
MEMORANDUM

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To: *Natural Resources Subcommittee*

From: *Susie Jordan, Legislative Fiscal Office*
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Date: *May 28, 2013*

Subject: *HB 2259 Relating to Fees Charged by the Water Resources*
Department Work Session Recommendations

Hb 2259 authorizes the Water Resources Department to adopt rules to increase fees by the lesser of two percent per year or percent increase in the consumer price index since the previous fee increase. The measure has an emergency clause and is effective on passage.

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

The measure was referred by the House Committee on Agriculture and Natural Resources by prior reference.

The measure has a \$996,211 and 7 full-time equivalent positions fiscal impact, one position less than the current service funding level.

Amendment A-5

There is a -5 amendment to the measure that provides for a 3.25 percent per year increase or Consumer Price Index (CPI) whichever is greater starting in 2009 and a 2 percent per year increase or CPI whichever is greater starting July 1, 2015. The fiscal impact is \$1,076,003 maintaining current service level funding for the 2013-15 biennium and \$1,119,043 for the 2015-17 biennium.

Motion #2: Move the -5 amendment to HB 2259 A.

Measure as Modified

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

Motion #3: Move HB 2259-A to the full committee with a “do pass” recommendation, as amended.

Assignment of Carriers

Full: _____

2nd Chamber: _____

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2259**

1 On page 12 of the printed A-engrossed bill, delete lines 1 through 27 and
2 insert:

3 **“SECTION 10. (1) The Water Resources Commission may adopt**
4 **rules to:**

5 **“(a) Increase the amount of a fee authorized under ORS 536.050 by**
6 **the greater of:**

7 **“(A) The percentage increase in the Portland-Salem Consumer Price**
8 **Index for All Urban Consumers for All Items as published by the Bu-**
9 **reau of Labor Statistics of the United States Department of Labor**
10 **since the effective date of the previous fee increase; or**

11 **“(B) Three and one-quarter percent multiplied by the number of**
12 **years since the effective date of the previous fee increase.**

13 **“(b) Increase the amount that the Water Resources Department**
14 **may keep when returning a fee under ORS 537.150 or 537.620 by the**
15 **greater of:**

16 **“(A) The percentage increase in the Portland-Salem Consumer Price**
17 **Index for All Urban Consumers for All Items as published by the Bu-**
18 **reau of Labor Statistics of the United States Department of Labor**
19 **since the effective date of the previous amount increase; or**

20 **“(B) Three and one-quarter percent multiplied by the number of**
21 **years since the effective date of the previous amount increase.**

22 **“(c) Increase the maximum amount the department may charge for**

1 fees under ORS 537.610 by the greater of:

2 “(A) The percentage increase in the Portland-Salem Consumer Price
3 Index for All Urban Consumers for All Items as published by the Bu-
4 reau of Labor Statistics of the United States Department of Labor
5 since the effective date of the previous increase in the maximum
6 amount; or

7 “(B) Three and one-quarter percent multiplied by the number of
8 years since the effective date of the previous increase in the maximum
9 amount.

10 “(2) For purposes of assessment and collection, the commission
11 shall round any fee determined under subsection (1)(a) of this section
12 to the next higher whole dollar amount. For purposes of determining
13 an adjustment to a fee under subsection (1)(a) of this section, the
14 commission shall calculate any increase based on the unrounded dol-
15 lars and cents amount of the existing fee.

16 “(3) The commission may not adopt rules under subsection (1) of
17 this section to adjust the same fee amount more than once during a
18 12-month period.

19 “SECTION 11. Section 10 of this 2013 Act is amended to read:

20 “**Sec. 10.** (1) The Water Resources Commission may adopt rules to:

21 “(a) Increase the amount of a fee authorized under ORS 536.050 by the
22 greater of:

23 “(A) The percentage increase in the Portland-Salem Consumer Price Index
24 for All Urban Consumers for All Items as published by the Bureau of Labor
25 Statistics of the United States Department of Labor since the effective date
26 of the previous fee increase; or

27 “(B) [*Three and one-quarter*] **Two** percent multiplied by the number of
28 years since the effective date of the previous fee increase.

29 “(b) Increase the amount that the Water Resources Department may keep
30 when returning a fee under ORS 537.150 or 537.620 by the greater of:

1 “(A) The percentage increase in the Portland-Salem Consumer Price Index
2 for All Urban Consumers for All Items as published by the Bureau of Labor
3 Statistics of the United States Department of Labor since the effective date
4 of the previous amount increase; or

5 “(B) [*Three and one-quarter*] **Two** percent multiplied by the number of
6 years since the effective date of the previous amount increase.

7 “(c) Increase the maximum amount the department may charge for fees
8 under ORS 537.610 by the greater of:

9 “(A) The percentage increase in the Portland-Salem Consumer Price Index
10 for All Urban Consumers for All Items as published by the Bureau of Labor
11 Statistics of the United States Department of Labor since the effective date
12 of the previous increase in the maximum amount; or

13 “(B) [*Three and one-quarter*] **Two** percent multiplied by the number of
14 years since the effective date of the previous increase in the maximum
15 amount.

16 “(2) For purposes of assessment and collection, the commission shall
17 round any fee determined under subsection (1)(a) of this section to the next
18 higher whole dollar amount. For purposes of determining an adjustment to
19 a fee under subsection (1)(a) of this section, the commission shall calculate
20 any increase based on the anrounded dollars and cents amount of the exist-
21 ing fee.

22 “(3) The commission may not adopt rules under subsection (1) of this
23 section to adjust the same fee amount more than once during a 12-month
24 period.

25 **“SECTION 12. The amendments to section 10 of this 2013 Act by
26 section 11 of this 2013 Act become operative July 1, 2015.”.**

27 In line 28, delete “11” and insert “13”.

28 In line 38, delete “12” and insert “14”.

29 In line 44, delete “13” and insert “15”.

30 On page 6, line 5, delete “14” and insert “16”.

