

Senate Bill 953

Sponsored by Senator THOMSEN

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**.

Directs Legislative Assembly, at odd-numbered year regular sessions, to consider bill that lists all state agency fees adopted by rule and that authorizes increase in amount of each fee by percentage amount equal to percentage increase in Consumer Price Index. Requires bill to list amount of each increased fee.

Specifies that state agency may adopt fee increase by rule only if increase is authorized by Legislative Assembly in bill.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state agency fees; creating new provisions; amending ORS 291.055; and declaring an
3 emergency.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 291.050 to**
6 **291.060.**

7 **SECTION 2. (1) During each regular session of the Legislative Assembly held in an odd-**
8 **numbered year, the President of the Senate or the Speaker of the House of Representatives**
9 **shall introduce a bill that:**

10 (a) Lists each fee adopted by a state agency by rule;

11 (b) Authorizes each state agency to increase the amount of each fee adopted by the state
12 agency by rule by a percentage equal to the percentage increase in the Consumer Price Index
13 for All Urban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as compiled
14 by the Bureau of Labor Statistics of the United States Department of Labor; and

15 (c) Sets forth the amount of the fee as increased by the amount allowed under paragraph
16 (b) of this subsection.

17 (2) Notwithstanding any other law that grants to a state agency the authority to estab-
18 lish fees, a state agency by rule may not increase the amount of a fee charged by the agency
19 unless the amount of the increase is authorized by the Legislative Assembly in a bill de-
20 scribed in subsection (1) of this section.

21 **SECTION 3. ORS 291.055 is amended to read:**

22 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
23 tablish fees, all new state agency fees [*or fee increases*] adopted after July 1 of any odd-numbered
24 year:

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

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

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

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

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

8 (2) This section does not apply to:

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

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

15 (c) Fees or payments required for:

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

18 (B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS
19 735.614 and 735.625.

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

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

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

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

27 (f) Any intergovernmental charges.

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

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

31 (i) Any charges established by the State Parks and Recreation Director in accordance with ORS
32 565.080 (3).

33 (j) Assessments on premiums charged by [*the Insurance Division of*] the Department of Consumer
34 and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and
35 Corporate Securities of the Department of Consumer and Business Services to banks, trusts and
36 credit unions pursuant to ORS 706.530 and 723.114.

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

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

41 (m) New [*or increased*] fees that are anticipated in the legislative budgeting process for an
42 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
43 budget for the agency.

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

45 (o) Convenience fees as defined in ORS 182.126 and established by the Oregon Department of

1 Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government
2 Portal Advisory Board.

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

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

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

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

11 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
13 **on its passage.**

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