

House Bill 2318

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Parks and Recreation Department)

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**.

Allows State Parks and Recreation Commission to adopt schedule by rule setting forth range of reasonable charges for use of areas established and maintained by State Parks and Recreation Department.

Allows State Parks and Recreation Director to, no more than four times per year and with approval of commission, adjust fees assessed for use of areas established and maintained by department without legislative approval. Requires fees set by director to be within range of reasonable charges adopted by commission and approved by Legislative Assembly.

A BILL FOR AN ACT

1
2 Relating to State Parks and Recreation Department fees; amending ORS 291.055 and 390.124.

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

4 **SECTION 1.** ORS 390.124 is amended to read:

5 390.124. (1) In accordance with any applicable provision of ORS chapter 183, the State Parks and
6 Recreation Commission may adopt rules necessary to carry out the duties, functions and powers
7 imposed by law upon the commission and the State Parks and Recreation Department. Rules adopted
8 pursuant to this section shall be duly entered in the minutes and records of the commission.

9 *[(2) The commission may adopt rules that assess reasonable charges for the use of areas established*
10 *and maintained by the department.]*

11 **(2)(a) The commission may adopt by rule a schedule setting forth the range of reasonable**
12 **charges that may be assessed for the use of areas established and maintained by the de-**
13 **partment.**

14 **(b) With the approval of the commission, the State Parks and Recreation Director may**
15 **set, adjust and assess fees for the use of areas established and maintained by the depart-**
16 **ment. Fees assessed under this paragraph must be within the range of reasonable charges**
17 **adopted by the commission under paragraph (a) of this subsection. The director may adjust**
18 **a fee under this paragraph no more than four times per calendar year. The [department] di-**
19 **rector** may also adopt rules establishing reductions in waivers of or exemption from the charges.

20 **(c) [However,] Notwithstanding paragraphs (a) and (b) of this subsection,** the commission
21 shall authorize the use of any state park, individual campsite or day use fee area without charge:

22 *[(a)]* **(A)** Upon the showing of proper identification, by a person maintaining a foster home, as
23 defined by ORS 418.625, and the person's children, when accompanied by a foster child residing in
24 the home.

25 *[(b)]* **(B)** Upon the showing of proper identification, by a person maintaining a developmental
26 disability child foster home, as defined by ORS 443.830, and the person's children, when accompanied
27 by a foster child residing in the home.

28 *[(c)]* **(C)** If a deed to, lease of or contract to use the property used as a state park, campsite or

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 day use fee area prohibits the charging of fees for use of the property.

2 [(d)] (D) Upon the showing of proper identification, by either a disabled veteran or a person on
3 leave from military active duty status on Memorial Day, Independence Day or Veterans Day.

4 (3) The commission shall adopt any rules pursuant to ORS chapter 183 that the commission
5 considers necessary to carry out ORS 273.563 to 273.591.

6 **SECTION 2.** ORS 291.055 is 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
9 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
10 of adjournment sine die of the next regular session of the Legislative Assembly:

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 Assem-
20 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
21 the approved fees.

22 (2) This section does not apply to:

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

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

28 (c) Fees or payments required for:

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

31 (B) Assessments imposed by the Oregon Medical Insurance Pool Board under section 2, chapter
32 698, Oregon Laws 2013.

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

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 State Chief Information
 10 Officer under ORS 182.132 (3) and recommended by the Electronic Government Portal Advisory
 11 Board.

12 **(o) Fees set by the State Parks and Recreation Director and approved by the State Parks**
 13 **and Recreation Commission under ORS 390.124 (2)(b).**

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

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

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

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

22 **SECTION 3.** ORS 291.055, as amended by section 36, chapter 698, Oregon Laws 2013, section
 23 20, chapter 70, Oregon Laws 2015, and section 44b, chapter 807, Oregon Laws 2015, is amended to
 24 read:

25 291.055. (1) Notwithstanding any other law that grants to a state agency the authority to es-
 26 tablish fees, all new state agency fees or fee increases adopted during the period beginning on the
 27 date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date
 28 of adjournment sine die of the next regular session of the Legislative Assembly:

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

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

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

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

37 (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assem-
 38 bly as described in this subsection, unless otherwise authorized by enabling legislation setting forth
 39 the approved fees.

40 (2) This section does not apply to:

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

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

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- 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) Copayments and premiums paid to the Oregon medical assistance program.
- 5 (d) Fees created or authorized by statute that have no established rate or amount but are cal-
- 6 culated for each separate instance for each fee payer and are based on actual cost of services pro-
- 7 vided.
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- 9 (f) Any intergovernmental charges.
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- 11 Oregon Forest Land Protection Fund fees established by ORS 477.760.
- 12 (h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.
- 13 (i) Assessments on premiums charged by the Department of Consumer and Business Services
- 14 pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the
- 15 Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS
- 16 706.530 and 723.114.
- 17 (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to
- 18 the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.
- 19 (k) Fees charged by the Housing and Community Services Department for intellectual property
- 20 pursuant to ORS 456.562.
- 21 (L) New or increased fees that are anticipated in the legislative budgeting process for an
- 22 agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted
- 23 budget or the legislatively approved budget for the agency.
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- 27 Board.
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- 29 **and Recreation Commission under ORS 390.124 (2)(b).**
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- 31 pected and temporary revenue surpluses may be increased to not more than their prior level without
- 32 compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency
- 33 specifies the following:
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- 35 (B) The conditions under which the fee will be increased to not more than its prior level.
- 36 (b) Fees that are decreased for reasons other than those described in paragraph (a) of this sub-
- 37 section may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.
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