

D R A F T

SUMMARY

Deletes outdated and obsolete provisions and updates references in laws relating to human services programs or services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to human services; creating new provisions; amending ORS 291.055,
3 409.260, 410.530, 411.010, 411.091, 411.141, 412.054, 412.064, 442.490, 442.505,
4 442.520, 731.292 and 731.840; repealing ORS 409.182, 411.818, 413.592,
5 414.721, 430.925, 440.420, 743.775, 743.951, 743.960, 743.961, 743.965 and
6 743.990; and declaring an emergency.

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

8 **SECTION 1. This 2015 Act is prepared pursuant to section 1, chapter**
9 **101, Oregon Laws 2014.**

10 **SECTION 2. ORS 409.182 is repealed.**

11 **NOTE:** Repeals outdated provision requiring the Department of Human
12 Services to conduct an evaluation of processes to reduce administrative and
13 resource burdens on human services providers and report the results to the
14 Seventy-seventh Legislative Assembly.

15 **SECTION 3. ORS 409.260 is amended to read:**

16 409.260. (1) There is established in the General Fund of the State Treasury
17 an account **consisting of moneys received by the Department of Human**
18 **Services for child welfare services**, to be known as the Services to Chil-
19 dren and Families Account. All moneys in the Services to Children and
20 Families Account are continuously appropriated to the Department of Hu-

1 man Services and shall be used by the department for the purposes author-
2 ized by law. The moneys in the Services to Children and Families Account
3 are subject to allotment control by the Oregon Department of Administrative
4 Services under ORS 291.232 to 291.260.

5 (2) The Department of Human Services shall keep a record of all moneys
6 credited to and deposited in the Services to Children and Families Account.
7 The record shall indicate by separate cumulative accounts the source from
8 which the moneys are derived and the individual activity or program against
9 which each withdrawal is charged.

10 (3) In addition to sources provided under other laws, the sources of [*rev-*
11 *enues*] **moneys** in the Services to Children and Families Account may in-
12 clude [*recoveries of the cost of care provided to clients,*] amounts paid to the
13 Department of Human Services by other organizations and state agencies in
14 support of the department's programs and activities and other moneys re-
15 ceived by the department that are incidental to its operations.

16 **NOTE:** Clarifies that moneys in Services to Children and Families Ac-
17 count that are continuously appropriated to the Department of Human Ser-
18 vices are to be used for child welfare purposes. Removes reference to sources
19 of moneys unrelated to child welfare services.

20 **SECTION 4.** ORS 410.530, as amended by section 37, chapter 45, Oregon
21 Laws 2014, is amended to read:

22 410.530. (1) The Department of Human Services has the following author-
23 ity which it may delegate to any program certified by the department to
24 provide assessment services:

25 (a) To provide information and education to the general public, hospitals,
26 nursing facilities, physicians, physician assistants and nurses regarding
27 availability of the assessment program.

28 (b) To accept referrals from individuals, families, physicians, human ser-
29 vice professionals, nursing home professionals, social service agencies or
30 other organizations.

31 (c) To assess the long term care needs of referred persons.

1 (d) To identify available noninstitutional services to meet the needs of
2 referred persons, including public and private case management services.

3 (e) To prepare, explain and document recommendations for persons re-
4 ceiving assessment program services as to the need for skilled nursing care,
5 for intermediate care as provided in a facility or for other care which is
6 available in the community.

7 (f) To inform referred persons of the extent to which home and
8 community-based services are available, and of their right to choose among
9 the appropriate alternatives that may be available, in consultation with an
10 attending physician and a family member.

11 (g) To provide public education targeted at older persons, care givers and
12 families regarding alternative long term care services.

13 (h) To determine and publish minimum qualifications for members of the
14 admission assessment team.

15 (2)(a) After consultation with the committee appointed under subsection
16 (3) of this section, the Department of Human Services shall adopt by rule
17 criteria and procedures for certifying and decertifying public or private ad-
18 mission assessment programs and contracting with certified programs. The
19 department shall establish a maximum fee that a certified program may
20 charge for assessment services. The rules shall specify that a certified pro-
21 gram may not charge the person receiving assessment services for any por-
22 tion of the fee associated with the services necessary to meet the minimum
23 federal criteria.

24 (b) In certifying a program, the department shall determine that the pro-
25 gram includes:

26 (A) Adequately trained personnel;

27 (B) Information regarding appropriate service and placement alternatives,
28 including nursing facilities and community-based options;

29 (C) Provisions to the applicant of information about appropriate options;
30 and

31 (D) Prohibition of an assessment being provided by any certified program

1 which has any financial interest in the facility to which placement is re-
2 commended.

3 (c) The program shall not require the recommendation of the admission
4 team be binding and the applicant has the right to choose from any options
5 that are available.

6 (3) The Director of Human Services shall appoint an advisory committee
7 to advise the department in certifying and decertifying programs that provide
8 or fail to provide the service described in this section. The director shall
9 appoint representatives from [*the Oregon Association of Hospitals, the Oregon*
10 *Health Care Association, the Oregon Association of Homes for the Aging and*
11 *representatives of organizations of seniors*] **trade associations in Oregon for**
12 **hospitals and health systems, nursing facilities and residential facili-**
13 **ties and from an organization in Oregon representing the interests of**
14 **senior citizens.**

15 **NOTE:** Deletes references in long term care laws to specific private or-
16 ganizations, some of which have new names or do not exist, and replaces
17 them with generic descriptions of organizations.

18 **SECTION 5.** ORS 411.010 is amended to read:

19 411.010. As used in this chapter and in other statutes providing for as-
20 sistance and services to needy persons, unless the context or a specially ap-
21 plicable statutory definition requires otherwise:

22 (1) "General assistance" means assistance or service of any character
23 provided to needy persons not otherwise provided for to the extent of such
24 need and the availability of funds, including medical, surgical and hospital
25 or other remedial care.

26 (2) "Public assistance" means the following types of assistance:

27 (a) Temporary assistance for needy families granted under ORS 412.001
28 to 412.069 [*and 418.647*];

29 (b) General assistance granted under ORS 411.710 to 411.730;

30 (c) Assistance provided by the Oregon Supplemental Income Program;

31 (d) General assistance other than general assistance granted under ORS

1 411.710 to 411.730; and

2 (e) Any other functions, except the administration of medical assistance
3 by the Oregon Health Authority, that may be delegated to the Director of
4 Human Services by or in accordance with federal and state laws.

5 **NOTE:** Amends definition of “public assistance” in human services laws
6 to delete inappropriate reference to ORS 418.647 relating to the foster care
7 payments program.

8 **SECTION 6.** ORS 411.091 is amended to read:

9 411.091. (1) For all recipients who are on the monthly reporting system,
10 the Department of Human Services [*shall have*] **has** 10 calendar days from
11 the date the department receives a complete monthly report to [*issue*] **credit**
12 the recipient’s [*assistance check*] **electronic benefits transfer card** for that
13 month.

14 (2) If the department fails to [*issue a check*] **credit the recipient’s elec-**
15 **tronic benefits transfer card** in a timely manner pursuant to this section,
16 the recipient may request [*same day issuance of the check from the local*
17 *office*] **that the recipient’s electronic benefits transfer card be imme-**
18 **diately credited for the amount of assistance due to the recipient.** The
19 department shall pay the recipient a sum equal to one-tenth of the
20 household’s monthly assistance grant if the department fails to [*issue the*
21 *check the same day*] **credit the recipient’s electronic benefits transfer**
22 **card:**

23 (a) **For a request made prior to noon on a business day, by the end**
24 **of the day.**

25 (b) **For a request made after noon on a business day, by noon of the**
26 **next business day.**

27 (3) **The payment of the sum described in subsection (2) of this section**
28 **shall be treated as a resource and not counted as income by the department.**

29 [*(3) As used in this section, “same day” means that the request is received*
30 *by the local office before 12 noon.*]

31 **NOTE:** Updates public assistance laws to reflect current use of electronic

1 benefits transfer cards instead of checks for issuing public assistance.

2 **SECTION 7.** ORS 411.141 is amended to read:

3 411.141. The Department of Human Services may, subject to the allotment
4 system provided for in ORS 291.234 to 291.260, expend such sums as are re-
5 quired to be expended in this state to provide public assistance. Expenditures
6 for public assistance include, but are not limited to, expenditures for the
7 following purposes:

8 (1) Temporary assistance for needy families granted under ORS 412.001 to
9 412.069 [*and 418.647*], including services to relatives with whom dependent
10 children applying for or receiving temporary assistance for needy families
11 are living in order to help such relatives attain the maximum self-support
12 or self-care consistent with the maintenance of continuing parental care and
13 protection or in order to maintain and strengthen family life for such chil-
14 dren.

15 (2) Assistance provided by the Oregon Supplemental Income Program and
16 medical assistance provided to recipients of assistance under the Oregon
17 Supplemental Income Program.

18 (3) General assistance granted under ORS 411.710 to 411.730.

19 (4) Carrying out the provisions of law for child welfare purposes.

20 (5) Scholarships or grants for qualified recipients to provide them educa-
21 tion and professional, technical or other helpful training, payable to a pub-
22 licly supported career school or educational institution on behalf of the
23 recipient.

24 (6) Other purposes for which the department is authorized to expend
25 funds, including the administration expenses of the department.

26 (7) Carrying out the provisions of ORS 411.116.

27 **NOTE:** Amends law relating to payment of public assistance to delete
28 inappropriate reference to ORS 418.647 relating to the foster care payments
29 program.

30 **SECTION 8. ORS 411.818 is repealed.**

31 **NOTE:** Repeals requirement to implement an eligibility change for the

1 Supplemental Nutrition Assistance Program pursuant to a federal waiver
2 because the application for the federal waiver was denied by the United
3 States Department of Agriculture.

4 **SECTION 9.** ORS 412.054 is amended to read:

5 412.054. Application for aid under ORS 412.001 to 412.069 [*and 418.647*]
6 shall be made to the Department of Human Services by the relative with
7 whom the child lives. The application shall be in the manner and upon the
8 form prescribed by the department.

9 **NOTE:** Amends law relating to application for temporary assistance for
10 needy families to delete inappropriate reference to ORS 418.647 relating to
11 the foster care payments program.

12 **SECTION 10.** ORS 412.064 is amended to read:

13 412.064. The Department of Human Services shall decide whether the child
14 is eligible for aid under ORS 412.001 to 412.069 [*and 418.647*] and determine
15 the date on which the aid granted shall begin.

16 **NOTE:** Amends law relating to eligibility for temporary assistance to
17 needy families to delete inappropriate reference to ORS 418.647 relating to
18 the foster care payments program.

19 **SECTION 11. ORS 413.592 is repealed.**

20 **NOTE:** Repeals obsolete provisions requiring health care providers to
21 complete a pain management education program by 2008.

22 **SECTION 12. ORS 430.925 is repealed.**

23 **NOTE:** Repeals provisions regarding demonstration pilot projects in local
24 health departments to alleviate the health related problems of pregnant and
25 postpartum women and infants arising from substance use. The projects be-
26 gan in 1989 and are no longer in operation.

27 **SECTION 13. ORS 440.420 is repealed.**

28 **NOTE:** Repeals provisions regarding the Medicaid upper payment limit
29 financing methodology that is no longer in use.

30 **SECTION 14.** ORS 442.490 is amended to read:

31 442.490. (1) In carrying out its responsibilities, the Office of Rural Health

1 shall be advised by the Rural Health Coordinating Council. All members of
2 the Rural Health Coordinating Council shall have knowledge, interest, ex-
3 pertise or experience in rural areas and health care delivery. The member-
4 ship of the Rural Health Coordinating Council shall consist of:

5 (a) One primary care physician who is appointed **by the office from a**
6 **list of physicians recommended** by the Oregon Medical Association and
7 one primary care physician appointed **by the office from a list of physi-**
8 **cians recommended** by the [*Oregon Osteopathic Association*] **Osteopathic**
9 **Physicians and Surgeons of Oregon;**

10 (b) One nurse practitioner who is appointed **by the office from a list**
11 **of nurse practitioners recommended** by the Oregon [*Nursing*] **Nurses**
12 **Association;**

13 (c) One pharmacist who is appointed by the State Board of Pharmacy;

14 (d) Five consumers who are appointed by the Governor as follows:

15 (A) One consumer representative from each of [*the*] three **rural** health
16 service areas **as defined by the office;** and

17 (B) Two consumer representatives at large from communities of less than
18 3,500 people;

19 (e) One representative appointed by **the office from a list of individuals**
20 **recommended by** the Conference of Local Health Officials;

21 (f) One volunteer emergency medical services provider from a community
22 of less than 3,500 people appointed by **office from a list of providers re-**
23 **commended by** the Oregon [*State EMT*] **EMS** Association;

24 (g) One representative appointed by **the office from a list of individuals**
25 **recommended by** the Oregon Association for Home Care;

26 (h) One representative from the Oregon Health and Science University,
27 appointed by the president of the Oregon Health and Science University;

28 (i) One representative from the Oregon Association of Hospitals **and**
29 **Health Systems**, appointed by **the office from a list of individuals re-**
30 **commended by** the Oregon Association of Hospitals **and Health Systems;**

31 (j) One dentist appointed by **the office from a list of dentists recom-**

1 **mended by** the Oregon Dental Association;

2 (k) One optometrist appointed by the **office from a list of optometrists**
3 **recommended by the** Oregon **Optometric Physicians** Association [*of*
4 *Optometry*];

5 (L) One physician assistant who is appointed by the **office from a list**
6 **of physician assistants recommended by the** Oregon Society of Physician
7 Assistants; and

8 (m) One naturopathic physician appointed by **the office from a list of**
9 **physicians recommended by** the Oregon Association of Naturopathic Phy-
10 sicians.

11 (2) The Rural Health Coordinating Council shall elect a chairperson and
12 vice chairperson.

13 (3) A member of the council is entitled to compensation and expenses as
14 provided in ORS 292.495.

15 (4) The chairperson may appoint nonvoting, advisory members of the Ru-
16 ral Health Coordinating Council. However, advisory members without voting
17 rights are not entitled to compensation or reimbursement as provided in ORS
18 292.495.

19 (5) Members shall serve for two-year terms.

20 (6) The Rural Health Coordinating Council shall report its findings to the
21 Office of Rural Health.

22 **NOTE:** Clarifies method of appointment of members of Rural Health Co-
23 ordinating Council. Clarifies consumer membership on the council. Updates
24 names of private organizations represented on the council.

25 **SECTION 15.** ORS 442.505 is amended to read:

26 442.505. The Office of Rural Health shall institute a program to provide
27 technical assistance to **rural** hospitals [*defined by the office as rural*]. The
28 Office of Rural Health shall be primarily responsible for providing:

29 (1) A recruitment and retention program for physicians and other primary
30 care providers in rural areas.

31 (2) An informational link between rural hospitals and state and federal

1 policies regarding regulations and payment sources.

2 (3) A system for effectively networking rural hospitals and providers so
3 that they may compete or negotiate with urban based health maintenance
4 organizations.

5 (4) Assistance to rural hospitals in identifying strengths, weaknesses, op-
6 portunities and threats.

7 (5) In conjunction with [*the Oregon Association of Hospitals*] **a trade as-**
8 **sociation representing hospitals and health systems in Oregon**, a report
9 that identifies models that will replace or restructure inefficient health ser-
10 vices in rural areas.

11 **NOTE:** Substitutes use of defined term “rural hospital” in law directing
12 Office of Rural Health to provide technical assistance to rural hospitals.
13 Updates reference to Oregon Association of Hospitals to a generic reference
14 to a trade association representing hospitals and health systems in Oregon.

15 **SECTION 16.** ORS 442.520 is amended to read:

16 442.520. (1) Subject to the formula set out in subsection (2) of this section,
17 the Office of Rural Health, in consultation with [*the Oregon Association of*
18 *Hospitals*] **a trade association representing hospitals and health systems**
19 **in Oregon**, shall establish a risk assessment formula to identify the relative
20 risk of a rural hospital, as defined in ORS 442.470.

21 (2) To assess the degree of risk faced by each rural hospital, the risk as-
22 sessment formula developed by the Office of Rural Health, in consultation
23 with [*the Oregon Association of Hospitals*] **a trade association representing**
24 **hospitals and health systems in Oregon**, shall include the following cat-
25 egories:

26 (a) Organizational risk: The financial situation of each facility, as meas-
27 ured by a nationally accepted formula that identifies the hospital’s current
28 and future financial viability;

29 (b) Population risk: The impact that a hospital closure would have on the
30 health care needs of the citizens of each hospital’s respective service area,
31 as measured by an index that includes medically underserved, distance and

1 target population components; and

2 (c) Economic risk: The direct and indirect economic contribution made to
3 the communities of each hospital's respective service area, as measured by
4 an index that measures the overall economic benefit added to the service
5 area community by the hospital.

6 **NOTE:** Updates reference to Oregon Association of Hospitals to a generic
7 reference to a trade association representing hospitals and health systems in
8 Oregon.

9 **SECTION 17. ORS 743.775 is repealed.**

10 **NOTE:** Repeals requirement for Department of Consumer and Business
11 Services to collect data on the impact of 2003 amendments to statutes relat-
12 ing to individual health benefit plans.

13 **SECTION 18. ORS 414.721, 743.951, 743.960, 743.961, 743.965 and 743.990**
14 **are repealed.**

15 **NOTE:** Repeals statutes governing expired assessment on health insur-
16 ance premiums and on claims to self-insured health plans.

17 **SECTION 19. ORS 291.055 is amended to read:**

18 291.055. (1) Notwithstanding any other law that grants to a state agency
19 the authority to establish fees, all new state agency fees or fee increases
20 adopted during the period beginning on the date of adjournment sine die of
21 a regular session of the Legislative Assembly and ending on the date of
22 adjournment sine die of the next regular session of the Legislative Assembly:

23 (a) Are not effective for agencies in the executive department of govern-
24 ment unless approved in writing by the Director of the Oregon Department
25 of Administrative Services;

26 (b) Are not effective for agencies in the judicial department of govern-
27 ment unless approved in writing by the Chief Justice of the Supreme Court;

28 (c) Are not effective for agencies in the legislative department of gov-
29 ernment unless approved in writing by the President of the Senate and the
30 Speaker of the House of Representatives;

31 (d) Shall be reported by the state agency to the Oregon Department of

1 Administrative Services within 10 days of their adoption; and

2 (e) Are rescinded on adjournment sine die of the next regular session of
3 the Legislative Assembly as described in this subsection, unless otherwise
4 authorized by enabling legislation setting forth the approved fees.

5 (2) This section does not apply to:

6 (a) Any tuition or fees charged by a public university listed in ORS
7 352.002.

8 (b) Taxes or other payments made or collected from employers for unem-
9 ployment insurance required by ORS chapter 657 or premium assessments
10 required by ORS 656.612 and 656.614 or contributions and assessments cal-
11 culated by cents per hour for workers' compensation coverage required by
12 ORS 656.506.

13 (c) Fees or payments required for:

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

17 (B) Assessments imposed by the Oregon Medical Insurance Pool Board
18 under section 2, chapter 698, Oregon Laws 2013.

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

21 *[(D) Assessments paid to the Department of Consumer and Business Ser-*
22 *VICES under ORS 743.951 and 743.961.]*

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

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
29 to 477.265 and the Oregon Forest Land Protection Fund fees established by
30 ORS 477.760.

31 (h) State Department of Energy assessments required by ORS 469.421 (8)

1 and 469.681.

2 (i) Assessments on premiums charged by the Department of Consumer and
3 Business Services pursuant to ORS 731.804 or fees charged by the Division
4 of Finance and Corporate Securities of the Department of Consumer and
5 Business Services to banks, trusts and credit unions pursuant to ORS 706.530
6 and 723.114.

7 (j) Public Utility Commission operating assessments required by ORS
8 756.310 or charges paid to the Residential Service Protection Fund required
9 by chapter 290, Oregon Laws 1987.

10 (k) Fees charged by the Housing and Community Services Department for
11 intellectual property pursuant to ORS 456.562.

12 (L) New or increased fees that are anticipated in the legislative budgeting
13 process for an agency, revenues from which are included, explicitly or im-
14 plicitly, in the legislatively adopted budget or the legislatively approved
15 budget for the agency.

16 (m) Tolls approved by the Oregon Transportation Commission pursuant
17 to ORS 383.004.

18 (n) Convenience fees as defined in ORS 182.126 and established by the
19 Oregon Department of Administrative Services under ORS 182.132 (3) and
20 recommended by the Electronic Government Portal Advisory Board.

21 (3)(a) Fees temporarily decreased for competitive or promotional reasons
22 or because of unexpected and temporary revenue surpluses may be increased
23 to not more than their prior level without compliance with subsection (1)
24 of this section if, at the time the fee is decreased, the state agency specifies
25 the following:

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

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

29 (b) Fees that are decreased for reasons other than those described in
30 paragraph (a) of this subsection may not be subsequently increased except
31 as allowed by ORS 291.050 to 291.060 and 294.160.

1 **NOTE:** Conforming amendment for repeal of ORS 743.951 to 743.965 and
2 743.990 by section 18 of this 2015 Act.

3 **SECTION 20.** ORS 291.055, as amended by section 36, chapter 698, Oregon
4 Laws 2013, is amended to read:

5 291.055. (1) Notwithstanding any other law that grants to a state agency
6 the authority to establish fees, all new state agency fees or fee increases
7 adopted during the period beginning on the date of adjournment sine die of
8 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:

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

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

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

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

20 (e) Are rescinded on adjournment sine die of the next regular session of
21 the Legislative Assembly as described in this subsection, unless otherwise
22 authorized by enabling legislation setting forth the approved fees.

23 (2) This section does not apply to:

24 (a) Any tuition or fees charged by a public university listed in ORS
25 352.002.

26 (b) Taxes or other payments made or collected from employers for unem-
27 ployment insurance required by ORS chapter 657 or premium assessments
28 required by ORS 656.612 and 656.614 or contributions and assessments cal-
29 culated by cents per hour for workers' compensation coverage required by
30 ORS 656.506.

31 (c) Fees or payments required for:

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

4 (B) Copayments and premiums paid to the Oregon medical assistance
5 program.

6 *[(C) Assessments paid to the Department of Consumer and Business Ser-*
7 *vices under ORS 743.951 and 743.961.]*

8 (d) Fees created or authorized by statute that have no established rate
9 or amount but are calculated for each separate instance for each fee payer
10 and are based on actual cost of services provided.

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

12 (f) Any intergovernmental charges.

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

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

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

23 (j) Public Utility Commission operating assessments required by ORS
24 756.310 or charges paid to the Residential Service Protection Fund required
25 by chapter 290, Oregon Laws 1987.

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

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

1 (m) Tolls approved by the Oregon Transportation Commission pursuant
2 to ORS 383.004.

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

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

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

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

14 (b) Fees that are decreased for reasons other than those described in
15 paragraph (a) of this subsection may not be subsequently increased except
16 as allowed by ORS 291.050 to 291.060 and 294.160.

17 **NOTE:** Conforming amendment for repeal of ORS 743.951 to 743.965 and
18 743.990 by section 18 of this 2015 Act.

19 **SECTION 21.** ORS 731.292 is amended to read:

20 731.292. (1) Except as provided in subsections (2)[,] **and** (3) [*and* (4)] of
21 this section, all fees, charges and other moneys received by the Department
22 of Consumer and Business Services or the Director of the Department of
23 Consumer and Business Services under the Insurance Code shall be deposited
24 in the fund created by ORS 705.145 and are continuously appropriated to the
25 department for the payment of the expenses of the department in carrying
26 out the Insurance Code.

27 (2) All taxes and penalties paid pursuant to the Insurance Code shall be
28 paid to the director and after deductions of refunds shall be paid by the di-
29 rector to the State Treasurer, at the end of every calendar month or more
30 often in the director's discretion, for deposit in the General Fund to become
31 available for general governmental expenses.

1 (3) All premium taxes received by the director pursuant to ORS 731.820
2 shall be paid by the director to the State Treasurer for deposit in the State
3 Fire Marshal Fund.

4 [(4) Assessments received by the department under ORS 743.951 and 743.961
5 and penalties received by the department under ORS 743.990 and section 10,
6 chapter 867, Oregon Laws 2009, shall be paid into the State Treasury and
7 credited to the Health System Fund established in section 1, chapter 867,
8 Oregon Laws 2009, after deducting the following amounts:]

9 [(a) Amounts needed to reimburse the department for expenses in adminis-
10 tering ORS 743.951 to 743.965 and 743.990; and]

11 [(b) Amounts needed to reimburse the General Fund for reductions in rev-
12 enue caused by the effect of ORS 743.961 on the retaliatory tax imposed under
13 ORS 731.854 and 731.859.]

14 **NOTE:** Conforming amendment for repeal of ORS 743.951 to 743.965 and
15 743.990 by section 18 of this 2015 Act.

16 **SECTION 22.** ORS 731.840 is amended to read:

17 731.840. (1) The retaliatory tax imposed upon a foreign or alien insurer
18 under ORS 731.854 and 731.859, or the corporate excise tax imposed upon a
19 foreign or alien insurer under ORS chapter 317, is in lieu of all other state
20 taxes upon premiums, taxes upon income, franchise or other taxes measured
21 by income that might otherwise be imposed upon the foreign or alien insurer
22 except the fire insurance premiums tax imposed under ORS 731.820[,] **and** the
23 tax imposed upon wet marine and transportation insurers under ORS 731.824
24 and 731.828[, and the assessment imposed under ORS 743.961]. However, all
25 real and personal property, if any, of the insurer shall be listed, assessed and
26 taxed the same as real and personal property of like character of noninsur-
27 ers. Nothing in this subsection shall be construed to preclude the imposition
28 of the assessments imposed under ORS 656.612 upon a foreign or alien
29 insurer.

30 (2) Subsection (1) of this section applies to a reciprocal insurer and its
31 attorney in its capacity as such.

1 (3) Subsection (1) of this section applies to foreign or alien title insurers
2 and to foreign or alien wet marine and transportation insurers issuing poli-
3 cies and subject to taxes referred to in ORS 731.824 and 731.828.

4 (4) The State of Oregon hereby preempts the field of regulating or of im-
5 posing excise, privilege, franchise, income, license, permit, registration, and
6 similar taxes, licenses and fees upon insurers and their insurance producers
7 and other representatives as such, and:

8 (a) No county, city, district, or other political subdivision or agency in
9 this state shall so regulate, or shall levy upon insurers, or upon their in-
10 surance producers and representatives as such, any such tax, license or fee;
11 except that whenever a county, city, district or other political subdivision
12 levies or imposes generally on a nondiscriminatory basis throughout the ju-
13 risdiction of the taxing authority a payroll, excise or income tax, as other-
14 wise provided by law, such tax may be levied or imposed upon domestic
15 insurers; and

16 (b) No county, city, district, political subdivision or agency in this state
17 shall require of any insurer, insurance producer or representative, duly au-
18 thorized or licensed as such under the Insurance Code, any additional au-
19 thorization, license, or permit of any kind for conducting therein
20 transactions otherwise lawful under the authority or license granted under
21 this code.

22 **NOTE:** Conforming amendment for repeal of ORS 743.951 to 743.965 and
23 743.990 by section 18 of this 2015 Act.

24 **SECTION 23. This 2015 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2015 Act takes effect on its passage.**

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