

Senate Bill 795

Sponsored by Senator WHITSETT; Senator BAERTSCHIGER JR

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. Applies during 2015-2017 biennium.

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 section 41, chap-
3 ter 698, Oregon Laws 2013; and declaring an emergency.

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

5 **SECTION 1.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, is
6 amended to read:

7 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
8 tablish fees, [*all new state agency fees or fee increases adopted during the period beginning on the date*
9 *of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of*
10 *adjournment sine die of the next regular session of the Legislative Assembly*] **new or increased fees**
11 **adopted by a state agency:**

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

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

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

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

20 [*e*] *Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly*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

23 (e) **Are not effective unless authorized by the Legislative Assembly by enabling legislation**
24 **setting forth the approved fees.**

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

28 [(2)] (3) This section does not apply to:

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

30 (b) Taxes or other payments made or collected from employers for unemployment insurance re-
31 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 imposed by the Oregon Medical Insurance Pool Board under section 2,
7 chapter 698, Oregon Laws 2013.**

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

9 [(C)] (D) Assessments paid to the Department of Consumer and Business Services under ORS
10 743.951 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) Assessments on premiums charged by the Department of Consumer and Business Services
20 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
21 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
22 706.530 and 723.114.

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

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

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

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

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

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

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

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

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

42 **SECTION 2.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, and sec-
43 tion 1 of this 2015 Act, is amended to read:

44 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
45 tablish fees, **all new state agency fees or fee increases adopted during the period beginning**

1 **on the date of adjournment sine die of a regular session of the Legislative Assembly and**
 2 **ending on the date of adjournment sine die of the next regular session of the Legislative**
 3 **Assembly** *[new or increased fees adopted by a state agency]:*

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

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

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

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

12 *[(e) Are not effective unless authorized by the Legislative Assembly by enabling legislation setting*
 13 *forth the approved fees.]*

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

17 *[(2) Fees or fee increases authorized by the Legislative Assembly under subsection (1) of this sec-*
 18 *tion take effect on the effective date of the enabling legislation or on the date specified in the rule*
 19 *adopting the fee or fee increase, whichever is later.]*

20 *[(3)]* **(2)** This section does not apply to:

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

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

26 (c) Fees or payments required for:

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

29 *[(B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter*
 30 *698, Oregon Laws 2013.]*

31 *[(C)]* **(B)** Copayments and premiums paid to the Oregon medical assistance program.

32 *[(D)]* **(C)** Assessments paid to the Department of Consumer and Business Services under ORS
 33 743.951 and 743.961.

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

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

38 (f) Any intergovernmental charges.

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

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

42 (i) Assessments on premiums charged by the Department of Consumer and Business Services
 43 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
 44 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
 45 706.530 and 723.114.

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

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

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

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

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

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

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

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

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

20 **SECTION 3. The amendments to ORS 291.055 by section 2 of this 2015 Act become oper-**
 21 **ative July 1, 2017.**

22 **SECTION 4. The amendments to ORS 291.055 by sections 1 and 2 of this 2015 Act apply**
 23 **to fees adopted or increased on or after the effective date of this 2015 Act.**

24 **SECTION 5.** Section 41, chapter 698, Oregon Laws 2013, is amended to read:

25 **Sec. 41.** (1) Sections 1, 2, 4 and 4a, **chapter 698, Oregon Laws 2013**, [*of this 2013 Act*] and the
 26 amendments to statutes and session law by sections 5 to 20, 22 to 25 and 39, **chapter 698, Oregon**
 27 **Laws 2013**, [*of this 2013 Act*] become operative January 1, 2014.

28 (2) Section 26, **chapter 698, Oregon Laws 2013**, [*of this 2013 Act*] and the amendments to stat-
 29 utes by sections 29 to 33, [*and*] 35, [*to*] **37 and 38, chapter 698, Oregon Laws 2013**, [*of this 2013*
 30 *Act*] become operative July 1, 2017.

31 (3) The amendments to ORS 743.748 by section 21, **chapter 698, Oregon Laws 2013**, [*of this 2013*
 32 *Act*] become operative April 2, 2014.

33 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
 34 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 35 **on its passage.**

36