
MEMORANDUM

Legislative Fiscal Office
900 Court St. NE, Room H-178
Salem, Oregon 97301
Phone 503-986-1828
FAX 503-373-7807

To: *Public Safety Subcommittee*

From: *Monica Brown, Legislative Fiscal Office*
(503) 986-1839

Date: *May 23, 2013*

Subject: *HB 5039 Oregon State Police, State Fire Marshal Fee Ratification*
Public Hearing and Work Session Recommendations

HB 5039 relates to state financial administration and is currently a “blank” bill that will be amended to ratify a fee increase. The measure has an emergency clause and takes effect on July 1, 2013.

The measure, preliminary Joint Committee on Ways and Means staff measure summary, and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

Amendment

There is a -1 amendment replaces the entire measure and ratifies a \$1 per petroleum load increase that was adopted by the Oregon State Police, State Fire Marshal on January 1, 2013.

Motion #1: Move the -1 amendment to HB 5039.

Measure as Modified

The measure, as amended, is recommended to be moved to the full Committee on Joint Ways and Means.

Motion #2: Move HB 5039 to the full committee with a “do pass” recommendation, as amended.

Assignment of Carriers

Full: _____
2nd Chamber: _____

HB 5039-1
(LC 3689)
5/22/13 (TR/ps)

**PROPOSED AMENDMENTS TO
HOUSE BILL 5039**

1 In line 2 of the printed bill, delete “appropriating money; limiting ex-
2 penditures;”.

3 Delete lines 5 through 16 and insert:

4 **“SECTION 1. For the purpose of carrying out the provisions of ORS
5 291.055 (1)(e), the increased fee of \$5 per petroleum load, adopted by the
6 Department of State Police, office of State Fire Marshal, and approved
7 by the Oregon Department of Administrative Services, is approved.**

8 **“SECTION 2. This 2013 Act being necessary for the immediate
9 preservation of the public peace, health and safety, an emergency is
10 declared to exist, and this 2013 Act takes effect July 1, 2013.”.**

11

77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
PRELIMINARY STAFF MEASURE SUMMARY

MEASURE: HB 5039-1

Joint Committee on Ways and Means

Carrier – House: Rep.
Carrier – Senate: Sen.

Revenue: No revenue impact statement issued

Fiscal: Fiscal statement issued

Action:

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Monica Brown, Legislative Fiscal Office

Meeting Date: [Full Committee Meeting Date]

WHAT THE MEASURE DOES: Ratifies fee changes adopted by the Oregon State Police, State Fire Marshal and approved by the Department of Administrative Services. The Petroleum Load fee was increased to \$5 per load from \$4 on January 1, 2013.

ISSUES DISCUSSED:

-

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: ORS 291.055(1)(e) requires the Legislative Assembly to ratify fees an agency implements during the prior biennium without legislative approval. The fee revenue is anticipated in the budget.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 5039 - 1

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: John Terpening
Reviewed by: Monica Brown
Date: 5-23-2013

Measure Description:

Approves increased fees adopted by the State Fire Marshal.

Government Unit(s) Affected:

Oregon State Police (OSP)

Summary of Expenditure Impact: See Analysis**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

ORS 291.055(1)(e) requires all new state agency fees or fee increases adopted after July 1 of any odd-numbered year to be rescinded on July 1 unless authorized by enabling legislation setting forth the approved fees. This bill provides the enabling legislation necessary to approve fees adopted through Administrative Rule by Oregon State Police for the State Fire Marshal during the 2011-2013 interim. The fee for petroleum product delivery or withdrawal loads was increased to \$5, from \$4, on January 1, 2013. This fee increase is anticipated to generate \$134,547 Other Funds revenue during the 2011-2013 biennium.

The 2013-2015 budget assumes the continuation of the revenue from this fee change, as well as additional annual incremental changes of \$1 per load. The fee increase being ratified by this bill is anticipated to create \$538,188 Other Funds revenue during the 2013-2015 biennium.