

Enrolled Senate Bill 187

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CHAPTER

AN ACT

Relating to State Department of Agriculture refunding of payments; creating new provisions; and amending ORS 561.303.

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

SECTION 1. ORS 561.303 is amended to read:

561.303. (1) Notwithstanding the provisions of ORS 293.445 (2), the State Department of Agriculture may, upon application therefor, make refunds and determine that moneys received by the department are not due or are in excess of amounts due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction, whenever:

- (a) The amount received is in excess of the prescribed fee or penalty;
- (b) The applicant has not or will not engage in the activity requiring the license, permit, registration or certificate or use the license, permit, registration or certificate during the time period requiring the license, permit, registration or certificate, and has:
 - (A) Died, or otherwise involuntarily become incapable of engaging in such activity; or
 - (B) Applied for a license, permit, registration or certificate under a mistake of fact as to the need therefor; or
 - (c) The applicant, as a condition to the issuance of a license, permit, registration or certificate, is required to meet certain personal qualifications, submit a bond, insurance certificate or other indemnity document to the department, or submit to a departmental examination, and due to causes beyond the control of the applicant cannot do so.

(2) The department may refuse refunds and determine that moneys received by the department are due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction whenever:

- (a) The applicant, as a condition to the issuance of a license, permit, registration or certificate, is required to submit to a departmental examination, analysis or inspection, and fails to voluntarily submit, complete or satisfactorily pass the examination, analysis or inspection;
- (b) The applicant voluntarily determines not to engage in the activity requiring the license, permit, registration or certificate;
- (c) The applicant has engaged in the activity requiring a license, permit, registration or certificate without having obtained a license, permit, registration or certificate, whether or not the applicant thereafter qualified under any of the provisions of subsection (1) of this section;

(d) Other than costs of clerical processing of the application, the department has incurred costs for services performed in connection with the license, permit, registration or certificate, or application therefor;

[(e) The moneys subject to refund in accordance with the provisions of subsection (1) of this section are less than \$5; or]

(e) The amount subject to being refunded to the applicant under subsection (1) of this section is less than \$25; or

(f) The application for refund is not submitted to the department during the time period of the license, permit, registration or certificate.

SECTION 2. The amendments to ORS 561.303 by section 1 of this 2009 Act apply to refund applications for which the State Department of Agriculture takes final action on or after the effective date of this 2009 Act.

Passed by Senate March 3, 2009

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Secretary of Senate

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President of Senate

Passed by House June 1, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State