Senate Bill 187

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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 **as introduced.**

Increases threshold amount below which State Department of Agriculture may refuse to issue payment refund.

1 **A BILL FOR AN ACT**

2 Relating to State Department of Agriculture refunding of payments; creating new provisions; and

3 amending ORS 561.303.

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

5 **SECTION 1.** ORS 561.303 is amended to read:

6 561.303. (1) Notwithstanding the provisions of ORS 293.445 (2), the State Department of Agri-

7 culture may, upon application therefor, make refunds and determine that moneys received by the

8 department are not due or are in excess of amounts due as fees or penalties relating to the issuance

9 or renewal of licenses, permits, registrations or certificates under its jurisdiction, whenever:

10 (a) The amount received is in excess of the prescribed fee or penalty;

11 (b) The applicant has not or will not engage in the activity requiring the license, permit, regis-

12 tration or certificate or use the license, permit, registration or certificate during the time period

13 requiring the license, permit, registration or certificate, and has:

14 (A) Died, or otherwise involuntarily become incapable of engaging in such activity; or

15 (B) Applied for a license, permit, registration or certificate under a mistake of fact as to the

16 need therefor; or

17 (c) The applicant, as a condition to the issuance of a license, permit, registration or certificate,

18 is required to meet certain personal qualifications, submit a bond, insurance certificate or other

19 indemnity document to the department, or submit to a departmental examination, and due to causes

20 beyond the control of the applicant cannot do so.

21 (2) The department may refuse refunds and determine that moneys received by the department

22 are due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations

23 or certificates under its jurisdiction whenever:

24 (a) The applicant, as a condition to the issuance of a license, permit, registration or certificate,

25 is required to submit to a departmental examination, analysis or inspection, and fails to voluntarily

26 submit, complete or satisfactorily pass the examination, analysis or inspection;

27 (b) The applicant voluntarily determines not to engage in the activity requiring the license,

28 permit, registration or certificate;

29 (c) The applicant has engaged in the activity requiring a license, permit, registration or certif-

30 icate without having obtained a license, permit, registration or certificate, whether or not the ap-

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 plicant thereafter qualified under any of the provisions of subsection (1) of this section;

2 (d) Other than costs of clerical processing of the application, the department has incurred costs

3 for services performed in connection with the license, permit, registration or certificate, or appli-

4 cation therefor;

5 [*(e) The moneys subject to refund in accordance with the provisions of subsection (1) of this section*

6 *are less than $5; or*]

7 **(e) The amount subject to being refunded to the applicant under subsection (1) of this**

8 **section is less than $25; or**

9 (f) The application for refund is not submitted to the department during the time period of the

10 license, permit, registration or certificate.

11 **SECTION 2. The amendments to ORS 561.303 by section 1 of this 2009 Act apply to refund**

12 **applications for which the State Department of Agriculture takes final action on or after the**

13 **effective date of this 2009 Act.**

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