

Senate Bill 123

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for State Parks and Recreation Department)

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**.

Adds certain rules adopted by State Parks and Recreation Commission to list of exemptions from provision requiring fee approval by Legislative Assembly.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to charges adopted by the State Parks and Recreation Commission; creating new pro-
3 visions; amending ORS 291.055; and declaring an emergency.

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

5 **SECTION 1.** ORS 291.055 is amended to read:

6 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
7 tablish fees, all new state agency fees or fee increases adopted after July 1 of any odd-numbered
8 year:

9 (a) Are not effective for agencies in the executive department of government unless approved
10 in writing by the Director of the Oregon Department of Administrative Services;

11 (b) Are not effective for agencies in the judicial department of government unless approved in
12 writing by the Chief Justice of the Supreme Court;

13 (c) Are not effective for agencies in the legislative department of government unless approved
14 in writing by the President of the Senate and the Speaker of the House of Representatives;

15 (d) Shall be reported by the state agency to the Oregon Department of Administrative Services
16 within 10 days of their adoption; and

17 (e) Are rescinded on July 1 of the next following odd-numbered year, or on adjournment sine
18 die of the regular session of the Legislative Assembly meeting in that year, whichever is later, un-
19 less otherwise authorized by enabling legislation setting forth the approved fees.

20 (2) This section does not apply to:

21 (a) Any tuition or fees charged by the State Board of Higher Education and state institutions
22 of higher education.

23 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
24 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-
25 butions and assessments calculated by cents per hour for workers' compensation coverage required
26 by ORS 656.506.

27 (c) Fees or payments required for:

28 (A) Health care services provided by the Oregon Health and Science University, by the Oregon
29 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

30 (B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS

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.

1 735.614 and 735.625.

2 (C) Copayments and premiums paid to the Oregon medical assistance program.

3 (D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951
4 and 743.961.

5 (d) Fees created or authorized by statute that have no established rate or amount but are cal-
6 culated for each separate instance for each fee payer and are based on actual cost of services pro-
7 vided.

8 (e) State agency charges on employees for benefits and services.

9 (f) Any intergovernmental charges.

10 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the
11 Oregon Forest Land Protection Fund fees established by ORS 477.760.

12 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

13 (i) Any charges established by the State Parks and Recreation Director in accordance with ORS
14 565.080 (3) **or by the State Parks and Recreation Commission pursuant to ORS 390.124 (2).**

15 (j) Assessments on premiums charged by the Insurance Division of the Department of Consumer
16 and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and
17 Corporate Securities of the Department of Consumer and Business Services to banks, trusts and
18 credit unions pursuant to ORS 706.530 and 723.114.

19 (k) Public Utility Commission operating assessments required by ORS 756.310 or charges paid
20 to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

21 (L) Fees charged by the Housing and Community Services Department for intellectual property
22 pursuant to ORS 456.562.

23 (m) New or increased fees that are anticipated in the legislative budgeting process for an
24 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
25 budget for the agency.

26 (n) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

27 (o) Convenience fees as defined in ORS 182.126 and established by the Oregon Department of
28 Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government
29 Portal Advisory Board.

30 (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unex-
31 pected and temporary revenue surpluses may be increased to not more than their prior level without
32 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
33 specifies the following:

34 (A) The reason for the fee decrease; and

35 (B) The conditions under which the fee will be increased to not more than its prior level.

36 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
37 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

38 **SECTION 2. The amendments to ORS 291.055 by section 1 of this 2011 Act apply to rules**
39 **adopted by the State Parks and Recreation Commission pursuant to ORS 390.124 (2) after**
40 **July 1, 2011.**

41 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
43 **July 1, 2011.**

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