

# House Bill 2975

Sponsored by Representatives WHISNANT, GOMBERG; Representative BUEHLER

## 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19 (e) [*Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly*  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 a public university listed in ORS 352.002.

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

**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) Fees or payments required for:
- 2 (A) Health care services provided by the Oregon Health and Science University, by the Oregon  
3 Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.
- 4 (B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter  
5 698, Oregon Laws 2013.
- 6 (C) Copayments and premiums paid to the Oregon medical assistance program.
- 7 (D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951  
8 and 743.961.
- 9 (d) Fees created or authorized by statute that have no established rate or amount but are cal-  
10 culated for each separate instance for each fee payer and are based on actual cost of services pro-  
11 vided.
- 12 (e) State agency charges on employees for benefits and services.
- 13 (f) Any intergovernmental charges.
- 14 (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the  
15 Oregon Forest Land Protection Fund fees established by ORS 477.760.
- 16 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.
- 17 (i) Assessments on premiums charged by the Department of Consumer and Business Services  
18 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the  
19 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS  
20 706.530 and 723.114.
- 21 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to  
22 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.
- 23 (k) Fees charged by the Housing and Community Services Department for intellectual property  
24 pursuant to ORS 456.562.
- 25 (L) New or increased fees that are anticipated in the legislative budgeting process for an  
26 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted  
27 budget or the legislatively approved budget for the agency.
- 28 (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.
- 29 (n) Convenience fees as defined in ORS 182.126 and established by the Oregon Department of  
30 Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government  
31 Portal Advisory Board.
- 32 **(o) New or increased fees required because of emergency circumstances and for which**  
33 **the Director of the Oregon Department of Administrative Services, the Chief Justice of the**  
34 **Supreme Court, or the President of the Senate and the Speaker of the House of Represen-**  
35 **tatives declare an emergency.**
- 36 [(3)(a)] **(4)(a)** Fees temporarily decreased for competitive or promotional reasons or because of  
37 unexpected and temporary revenue surpluses may be increased to not more than their prior level  
38 without compliance with subsection (1) of this section if, at the time the fee is decreased, the state  
39 agency specifies the following:
- 40 (A) The reason for the fee decrease; and
- 41 (B) The conditions under which the fee will be increased to not more than its prior level.
- 42 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-  
43 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.
- 44 **SECTION 2.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, is  
45 amended to read:

1 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-  
 2 tablish fees, [*all new state agency fees or fee increases adopted during the period beginning on the date*  
 3 *of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of*  
 4 *adjournment sine die of the next regular session of the Legislative Assembly*] **new or increased fees**  
 5 **adopted by a state agency:**

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

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

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

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

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

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

21 [(2)] (3) This section does not apply to:

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

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

27 (c) Fees or payments required for:

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

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

31 (C) Assessments paid to the Department of Consumer and Business Services under ORS 743.951  
 32 and 743.961.

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

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

37 (f) Any intergovernmental charges.

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

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

41 (i) Assessments on premiums charged by the Department of Consumer and Business Services  
 42 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the  
 43 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS  
 44 706.530 and 723.114.

45 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to

1 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

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

4 (L) New or increased fees that are anticipated in the legislative budgeting process for an  
5 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted  
6 budget or the legislatively approved budget for the agency.

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

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

11 **(o) New or increased fees required because of emergency circumstances and for which**  
12 **the Director of the Oregon Department of Administrative Services, the Chief Justice of the**  
13 **Supreme Court, or the President of the Senate and the Speaker of the House of Represen-**  
14 **tatives declare an emergency.**

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

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

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

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

23 **SECTION 3. The amendments to ORS 291.055 by sections 1 and 2 of this 2015 Act apply**  
24 **to fees adopted or increased on or after the effective date of this 2015 Act.**

25 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**  
26 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
27 **on its passage.**

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