

(Including Amendments to Resolve Conflicts)

B-Engrossed House Bill 2243

Ordered by the Senate June 12
Including House Amendments dated May 4 and Senate Amendments dated
June 12

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Removes discretion of applicant for renewal of license to choose between normal license term and extended term offered by agency.

Modifies expiration date for certain licenses, permits and certificates to allow agency to establish different expiration date by rule.

Allows agency, without prior notice or hearing, to amend rules to change name of office, program or division or to correct address and telephone numbers referred to in rules.

Changes authorization for establishing combined license processing pilot projects within Department of Consumer and Business Services to combined license processing programs.

Provides for payment of licenses directly to agency if agency contracts with county or other public body for issuing licenses on behalf of agency. Establishes conditions.

Removes requirement that Director of Oregon Department of Aviation have airport operations or management experience.

Transfers administration of Oregon Board of Maritime Pilots from Department of Transportation to Public Utility Commission. Establishes Pilot Account separate and distinct from General Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to agencies; creating new provisions; amending ORS 183.335, 183.705, 184.615, 184.651,
3 435.050, 438.130, 460.065, 508.470, 508.781, 508.807, 508.892, 508.947, 537.747, 571.075, 571.535,
4 585.040, 586.270, 601.030, 601.080, 603.025, 604.620, 616.706, 618.146, 619.031, 621.166, 621.266,
5 621.335, 622.050, 624.020, 628.230, 632.715, 632.730, 633.015, 633.029, 633.318, 633.700, 634.112,
6 635.030, 670.304, 670.306, 675.290, 678.760, 681.320, 682.047, 682.216, 685.100, 686.420, 688.650,
7 689.275, 691.465, 692.160, 696.530, 704.020, 726.125, 776.105, 776.365, 835.106 and 837.020 and sec-
8 tion 1, chapter 73, Oregon Laws 2005; repealing sections 2 and 3, chapter 73, Oregon Laws 2005;
9 and declaring an emergency.

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

11 **SECTION 1.** ORS 183.705 is amended to read:

12 183.705. (1) Notwithstanding any other provision of law, an agency that issues licenses that must
13 be renewed on an annual basis under the laws administered by the agency also may offer those li-
14 censes with terms of two, three, four or five years. Notwithstanding any other provision of law, an
15 agency that issues licenses that must be renewed on a biennial basis under the laws administered
16 by the agency also may offer those licenses with terms of three, four or five years. Extended terms
17 may be offered only for renewed licenses[,] and may not be offered for initial applications for li-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 censes.

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

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

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

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

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

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

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

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

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

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

33 **SECTION 3.** ORS 435.050 is amended to read:

34 435.050. (1) All licenses shall be issued by the State Board of Pharmacy on written application
35 and payment of an annual license fee for each manufacturer or wholesale license, which fee shall
36 not exceed \$300.

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

39 **SECTION 4.** ORS 438.130 is amended to read:

40 438.130. (1) The application for a license for a clinical laboratory shall be made on forms pro-
41 vided by the Department of Human Services and shall be executed by the owner or one of the
42 owners or by an officer of the firm or corporation owning the clinical laboratory, or in the case of
43 a county or municipality, by the public official responsible for operation of the laboratory, or in the
44 case of an institution, by the administrator of the institution. The application shall contain the
45 names of the owner, the director or directors of the clinical laboratory, the location and physical

1 description of the clinical laboratory, the laboratory specialties for which a license is requested and
2 such other information as the department may require.

3 (2)(a) The application shall be accompanied by an annual or biennial license fee to be estab-
4 lished by the department. The fee shall be based on test volume, test complexity, the number of
5 specialties performed and private laboratory accreditation. For each level of laboratory testing, the
6 fee shall be not more than 100 percent of the corresponding fee charged by the federal laboratory
7 certification program known as the Clinical Laboratory Improvement Amendments of 1988 (P.L.
8 100-578, 42 U.S.C. 201 and 263a) in effect on July 1, 1999. The fee for substance of abuse screening
9 laboratories not certified under the Clinical Laboratory Improvement Amendments of 1988 shall be
10 comparable to the clinical laboratory fee established under this section.

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

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

18 (4) Subject to prior approval of the Oregon Department of Administrative Services and a report
19 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
20 under this section shall not exceed the cost of administering the regulatory program of the Depart-
21 ment of Human Services pertaining to the purpose for which the fee or charge is established, as
22 authorized by the Legislative Assembly within the department's budget, as the budget may be mod-
23 ified by the Emergency Board.

24 **SECTION 5.** ORS 460.065 is amended to read:

25 460.065. [*(1) The expiration date of:*]

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

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

31 [(2)] (3) Except as provided in ORS 460.055, a holder of a valid elevator inspector certificate of
32 competency or elevator operating permit who has complied with ORS 460.005 to 460.175 and the
33 rules adopted under ORS 460.085 (1) is entitled to renewal at the expiration of the certificate or
34 permit.

35 **SECTION 6.** ORS 508.470 is amended to read:

36 508.470. All licenses for which fees are provided for under ORS 508.285 unless otherwise speci-
37 fied in law expire as of midnight, December 31, following the dates of their issuance[, *and shall*] **or**
38 **on such date as may be specified by rule of the State Department of Fish and Wildlife. The**
39 **licenses may** be renewed annually thereafter upon application and payment of fees required there-
40 for.

41 **SECTION 7.** ORS 508.781 is amended to read:

42 508.781. An individual who obtained the permit required by ORS 508.775 for a particular calen-
43 dar year is eligible to obtain renewal of the permit in a subsequent calendar year, upon application
44 and payment of the fees therefor by December 31 of the permit year **or by such date as may be**
45 **specified by rule of the State Department of Fish and Wildlife.**

1 **SECTION 8.** ORS 508.807 is amended to read:

2 508.807. (1) An individual who obtained the permit required by ORS 508.801 for a particular
3 calendar year is eligible to obtain renewal of the permit in a subsequent calendar year[, *upon ap-*
4 *plication by December 31 of the permit year and payment of the fees therefor, and*] upon obtaining the
5 annual boat license referred to in ORS 508.285[.]. **The permit must be renewed, and the boat li-**
6 **cence obtained,** not later than December 31 of each year **or such date as may be established by**
7 **rule of the State Department of Fish and Wildlife.**

8 (2) Notwithstanding any other provision of law, an individual who permanently loses the ser-
9 vices of a vessel through capsizing, sinking, fire, collision or other catastrophic accident has a pe-
10 riod of two years from the date of loss to replace the vessel without losing eligibility to renew the
11 vessel permit.

12 **SECTION 9.** ORS 508.892 is amended to read:

13 508.892. (1) An individual who obtained the permit required by ORS 508.880 for a particular
14 calendar year is eligible to obtain renewal of the permit in a subsequent calendar year[,] upon ap-
15 plication [*by December 31 of the permit year*] and payment of the fees therefor and upon obtaining
16 the annual boat license referred to in ORS 508.285 [*not later than December 31 of each year*]. **The**
17 **permit must be applied for, and the boat license obtained, not later than December 31 of each**
18 **year or such date as may be established by rule of the State Department of Fish and Wildlife.**

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

22 **SECTION 10.** ORS 508.947 is amended to read:

23 508.947. (1) The State Department of Fish and Wildlife may issue a black rockfish and blue
24 rockfish vessel permit to an owner of a vessel that landed a minimum of 750 pounds of nontrawl
25 caught black rockfish, blue rockfish or nearshore fish in any one calendar year between January
26 1, 1995, and January 1, 2001, or in the six-month period between January 1, 2001, and July 1, 2001,
27 for delivery to a fish processor licensed pursuant to ORS 508.025.

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

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

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

44 (5) In making determinations regarding initial eligibility for and renewal of a permit issued un-
45 der this section, the department may consider department records and receipts and accounts, con-

1 tracts and other business records of private parties that the department considers reliable.

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

4 **SECTION 11.** ORS 537.747 is amended to read:

5 537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, of-
6 fer to enter or enter into a contract with another person or public agency to construct, alter,
7 abandon or convert a well for such other person, cause any well construction, alteration, abandon-
8 ment or conversion to be performed under such a contract or operate well drilling machinery with-
9 out possessing a water well constructor's license therefor in good standing issued by the Water
10 Resources Department. The department shall adopt a single water well constructor's license that
11 may specify the type of well, type of well alteration or construction or type of well drilling machine
12 operation for which the water well constructor is qualified.

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

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

16 (a) Is at least 18 years of age.

17 (b) Has passed a written examination conducted by the department to determine fitness to op-
18 erate as a water well constructor.

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

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

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

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

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

36 (a) An examination fee of \$20.

37 (b) A license fee of \$150.

38 (c) A renewal fee of \$150.

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

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

44 (7) The department may revoke, suspend or refuse to renew any water well constructor's license
45 when it appears to the satisfaction of the department, after notice and opportunity to be heard by

1 the licensee, that the licensee has failed to comply with the provisions of ORS 537.505 to 537.795
2 and 537.992 applicable to such licensee or any order or rule adopted thereunder applicable to such
3 licensee, or has made a material misstatement of fact on an application for a license or well log or
4 established a pattern of conduct that willfully or negligently violates any provision of ORS 537.505
5 to 537.795 and 537.992, or any rule adopted pursuant thereto, applicable to such licensee.

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

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

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

16 537.747. (1) No person shall advertise services to construct, alter, abandon or convert wells, of-
17 fer to enter or enter into a contract with another person or public agency to construct, alter,
18 abandon or convert a well for such other person, cause any well construction, alteration, abandon-
19 ment or conversion to be performed under such a contract or operate well drilling machinery with-
20 out possessing a water well constructor's license therefor in good standing issued by the Water
21 Resources Department.

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

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

25 (a) Is at least 18 years of age.

26 (b) Has passed a written examination conducted by the department to determine fitness to op-
27 erate as a water well constructor.

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

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

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

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

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

43 (a) An examination fee of \$20.

44 (b) A license fee of \$50 for a license issued for one year, or \$200 for a license issued for a period
45 of five years.

1 (c) A renewal fee of \$50 for a one-year license renewed before the license expires or \$200 for
2 a five-year license renewed before the license expires.

3 (d) Unless a person requalifies for a water well constructor's license in accordance with sub-
4 section (3) of this section, a water well constructor shall pay a renewal fee of \$100 for a one-year
5 license if the license is renewed within 12 months after expiration or \$250 for a five-year license if
6 the license is renewed within 12 months after expiration.

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

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

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

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

24 **SECTION 13.** ORS 571.075 is amended to read:

25 571.075. (1) The fees for the renewal of the annual licenses and the fees for inspections required
26 by ORS 571.005 to 571.230 and 571.991 shall be paid with the application for license renewal and
27 before July 1 of each year **or before such date as may be specified by rule of the State De-**
28 **partment of Agriculture.**

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

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

34 **SECTION 14.** ORS 571.535 is amended to read:

35 571.535. (1) The fees for the renewal of the annual licenses required by ORS 571.505 to 571.580
36 shall be paid with the application for license renewal and before July 1 of each year **or before such**
37 **date as may be specified by rule of the State Department of Agriculture.**

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

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

43 **SECTION 15.** ORS 585.040 is amended to read:

44 585.040. Upon the filing of the application and the payment of appropriate fees, the State De-
45 partment of Agriculture shall, if [*it*] **the department** is satisfied that the applicant is entitled

1 thereto, issue to the applicant a license to conduct the business of wholesale produce dealer, retail
2 produce peddler or cash buyer, as the case may be. The licenses shall be in the form the department
3 prescribes and shall expire on June 30 of each year **or on such date as may be specified by de-**
4 **partment rule.**

5 **SECTION 16.** ORS 586.270 is amended to read:

6 586.270. (1) Every person operating any public warehouse in this state shall, before July 1 of
7 each year **or such date as may be specified by rule of the State Department of Agriculture,**
8 procure from the [*State Department of Agriculture*] **department** a license for each such warehouse
9 so operated for the ensuing year, before transacting business at such public warehouse; but the
10 holder of a license to store grain under the United States Warehouse Act shall furnish the depart-
11 ment with a copy of such license and bond and, having furnished such copies, is not required to
12 secure a state license or pay state warehouse inspection fees during the time the license holder
13 continues to operate under the federal license. The license shall be posted in a conspicuous place
14 in the office of each warehouse.

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

17 (a) The name and address of the applicant.

18 (b) The location of each public warehouse of the applicant.

19 (c) The total rated storage capacity in bushels of each public warehouse.

20 (d) The tariff schedule of charges to be made at each public warehouse for the handling, storage
21 and shipment of grain during the license year.

22 (e) Documentation satisfactory to the department that the applicant has net assets of at least
23 \$50,000.

24 (f) Such other information as the department deems necessary to carry out the purposes of ORS
25 586.210 to 586.730.

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

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

30 **SECTION 17.** ORS 601.030 is amended to read:

31 601.030. Before any person shall engage in the business of disposing of the bodies, carcasses or
32 parts of animals by rendering, burning, burying or any other means, the person shall procure from
33 the State Department of Agriculture a license. All such licenses shall expire on June 30 next suc-
34 ceeding their date of issuance **or on such date as may be specified by department rule.**

35 **SECTION 18.** ORS 601.080 is amended to read:

36 601.080. (1) Before any person, not holding a license for the disposal of bodies, carcasses or parts
37 of animals, transports for hire the bodies, carcasses or parts of animals upon the highways of the
38 state, the person shall obtain a license for such truck or conveyance used, from the State Depart-
39 ment of Agriculture.

40 (2) The license fee for each conveyance shall be \$10 per year. The license shall expire on June
41 30 next succeeding the date of its issuance **or on such date as may be specified by department**
42 **rule.** Application for the license shall be made on forms furnished by the department with such in-
43 formation as the department may require.

44 **SECTION 19.** ORS 603.025 is amended to read:

45 603.025. (1) A person may not sell, offer to sell or expose for sale meat products or engage in

1 any other activity described or identified in subsection (4) of this section without first obtaining and
2 maintaining a license therefor from the State Department of Agriculture. All such licenses shall
3 expire on June 30 next following the date of issuance **or on such date as may be specified by**
4 **department rule**. Renewal applications must be postmarked [*prior to June 30 to be a timely appli-*
5 *cation*] **before the expiration date to be timely**.

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

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

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

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

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

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

30 (d) Operation of a custom slaughtering establishment or custom processing establishment. A li-
31 cense under this section does not allow selling meat products without first obtaining and maintain-
32 ing the license described in paragraph (a) of this subsection.

33 (e) Operation of a slaughterhouse, custom slaughtering establishment or custom processing es-
34 tablishment wherein only poultry or rabbits are slaughtered or prepared. A license under this sec-
35 tion allows selling only poultry or rabbit products at the same location without obtaining the license
36 described in paragraph (a) of this subsection.

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

39 (6) Except as provided in subsections (7) and (8) of this section, the license fees for establish-
40 ments under this section are:

41 (a) \$200 if the establishment's annual gross dollar volume of sales and services is not more than
42 \$50,000;

43 (b) \$250 if the establishment's annual gross dollar volume of sales and services is more than
44 \$50,000 and not more than \$500,000;

45 (c) \$300 if the establishment's annual gross dollar volume of sales and services is more than

1 \$500,000 and not more than \$1 million;

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

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

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

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

12 (a) \$100 if the establishment's annual gross dollar volume of sales and services is not more than
13 \$5,000; or

14 (b) \$150 if the establishment's annual gross dollar volume of sales and services is more than
15 \$5,000 and not more than \$50,000.

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

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

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

33 603.025. (1) A person may not sell, offer to sell or expose for sale meat products or engage in
34 any other activity described or identified in subsection (4) of this section without first obtaining and
35 maintaining a license therefor from the State Department of Agriculture. All such licenses shall
36 expire on June 30 next following the date of issuance **or on such date as may be specified by**
37 **department rule.** Renewal applications must be postmarked [*prior to June 30 to be a timely appli-*
38 *cation*] **before the expiration date to be timely.**

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

44 (3) In addition to other license requirements of this section, if an applicant for a license under
45 subsection (4)(c) of this section has an average weekly dollar value of meat animal purchases that

1 exceeds \$10,000, the applicant shall submit with the application a surety bond with one or more
2 corporate sureties authorized to do business in this state, or an irrevocable letter of credit issued
3 by an insured institution, as defined in ORS 706.008. The bond or letter of credit shall be in an
4 amount equal to twice the average daily value of meat animal purchases during the preceding cal-
5 endar year, or the amount of \$20,000, whichever amount is greater. The department shall prescribe
6 the form for and approve the bond or letter of credit, which shall be conditioned upon faithful per-
7 formance by the licensee of all obligations to the producers of meat animals arising from the sale
8 of meat animals by producers to the licensee.

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

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

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

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

18 (d) Operation of a custom slaughtering establishment or custom processing establishment. A li-
19 cense under this section does not allow selling meat products without first obtaining and maintain-
20 ing the license described in paragraph (a) of this subsection.

21 (e) Operation of a slaughterhouse, custom slaughtering establishment or custom processing es-
22 tablishment wherein only poultry or rabbits are slaughtered or prepared. A license under this sec-
23 tion allows selling only poultry or rabbit products at the same location without obtaining the license
24 described in paragraph (a) of this subsection.

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

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

29 (a) \$216 if the establishment's annual gross dollar volume of sales and services is not more than
30 \$50,000;

31 (b) \$271 if the establishment's annual gross dollar volume of sales and services is more than
32 \$50,000 and not more than \$500,000;

33 (c) \$325 if the establishment's annual gross dollar volume of sales and services is more than
34 \$500,000 and not more than \$1 million;

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

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

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

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

44 (a) \$108 if the establishment's annual gross dollar volume of sales and services is not more than
45 \$5,000; or

1 (b) \$162 if the establishment's annual gross dollar volume of sales and services is more than
2 \$5,000 and not more than \$50,000.

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

13 **SECTION 21.** ORS 604.620 is amended to read:

14 604.620. (1) No person shall be entitled to utilize the brand inspection and inventory procedures
15 prescribed in ORS 604.630 to 604.650 and 604.670 without first obtaining and maintaining a license
16 as a licensed feedlot.

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

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

26 **SECTION 22.** ORS 616.706 is amended to read:

27 616.706. (1) Except as otherwise provided in ORS 616.695 to 616.755, a person may not operate
28 a food establishment without first obtaining and thereafter maintaining a license under this section.
29 A person shall make an application for a license to the State Department of Agriculture on forms
30 prescribed by the department. Each license shall expire on June 30 next following the date of issu-
31 ance **or on such date as may be specified by department rule.**

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

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

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

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

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

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

6 (a) \$300 if the gross sales of an applicant's covered operations are not more than \$50,000;

7 (b) \$425 if the gross sales of an applicant's covered operations are more than \$50,000 and not
8 more than \$500,000;

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

11 (d) \$650 if the gross sales of an applicant's covered operations are more than \$1 million and not
12 more than \$5 million;

13 (e) \$750 if the gross sales of an applicant's covered operations are more than \$5 million and not
14 more than \$10 million; or

15 (f) \$850 if the gross sales of an applicant's covered operations are more than \$10 million.

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

18 (a) \$125 if the gross sales of an applicant's covered operations are not more than \$50,000;

19 (b) \$250 if the gross sales of an applicant's covered operations are more than \$50,000 and not
20 more than \$500,000;

21 (c) \$300 if the gross sales of an applicant's covered operations are more than \$500,000 and not
22 more than \$1 million;

23 (d) \$450 if the gross sales of an applicant's covered operations are more than \$1 million and not
24 more than \$5 million;

25 (e) \$550 if the gross sales of an applicant's covered operations are more than \$5 million and not
26 more than \$10 million; or

27 (f) \$650 if the gross sales of an applicant's covered operations are more than \$10 million.

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

30 (a) \$100 if the gross sales of an applicant's covered operations are not more than \$50,000;

31 (b) \$125 if the gross sales of an applicant's covered operations are more than \$50,000 and not
32 more than \$10 million; or

33 (c) \$150 if the gross sales of an applicant's covered operations are more than \$10 million.

34 (10) The department shall increase the license fee amounts described in subsections (6) to (9)
35 of this section by two percent annually, rounded to the nearest whole dollar amount for assessment
36 and collection purposes. The department shall determine each annual increase using the unrounded
37 figure from the preceding year. The first increase in the permissible fee amounts shall occur on July
38 1, 2006.

39 (11) In establishing the amount of the license fee for an applicant, the department shall use the
40 annual gross dollar volume of sales of covered operations by that applicant within Oregon during
41 the prior calendar year or, if the applicant maintains sales records on a fiscal basis, the prior fiscal
42 year. If the applicant applying for an original license or for a renewal license cannot provide the
43 annual gross dollar volume of sales of covered operations for a full calendar year, the department
44 shall base the fee on estimated annual gross sales of covered operations by the applicant. If an ap-
45 plicant whose previous year's fee was determined using an estimated gross sales of covered oper-

1 ations figure applies for renewal of that license, the fee for the previous license year shall be
2 adjusted to reflect the actual gross dollar volume of sales of covered operations by the applicant.

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

5 616.706. (1) Except as otherwise provided in ORS 616.695 to 616.755, a person may not operate
6 a food establishment without first obtaining and thereafter maintaining a license under this section.
7 A person shall make an application for a license to the State Department of Agriculture on forms
8 prescribed by the department. Each license shall expire on June 30 next following the date of issu-
9 **ance or on such date as may be specified by department rule.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SECTION 24.** ORS 618.146 is amended to read:

20 618.146. (1) All weighing and measuring instrument or device licenses issued under ORS 618.010
21 to 618.246 expire on June 30 next after the date of issuance **or on such date as may be specified**
22 **by rule of the State Department of Agriculture.**

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

27 **SECTION 25.** ORS 619.031 is amended to read:

28 619.031. (1) A person may not operate an animal food slaughtering establishment or processing
29 establishment without first obtaining a license therefor from the State Department of Agriculture.

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

32 (a) \$200 if the establishment's annual gross dollar volume of sales and services is not more than
33 \$50,000;

34 (b) \$250 if the establishment's annual gross dollar volume of sales and services is more than
35 \$50,000 and not more than \$500,000;

36 (c) \$300 if the establishment's annual gross dollar volume of sales and services is more than
37 \$500,000 and not more than \$1 million;

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

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

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

44 (3) The department shall increase the license fee amounts described in subsection (2) of this
45 section by two percent annually, rounded to the nearest whole dollar amount for assessment and

1 collection purposes. The department shall determine each annual increase using the unrounded fig-
2 ure from the preceding year. The first increase in the fee amounts shall occur on July 1, 2006.

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

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

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

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

30 (a) The provisions of ORS chapter 596.

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

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

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

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

38 (c) Shall keep complete and accurate records of the meat animals purchased for slaughter, in-
39 cluding but not limited to their description, brands if any, date of purchase and the name and ad-
40 dress of the person from whom the animals were purchased.

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

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

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

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

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

5 (a) \$216 if the establishment's annual gross dollar volume of sales and services is not more than
6 \$50,000;

7 (b) \$271 if the establishment's annual gross dollar volume of sales and services is more than
8 \$50,000 and not more than \$500,000;

9 (c) \$325 if the establishment's annual gross dollar volume of sales and services is more than
10 \$500,000 and not more than \$1 million;

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

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

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

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

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

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

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

44 (a) The provisions of ORS chapter 596.

45 (b) The procedures necessary to ensure that meat products that are only fit for or destined for

1 animal consumption are not sold for human consumption.

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

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

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

7 (c) Shall keep complete and accurate records of the meat animals purchased for slaughter, in-
8 cluding but not limited to their description, brands if any, date of purchase and the name and ad-
9 dress of the person from whom the animals were purchased.

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

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

13 **SECTION 27.** ORS 621.166 is amended to read:

14 621.166. (1) Application for a dairy products plant license shall be made to the State Department
15 of Agriculture on forms provided by the department. Each license and each annual renewal shall
16 expire on June 30 next following its issuance **or on such date as may be specified by department**
17 **rule.** Dairy products plant licenses are personal and are not transferable.

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

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

27 (a) \$125 if the applicant's annual gross dollar volume of sales and services is not more than
28 \$50,000;

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

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

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

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

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

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

44 (5) In establishing the amount of the license fee for an applicant, the department shall use the
45 annual gross dollar volume of sales and services by that applicant within Oregon during the prior

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

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

11 621.166. (1) Application for a dairy products plant license shall be made to the State Department
12 of Agriculture on forms provided by the department. Each license and each annual renewal shall
13 expire on June 30 next following its issuance **or on such date as may be specified by department**
14 **rule.** Dairy products plant licenses are personal and are not transferable.

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

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

24 (a) \$135 if the applicant's annual gross dollar volume of sales and services is not more than
25 \$50,000;

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

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

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

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

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

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

1 **SECTION 29.** ORS 621.266 is amended to read:

2 621.266. (1) Application for a pasteurizer operator license shall be made to the State Department
3 of Agriculture on forms provided by the department. A license issued or renewed by the department
4 under this section may be restricted so as to authorize the licensee to engage only in a limited line
5 of activity commensurate with the ability of the licensee.

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

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

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

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

21 **SECTION 30.** ORS 621.335 is amended to read:

22 621.335. (1) A person engaged in the business of freezing or making frozen desserts and then
23 selling those frozen desserts at wholesale must obtain a license to carry on that business from the
24 State Department of Agriculture as provided in this section. The person must obtain a separate li-
25 cense for each wholesale establishment operated by the person.

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

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

31 **SECTION 31.** ORS 622.050 is amended to read:

32 622.050. (1) A dealer shall make application to the State Department of Agriculture for a cer-
33 tificate or certificates of shellfish sanitation. The application shall be accompanied by the required
34 fee or fees.

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

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

42 **SECTION 32.** ORS 624.020 is amended to read:

43 624.020. (1) A person may not operate a restaurant or bed and breakfast facility without a li-
44 cense to do so from the Department of Human Services.

45 (2) Application for the license shall be in writing in the form prescribed by the department and

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

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

7 (4) Procedures for denial, revocation or suspension of a license are as provided in ORS chapter
8 183.

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

12 (6) A license is not transferable. The department may not issue a refund representing any un-
13 used portion of a license.

14 **SECTION 33.** ORS 628.230 is amended to read:

15 628.230. Application for the license required by ORS 628.220 shall be made to the State De-
16 partment of Agriculture in writing containing such information and in such form as may be pre-
17 scribed by the department. The license is not transferable and does not authorize the conduct of any
18 refrigerated locker business at any address other than that stated in the application. Licenses shall
19 be issued for the fiscal year commencing on July 1 and ending on June 30 next following **or for**
20 **such period as may be specified by department rule.**

21 **SECTION 34.** ORS 632.715 is amended to read:

22 632.715. (1) Unless the holder of a permit issued under ORS 632.730, no person shall sell or dis-
23 tribute within this state any eggs to consumers or to retailers without having first obtained an egg
24 handler's license from the State Department of Agriculture. The license shall not be required:

25 (a) Of a producer selling and delivering eggs of the producer's own production direct to an in-
26 dividual consumer; or

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

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

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

32 (3) Each egg handler's license shall expire on June 30 next following the date of issuance **or**
33 **on such date as may be specified by department rule.** Such license shall not be transferable to
34 any person. The original of the license shall be conspicuously displayed in the main office of the
35 licensee. A duplicate copy of the license shall be conspicuously displayed in each separate branch,
36 store, sales outlet, office, warehouse or location operated or owned by the licensee in which eggs
37 are candled or graded.

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

42 **SECTION 35.** ORS 632.730 is amended to read:

43 632.730. No person shall engage in the commercial breaking of eggs for the purpose of recover-
44 ing therefrom, for human food, the whites, yolks or whole egg meats, or any part thereof, for resale
45 as such, without first obtaining from the State Department of Agriculture a permit to do so. Such

1 permit shall be issued to any person making written application for it and a proper showing of
2 ability and intent to comply with the sanitary requirement specified by ORS 632.705 to 632.815, and
3 payment to the department of an annual permit fee of \$75. Such permit shall expire on June 30 next
4 following its date of issuance[, and] **or on such date as may be specified by department rule.**
5 **Such permits** may be renewed from year to year upon written application and payment of the an-
6 nual permit fee.

7 **SECTION 36.** ORS 633.015 is amended to read:

8 633.015. (1) A person may not distribute a nonregistered commercial feed. Every brand, and each
9 formula or formulation thereof, of commercial feeds manufactured, compounded, delivered or dis-
10 tributed in this state must be registered with the State Department of Agriculture. The distributor
11 must submit an application for registration on forms furnished by the department. If the department
12 so requests, the distributor must submit the label or a facsimile of the label and other printed matter
13 describing the product. Upon approval by the department, a certificate of registration shall be fur-
14 nished to the distributor. All registrations expire on December 31 of each year **or on such date**
15 **as may be specified by department rule.** The application must include the information required
16 by ORS 633.026 (1)(a) to (f) and such other information as the department may require.

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

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

22 (4) The department may refuse registration of any commercial feed if the application is not in
23 compliance with the provisions of ORS 633.006 to 633.089 and 633.992. The department may cancel
24 any registration subsequently found not to be in compliance with any provision of ORS 633.006 to
25 633.089 and 633.992. The department shall give the registrant reasonable opportunity to be heard
26 before the department and to amend the application in order to comply with the requirements of
27 ORS 633.006 to 633.089 and 633.992.

28 (5) Custom mixed feeds are exempt from registration.

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

31 **SECTION 37.** ORS 633.029 is amended to read:

32 633.029. (1)(a) A person may not operate an animal feed manufacturing plant, distribute com-
33 mercial feeds other than at retail, be furnished a certificate of registration of a brand in this state,
34 distribute a custom mixed feed manufactured for that person, or repackage or relabel a commercial
35 feed manufactured by another person without having first obtained a license from the State De-
36 partment of Agriculture. Application for license must be on forms prescribed by the department and
37 must be accompanied by a license fee established by the department, not to exceed \$500. All licenses
38 shall expire **on** December 31 of each year **or on such date as may be specified by department**
39 **rule.**

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

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

1 provisions of subsection (1) of this section.

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

5 (A) The methods of manufacture, mixing or processing of feed used;

6 (B) The quantities and kinds of drugs used; and

7 (C) The number, ages and kinds of animals to which the feed is to be made available.

8 **SECTION 38.** ORS 633.318 is amended to read:

9 633.318. (1) A manufacturer-bulk distributor license issued by the State Department of Agricul-
10 ture is required for manufacturers or bulk distributors of registered or custom mixed fertilizer, ag-
11 ricultural amendment, agricultural mineral or lime products. A license is required for any business
12 entity described by either or both of the following conditions:

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

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

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

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

21 (a) The name, physical address and mailing address of the business entity main office and pri-
22 mary contact;

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

24 (c) Other information as required by the department to clarify the manufacturer's or bulk dis-
25 tributor's activities or location.

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

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

33 **SECTION 39.** ORS 633.700 is amended to read:

34 633.700. (1) No person may sell, offer or expose for sale in this state any agricultural or vege-
35 table seeds unless the person holds an unsuspended license issued by the State Department of Ag-
36 riculture. However, any person selling seeds of the person's own production exclusively, and persons
37 selling only vegetable seeds at retail, in packages weighing not in excess of one-half pound, as pre-
38 pared for such trade by other seed companies, if the seed company preparing such packaged seed
39 for sale, has a license in force for the sale of such seed in this state, is not required to secure such
40 license. For the purposes of this section, persons operating more than one branch, plant or ware-
41 house where seeds are sold, offered or exposed for sale shall secure a separate license for each such
42 branch, plant or warehouse.

43 (2) Any person desiring to sell, offer or expose for sale in this state any agricultural or vegeta-
44 ble seeds, for planting purposes, except as provided in this section, shall make application to the
45 director for a license for this purpose. The application shall be signed by the applicant or the au-

1 thorized agent of the applicant and shall be in a form approved by the director. Upon presentation
2 of such signed application for a license and the tendering of the license fee established by the de-
3 partment pursuant to subsection (3) of this section, the department shall issue the license to the
4 applicant. The license shall expire **on June 30 next following the date of issuance or on such date**
5 **as may be specified by department rule.**

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

9 **SECTION 40.** ORS 634.112 is amended to read:

10 634.112. (1) Except as provided in ORS 634.142 (2), any license or certificate issued or required
11 of a pesticide consultant, dealer, operator, applicator, private applicator or trainee by this chapter
12 shall expire on December 31 following issuance [*unless it has been revoked or suspended prior thereto*
13 *by*] **or on such date as may be specified by rule of** the State Department of Agriculture. At least
14 30 days prior to the expiration date, the department shall by mail notify each person holding a li-
15 cense or certificate of the expiration date thereof.

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

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

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

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

26 (b) A person applying pesticides under ORS 634.106.

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

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

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

1 removed after the person has complied with the applicable provisions of subsections (5) and (6) of
2 this section.

3 **SECTION 41.** ORS 635.030 is amended to read:

4 635.030. (1) Any person desiring to or who does engage in the business of a nonalcoholic
5 beverage manufacturer shall apply to the State Department of Agriculture for a license for each
6 plant operated by such person. The application shall be in such form and contain such information
7 as the department may prescribe.

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

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

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

12 (b) \$250 if the manufacturer's annual gross sales are more than \$50,000 and not more than
13 \$500,000;

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

16 (d) \$550 if the manufacturer's annual gross sales are more than \$1 million and not more than
17 \$5 million;

18 (e) \$650 if the manufacturer's annual gross sales are more than \$5 million and not more than
19 \$10 million; or

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

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

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

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

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

42 635.030. (1) Any person desiring to or who does engage in the business of a nonalcoholic
43 beverage manufacturer shall apply to the State Department of Agriculture for a license for each
44 plant operated by such person. The application shall be in such form and contain such information
45 as the department may prescribe.

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

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

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

4 (b) \$271 if the manufacturer's annual gross sales are more than \$50,000 and not more than
5 \$500,000;

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

8 (d) \$595 if the manufacturer's annual gross sales are more than \$1 million and not more than
9 \$5 million;

10 (e) \$704 if the manufacturer's annual gross sales are more than \$5 million and not more than
11 \$10 million; or

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

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

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

28 **SECTION 43.** ORS 675.290 is amended to read:

29 675.290. Each licensed occupational therapist or occupational therapy assistant shall apply to
30 the Occupational Therapy Licensing Board prior to the expiration of a license for a renewal of a
31 license. Each applicant for renewal of a license shall pay a renewal fee, in an amount established
32 by the board, at the time of filing a renewal application. Any license that is not renewed before June
33 1 of even-numbered years, **or before such date as may be specified by board rule,** shall auto-
34 matically lapse. The board may revive and renew any lapsed license upon payment to it of a delin-
35 quent fee in the amount of \$50. However, late renewal of a license may not be granted more than
36 three years after its expiration.

37 **SECTION 44.** ORS 678.760 is amended to read:

38 678.760. (1) Upon compliance with the requirements of ORS 678.730 and the payment of a fee
39 as determined by the Board of Examiners of Nursing Home Administrators of the State of Oregon
40 under ORS 678.775, an individual shall upon application be granted a nursing home administrator's
41 original license. All original licenses shall expire on June 30 of the next odd-numbered year **or on**
42 **such date as may be specified by board rule.**

43 (2) Upon application within one year following expiration of an original or a renewal license,
44 and the payment of a fee as determined by the board under ORS 678.775, the board shall issue a
45 renewal license, provided the continuing education requirements and all other requirements set by

1 the board have been met. All renewal licenses shall expire on June 30 of the next odd-numbered year
2 **or on such date as may be specified by board rule.**

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

4 **SECTION 45.** ORS 681.320 is amended to read:

5 681.320. (1) On or before January 30 of each even-numbered year, **or on or before such date**
6 **as may be specified by rule of the State Board of Examiners for Speech-Language Pathology**
7 **and Audiology**, each licensed speech-language pathologist or audiologist shall submit to the [*State*
8 *Board of Examiners for Speech-Language Pathology and Audiology*] **board** an application for renewal
9 of license and pay the renewal fee established by the board. The application shall include the fol-
10 lowing:

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

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

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

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

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

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

31 **SECTION 46.** ORS 682.047 is amended to read:

32 682.047. (1) When applications have been made as required under ORS 682.045, the Department
33 of Human Services shall issue licenses to the owner if it is found that the ambulance service and
34 ambulance comply with the requirements of ORS 820.350 to 820.380 and this chapter and the rules
35 adopted thereunder.

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 47.** ORS 682.216 is amended to read:

12 682.216. (1) When application has been made as required under ORS 682.208, the Department of
13 Human Services shall certify the applicant as an emergency medical technician or as a first
14 responder if it finds:

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

16 (b) The applicant's physical and mental qualifications have been certified as required under ORS
17 682.208.

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

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

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

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

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

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

27 (3) The department may issue by indorsement certification for emergency medical technician
28 without proof of completion of an approved training course to an emergency medical technician who
29 is licensed to practice emergency care in another state of the United States or a foreign country if,
30 in the opinion of the department, the applicant meets the requirements of certification in this state
31 and can demonstrate to the satisfaction of the department competency to practice emergency care.
32 The department shall be the sole judge of credentials of any emergency medical technician applying
33 for certification without proof of completion of an approved training course.

34 (4) Each person holding a certificate under ORS 682.208 and this section shall submit, at the
35 time of application for renewal of the certificate to the department, evidence of the applicant's sat-
36 isfactory completion of a department approved program of continuing education and other require-
37 ments prescribed by rule by the department.

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

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

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

3 **SECTION 48.** ORS 685.100 is amended to read:

4 685.100. (1) Upon receipt of an application for a license, accompanied by the appropriate fee, the
5 Board of Naturopathic Examiners shall issue to the applicant a license certificate. The certificate
6 shall, at all times, be displayed in the office of the person to whom it was issued unless the person
7 has allowed the license to become inactive or is retired from the practice of naturopathic medicine
8 and does not maintain an office.

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

11 (a) A completed board renewal form containing any information required by the board to de-
12 termine the applicant's eligibility for license renewal;

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

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

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

21 (4) A license that has lapsed for more than one month may be restored by the board upon pay-
22 ment of the restoration fee established by the board and submission of a completed renewal appli-
23 cation and any other information required by the board.

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

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

34 (b) A person who chooses to allow a license to become inactive may file a written application
35 to reactivate a license that has been inactive for more than one year by paying the biennial renewal
36 fee for an active license and demonstrating compliance with the continuing education requirement
37 set by rule of the board under ORS 685.102 (6). The board may prorate the biennial renewal fee.

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

40 (8) The board shall assess fees for:

41 (a) An initial license.

42 (b) Examination.

43 (c) Renewal of a biennial license.

44 (d) Yearly renewal of an inactive or retired license.

45 (e) Restoration of an inactive, lapsed or revoked license.

1 (f) A certificate of special competency in natural childbirth.

2 (g) A duplicate license.

3 (h) A wall certificate.

4 (i) Copies of public documents, mailing labels, lists and diskettes.

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

10 **SECTION 48a. If Senate Bill 206 becomes law, section 48 of this 2007 Act (amending ORS**
11 **685.100) is repealed and ORS 685.100, as amended by section 4, chapter __, Oregon Laws 2007**
12 **(Enrolled Senate Bill 206), is amended to read:**

13 685.100. (1) Upon approval of an application for a licensure, the Board of Naturopathic Exam-
14 iners shall issue a license certificate that shall be displayed at all times in the office of the person
15 to whom it was issued while the license is active.

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

18 (a) A completed board renewal form containing any information required by the board to de-
19 termine the applicant's eligibility for license renewal;

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

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

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

28 (4) A license that has lapsed for more than one month may be restored by the board upon pay-
29 ment of the restoration fee established by the board and submission of a completed renewal appli-
30 cation and any other information required by the board.

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

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

41 (b) A person who chooses to allow a license to become inactive may file a written application
42 to reactivate a license that has been inactive for more than one year by paying the renewal fee for
43 an active license and demonstrating compliance with the continuing education requirement set by
44 rule of the board under ORS 685.102 (6). The board may prorate the renewal fee.

45 (7) The executive director of the board shall issue a renewal notice to each person holding a

1 license under this chapter [*by the first day of November of each year*] **at least 60 days before the**
2 **renewal application is due.**

3 (8) The board shall assess fees for:

4 (a) An initial license.

5 (b) Examination.

6 (c) Renewal of an active license.

7 (d) Yearly renewal of an inactive or retired license.

8 (e) Restoration of an inactive, lapsed or revoked license.

9 (f) A certificate of special competency in natural childbirth.

10 (g) A duplicate license.

11 (h) A wall certificate.

12 (i) Copies of public documents, mailing labels, lists and diskettes.

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

18 **SECTION 49.** ORS 686.420 is amended to read:

19 686.420. (1) [*By November 1 of each year, the Oregon State Veterinary Medical Examining Board*
20 *shall mail notification to each holder of*] A license to practice veterinary medicine or to act as a
21 veterinary technician [*that the license*] expires on [*the*] December 31 [*next following*] **or on such date**
22 **as may be specified by rule of the Oregon State Veterinary Medical Examining Board. The**
23 **board shall give each person holding a license a notice of pending expiration at least 60 days**
24 **before the license expires.** This notice shall be sufficient if mailed to the last address filed with
25 the board by the license holder. Appropriate forms for the presentation of evidence of professional
26 activity shall be mailed with the notice of expiration.

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

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

36 **SECTION 50.** ORS 688.650 is amended to read:

37 688.650. (1) When application has been made as required under ORS 688.640, the Department of
38 Human Services shall certify the applicant as a hemodialysis technician if it finds:

39 (a) The applicant has successfully completed the training requirement adopted by the depart-
40 ment.

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

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

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

45 (2) The department may provide for the issuance of a temporary or provisional certification for

1 a person to practice as a hemodialysis technician until the person has taken and passed the next
2 held certification examination available to the person and has received a certificate. The department
3 may impose any conditions or limitations on a temporary or provisional certificate that the depart-
4 ment considers reasonable and necessary to protect the public. A temporary or provisional certif-
5 icate may be held only by a person who:

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

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

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

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

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

15 (5) Each certification issued under this section, unless sooner suspended or revoked, shall expire
16 and be renewable after a period of two years. Each certificate must be renewed on or before June
17 30 of every second year **or on or before such date as may be specified by department rule**. The
18 department by rule shall establish a schedule of certificate renewals under this subsection and shall
19 prorate the fees to reflect any shorter certificate period.

20 **SECTION 51.** ORS 689.275 is amended to read:

21 689.275. (1) Each pharmacist shall apply for renewal of license annually no later than June 30
22 **or no later than such date as may be specified by rule of the State Board of Pharmacy**. The
23 [*State Board of Pharmacy*] **board** shall renew the license of each pharmacist who is qualified to
24 engage in the practice of pharmacy.

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

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

32 (b) Failure to comply with the requirements of paragraph (a) of this subsection shall be consid-
33 ered the practice of pharmacy without a license.

34 **SECTION 52.** ORS 691.465 is amended to read:

35 691.465. (1) The Board of Examiners of Licensed Dietitians shall issue a license with a duration
36 of not more than two years to each person approved to be licensed. The license shall be prima facie
37 evidence of the right of the person to whom it is issued to represent the person as a licensed
38 dietitian subject to the provisions of ORS 691.405 to 691.585.

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

1 newal fees.

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

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

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

10 **SECTION 53.** ORS 692.160 is amended to read:

11 692.160. (1) The fees that may be charged under this chapter are:

12 (a) A fee covering requests for applications for a funeral establishment license, an immediate
13 disposition company license, a certificate of authority for a cemetery, a certificate of authority for
14 a crematorium, registration as a funeral service practitioner apprentice, registration as an embalmer
15 apprentice, a certificate of removal registration, a license as a reciprocal funeral service practi-
16 tioner or a license as a reciprocal embalmer. The application fee shall be accompanied by an addi-
17 tional fee for each principal of a funeral establishment, immediate disposition company, cemetery
18 or crematorium.

19 (b) A fee covering the renewal of a license for a funeral establishment, a license for an imme-
20 diate disposition company or a certificate of authority for a crematorium.

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

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

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

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

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

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

28 (i) A fee for reissuing a license, registration or certificate of authority as provided in ORS
29 692.148.

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

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

39 (3) The board shall mail to each licensed funeral service practitioner, to each licensed embalmer,
40 to each licensed operator of a funeral establishment or immediate disposition company and to each
41 cemetery and crematorium holding a certificate of authority under ORS 692.275, addressed to the
42 licensee or certificate holder at the licensee's or certificate holder's last-known address, a notice
43 that the renewal fee is due and payable and that if the fee is not paid by the renewal date the li-
44 cense or certificate of authority shall lapse. The notice shall be mailed to each licensed funeral
45 service practitioner and to each licensed embalmer [*on or before November 1 of each odd-numbered*

1 year] **at least 60 days before the license expires.** The notice shall be mailed to each licensed op-
2 erator of a funeral establishment or immediate disposition company and to each cemetery and
3 crematorium holding a certificate of authority under ORS 692.275 [on or before November 1 of each
4 even-numbered year] **at least 60 days before the license or certificate of authority expires.** [On
5 or after July 1, 1986,] The board may impose continuing education requirements as a prerequisite for
6 relicensure.

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

13 **SECTION 54.** ORS 696.530 is amended to read:

14 696.530. (1) The license of an escrow agent expires **on** June 30 next after the date of issuance
15 [if it is not renewed by July 1 of such year] **or on such date as may be specified by rule of the**
16 **Real Estate Commissioner.** A license may be renewed by filing a renewal application in writing,
17 verified by the applicant and in the form prescribed by the [Real Estate] commissioner, and paying
18 the annual license fee for the next succeeding fiscal year.

19 (2) The filing fees are:

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

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

24 (c) For a name change or a change of address of an escrow agent, \$10 for the main office plus
25 \$10 for each affected branch office.

26 **SECTION 54a. If Senate Bill 168 becomes law, section 54 of this 2007 Act (amending ORS**
27 **696.530) is repealed and ORS 696.530, as amended by section 1, chapter 225, Oregon Laws 2007**
28 **(Enrolled Senate Bill 168), is amended to read:**

29 696.530. (1) The license of an escrow agent expires **on** June 30 next after the date of issuance
30 [if it is not renewed by July 1 of such year] **or on such date as may be specified by rule of the**
31 **Real Estate Commissioner.** A license may be renewed by filing a renewal application in writing,
32 verified by the applicant and in the form prescribed by the [Real Estate] commissioner, and paying
33 the annual license fee for the next succeeding fiscal year.

34 (2) The filing fees are:

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

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

39 (c) For a name change or a change of address of an escrow agent, \$10 for the main office plus
40 \$10 for each affected branch office.

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

44 **SECTION 55.** ORS 704.020 is amended to read:

45 704.020. (1) Any person who acts, or who offers to act, as an outfitter and guide must first reg-

1 ister with the State Marine Board. Each registration shall be submitted annually on a form provided
2 by the board and shall include the following information:

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

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

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

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

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

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

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

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

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

22 (d) A description of:

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

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

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

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

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

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

40 (A) Have not been convicted of:

41 (i) Any criminal offense or violation under this chapter or ORS chapter 477, 496, 497, 498, 501,
42 506, 508, 509 or 511 or any rule adopted pursuant thereto; or

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

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

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

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

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

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

12 (b) Of liability insurance.

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

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

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

23 (a) For resident persons, \$50.

24 (b) For nonresident persons who reside in a state that requires residents of the State of Oregon
25 to pay a license fee, registration fee or other fee or charge in excess of \$50 to act as an outfitter
26 and guide in that state, the same fee or other charge as is charged the residents of the State of
27 Oregon to act as an outfitter and guide in the state where the nonresident applicant resides. If the
28 state in which such a nonresident applicant resides makes distinctions in fees or charges based on
29 the type of outfitter and guide service performed and requires residents of the State of Oregon to
30 pay fees or charges accordingly, the board shall make and apply those same distinctions and require
31 the nonresident applicants to pay the corresponding fees or charges.

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

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

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

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

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

45 **SECTION 56.** ORS 726.125 is amended to read:

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

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

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

18 **SECTION 57.** ORS 837.020 is amended to read:

19 837.020. (1) In the interest of public safety and the safety of those people traveling by air or
20 receiving aviation instruction, every pilot operating within this state shall register with the Oregon
21 Department of Aviation within 60 days of issuance of any appropriate effective federal certificate,
22 permit, rating or license relating to competency as a pilot except that student pilots shall register
23 prior to their first solo flight. A nonresident pilot of a scheduled or nonscheduled airline, certificated
24 by the appropriate federal agency, is not required to register under the provisions of this section
25 unless the nonresident pilot engages in the piloting of aircraft other than such certificated opera-
26 tion. Nonresidents operating within this state, other than in a commercial operation, shall register
27 with the department within 60 days of the date of arrival within the state. Pilots operating com-
28 mercially shall register prior to any commercial operation.

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

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

36 **SECTION 58.** ORS 183.335 is amended to read:

37 183.335. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice
38 of its intended action:

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

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

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

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

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

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

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

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

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

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

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

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

20 (E) A statement of fiscal impact identifying state agencies, units of local government and the
21 public which may be economically affected by the adoption, amendment or repeal of the rule and
22 an estimate of that economic impact on state agencies, units of local government and the public. In
23 considering the economic effect of the proposed action on the public, the agency shall utilize avail-
24 able information to project any significant economic effect of that action on businesses which shall
25 include a cost of compliance effect on small businesses affected. For an agency specified in ORS
26 183.530, the statement of fiscal impact shall also include a housing cost impact statement as de-
27 scribed in ORS 183.534;

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

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

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

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

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

41 (3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons
42 reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon
43 request received from 10 persons or from an association having not less than 10 members before the
44 earliest date that the rule could become effective after the giving of notice pursuant to subsection
45 (1) of this section. An agency holding a hearing upon a request made under this subsection shall give

1 notice of the hearing at least 21 days before the hearing to the person who has requested the
2 hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the
3 persons specified in subsection (15) of this section. The agency shall publish notice of the hearing
4 in the bulletin referred to in ORS 183.360 at least 14 days before the hearing. The agency shall
5 consider fully any written or oral submission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS
7 183.534.

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

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

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

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

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

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

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

23 [(d)] (e) Correcting statutory references; or

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

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

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

33 (10) This section does not apply to ORS 279.835 to 279.855, 279A.140 to 279A.155, 279A.250 to
34 279A.290, 279A.990, 279B.050 to 279B.085, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280,
35 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545,
36 279C.550 to 279C.570, 279C.580, 279C.585, 279C.590, 279C.600 to 279C.625, 279C.650 to 279C.670 and
37 279C.800 to 279C.870 relating to public contracts and purchasing.

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

42 (b) In addition to all other requirements with which rule adoptions must comply, a rule is not
43 valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS
44 183.715.

45 (c) A rule is not subject to judicial review or other challenge by reason of failing to comply with

1 subsection (2)(a)(A) of this section.

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

7 (b) An agency may use an amended filing to correct a failure to include a fiscal impact state-
8 ment in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct
9 an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with
10 the assistance of an advisory committee or fiscal impact advisory committee appointed under ORS
11 183.333.

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

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

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

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

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

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

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

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

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

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

44 (a) Use combined license applications;

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

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

2 (d) Issue combined license documents; and

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

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

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

17 [(4)] **(3)** The Department of Consumer and Business Services may adopt rules necessary for im-
18 plementation of combined license processing [*pilot projects*] **programs**. Any agency participating in
19 a combined license processing [*pilot project*] **program** may:

20 (a) Agree to be bound by the rules adopted by the Department of Consumer and Business Ser-
21 vices; and

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

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

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

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

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

34 **SECTION 62.** ORS 835.106 is amended to read:

35 835.106. (1) The Governor shall appoint the Director of the Oregon Department of Aviation,
36 subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565, who holds office at the
37 pleasure of the Governor.

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

40 [(3)] **(2)** Subject to policy direction by the State Aviation Board, the director shall:

41 (a) Be the administrative head of the department;

42 (b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter
43 240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties
44 and fix their compensation, subject to the State Personnel Relations Law;

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

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

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

8 [(5)] (4) The director may delegate to any of the employees of the department the exercise or
9 discharge in the director's name of any duty, function or power of whatever character, vested in or
10 imposed by law upon the director, including duties, functions or powers delegated to the director
11 by the board. The official act of any person acting in the director's name and by the authority of
12 the director shall be considered to be an official act of the director.

13 [(6)] (5) The director shall have authority to require a fidelity bond of any officer or employee
14 of the department who has charge of, handles or has access to any state money or property, and
15 who is not otherwise required by law to give a bond. The amounts of the bonds shall be fixed by the
16 director, except as otherwise provided by law, and the sureties shall be approved by the director.
17 The department shall pay the premiums on the bonds.

18 [(7)] (6) The director shall prepare and submit to the board on or about December 31 of each
19 year an annual report for the 12 months ending the prior June 30. The annual report shall set forth
20 all that the department has done during the year. The report shall contain a statement of the parts
21 of the state aviation system that were constructed, reconstructed or improved during the period,
22 together with a statement showing in a general way the status of the state aviation system.

23 **SECTION 63.** ORS 776.105 is amended to read:

24 776.105. (1) The Oregon Board of Maritime Pilots is established within the [*Department of*
25 *Transportation*] **Public Utility Commission of Oregon**, and shall consist of nine members appointed
26 by the Governor for terms of four years. The appointments of members of the board are subject to
27 confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

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

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

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

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

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

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

42 (b) Be actively engaged in piloting; and

43 (c) Be a resident of this state.

44 (4) Except as provided in subsection (5) of this section, three members of the board shall, for
45 at least three years immediately preceding their appointment, have been and during their terms of

1 office be engaged in the activities of a person, as defined in ORS 174.100, that operates or represents
2 commercial oceangoing vessels.

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

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

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

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

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

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

18 (A) **Budgeting;**

19 (B) **Financial management;**

20 (C) **Record keeping;**

21 (D) **Staffing;**

22 (E) **Purchasing and contracting;**

23 (F) **Collecting fees; and**

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

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

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

27 (B) **Subject to the State Personnel Relations Law, fix the compensation of the adminis-**
28 **trative officer.**

29 **SECTION 64.** ORS 184.615 is amended to read:

30 184.615. (1) The Department of Transportation is established.

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

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

40 (4) The director shall appoint an administrator for each area of critical concern to the depart-
41 ment. The administrator shall be responsible for planning and operations in that area, for relation-
42 ships between the department and persons affected by the operations of the area, for advocacy of
43 the area within the department planning and operations processes and for such other duties as may
44 be provided by law. For purposes of this subsection, "area of critical concern" includes, but is not
45 necessarily limited to, driver and motor vehicle services, highways, motor carriers, public transit,

1 rail[,] **and** transportation safety [*and maritime pilotage*]. In appointing administrators under this
2 subsection, the director shall consider recommendations of any advisory committee interested in the
3 area of responsibility. Administrators appointed under this subsection are in the unclassified service
4 for purposes of the State Personnel Relations Law.

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

8 **SECTION 65.** ORS 184.651 is amended to read:

9 184.651. The Department of Transportation shall develop, operate and maintain a full cost ac-
10 counting system that accurately and separately accounts for all direct, indirect and administrative
11 costs incurred by each of the following units of the department:

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

13 [(2)] (1) Central services.

14 [(3)] (2) Driver and motor vehicle services.

15 [(4)] (3) Highways.

16 [(5)] (4) Motor carriers.

17 [(6)] (5) Rail.

18 [(7)] (6) Transit.

19 [(8)] (7) Transportation development.

20 [(9)] (8) Transportation safety.

21 **SECTION 66.** ORS 670.304 is amended to read:

22 670.304. Except as otherwise specifically provided, ORS 670.300 to 670.380 apply to the following
23 professional licensing and advisory boards:

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

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

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

27 (4) The State Board of Architect Examiners.

28 (5) The State Landscape Contractors Board.

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

30 (7) State Landscape Architect Board.

31 (8) State Board of Geologist Examiners.

32 (9) State Board of Tax Practitioners.

33 (10) Oregon Board of Accountancy.

34 (11) The Construction Contractors Board.

35 **SECTION 67.** ORS 670.306 is amended to read:

36 670.306. (1) Subsections (2) and (3) of this section shall apply only to the following professional
37 licensing boards:

38 (a) State Board of Architect Examiners.

39 (b) Construction Contractors Board.

40 (c) State Board of Examiners for Engineering and Land Surveying.

41 (d) State Landscape Architect Board.

42 (e) State Landscape Contractors Board.

43 (f) Oregon Board of Accountancy.

44 [(g) *Oregon Board of Maritime Pilots.*]

45 [(h)] (g) State Board of Tax Practitioners.

1 (2) A board shall fix the qualifications of and appoint an administrative officer. The determi-
2 nation of qualifications and appointment of an administrative officer shall be made after
3 consultation[:]

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

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

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

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

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

12 **SECTION 68.** ORS 776.365 is amended to read:

13 776.365. [The money received under this chapter shall be paid into the State Treasury and placed
14 to the credit of the General Fund in the Pilot Account which account hereby is established. Such
15 moneys hereby are appropriated continuously and shall be used only for the administration and
16 enforcement of this chapter. The Oregon Department of Administrative Services shall draw warrants
17 for all claims approved by the Oregon Board of Maritime Pilots pursuant to the appropriations on the
18 State Treasurer, payable out of the Pilot Account in the General Fund.] **The Pilot Account is es-**
19 **established in the State Treasury, separate and distinct from the General Fund. All moneys**
20 **received by the Oregon Board of Maritime Pilots under this chapter shall be deposited in the**
21 **account. All moneys in the account are continuously appropriated to the board and the board**
22 **may use the moneys only for the administration and enforcement of this chapter and for**
23 **expenses incurred by the Public Utility Commission in its oversight of the board.**

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

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

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

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

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

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

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

45 (2) The expenditure classifications, if any, established by Acts authorizing or limiting

1 expenditures by the Department of Transportation for the Oregon Board of Maritime Pilots
2 remain applicable to expenditures by the Public Utility Commission of Oregon under this
3 section.

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

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

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

20 **SECTION 74.** (1) Sections 69 to 73 of this 2007 Act and the amendments to ORS 184.615,
21 184.651, 670.304, 670.306, 776.105 and 776.365 by sections 63 to 68 of this 2007 Act become op-
22 erative July 1, 2007.

23 (2) Section 61 of this 2007 Act, the amendments to ORS 183.335, 183.705, 435.050, 438.130,
24 460.065, 508.470, 508.781, 508.807, 508.892, 508.947, 537.747, 571.075, 571.535, 585.040, 586.270,
25 601.030, 601.080, 603.025, 604.620, 616.706, 618.146, 619.031, 621.166, 621.266, 621.335, 622.050,
26 624.020, 628.230, 632.715, 632.730, 633.015, 633.029, 633.318, 633.700, 634.112, 635.030, 675.290,
27 678.760, 681.320, 682.047, 682.216, 685.100, 686.420, 688.650, 689.275, 691.465, 692.160, 696.530,
28 704.020, 726.125, 835.106 and 837.020 and section 1, chapter 73, Oregon Laws 2005, by sections
29 1 to 59 and 62 of this 2007 Act and the repeal of sections 2 and 3, chapter 73, Oregon Laws
30 2005, by section 60 of this 2007 Act become operative on January 1, 2008.

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