

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2018 Regular Session
Legislative Fiscal Office

Measure: HB 5202

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: 2-19-2018

Measure Description:

Approves certain fees adopted or modified by state agencies.

Government Unit(s) Affected:

Board of Licensed Professional Counselors and Therapists (BLPCT), Department of Consumer and Business Services (DCBS), Department of Environmental Quality (DEQ), Occupational Therapy Licensing Board (OTLB), Oregon Board of Pharmacy (OBOP), Oregon Board of Psychology, Oregon Department of Agriculture (ODA), Oregon Health Authority (OHA), Oregon Liquor Control Commission (OLCC)

Summary of Expenditure Impact: See Analysis

Analysis:

HB 5202 is the fee ratification bill for the Board of Licensed Professional Counselors and Therapists, Department of Consumer and Business Services, Department of Environmental Quality, Occupational Therapy Licensing Board, Oregon Board of Pharmacy, Oregon Board of Psychology, Oregon Department of Agriculture, Oregon Health Authority, and Oregon Liquor Control Commission. The measure provides the enabling legislation necessary to approve fees adopted by these agencies through Administrative Rule, and approved by the Department of Administrative Services during the 2017-2019 biennium. ORS 291.055(1)(e) mandates that all new state agency fees or fees increases adopted between regular sessions of the Legislative Assembly are rescinded upon adjournment of the next regular session unless authorized by enabling legislation setting forth the approved fees.

Board of Licensed Professional Counselors and Therapists

The Board created two new fees, the inactive status license fee of \$100, and the reactivation of inactive status license fee of \$125. The new inactive status is intended to better inform the public and to gain efficiencies by replacing the former procedure of granting a “continuing education waiver” that exempted licensees who were not practicing for an extended period of time from the continuing education requirements. The fees are anticipated to generate approximately \$140,150 Other Funds revenue during the 2017-19 biennium, and approximately \$160,458 Other Funds during the 2019-21 biennium.

Department of Consumer and Business Services

The Department adopted several fees related to the establishment of new regulatory programs related to Debt Buyers in HB 2356 (2017) and Mortgage Loan servicers in SB 98 (2017) and the expansion of regulation for the Pharmacy Benefit Managers in HB 2388 (2017). The fees were necessary to cover the costs of administering the individual programs within the Department’s Division of Financial Regulation. The fees are anticipated to generate approximately \$484,515 Other Funds revenue during the 2017-19 biennium.

Department of Environmental Quality

The Department increased the existing fees related to the onsite septic system program by 3% in order to adequately support the program. The Environmental Quality Commission received feedback from fee payers that a regular, gradual increase to program fees is preferable to larger infrequent increases. The new fees are anticipated to generate approximately \$58,000 Other Funds in the 2017-19 biennium and \$70,000 in 2019-21.

Occupational Therapy Licensing Board

The Board established a fingerprint background check fee of \$40 for all new applicants for licensure. This fee is passed through entirely to the Oregon State Police to conduct the fingerprint background check. There are about 350 new applicants per year, approximately 70% of which come from out of state. The background check fee is anticipated to generate approximately \$24,000 Other Funds revenue in 2017-19 which will be passed through to the Oregon State Police.

Board of Pharmacy

The Board adopted two new fees related to the regulation of a new category of license called the Dispensing Practitioner Drug Outlet (DPDO). These fees apply to the registration of a DPDO for healthcare practitioners who have dispensing privileges from their practice location. The annual DPDO fee is \$100 per outlet and there is a DPDO delinquent fee of \$25 for late renewal. The fees are anticipated to generate approximately \$8,125 Other Funds revenue in the 2017-19 biennium and \$16,250 Other Funds revenue during the 2019-21 biennium.

Board of Psychology

The Board increased fees for the application, permitting, jurisprudence exam, delinquency, and renewal of the various biennial licenses offered by the Board. The renewal fees have not been increased since 2010 while the other fees had remained unchanged since 2000. The fee increases were necessary, as the Board has had increases in expenses for investigations and attorney general costs. The fees are anticipated to generate approximately \$49,580 Other Funds revenue during the 2017-19 biennium and \$69,500 Other Funds revenue during the 2019-21 biennium.

Department of Agriculture

HB 2066 (2017) transferred the administration of the Bovine Manure Tax Credit program from the Department of Energy to the Department of Agriculture beginning tax year 2018. That transfer included authority to charge and collect a fee from applicants for certification of tax credits. The Department adopted an application fee of \$100 plus 3.8% of the tax credit, which matches the fees charged by the Department of Energy for the program. The Department estimates these fees will generate about \$250,000 Other Funds revenue per biennium.

Oregon Health Authority

SB 1057 (2017) required the Oregon Health Authority to establish a fee to cover the costs of using the Oregon Liquor Control Commission (OLCC) cannabis tracking system for tracking propagation, processing and transfer of medical marijuana. The revenue from the fee will then be transferred to the Marijuana Control and Regulation Fund from which OLCC can pay program costs. The annual fee of \$480 for medical marijuana users of the system is identical to the fee already in place for recreational marijuana users of the system. The agency anticipates revenue of about \$3.6 million in 2017-19 biennium to be transferred to the Fund.

Oregon Liquor Control Commission

The Commission adopted two new fees related to new regulatory responsibilities established by legislation in 2017. SB 1057 (2017) allowed recreational marijuana growers to increase the size of their allowable canopy for medical marijuana patients, and SB 1015 (2017) provides for registration of hemp producers to allow for hemp products to be brought into recreational retailers, tested and sold. The Medically Designated Canopy Registration fee is \$100 annually and the Hemp Certificate is \$500 annually. The fees are anticipated to generate approximately \$26,000 Other Funds revenue in 2017-19 and \$52,000 for the 2019-21 biennium.