishment's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$650 if the establishment's annual gross dollar volume of sales and services is more than \$10 million.

(3) The department shall increase the license fee amounts described in subsection (2) of this section by two percent annually, rounded to the nearest whole dollar amount for assessment and collection purposes. The department shall determine each annual increase using the unrounded figure from the preceding year. The first increase in the fee amounts shall occur on July 1, 2006.

(4) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales and services by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales and services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales and services by the applicant. The license shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.**

(5) The provisions of ORS 603.025 (2) and (5), 603.034 (1) and (2), 603.045 (7) and 603.075 shall apply to animal food slaughtering establishments or processing establishments. Except as provided in this subsection, the remainder of the provisions of ORS chapter 603 do not apply to such establishments.

(6) Notwithstanding subsection (1) of this section, a person licensed by the department under ORS chapter 603 to slaughter meat animals and subject to federal meat inspection, or a person licensed by the department under ORS chapter 603 to slaughter only poultry and rabbits and subject to federal poultry inspection, or a person licensed by the department under ORS chapter 603 as a nonslaughtering processor may, without being required to obtain an additional license, also sell or dispose of meat products as animal food provided that such licensees also comply with the provisions of subsection (7) of this section, ORS 619.010 to 619.026 and 619.036 to 619.066.

(7) In accordance with the provisions of ORS chapter 183, the department may promulgate rules necessary to carry out and enforce any procedures or measures to protect the health of the animals that are fed or intended to be fed the meat products sold or disposed of by animal food slaughtering establishments or processing establishments, and to protect the health of other animals in this state. In addition to the provisions of ORS 619.046, for the purposes of this section the department shall take into consideration:

(a) The provisions of ORS chapter 596.

(b) The procedures necessary to ensure that meat products that are only fit for or destined for animal consumption are not sold for human consumption.

(8) A person licensed as provided by this section:

(a) May not sell, hold or offer for sale any carcass of a meat animal or part thereof that is unfit for or unwholesome as animal food.

(b) May not sell, hold or offer for sale a carcass of a meat animal or part thereof for human consumption.

(c) Shall keep complete and accurate records of the meat animals purchased for slaughter, including but not limited to their description, brands if any, date of purchase and the name and address of the person from whom the animals were purchased.

(d) Shall keep complete and accurate records of the sale of all meat animal carcasses or parts thereof, including the name and address of the purchaser.

(e) Shall comply with the provisions of ORS 619.026.

SECTION 26. ORS 619.031, as amended by section 6, chapter 735, Oregon Laws 2005, is amended to read:

619.031. (1) A person may not operate an animal food slaughtering establishment or processing establishment without first obtaining a license therefor from the State Department of Agriculture.

(2) The license fees for an animal food slaughtering establishment or processing establishment are:

(a) \$216 if the establishment's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$271 if the establishment's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$325 if the establishment's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$487 if the establishment's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$541 if the establishment's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$704 if the establishment's annual gross dollar volume of sales and services is more than \$10 million.

(3) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales and services by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales and services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales and services by the applicant. The license shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule.**

(4) The provisions of ORS 603.025 (2) and (5), 603.034 (1) and (2), 603.045 (7) and 603.075 shall apply to animal food slaughtering establishments or processing establishments. Except as provided in this subsection, the remainder of the provisions of ORS chapter 603 do not apply to such establishments.

(5) Notwithstanding subsection (1) of this section, a person licensed by the department under ORS chapter 603 to slaughter meat animals and subject to federal meat inspection, or a person licensed by the department under ORS chapter 603 to slaughter only poultry and rabbits and subject to federal poultry inspection, or a person licensed by the department under ORS chapter 603 as a nonslaughtering processor may, without being required to obtain an additional license, also sell or dispose of meat products as animal food provided that such licensees also comply with the provisions of subsection (6) of this section, ORS 619.010 to 619.026 and 619.036 to 619.066.

(6) In accordance with the provisions of ORS chapter 183, the department may promulgate rules necessary to carry out and enforce any procedures or measures to protect the health of the animals that are fed or intended to be fed the meat products sold or disposed of by animal food slaughtering establishments or processing establishments, and to protect the health of other animals in this state. In addition to the provisions of ORS 619.046, for the purposes of this section the department shall take into consideration:

(a) The provisions of ORS chapter 596.

(b) The procedures necessary to ensure that meat products that are only fit for or destined for animal consumption are not sold for human consumption.

(7) A person licensed as provided by this section:

(a) May not sell, hold or offer for sale any carcass of a meat animal or part thereof that is unfit for or unwholesome as animal food.

(b) May not sell, hold or offer for sale a carcass of a meat animal or part thereof for human consumption.

(c) Shall keep complete and accurate records of the meat animals purchased for slaughter, including but not limited to their description, brands if any, date of purchase and the name and address of the person from whom the animals were purchased.

(d) Shall keep complete and accurate records of the sale of all meat animal carcasses or parts thereof, including the name and address of the purchaser.

(e) Shall comply with the provisions of ORS 619.026.

SECTION 27. ORS 621.166 is amended to read:

621.166. (1) Application for a dairy products plant license shall be made to the State Department of Agriculture on forms provided by the department. Each license and each annual renewal shall

expire on June 30 next following its issuance **or on such date as may be specified by department rule**. Dairy products plant licenses are personal and are not transferable.

(2) Each dairy products plant shall submit a separate fee established by the department for each mobile milk tanker. The fee shall not apply to a mobile milk tanker owned and operated by a dairy products plant while transporting dairy products from the dairy products plant to wholesale or retail outlets for those products. As used in this section, "mobile milk tanker" means a tank or other receptacle that attaches to a bulk tank truck or other equipment and is used to transport fluid milk, milk or milk products.

(3) The department shall establish the license fee for a mobile milk tanker in accordance with ORS chapter 183. The fee may not be less than \$25 or more than \$50. Except as provided in subsection (4) of this section, the fees for a dairy products plant are:

(a) \$125 if the applicant's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$175 if an applicant's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$300 if an applicant's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$450 if an applicant's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$600 if an applicant's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$750 if an applicant's annual gross dollar volume of sales and services is more than \$10 million.

(4) The department shall increase the license fee amounts described in subsection (3) of this section by two percent annually, rounded to the nearest whole dollar amount for assessment and collection purposes. The department shall determine each annual increase using the unrounded figure from the preceding year. The first increase in the fee amounts shall occur for the license year commencing July 1, 2006.

(5) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales and services by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales or services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales and services by the applicant. *[The license shall expire on June 30 next following the date of issuance.]*

SECTION 28. ORS 621.166, as amended by section 12, chapter 735, Oregon Laws 2005, is amended to read:

621.166. (1) Application for a dairy products plant license shall be made to the State Department of Agriculture on forms provided by the department. Each license and each annual renewal shall expire on June 30 next following its issuance **or on such date as may be specified by department rule**. Dairy products plant licenses are personal and are not transferable.

(2) Each dairy products plant shall submit a separate fee established by the department for each mobile milk tanker. The fee shall not apply to a mobile milk tanker owned and operated by a dairy products plant while transporting dairy products from the dairy products plant to wholesale or retail outlets for those products. As used in this section, "mobile milk tanker" means a tank or other receptacle that attaches to a bulk tank truck or other equipment and is used to transport fluid milk, milk or milk products.

(3) The department shall establish the license fee for a mobile milk tanker in accordance with ORS chapter 183. The fee may not be less than \$25 or more than \$50. The fees for a dairy products plant are:

(a) \$135 if the applicant's annual gross dollar volume of sales and services is not more than \$50,000;

(b) \$189 if an applicant's annual gross dollar volume of sales and services is more than \$50,000 and not more than \$500,000;

(c) \$325 if an applicant's annual gross dollar volume of sales and services is more than \$500,000 and not more than \$1 million;

(d) \$487 if an applicant's annual gross dollar volume of sales and services is more than \$1 million and not more than \$5 million;

(e) \$649 if an applicant's annual gross dollar volume of sales and services is more than \$5 million and not more than \$10 million; or

(f) \$812 if an applicant's annual gross dollar volume of sales and services is more than \$10 million.

(4) In establishing the amount of the license fee for an applicant, the department shall use the annual gross dollar volume of sales and services by that applicant within Oregon during the prior calendar year or, if the applicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant applying for an original license or for a renewal license cannot provide the annual gross dollar volume of sales or services for a full calendar year, the department shall base the fee on estimated annual gross sales and services by the applicant. If an applicant whose previous year's fee was determined using an estimated gross sales and services figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales and services by the applicant. [*The license shall expire on June 30 next following the date of issuance.*]

SECTION 29. ORS 621.266 is amended to read:

621.266. (1) Application for a pasteurizer operator license shall be made to the State Department of Agriculture on forms provided by the department. A license issued or renewed by the department under this section may be restricted so as to authorize the licensee to engage only in a limited line of activity commensurate with the ability of the licensee.

(2) An applicant for original issuance of a license must pass a reasonable written examination, give a practical demonstration of ability to carry out licensee duties and pay the fee required by this section.

(3) A license issued under this section expires on June 30 of each even-numbered year next following the date of its issuance [*unless sooner revoked*] **or on such date as may be specified by department rule**, and may be renewed upon application of the licensee. Each application for issuance or renewal of a license shall be accompanied by a nonrefundable fee determined by the department.

(4) The fee described in subsection (3) of this section shall be established by the department in accordance with ORS chapter 183 and shall not exceed \$50.

(5) Subsections (1) to (3) of this section do not apply to a pasteurizer operator license issued as a lifetime license prior to September 29, 1991. However, in order to maintain a lifetime license in effect, the licensee must submit a registration form to the department by June 30 of each even-numbered year **or by such date as may be specified by department rule** confirming the desire of the licensee to continue the lifetime license.

SECTION 30. ORS 621.335 is amended to read:

621.335. (1) A person engaged in the business of freezing or making frozen desserts and then selling those frozen desserts at wholesale must obtain a license to carry on that business from the State Department of Agriculture as provided in this section. The person must obtain a separate license for each wholesale establishment operated by the person.

(2) Upon payment to the department of a license fee of \$60, the department may issue a license to any applicant to make or freeze frozen desserts and then sell those frozen desserts at wholesale.

(3) The license shall expire on June 30 next following the date of its issuance [*unless sooner revoked or suspended*] **or on such date as may be specified by department rule**. A license is personal to the applicant and is not transferable.

SECTION 31. ORS 622.050 is amended to read:

622.050. (1) A dealer shall make application to the State Department of Agriculture for a certificate or certificates of shellfish sanitation. The application shall be accompanied by the required fee or fees.

(2) The department shall issue the initial certificate or certificates of shellfish sanitation, if on inspection the department finds that the dealer has complied with all the provisions of this chapter and the rules of the department under this chapter.

(3) Every certificate of shellfish sanitation shall expire on December 31[,] following the date of issue **or on such date as may be specified by department rule**. Any certificate of shellfish sanitation may be renewed on payment of the required fee. Inspection is not a condition precedent for renewal, but an inspection shall be made at some time within the renewal year.

SECTION 32. ORS 624.020 is amended to read:

624.020. (1) A person may not operate a restaurant or bed and breakfast facility without a license to do so from the Department of Human Services.

(2) Application for the license shall be in writing in the form prescribed by the department and shall contain the name and address of the applicant and any other information that the department may require. The fee for a license is as provided in ORS 624.490. A license expires annually on December 31 **or on such date as may be specified by department rule**.

(3) The Director of Human Services may suspend, deny or revoke any license for violation of any of the applicable provisions of ORS 624.010 to 624.120 or any rule adopted under ORS 624.010 to 624.120.

(4) Procedures for denial, revocation or suspension of a license are as provided in ORS chapter 183.

(5) The licensee shall post evidence of the license in public view at the customary entrance of the restaurant or bed and breakfast facility. A person other than the director may not deface or remove evidence of a license.

(6) A license is not transferable. The department may not issue a refund representing any unused portion of a license.

SECTION 33. ORS 628.230 is amended to read:

628.230. Application for the license required by ORS 628.220 shall be made to the State Department of Agriculture in writing containing such information and in such form as may be prescribed by the department. The license is not transferable and does not authorize the conduct of any refrigerated locker business at any address other than that stated in the application. Licenses shall be issued for the fiscal year commencing on July 1 and ending on June 30 next following **or for such period as may be specified by department rule**.

SECTION 34. ORS 632.715 is amended to read:

632.715. (1) Unless the holder of a permit issued under ORS 632.730, no person shall sell or distribute within this state any eggs to consumers or to retailers without having first obtained an egg handler's license from the State Department of Agriculture. The license shall not be required:

(a) Of a producer selling and delivering eggs of the producer's own production direct to an individual consumer; or

(b) For the sale of uncandled eggs to other than a consumer; or

(c) For the sale by a retailer to a consumer of eggs which previously have been candled and graded by an egg handler in compliance with ORS 632.705 to 632.815.

(2) Application for such license shall be made to the department, on forms prescribed by the department.

(3) Each egg handler's license shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule**. Such license shall not be transferable to any person. The original of the license shall be conspicuously displayed in the main office of the

licensee. A duplicate copy of the license shall be conspicuously displayed in each separate branch, store, sales outlet, office, warehouse or location operated or owned by the licensee in which eggs are candled or graded.

(4) The department, in accordance with ORS chapter 183, may refuse to issue, or may suspend or revoke, an egg handler's license issued under this section, or a permit issued under ORS 632.730, if the applicant, the permit holder, or the licensee has or is violating the provisions of ORS 632.705 to 632.815 or rules promulgated pursuant thereto.

SECTION 35. ORS 632.730 is amended to read:

632.730. No person shall engage in the commercial breaking of eggs for the purpose of recovering therefrom, for human food, the whites, yolks or whole egg meats, or any part thereof, for resale as such, without first obtaining from the State Department of Agriculture a permit to do so. Such permit shall be issued to any person making written application for it and a proper showing of ability and intent to comply with the sanitary requirement specified by ORS 632.705 to 632.815, and payment to the department of an annual permit fee of \$75. Such permit shall expire on June 30 next following its date of issuance[, and] **or on such date as may be specified by department rule.** **Such permits** may be renewed from year to year upon written application and payment of the annual permit fee.

SECTION 36. ORS 633.015 is amended to read:

633.015. (1) A person may not distribute a nonregistered commercial feed. Every brand, and each formula or formulation thereof, of commercial feeds manufactured, compounded, delivered or distributed in this state must be registered with the State Department of Agriculture. The distributor must submit an application for registration on forms furnished by the department. If the department so requests, the distributor must submit the label or a facsimile of the label and other printed matter describing the product. Upon approval by the department, a certificate of registration shall be furnished to the distributor. All registrations expire on December 31 of each year **or on such date as may be specified by department rule.** The application must include the information required by ORS 633.026 (1)(a) to (f) and such other information as the department may require.

(2) A distributor is not required to register any brand of commercial feed that has been registered under ORS 633.006 to 633.089 and 633.992 by another person.

(3) Changes in the guarantee of either chemical or ingredient composition of a registered commercial feed may be permitted, if there is satisfactory evidence that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(4) The department may refuse registration of any commercial feed if the application is not in compliance with the provisions of ORS 633.006 to 633.089 and 633.992. The department may cancel any registration subsequently found not to be in compliance with any provision of ORS 633.006 to 633.089 and 633.992. The department shall give the registrant reasonable opportunity to be heard before the department and to amend the application in order to comply with the requirements of ORS 633.006 to 633.089 and 633.992.

(5) Custom mixed feeds are exempt from registration.

(6) Each application for registration must be accompanied by a fee to be established by the department not to exceed \$20 for each formula or formulation of commercial feed under each brand.

SECTION 37. ORS 633.029 is amended to read:

633.029. (1)(a) A person may not operate an animal feed manufacturing plant, distribute commercial feeds other than at retail, be furnished a certificate of registration of a brand in this state, distribute a custom mixed feed manufactured for that person, or repackage or relabel a commercial feed manufactured by another person without having first obtained a license from the State Department of Agriculture. Application for license must be on forms prescribed by the department and must be accompanied by a license fee established by the department, not to exceed \$500. All licenses shall expire **on** December 31 of each year **or on such date as may be specified by department rule.**

(b) In accordance with the provisions of ORS chapter 183, the department may promulgate rules designating different license fees for various categories of persons described in paragraph (a) of this subsection, so as to recognize differences in types of activities or volumes of business.

(2)(a) A contract feeder is not subject to the provisions of subsection (1) of this section, provided no drugs in any form are utilized in the manufacturing, mixing or processing of the feed. In the event drugs are so utilized, the contract feeder or other person utilizing the drugs is subject to the provisions of subsection (1) of this section.

(b) In accordance with the applicable provisions of ORS chapter 183, the department shall promulgate rules designating the types or categories of persons described in paragraph (a) of this subsection to whom this section applies. In promulgating such rules, the department shall consider:

- (A) The methods of manufacture, mixing or processing of feed used;
- (B) The quantities and kinds of drugs used; and
- (C) The number, ages and kinds of animals to which the feed is to be made available.

SECTION 38. ORS 633.318 is amended to read:

633.318. (1) A manufacturer-bulk distributor license issued by the State Department of Agriculture is required for manufacturers or bulk distributors of registered or custom mixed fertilizer, agricultural amendment, agricultural mineral or lime products. A license is required for any business entity described by either or both of the following conditions:

(a) Each out-of-state or in-state business entity that distributes fertilizer, agricultural amendment, agricultural mineral or lime in bulk.

(b) Each in-state business entity that manufactures any fertilizer, agricultural amendment, agricultural mineral or lime product in this state.

(2) An application for a manufacturer-bulk distributor license must be filed on forms provided by the department and must be accompanied by a nonrefundable license fee to be determined by rule, not to exceed \$50 for each business entity per year.

(3) An application for a license must include but not be limited to:

(a) The name, physical address and mailing address of the business entity main office and primary contact;

(b) A list of locations that are in operation for more than 90 days during a license period; and

(c) Other information as required by the department to clarify the manufacturer's or bulk distributor's activities or location.

(4) A manufacturer-bulk distributor license will expire on December 31 of each year **or on such date as may be specified by department rule**. A late fee of \$25 may be assessed by the department on or after the 30th day following the expiration of a license if the license fee has not been paid by the applicant. The late fee shall be added to the required license fee and must be paid by the applicant before the department may issue a license to the applicant.

(5) Within 30 days, each license holder shall report any change to the department that results in the addition, removal or change of a location.

SECTION 39. ORS 633.700 is amended to read:

633.700. (1) No person may sell, offer or expose for sale in this state any agricultural or vegetable seeds unless the person holds an unsuspended license issued by the State Department of Agriculture. However, any person selling seeds of the person's own production exclusively, and persons selling only vegetable seeds at retail, in packages weighing not in excess of one-half pound, as prepared for such trade by other seed companies, if the seed company preparing such packaged seed for sale, has a license in force for the sale of such seed in this state, is not required to secure such license. For the purposes of this section, persons operating more than one branch, plant or warehouse where seeds are sold, offered or exposed for sale shall secure a separate license for each such branch, plant or warehouse.

(2) Any person desiring to sell, offer or expose for sale in this state any agricultural or vegetable seeds, for planting purposes, except as provided in this section, shall make application to the director for a license for this purpose. The application shall be signed by the applicant or the authorized agent of the applicant and shall be in a form approved by the director. Upon presentation

of such signed application for a license and the tendering of the license fee established by the department pursuant to subsection (3) of this section, the department shall issue the license to the applicant. The license shall expire **on June 30 next following the date of issuance or on such date as may be specified by department rule.**

(3) The department shall establish annual license fees, not to exceed \$40 for a retailer's license and not to exceed \$400 for a wholesaler's license. Only one license shall be required for one person's operation at one location.

SECTION 40. ORS 634.112 is amended to read:

634.112. (1) Except as provided in ORS 634.142 (2), any license or certificate issued or required of a pesticide consultant, dealer, operator, applicator, private applicator or trainee by this chapter shall expire on December 31 following issuance [*unless it has been revoked or suspended prior thereto by*] **or on such date as may be specified by rule of the State Department of Agriculture.** At least 30 days prior to the expiration date, the department shall by mail notify each person holding a license or certificate of the expiration date thereof.

(2) Applications for all licenses or certificates required of a pesticide consultant, dealer, operator, applicator, private applicator or trainee, or renewal thereof, shall be made to the department on forms prescribed by the department and accompanied by the prescribed fee.

(3) All such licenses or certificates are personal to the applicant and may not be transferred to any other person.

(4) Nothing in this chapter shall be construed as requiring a person, helping or assisting in the application of pesticides by a licensed pesticide applicator or certified private applicator or the pesticide application business through the performance of manual labor only, to obtain a license or certificate, if the actual application of pesticides is made by:

(a) A licensed pesticide applicator or a certified private applicator; or

(b) A person applying pesticides under ORS 634.106.

(5) Failure to pay the renewal license fees when due by a pesticide consultant, dealer, operator or applicator, or failure to pay the renewal certificate fees by a trainee, shall forfeit the right to engage in the activities of a pesticide consultant, dealer, operator, applicator or trainee, as the case may be. Any person whose pesticide consultant, dealer, operator or applicator license, or trainee certificate has been forfeited, shall not be issued a license, certificate or renewal license or renewal certificate except upon written application to the department accompanied by a sum of money equal to the license or certificate fee which should have been paid.

(6) If such person is a pesticide consultant or applicator and does not pay the license fee during the first month in which the license fee is delinquent, thereafter such pesticide consultant or applicator shall not only pay the required license fee but shall also obtain a passing grade in a re-examination given by the department for pesticide applicators as prescribed in ORS 634.122, or otherwise demonstrate knowledge of the subject to the satisfaction of the department.

(7) No penalty reexamination shall be required of a person whose application for renewal of a license or certificate is accompanied by a signed statement that prior to the application the person has not operated or worked as a pesticide consultant, applicator or trainee, as the case may be, during the previous six months or since the expiration date of the last license or certificate of the person, whichever time is less. If the department later verifies this signed statement is false, then notwithstanding the provisions of ORS chapter 183, the department may immediately suspend the license or certificate which was issued as a result of such statement. Such suspension shall only be removed after the person has complied with the applicable provisions of subsections (5) and (6) of this section.

SECTION 41. ORS 635.030 is amended to read:

635.030. (1) Any person desiring to or who does engage in the business of a nonalcoholic beverage manufacturer shall apply to the State Department of Agriculture for a license for each plant operated by such person. The application shall be in such form and contain such information as the department may prescribe.

(2) Each nonalcoholic beverage manufacturer doing business in this state shall pay a license fee.

(3) Except as provided in subsection (4) of this section, the license fees for a nonalcoholic beverage manufacturer are:

(a) \$150 if the manufacturer's annual gross sales are not more than \$50,000;

(b) \$250 if the manufacturer's annual gross sales are more than \$50,000 and not more than \$500,000;

(c) \$350 if the manufacturer's annual gross sales are more than \$500,000 and not more than \$1 million;

(d) \$550 if the manufacturer's annual gross sales are more than \$1 million and not more than \$5 million;

(e) \$650 if the manufacturer's annual gross sales are more than \$5 million and not more than \$10 million; or

(f) \$850 if the manufacturer's annual gross sales are more than \$10 million.

(4) The department shall increase the license fee amounts described in subsection (3) of this section by two percent annually, rounded to the nearest whole dollar amount for assessment and collection purposes. The department shall determine each annual increase using the unrounded figure from the preceding year. The first increase in the fee amounts shall occur on July 1, 2006.

(5) In establishing the amount of the license fee for a manufacturer, the department shall use the annual gross sales by that manufacturer within Oregon during the prior calendar year or, if the manufacturer maintains sales records on a fiscal basis, the prior fiscal year. If the manufacturer applying for an original license or for a renewal license cannot provide the annual gross sales for a full calendar year, the department shall base the fee on estimated annual gross sales by the manufacturer. If a manufacturer whose previous year's fee was determined using an estimated gross sales figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross sales by the manufacturer.

(6) All such licenses shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule**. The department shall collect for each license and for each renewal thereof the license fee computed as provided in subsections (3) and (4) of this section. The fee shall be remitted by the department to the State Treasurer. The State Treasurer shall place all moneys received under this section in the Department of Agriculture Service Fund. Moneys from fees imposed under this section are continuously appropriated to the department for the purpose of administering and enforcing the provisions of this chapter.

SECTION 42. ORS 635.030, as amended by section 16, chapter 735, Oregon Laws 2005, is amended to read:

635.030. (1) Any person desiring to or who does engage in the business of a nonalcoholic beverage manufacturer shall apply to the State Department of Agriculture for a license for each plant operated by such person. The application shall be in such form and contain such information as the department may prescribe.

(2) Each nonalcoholic beverage manufacturer doing business in this state shall pay a license fee.

(3) The license fees for a nonalcoholic beverage manufacturer are:

(a) \$162 if the manufacturer's annual gross sales are not more than \$50,000;

(b) \$271 if the manufacturer's annual gross sales are more than \$50,000 and not more than \$500,000;

(c) \$379 if the manufacturer's annual gross sales are more than \$500,000 and not more than \$1 million;

(d) \$595 if the manufacturer's annual gross sales are more than \$1 million and not more than \$5 million;

(e) \$704 if the manufacturer's annual gross sales are more than \$5 million and not more than \$10 million; or

(f) \$920 if the manufacturer's annual gross sales are more than \$10 million.

(4) In establishing the amount of the license fee for a manufacturer, the department shall use the annual gross sales by that manufacturer within Oregon during the prior calendar year or, if the manufacturer maintains sales records on a fiscal basis, the prior fiscal year. If the manufacturer

applying for an original license or for a renewal license cannot provide the annual gross sales for a full calendar year, the department shall base the fee on estimated annual gross sales by the manufacturer. If a manufacturer whose previous year's fee was determined using an estimated gross sales figure applies for renewal of that license, the fee for the previous license year shall be adjusted to reflect the actual gross sales by the manufacturer.

(5) All such licenses shall expire on June 30 next following the date of issuance **or on such date as may be specified by department rule**. The department shall collect for each license and for each renewal thereof the license fee computed as provided in subsection (3) of this section. The fee shall be remitted by the department to the State Treasurer. The State Treasurer shall place all moneys received under this section in the Department of Agriculture Service Fund. Moneys from fees imposed under this section are continuously appropriated to the department for the purpose of administering and enforcing the provisions of this chapter.

SECTION 43. ORS 675.290 is amended to read:

675.290. Each licensed occupational therapist or occupational therapy assistant shall apply to the Occupational Therapy Licensing Board prior to the expiration of a license for a renewal of a license. Each applicant for renewal of a license shall pay a renewal fee, in an amount established by the board, at the time of filing a renewal application. Any license that is not renewed before June 1 of even-numbered years, **or before such date as may be specified by board rule**, shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of a delinquent fee in the amount of \$50. However, late renewal of a license may not be granted more than three years after its expiration.

SECTION 44. ORS 678.760 is amended to read:

678.760. (1) Upon compliance with the requirements of ORS 678.730 and the payment of a fee as determined by the Board of Examiners of Nursing Home Administrators of the State of Oregon under ORS 678.775, an individual shall upon application be granted a nursing home administrator's original license. All original licenses shall expire on June 30 of the next odd-numbered year **or on such date as may be specified by board rule**.

(2) Upon application within one year following expiration of an original or a renewal license, and the payment of a fee as determined by the board under ORS 678.775, the board shall issue a renewal license, provided the continuing education requirements and all other requirements set by the board have been met. All renewal licenses shall expire on June 30 of the next odd-numbered year **or on such date as may be specified by board rule**.

(3) The fee for a provisional license shall be determined by the board under ORS 678.775.

SECTION 45. ORS 681.320 is amended to read:

681.320. (1) On or before January 30 of each even-numbered year, **or on or before such date as may be specified by rule of the State Board of Examiners for Speech-Language Pathology and Audiology**, each licensed speech-language pathologist or audiologist shall submit to the [*State Board of Examiners for Speech-Language Pathology and Audiology*] **board** an application for renewal of license and pay the renewal fee established by the board. The application shall include the following:

(a) Evidence of participation in professional development. Participation in professional development includes continuing education or other demonstrations of professional development that the board may recognize by rule.

(b) Evidence of compliance with all other requirements established by the board.

(2) A person who applies for renewal and whose license has expired may not be required to submit to any examination as a condition to renewal if the renewal application is made within four years from the date of expiration of the license.

(3) A suspended license is subject to expiration and must be renewed as provided in this section, but renewal does not entitle the licensee while the license remains suspended to engage in the licensed activity, or in any other activity or conduct that violates the order or judgment by which the license was suspended.

(4) A license revoked on disciplinary grounds is subject to expiration and may not be renewed. If the license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus a delinquency fee, if any, accrued at the time of revocation of the license.

(5) A person who fails to renew a license within the four years after its expiration may not renew the license. The license may not be restored, reissued or reinstated thereafter, but the person may reapply for and obtain a new license if the person meets the requirements of this chapter and rules adopted by the board.

SECTION 46. ORS 682.047 is amended to read:

682.047. (1) When applications have been made as required under ORS 682.045, the Department of Human Services shall issue licenses to the owner if it is found that the ambulance service and ambulance comply with the requirements of ORS 820.350 to 820.380 and this chapter and the rules adopted thereunder.

(2) Each license unless sooner suspended or revoked shall expire on the next June 30 **or on such date as may be specified by department rule.**

(3) The department may initially issue a license for less than a 12-month period or for more than a 12-month period not to exceed 15 months.

(4) Licenses shall be issued only to the owner of the ambulance service and only for the ambulance named in the application and shall not be transferable to any other person, governmental unit, ambulance service or ambulance.

(5) Licenses shall be displayed as prescribed by the rules of the department.

(6) The department shall provide for the replacement of any current license that becomes lost, damaged or destroyed. A replacement fee of \$10 shall be charged for each replacement license.

(7) Nonrefundable fees in the following amounts shall accompany each initial and each subsequent annual application to obtain a license to operate an ambulance service and ambulance:

(a) \$75 for an ambulance service having a maximum of four full-time paid positions;

(b) \$250 for an ambulance service having five or more full-time paid positions;

(c) \$45 for each ambulance license if the ambulance is owned and operated by an ambulance service that has a maximum of four full-time paid positions; and

(d) \$80 for each ambulance license if the ambulance is owned and operated by an ambulance service having five or more full-time paid positions.

(8) The fees established under subsection (7) of this section do not apply to an ambulance or vehicle described under ORS 682.035.

SECTION 47. ORS 682.216 is amended to read:

682.216. (1) When application has been made as required under ORS 682.208, the Department of Human Services shall certify the applicant as an emergency medical technician or as a first responder if it finds:

(a) The applicant has successfully completed a training course approved by the department.

(b) The applicant's physical and mental qualifications have been certified as required under ORS 682.208.

(c) No matter has been brought to the attention of the department which would disqualify the applicant.

(d) A nonrefundable fee has been paid to the department pursuant to ORS 682.212.

(e) The applicant for emergency medical technician certification is 18 years of age or older and the applicant for first responder is 16 years of age or older.

(f) The applicant has successfully completed examination as prescribed by the department.

(g) The applicant meets other requirements prescribed by rule of the department.

(2) The department may provide for the issuance of a provisional certification for emergency medical technicians.

(3) The department may issue by indorsement certification for emergency medical technician without proof of completion of an approved training course to an emergency medical technician who

is licensed to practice emergency care in another state of the United States or a foreign country if, in the opinion of the department, the applicant meets the requirements of certification in this state and can demonstrate to the satisfaction of the department competency to practice emergency care. The department shall be the sole judge of credentials of any emergency medical technician applying for certification without proof of completion of an approved training course.

(4) Each person holding a certificate under ORS 682.208 and this section shall submit, at the time of application for renewal of the certificate to the department, evidence of the applicant's satisfactory completion of a department approved program of continuing education and other requirements prescribed by rule by the department.

(5) The department shall prescribe criteria and approve programs of continuing education in emergency and nonemergency care to meet the requirements of this section.

(6) The department shall include a fee pursuant to ORS 682.212 for late renewal and for issuance of any duplicate certificate. Each certification issued under this section, unless sooner suspended or revoked, shall expire and be renewable after a period of two years. Each certificate must be renewed on or before June 30 of every second year **or on or before such date as may be specified by department rule**. The department by rule shall establish a schedule of certificate renewals under this subsection and shall prorate the fees to reflect any shorter certificate period.

(7) Nothing in this chapter authorizes an emergency medical technician or first responder to operate an ambulance without a driver license as required under the Oregon Vehicle Code.

SECTION 48. ORS 685.100 is amended to read:

685.100. (1) Upon receipt of an application for a license, accompanied by the appropriate fee, the Board of Naturopathic Examiners shall issue to the applicant a license certificate. The certificate shall, at all times, be displayed in the office of the person to whom it was issued unless the person has allowed the license to become inactive or is retired from the practice of naturopathic medicine and does not maintain an office.

(2) A person holding an active license issued under this chapter may apply to the board for license renewal. A completed renewal application consists of:

(a) A completed board renewal form containing any information required by the board to determine the applicant's eligibility for license renewal;

(b) Proof of compliance with continuing education requirements set by the board; and

(c) Payment of the biennial license renewal fee established by the board under subsection (8) of this section.

(3) Failure to submit a completed renewal application by December 31, **or by such date as may be specified by board rule**, shall result in the lapse of the license. A lapsed license may be restored by the board upon receipt, *[by January 31]* **not more than 30 days after the license lapses**, of a completed renewal application and payment of the restoration fee under subsection (8) of this section.

(4) A license that has lapsed for more than one month may be restored by the board upon payment of the restoration fee established by the board and submission of a completed renewal application and any other information required by the board.

(5) A person holding an active license under this chapter may convert the license to inactive status by meeting the requirements set by rule of the board and paying any required fees. A person holding a license issued under this chapter who is at least 70 years of age and retired from the practice of naturopathic medicine may convert the license to retired status by meeting the requirements set by rule of the board and paying any required fees.

(6)(a) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for one year or less by paying the restoration fee and the biennial renewal fee for an active license and demonstrating compliance with ORS 685.102. A fee paid to place the license in inactive status shall not be credited toward payment of the biennial renewal fee for an active license. The board may prorate the biennial renewal fee.

(b) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for more than one year by paying the biennial renewal

fee for an active license and demonstrating compliance with the continuing education requirement set by rule of the board under ORS 685.102 (6). The board may prorate the biennial renewal fee.

(7) The secretary of the board shall notify each person holding a license under this chapter that the registration application and fee are due.

(8) The board shall assess fees for:

- (a) An initial license.
- (b) Examination.
- (c) Renewal of a biennial license.
- (d) Yearly renewal of an inactive or retired license.
- (e) Restoration of an inactive, lapsed or revoked license.
- (f) A certificate of special competency in natural childbirth.
- (g) A duplicate license.
- (h) A wall certificate.
- (i) Copies of public documents, mailing labels, lists and diskettes.

(9) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

SECTION 48a. If Senate Bill 206 becomes law, section 48 of this 2007 Act (amending ORS 685.100) is repealed and ORS 685.100, as amended by section 4, chapter 327, Oregon Laws 2007 (Enrolled Senate Bill 206), is amended to read:

685.100. (1) Upon approval of an application for a licensure, the Board of Naturopathic Examiners shall issue a license certificate that shall be displayed at all times in the office of the person to whom it was issued while the license is active.

(2) A person holding an active license issued under this chapter may apply to the board for license renewal. A completed renewal application consists of:

- (a) A completed board renewal form containing any information required by the board to determine the applicant's eligibility for license renewal;
- (b) Proof of compliance with continuing education requirements set by the board; and
- (c) Payment of the active license renewal fee established by the board under subsection (8) of this section.

(3) Failure to submit a completed renewal application annually by December 31, **or by such date as may be specified by board rule**, shall result in the lapse of the license. A lapsed license may be restored by the board upon receipt, *[by January 31]* **not more than 30 days after the license lapses**, of a completed renewal application and payment of the restoration fee under subsection (8) of this section.

(4) A license that has lapsed for more than one month may be restored by the board upon payment of the restoration fee established by the board and submission of a completed renewal application and any other information required by the board.

(5) A person holding an active license under this chapter may convert the license to inactive status by meeting the requirements set by rule of the board and paying any required fees. A person holding a license issued under this chapter who is at least 70 years of age and retired from the practice of naturopathic medicine may convert the license to retired status by meeting the requirements set by rule of the board and paying any required fees.

(6)(a) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for one year or less by paying the restoration fee and the renewal fee for an active license and demonstrating compliance with ORS 685.102. A fee paid to place the license in inactive status shall not be credited toward payment of the renewal fee for an active license. The board may prorate the renewal fee.

(b) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for more than one year by paying the renewal fee for

an active license and demonstrating compliance with the continuing education requirement set by rule of the board under ORS 685.102 (6). The board may prorate the renewal fee.

(7) The executive director of the board shall issue a renewal notice to each person holding a license under this chapter [*by the first day of November of each year*] **at least 60 days before the renewal application is due.**

(8) The board shall assess fees for:

- (a) An initial license.
- (b) Examination.
- (c) Renewal of an active license.
- (d) Yearly renewal of an inactive or retired license.
- (e) Restoration of an inactive, lapsed or revoked license.
- (f) A certificate of special competency in natural childbirth.
- (g) A duplicate license.
- (h) A wall certificate.
- (i) Copies of public documents, mailing labels, lists and diskettes.

(9) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

SECTION 49. ORS 686.420 is amended to read:

686.420. (1) [*By November 1 of each year, the Oregon State Veterinary Medical Examining Board shall mail notification to each holder of*] A license to practice veterinary medicine or to act as a veterinary technician [*that the license*] expires on [*the*] December 31 [*next following*] **or on such date as may be specified by rule of the Oregon State Veterinary Medical Examining Board. The board shall give each person holding a license a notice of pending expiration at least 60 days before the license expires.** This notice shall be sufficient if mailed to the last address filed with the board by the license holder. Appropriate forms for the presentation of evidence of professional activity shall be mailed with the notice of expiration.

(2) The board shall determine whether the professional educational activity participated in by each applicant for license renewal is within the criteria established under ORS 686.410. The board may excuse any applicant for license renewal from the professional educational activity requirement when the applicant makes a showing satisfactory to the board of exceptional circumstances which have prevented compliance.

(3) Any person may renew a license that has expired for failure to comply with ORS 686.410 (1) by making written application for license renewal, presenting evidence of professional educational activity equivalent to that which would have been required had the license been renewed annually, and paying the current license renewal fee plus the delinquent fee set by the board.

SECTION 50. ORS 688.650 is amended to read:

688.650. (1) When application has been made as required under ORS 688.640, the Department of Human Services shall certify the applicant as a hemodialysis technician if it finds:

(a) The applicant has successfully completed the training requirement adopted by the department.

(b) A fee has been paid to the department pursuant to ORS 688.645.

(c) The applicant has successfully completed an examination administered by the department or administered by another public or private entity and approved by the department.

(d) The applicant meets any other requirements prescribed by rule of the department.

(2) The department may provide for the issuance of a temporary or provisional certification for a person to practice as a hemodialysis technician until the person has taken and passed the next held certification examination available to the person and has received a certificate. The department may impose any conditions or limitations on a temporary or provisional certificate that the depart-

ment considers reasonable and necessary to protect the public. A temporary or provisional certificate may be held only by a person who:

(a) Has not received a failing grade on a certification examination approved or administered by the department; and

(b)(A) Has successfully completed the initial training required by department rule; or

(B) Is currently working in this or another state as a hemodialysis technician and is enrolled in a program offering the initial training required by department rule.

(3) Each person holding a certificate under this section shall submit, at the time of application for renewal of the certificate to the department, evidence of the applicant's satisfactory completion of any continuing education requirements prescribed by rule by the department.

(4) The department shall prescribe criteria and approve programs of continuing education.

(5) Each certification issued under this section, unless sooner suspended or revoked, shall expire and be renewable after a period of two years. Each certificate must be renewed on or before June 30 of every second year **or on or before such date as may be specified by department rule**. The department by rule shall establish a schedule of certificate renewals under this subsection and shall prorate the fees to reflect any shorter certificate period.

SECTION 51. ORS 689.275 is amended to read:

689.275. (1) Each pharmacist shall apply for renewal of license annually no later than June 30 **or no later than such date as may be specified by rule of the State Board of Pharmacy**. The [State Board of Pharmacy] **board** shall renew the license of each pharmacist who is qualified to engage in the practice of pharmacy.

(2) The board shall specify by rule the procedures to be followed, in addition to those specified by ORS 689.285, and the fees to be paid for renewal of licenses.

(3)(a) All pharmacists in good standing who have been licensed pharmacists for at least 20 years and who are retired from practice of pharmacy are exempt from further payment of license fees until they again engage in the practice of pharmacy. No retired pharmacist shall engage in the practice of pharmacy without first paying all fees for the year in which the pharmacist resumes practice and producing evidence satisfactory to the board of continued professional competence.

(b) Failure to comply with the requirements of paragraph (a) of this subsection shall be considered the practice of pharmacy without a license.

SECTION 52. ORS 691.465 is amended to read:

691.465. (1) The Board of Examiners of Licensed Dietitians shall issue a license with a duration of not more than two years to each person approved to be licensed. The license shall be prima facie evidence of the right of the person to whom it is issued to represent the person as a licensed dietitian subject to the provisions of ORS 691.405 to 691.585.

(2) Each licensed dietitian shall apply to the board for a renewal of the license at least 30 days before the expiration date. Licenses shall expire **on** October 31 of odd-numbered years **or on such date as may be specified by board rule**. Each applicant for renewal shall submit the required fee and present evidence of completion of at least 30 hours of continuing education or present evidence of the minimum continuing education requirements of the American Dietetic Association. Any license that is not renewed by the expiration date shall be automatically suspended. The board may reinstate a suspended license upon payment of a nonrefundable penalty fee and all past unpaid renewal fees.

(3) The license fee shall be one-half the two-year fee if the license is issued for 12 months or less.

(4) A license that has been suspended by reason of nonpayment of fees for a period of two years or more shall be renewed upon reapplication and payment of all applicable fees.

(5) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget to implement ORS 691.405 to 691.585, as the budget may be modified by the Emergency Board.

SECTION 53. ORS 692.160 is amended to read:

692.160. (1) The fees that may be charged under this chapter are:

(a) A fee covering requests for applications for a funeral establishment license, an immediate disposition company license, a certificate of authority for a cemetery, a certificate of authority for a crematorium, registration as a funeral service practitioner apprentice, registration as an embalmer apprentice, a certificate of removal registration, a license as a reciprocal funeral service practitioner or a license as a reciprocal embalmer. The application fee shall be accompanied by an additional fee for each principal of a funeral establishment, immediate disposition company, cemetery or crematorium.

(b) A fee covering the renewal of a license for a funeral establishment, a license for an immediate disposition company or a certificate of authority for a crematorium.

(c) A fee covering the renewal of a funeral service practitioner license or an embalmer license.

(d) A fee for renewal of a combination funeral service practitioner and embalmer license.

(e) A fee for renewal of the registration of a funeral service practitioner apprentice or an embalmer apprentice.

(f) An examination fee for a funeral service practitioner license or an embalmer license.

(g) A fee covering the renewal of a certificate of authority for a cemetery.

(h) A fee covering the reinstatement of a lapsed license or certificate of authority.

(i) A fee for reissuing a license, registration or certificate of authority as provided in ORS 692.148.

(j) Fees for copying any public record maintained by the State Mortuary and Cemetery Board, for documents distributed by the board and postage for mailing any copies or documents.

(2) All licenses granted under this chapter to funeral service practitioners and embalmers shall expire on January 1 in even-numbered years [*unless renewed as provided in this section*] **or on such date as may be specified by rule of the State Mortuary and Cemetery Board.** All licenses or certificates of authority granted under this chapter to operators of funeral establishments, to operators of immediate disposition companies, to operators of cemeteries or to operators of crematoriums shall expire on January 1 in odd-numbered years [*unless renewed as provided in this section*] **or on such date as may be specified by board rule.**

(3) The board shall mail to each licensed funeral service practitioner, to each licensed embalmer, to each licensed operator of a funeral establishment or immediate disposition company and to each cemetery and crematorium holding a certificate of authority under ORS 692.275, addressed to the licensee or certificate holder at the licensee's or certificate holder's last-known address, a notice that the renewal fee is due and payable and that if the fee is not paid by the renewal date the license or certificate of authority shall lapse. The notice shall be mailed to each licensed funeral service practitioner and to each licensed embalmer [*on or before November 1 of each odd-numbered year*] **at least 60 days before the license expires.** The notice shall be mailed to each licensed operator of a funeral establishment or immediate disposition company and to each cemetery and crematorium holding a certificate of authority under ORS 692.275 [*on or before November 1 of each even-numbered year*] **at least 60 days before the license or certificate of authority expires.** [*On or after July 1, 1986,*] The board may impose continuing education requirements as a prerequisite for relicensure.

(4) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the State Mortuary and Cemetery Board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

SECTION 54. ORS 696.530 is amended to read:

696.530. (1) The license of an escrow agent expires **on** June 30 next after the date of issuance [*if it is not renewed by July 1 of such year*] **or on such date as may be specified by rule of the Real Estate Commissioner.** A license may be renewed by filing a renewal application in writing,

verified by the applicant and in the form prescribed by the [Real Estate] commissioner, and paying the annual license fee for the next succeeding fiscal year.

(2) The filing fees are:

(a) For filing an original or a renewal application, \$300 for the main office and \$150 for each branch office.

(b) For filing an application for a duplicate copy of a license, upon satisfactory showing of loss of the license, the sum of \$20.

(c) For a name change or a change of address of an escrow agent, \$10 for the main office plus \$10 for each affected branch office.

SECTION 54a. If Senate Bill 168 becomes law, section 54 of this 2007 Act (amending ORS 696.530) is repealed and ORS 696.530, as amended by section 1, chapter 225, Oregon Laws 2007 (Enrolled Senate Bill 168), is amended to read:

696.530. (1) The license of an escrow agent expires **on June 30 next after the date of issuance [if it is not renewed by July 1 of such year] or on such date as may be specified by rule of the Real Estate Commissioner.** A license may be renewed by filing a renewal application in writing, verified by the applicant and in the form prescribed by the [Real Estate] commissioner, and paying the annual license fee for the next succeeding fiscal year.

(2) The filing fees are:

(a) For filing an original or a renewal application, \$300 for the main office and \$150 for each branch office.

(b) For filing an application for a duplicate copy of a license, upon satisfactory showing of loss of the license, the sum of \$20.

(c) For a name change or a change of address of an escrow agent, \$10 for the main office plus \$10 for each affected branch office.

(3) The commissioner, by rule, may provide an opportunity for the late renewal of an expired escrow agent license by an applicant who fails to renew the license by [July 1 as required in] **the date specified under** subsection (1) of this section.

SECTION 55. ORS 704.020 is amended to read:

704.020. (1) Any person who acts, or who offers to act, as an outfitter and guide must first register with the State Marine Board. Each registration shall be submitted annually on a form provided by the board and shall include the following information:

(a) The name, residence address, and residence telephone number of the person providing outfitting and guiding services, and all business names, addresses and telephone numbers under which outfitting and guiding services are provided.

(b) If the outfitting and guiding services are to be performed in the business name of an individual, proof of possession of a current certificate issued to the individual:

(A) By the American Red Cross upon completion of its multimedia course; or

(B) Upon completion of any equivalent medical or American Red Cross training course approved by the board.

(c) If the outfitting and guiding services are to be performed in the business name of a person other than an individual, the outfitter and guide must provide the names of all employees, agents and parties in interest who physically provide, or who directly assist in physically providing, outfitting and guiding services in Oregon, together with the affidavit of the outfitter and guide that each such employee, agent or party in interest possesses:

(A) A current certificate issued to the employee, agent or party in interest:

(i) By the American Red Cross upon completion of its multimedia course; or

(ii) Upon completion of any equivalent medical or American Red Cross training course approved by the board.

(B) A valid United States Coast Guard vessel operator license if operating a motorboat on navigable waters of the United States.

(d) A description of:

(A) The outfitting and guiding services, and any equipment, supplies, livestock and materials provided by the outfitter and guide;

(B) The geographic area in which the outfitter and guide provides the outfitting and guiding services, and any equipment, supplies, livestock and materials; and

(C) The experience of the outfitter and guide in providing the outfitting and guiding services, and equipment, supplies, livestock and materials.

(e) Proof that the outfitter and guide has liability insurance covering occurrences by the outfitter and guide, and the employees of the outfitter and guide, which result in bodily injury or property damage. Such insurance shall be not less than \$300,000 combined single limit per occurrence general liability coverage.

(f) Certification by the outfitter and guide that the outfitter and guide will maintain the insurance required by paragraph (e) of this subsection continuously in full force and effect for a period of not less than one year from the date the certificate of registration described in this section is issued by the board.

(g) The affidavit of the outfitter and guide stating that for a period of not less than 24 months immediately prior to making the registration application the outfitter and guide and each person who provides or assists in directly providing outfitting and guiding services:

(A) Have not been convicted of:

(i) Any criminal offense or violation under this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509 or 511 or any rule adopted pursuant thereto; or

(ii) Any violation of the wildlife laws which occurred while acting as an outfitter and guide and which resulted in court-ordered revocation of the hunting or fishing license of the outfitter and guide;

(B) Have not had an outfitting and guiding license, permit or certificate revoked, suspended or canceled by another state or by an agency of the government of the United States;

(C) Have not been denied the right to apply for an outfitting and guiding license, permit or certificate by another state or by an agency of the government of the United States; and

(D) Have not been convicted of guiding without registration as required by this subsection.

(2) In addition to the requirements of subsection (1) of this section, a person who acts or offers to act as an outfitter and guide using boats that are under the direct operation of an outfitter and guide or an employee of an outfitter and guide to carry passengers on the waters of this state shall submit proof:

(a) That the outfitter and guide possesses a valid United States Coast Guard vessel operator license if operating a motorboat on navigable waters of the United States; and

(b) Of liability insurance.

(3)(a) A person who registers as an outfitter and guide and who accepts deposits from clients in excess of \$100 per person shall submit a bond or other financial security in the amount of \$5,000 to the board at the time of registration. The bond or other financial security shall be held by the board for the benefit of clients of the outfitter and guide who pay a money deposit to the outfitter and guide in anticipation of services to be received. The bond or other financial security amount shall be released to such client or clients conditioned upon a failure of the outfitter and guide to return the deposit following cancellation of services or other failure to provide agreed upon services.

(b) The board shall release or retain all or any portion of a bond or other financial security as described in paragraph (a) of this subsection according to the provisions of ORS chapter 183.

(4) Each annual registration shall be accompanied by a fee as follows:

(a) For resident persons, \$50.

(b) For nonresident persons who reside in a state that requires residents of the State of Oregon to pay a license fee, registration fee or other fee or charge in excess of \$50 to act as an outfitter and guide in that state, the same fee or other charge as is charged the residents of the State of Oregon to act as an outfitter and guide in the state where the nonresident applicant resides. If the state in which such a nonresident applicant resides makes distinctions in fees or charges based on

the type of outfitter and guide service performed and requires residents of the State of Oregon to pay fees or charges accordingly, the board shall make and apply those same distinctions and require the nonresident applicants to pay the corresponding fees or charges.

(c) For nonresident persons other than those referred to in paragraph (b) of this subsection, \$50.

(5) Upon the submission to the board of the appropriate fees prescribed in this section and the registration information required by this section, the board shall issue to the applicant a certificate of registration. The board shall also issue to each registrant proof of compliance with the requirements of this section.

(6) A person who conducts sightseeing flights or other aircraft operations is exempt from the provisions of this section unless the activities conducted by the person are outdoor recreational activities as defined in ORS 704.010.

(7) The board shall issue an identifying decal to outfitters and guides registering under this section that may be displayed on vehicles, pack equipment or other suitable locations where customers can see the registration decal.

(8) A certificate of registration issued to an outfitter and guide under this section expires on December 31 of each calendar year **or on such date as may be specified by board rule.**

SECTION 56. ORS 726.125 is amended to read:

726.125. (1) Each pawnbroker shall pay to the Director of the Department of Consumer and Business Services each year the license fee determined by the director under subsection (2) of this section.

(2) The director may charge and collect a license fee from each pawnbroker, according to a license fee schedule established by the director by rule, for the purpose of defraying the costs of performing supervision, enforcement and other duties imposed by law upon the director in respect to pawnbrokers. In setting the license fee schedule and allocating license fees among pawnbrokers, the director shall take into consideration the costs of performing the duties of the director relative to each pawnbroker, the amount of all other moneys paid to the director under this chapter and the cost of developing and maintaining a reasonable emergency fund. License fees under this subsection shall be assessed and paid [*not later than December 15 of each year or*] upon approval of a new license application, **and not later than December 15 or such date as may be specified by the director by rule for renewal of a license.**

(3) In addition to the license fee collected under subsection (2) of this section, whenever the director devotes any extra attention to the affairs of a pawnbroker, either upon determination by the director or upon request of the pawnbroker, the fee for the extra service shall be the actual cost thereof.

SECTION 57. ORS 837.020 is amended to read:

837.020. (1) In the interest of public safety and the safety of those people traveling by air or receiving aviation instruction, every pilot operating within this state shall register with the Oregon Department of Aviation within 60 days of issuance of any appropriate effective federal certificate, permit, rating or license relating to competency as a pilot except that student pilots shall register prior to their first solo flight. A nonresident pilot of a scheduled or nonscheduled airline, certificated by the appropriate federal agency, is not required to register under the provisions of this section unless the nonresident pilot engages in the piloting of aircraft other than such certificated operation. Nonresidents operating within this state, other than in a commercial operation, shall register with the department within 60 days of the date of arrival within the state. Pilots operating commercially shall register prior to any commercial operation.

(2) Every registered pilot shall renew the first registration on the anniversary of the [*pilot's birthdate*] **first registration date**. After the first renewal, each pilot shall renew registration on the anniversary of the [*pilot's birthdate*] **first registration date** in the first year of each two-year period [*thereafter*] in which the pilot is active as a pilot.

(3) Every registered pilot shall notify the department in writing within 30 days of a change of address or name. The notification shall contain the old and new residence address or name and the pilot registration number.

SECTION 58. ORS 183.335 is amended to read:

183.335. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action:

(a) In the manner established by rule adopted by the agency under ORS 183.341 (4), which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (8) of this section; and

(d) At least 49 days before the effective date, to the persons specified in subsection (15) of this section.

(2)(a) The notice required by subsection (1) of this section must include:

(A) A caption of not more than 15 words that reasonably identifies the subject matter of the agency's intended action. The agency shall include the caption on each separate notice, statement, certificate or other similar document related to the intended action.

(B) An objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The agency shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A citation of the statute or other law the rule is intended to implement;

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(D) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(E) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected. For an agency specified in ORS 183.530, the statement of fiscal impact shall also include a housing cost impact statement as described in ORS 183.534;

(F) If an advisory committee is not appointed under the provisions of ORS 183.333, an explanation as to why no advisory committee was used to assist the agency in drafting the rule; and

(G) A request for public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

(c) The Secretary of State may omit the information submitted under paragraph (b) of this subsection from publication in the bulletin referred to in ORS 183.360.

(d) When providing notice of an intended action under subsection (1)(c) of this section, the agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall show all changes to the rule by striking through material to be deleted and underlining all new material, or by any other method that clearly shows all new and deleted material.

(e) Notice of an intended action under subsection (1)(a), (c) and (d) of this section may be given by regular mail or by electronic mail.

(3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon

request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the persons specified in subsection (15) of this section. The agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall consider fully any written or oral submission.

(b) If an agency is required to conduct an oral hearing under paragraph (a) of this subsection, and the rule for which the hearing is to be conducted applies only to a limited geographical area within this state, or affects only a limited geographical area within this state, the hearing shall be conducted within the geographical area at the place most convenient for the majority of the residents within the geographical area. At least 14 days before a hearing conducted under this paragraph, the agency shall publish notice of the hearing in the bulletin referred to in ORS 183.360 and in a newspaper of general circulation published within the geographical area that is affected by the rule or to which the rule applies. If a newspaper of general circulation is not published within the geographical area that is affected by the rule or to which the rule applies, the publication shall be made in the newspaper of general circulation published closest to the geographical area.

(c) Notwithstanding paragraph (a) of this subsection, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may adopt rules limiting participation by inmates in the proposed adoption, amendment or repeal of any rule to written submissions.

(d) If requested by at least five persons before the earliest date that the rule could become effective after the agency gives notice pursuant to subsection (1) of this section, the agency shall provide a statement that identifies the objective of the rule and a statement of how the agency will subsequently determine whether the rule is in fact accomplishing that objective.

(e) An agency that receives data or views concerning proposed rules from interested persons shall maintain a record of the data or views submitted. The record shall contain:

(A) All written materials submitted to an agency in response to a notice of intent to adopt, amend or repeal a rule.

(B) A recording or summary of oral submissions received at hearings held for the purpose of receiving those submissions.

(C) Any public comment received in response to the request made under subsection (2)(b)(G) of this section and the agency's response to that comment.

(D) Any statements provided by the agency under paragraph (d) of this subsection.

(4) Upon request of an interested person received before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section, the agency shall postpone the date of its intended action no less than 21 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and

(e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.

(6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(b) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed under subsections (1) to (4) of this section.

(7) Notwithstanding subsections (1) to (4) of this section, an agency may amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(a) Changing the name of an agency by reason of a name change prescribed by law;

(b) Changing the name of a program, office or division within an agency as long as the change in name does not have a substantive effect on the functions of the program, office or division;

~~[(b)]~~ (c) Correcting spelling;

~~[(c)]~~ (d) Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule; ~~[or]~~

~~[(d)]~~ (e) Correcting statutory references; **or**

(f) Correcting addresses or telephone numbers referred to in the rules.

(8) Any person may request in writing that an agency send to the person copies of its notices of intended action given pursuant to subsection (1) of this section. The person must provide a mailing address or electronic mail address. Upon receipt of any request the agency shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. Agencies may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(9) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(10) This section does not apply to ORS 279.835 to 279.855, 279A.140 to 279A.155, 279A.250 to 279A.290, 279A.990, 279B.050 to 279B.085, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.550 to 279C.570, 279C.580, 279C.585, 279C.590, 279C.600 to 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870 relating to public contracts and purchasing.

(11)(a) Except as provided in paragraph (c) of this subsection, a rule is not valid unless adopted in substantial compliance with the provisions of this section in effect on the date that the notice required under subsection (1) of this section is delivered to the Secretary of State for the purpose of publication in the bulletin referred to in ORS 183.360.

(b) In addition to all other requirements with which rule adoptions must comply, a rule is not valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS 183.715.

(c) A rule is not subject to judicial review or other challenge by reason of failing to comply with subsection (2)(a)(A) of this section.

(12)(a) Notwithstanding the provisions of subsection (11) of this section, but subject to paragraph (b) of this subsection, an agency may correct its failure to substantially comply with the requirements of subsections (2) and (5) of this section in adoption of a rule by an amended filing, as long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule.

(b) An agency may use an amended filing to correct a failure to include a fiscal impact statement in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with

the assistance of an advisory committee or fiscal impact advisory committee appointed under ORS 183.333.

(13) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(14) When an agency has established a deadline for comment on a proposed rule under the provisions of subsection (3)(a) of this section, the agency may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed.

(15) The notices required under subsections (1) and (3) of this section must be given by the agency to the following persons:

(a) If the proposed adoption, amendment or repeal results from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the legislator who introduced the bill that subsequently was enacted into law, and to the chair or cochair of all committees that reported the bill out, except for those committees whose sole action on the bill was referral to another committee.

(b) If the proposed adoption, amendment or repeal does not result from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the chair or cochair of any interim or session committee with authority over the subject matter of the rule.

(c) If notice cannot be given under paragraph (a) or (b) of this subsection, notice shall be given to the Speaker of the House of Representatives and to the President of the Senate who are in office on the date the notice is given.

(16)(a) Upon the request of a member of the Legislative Assembly or of a person who would be affected by a proposed adoption, amendment or repeal, the committees receiving notice under subsection (15) of this section shall review the proposed adoption, amendment or repeal for compliance with the legislation from which the proposed adoption, amendment or repeal results.

(b) The committees shall submit their comments on the proposed adoption, amendment or repeal to the agency proposing the adoption, amendment or repeal.

SECTION 59. Section 1, chapter 73, Oregon Laws 2005, is amended to read:

Sec. 1. (1) The Department of Consumer and Business Services may establish one or more combined license processing [*pilot projects*] **programs**. Participation in a combined license processing [*pilot project*] **program** by a state agency is voluntary. Notwithstanding any other provision of law, agencies participating in a combined license processing [*pilot project*] **program** may:

(a) Use combined license applications;

(b) Adopt standardized license terms under subsection (2) of this section;

(c) Charge adjusted license fees established under subsection (2) of this section;

(d) Issue combined license documents; and

(e) Take any other action authorized under rules adopted pursuant to subsection [(4)] (3) of this section that provides a simplified procedure for processing licenses issued pursuant to the [*pilot project*] **program**.

(2) Notwithstanding any other provision of law, the Department of Consumer and Business Services may establish a standardized term for licenses of state agencies participating in a combined license processing [*pilot project*] **program**. If the department establishes a standardized term under the provisions of this subsection, the agencies participating in the [*project*] **program** shall adjust the fees established by statute for each license in an appropriate manner to ensure that there is no revenue loss by reason of the change in the term of the license.

[(3) *As soon as possible after the effective date of this 2005 Act, the Department of Consumer and Business Services shall prepare a proposal for combined license processing pilot projects for the Oregon Liquor Control Commission, the Department of Environmental Quality and the State Department of Agriculture. The proposal shall specify the manner in which those agencies may offer combined license processing for retail establishments that are licensed by one or more of those agencies.*]

[4] (3) The Department of Consumer and Business Services may adopt rules necessary for implementation of combined license processing [*pilot projects*] **programs**. Any agency participating in a combined license processing [*pilot project*] **program** may:

(a) Agree to be bound by the rules adopted by the Department of Consumer and Business Services; and

(b) Adopt any other rules necessary for participation in a combined license processing [*pilot project*] **program**.

SECTION 60. Sections 2 and 3, chapter 73, Oregon Laws 2005, are repealed.

SECTION 61. If an agency of the executive department, as defined in ORS 174.112, enters into a contract with a county or other public body, as defined in ORS 174.109, for the purpose of issuing licenses on behalf of the agency, the agency, by rule, shall provide that payment for the licenses be made directly to the agency if:

(1) The agency has implemented a functioning licensing software system that is approved by the Oregon Department of Administrative Services; and

(2) The agency pays to the county or other public body the same amounts under the contract that the county or other public body would have received if the county or other public body had collected the license fees.

SECTION 62. ORS 835.106 is amended to read:

835.106. (1) The Governor shall appoint the Director of the Oregon Department of Aviation, subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565, who holds office at the pleasure of the Governor.

[2] *The Governor may not appoint a person as director unless the person has experience in airport operations or management.*

[3] (2) Subject to policy direction by the State Aviation Board, the director shall:

(a) Be the administrative head of the department;

(b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties and fix their compensation, subject to the State Personnel Relations Law;

(c) Administer the laws of the state concerning aviation; and

(d) Intervene, as authorized by the board, pursuant to the rules of practice and procedure, in the proceedings of state and federal agencies that may substantially affect the interests of the consumers and providers of aviation services within Oregon.

[4] (3) In addition to duties otherwise required by law, the director shall prescribe regulations for the government of the department, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law.

[5] (4) The director may delegate to any of the employees of the department the exercise or discharge in the director's name of any duty, function or power of whatever character, vested in or imposed by law upon the director, including duties, functions or powers delegated to the director by the board. The official act of any person acting in the director's name and by the authority of the director shall be considered to be an official act of the director.

[6] (5) The director shall have authority to require a fidelity bond of any officer or employee of the department who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amounts of the bonds shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds.

[7] (6) The director shall prepare and submit to the board on or about December 31 of each year an annual report for the 12 months ending the prior June 30. The annual report shall set forth all that the department has done during the year. The report shall contain a statement of the parts of the state aviation system that were constructed, reconstructed or improved during the period, together with a statement showing in a general way the status of the state aviation system.

SECTION 63. ORS 776.105 is amended to read:

776.105. (1) The Oregon Board of Maritime Pilots is established within the [Department of Transportation] **Public Utility Commission of Oregon**, and shall consist of nine members appointed by the Governor for terms of four years. The appointments of members of the board are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Three members of the board shall be public members, one of whom shall act as chairperson of the board. The public members of the board may not:

(a) During the preceding five years or during their terms of office, have any interest in the ownership, operation or management of any tugs, cargo or passenger vessels or in the carriage of freight or passengers by vessel;

(b) During the preceding five years or during their terms of office, have any interest in any association or organization represented under subsection (4) of this section or principally comprised of persons engaged in commercial pursuits in the maritime industry as described in paragraph (a) of this subsection in any capacity; or

(c) Hold or have held a maritime pilot license issued by any state or federal authority.

(3) Three members shall be licensees under this chapter. One member shall be a Columbia River bar licensee, one member shall be a Columbia River licensee and one member shall be a Coos Bay or Yaquina Bay licensee. A licensee member shall:

(a) Have been licensed for more than three years under this chapter;

(b) Be actively engaged in piloting; and

(c) Be a resident of this state.

(4) Except as provided in subsection (5) of this section, three members of the board shall, for at least three years immediately preceding their appointment, have been and during their terms of office be engaged in the activities of a person, as defined in ORS 174.100, that operates or represents commercial oceangoing vessels.

(5) The Governor may appoint a past or present employee or commissioner of a port to serve on the board in lieu of one of the operators or representatives of a commercial oceangoing vessel under subsection (4) of this section.

(6)(a) The majority of members shall constitute a quorum for the transaction of all business if at least one member of each group, as described in subsections (2), (3) and (4) of this section, is present.

(b) Notwithstanding paragraph (a) of this subsection, when the board fixes pilotage fees under ORS 776.115 (5) a quorum shall consist of seven members.

(c) Notwithstanding paragraph (a) of this subsection, for purposes of ORS 192.610 to 192.690 a quorum shall consist of five members.

(7) The [Director of Transportation, or a designated representative, shall serve as an] **commission may appoint a member of the commission, or a designee, as a nonvoting**, ex officio member of the board [but without the right to vote].

(8)(a) The commission is responsible for the administrative oversight of the board. The responsibilities of the commission include, but are not limited to:

(A) Budgeting;

(B) Financial management;

(C) Record keeping;

(D) Staffing;

(E) Purchasing and contracting;

(F) Collecting fees; and

(G) Compliance with rulemaking procedures set forth in ORS chapter 183.

(b) In consultation with the board, the commission shall:

(A) Fix the qualifications of and appoint an administrative officer for the board; and

(B) Subject to the State Personnel Relations Law, fix the compensation of the administrative officer.

SECTION 64. ORS 184.615 is amended to read:

184.615. (1) The Department of Transportation is established.

(2) The Department of Transportation shall consist of the Director of Transportation and all personnel employed in the department. Except as otherwise provided in subsections (4) and (5) of this section, for purposes of administration, subject to the approval of the Oregon Transportation Commission, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department.

(3) The department shall carry out policies adopted by the commission and all duties and responsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities concerning drivers and motor vehicles, highways, motor carriers, public transit, rail[,] **and** transportation safety [*and the Oregon Board of Maritime Pilots*].

(4) The director shall appoint an administrator for each area of critical concern to the department. The administrator shall be responsible for planning and operations in that area, for relationships between the department and persons affected by the operations of the area, for advocacy of the area within the department planning and operations processes and for such other duties as may be provided by law. For purposes of this subsection, "area of critical concern" includes, but is not necessarily limited to, driver and motor vehicle services, highways, motor carriers, public transit, rail[,] **and** transportation safety [*and maritime pilotage*]. In appointing administrators under this subsection, the director shall consider recommendations of any advisory committee interested in the area of responsibility. Administrators appointed under this subsection are in the unclassified service for purposes of the State Personnel Relations Law.

(5) Whenever a duty or function is specifically given by statute to the director, and that duty or function involves day-to-day operations of an area of critical concern to the department, the director shall delegate the duty or function to the administrator of the area of critical concern.

SECTION 65. ORS 184.651 is amended to read:

184.651. The Department of Transportation shall develop, operate and maintain a full cost accounting system that accurately and separately accounts for all direct, indirect and administrative costs incurred by each of the following units of the department:

[(1) *Oregon Board of Maritime Pilots.*]

[(2)] (1) Central services.

[(3)] (2) Driver and motor vehicle services.

[(4)] (3) Highways.

[(5)] (4) Motor carriers.

[(6)] (5) Rail.

[(7)] (6) Transit.

[(8)] (7) Transportation development.

[(9)] (8) Transportation safety.

SECTION 66. ORS 670.304 is amended to read:

670.304. Except as otherwise specifically provided, ORS 670.300 to 670.380 apply to the following professional licensing and advisory boards:

(1) Professional licensing and advisory boards established in the Office of the Secretary of State.

(2) The Oregon Board of Maritime Pilots[, *in the Department of Transportation*].

(3) The Board of Cosmetology, in the Oregon Health Licensing Agency.

(4) The State Board of Architect Examiners.

(5) The State Landscape Contractors Board.

(6) The State Board of Examiners for Engineering and Land Surveying.

(7) State Landscape Architect Board.

(8) State Board of Geologist Examiners.

(9) State Board of Tax Practitioners.

(10) Oregon Board of Accountancy.

(11) The Construction Contractors Board.

SECTION 67. ORS 670.306 is amended to read:

670.306. (1) Subsections (2) and (3) of this section shall apply only to the following professional licensing boards:

- (a) State Board of Architect Examiners.
- (b) Construction Contractors Board.
- (c) State Board of Examiners for Engineering and Land Surveying.
- (d) State Landscape Architect Board.
- (e) State Landscape Contractors Board.
- (f) Oregon Board of Accountancy.
- [(g) Oregon Board of Maritime Pilots.]*
- [(h)] (g) State Board of Tax Practitioners.*

(2) A board shall fix the qualifications of and appoint an administrative officer. The determination of qualifications and appointment of an administrative officer shall be made after consultation[.]

[(a) In the case of a board referred to in subsection (1)(a), (b), (c), (d), (e), (f) or (h) of this section,] with the Governor.

[(b) In the case of the Oregon Board of Maritime Pilots, with the Director of Transportation.]

(3) An administrative officer of a board shall not be a member of that board.

(4) Subject to the applicable rules of the State Personnel Relations Law, the board shall fix the compensation of its administrator, who shall be in the unclassified service.

(5) Subject to applicable rules of the State Personnel Relations Law, the administrative officer shall appoint all subordinate employees, prescribe their duties and fix their compensation.

SECTION 68. ORS 776.365 is amended to read:

776.365. [The money received under this chapter shall be paid into the State Treasury and placed to the credit of the General Fund in the Pilot Account which account hereby is established. Such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. The Oregon Department of Administrative Services shall draw warrants for all claims approved by the Oregon Board of Maritime Pilots pursuant to the appropriations on the State Treasurer, payable out of the Pilot Account in the General Fund.] **The Pilot Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Board of Maritime Pilots under this chapter shall be deposited in the account. All moneys in the account are continuously appropriated to the board and the board may use the moneys only for the administration and enforcement of this chapter and for expenses incurred by the Public Utility Commission in its oversight of the board.**

SECTION 69. The Oregon Board of Maritime Pilots is transferred from the Department of Transportation to the Public Utility Commission of Oregon.

SECTION 70. (1) The Director of Transportation shall:

(a) Deliver to the Public Utility Commission of Oregon all records and property within the jurisdiction of the director that relate to the Oregon Board of Maritime Pilots; and

(b) Transfer to the Public Utility Commission of Oregon those employees employed by the Oregon Board of Maritime Pilots.

(2) The Public Utility Commission of Oregon shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers of the Oregon Board of Maritime Pilots, without reduction of compensation but subject to change or termination of employment as provided by law.

(3) The Governor shall resolve any dispute between the Department of Transportation and the Public Utility Commission of Oregon relating to transfers of records, property and employees under this section, and the Governor's decision is final.

SECTION 71. (1) The unexpended balances of amounts authorized to be expended by the Department of Transportation for the biennium beginning July 1, 2005, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers of the Oregon Board of Maritime Pilots are transferred to and are available for expenditure by the Public Utility Commission of Oregon for the biennium beginning July 1, 2005, for the purpose of funding the expenses of the Oregon Board of Maritime Pilots.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Department of Transportation for the Oregon Board of Maritime Pilots remain applicable to expenditures by the Public Utility Commission of Oregon under this section.

SECTION 72. The transfer of the Oregon Board of Maritime Pilots to the Public Utility Commission of Oregon by section 69 of this 2007 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Public Utility Commission of Oregon is substituted for the Department of Transportation in the action, proceeding or prosecution.

SECTION 73. (1) Nothing in sections 69 to 73 of this 2007 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers of the Oregon Board of Maritime Pilots. The Public Utility Commission of Oregon may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Department of Transportation legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of section 69 of this 2007 Act accruing under or with respect to the duties, functions and powers of the Oregon Board of Maritime Pilots are transferred to the Public Utility Commission of Oregon. For the purpose of succession to these rights and obligations, the Public Utility Commission of Oregon is a continuation of the Department of Transportation and not a new authority.

SECTION 74. (1) Sections 69 to 73 of this 2007 Act and the amendments to ORS 184.615, 184.651, 670.304, 670.306, 776.105 and 776.365 by sections 63 to 68 of this 2007 Act become operative July 1, 2007.

(2) Section 61 of this 2007 Act, the amendments to ORS 183.335, 183.705, 435.050, 438.130, 460.065, 508.470, 508.781, 508.807, 508.892, 508.947, 537.747, 571.075, 571.535, 585.040, 586.270, 601.030, 601.080, 603.025, 604.620, 616.706, 618.146, 619.031, 621.166, 621.266, 621.335, 622.050, 624.020, 628.230, 632.715, 632.730, 633.015, 633.029, 633.318, 633.700, 634.112, 635.030, 675.290, 678.760, 681.320, 682.047, 682.216, 685.100, 686.420, 688.650, 689.275, 691.465, 692.160, 696.530, 704.020, 726.125, 835.106 and 837.020 and section 1, chapter 73, Oregon Laws 2005, by sections 1 to 59 and 62 of this 2007 Act and the repeal of sections 2 and 3, chapter 73, Oregon Laws 2005, by section 60 of this 2007 Act become operative on January 1, 2008.

SECTION 75. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 9, 2007

Repassed by House June 18, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 14, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State