

# Senate Bill 485

Sponsored by Senator JOHNSON, Representative WHISNANT; Senators GEORGE, KNOPP, OLSEN, STARR, THOMSEN, Representatives BOONE, CONGER, ESQUIVEL, OLSON, PARRISH, WITT

## 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**.

Specifies that new or increased fees adopted by state agency do not become effective unless approved by Legislative Assembly by law. Provides exception in case of emergency.

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.** 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 during the period beginning on the date*  
8 *of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of*  
9 *adjournment sine die of the next regular session of the Legislative Assembly*] **new or increased fees**  
10 **adopted by a state agency:**

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

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

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

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

19 (e) [*Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly*  
20 *as described in this subsection, unless otherwise authorized by enabling legislation setting forth the*  
21 *approved fees*] **Are not effective unless authorized by the Legislative Assembly by enabling**  
22 **legislation setting forth the approved fees.**

23 **(2) Fees or fee increases authorized by the Legislative Assembly under subsection (1) of**  
24 **this section take effect on the effective date of the enabling legislation or on the date spec-**  
25 **ified in the rule adopting the fee or fee increase, whichever is later.**

26 [(2)] **(3)** This section does not apply to:

27 (a) Any tuition or fees charged by the State Board of Higher Education and the public univer-  
28 sities listed in ORS 352.002.

29 (b) Taxes or other payments made or collected from employers for unemployment insurance re-  
30 quired by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contri-

**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 butions and assessments calculated by cents per hour for workers' compensation coverage required  
2 by ORS 656.506.

3 (c) Fees or payments required for:

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

6 (B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS  
7 735.614 and 735.625.

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

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

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

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

15 (f) Any intergovernmental charges.

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

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

19 (i) Any charges established by the State Parks and Recreation Director in accordance with ORS  
20 565.080 (3).

21 (j) Assessments on premiums charged by the Department of Consumer and Business Services  
22 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the  
23 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS  
24 706.530 and 723.114.

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

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

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

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

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

36 **(p) New or increased fees required because of emergency circumstances and for which**  
37 **the Director of the Oregon Department of Administrative Services, the Chief Justice of the**  
38 **Supreme Court or the President of the Senate and the Speaker of the House of Represen-**  
39 **tatives declare an emergency.**

40 [(3)] (4)(a) Fees temporarily decreased for competitive or promotional reasons or because of un-  
41 expected and temporary revenue surpluses may be increased to not more than their prior level  
42 without compliance with subsection (1) of this section if, at the time the fee is decreased, the state  
43 agency specifies the following:

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

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

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

3 **SECTION 2. The amendments to ORS 291.055 by section 1 of this 2013 Act apply to fees**  
4 **adopted or increased on or after the effective date of this 2013 Act.**

5 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
7 **on its passage.**

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