

Enrolled Senate Bill 28

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CHAPTER

AN ACT

Relating to Oregon Health Authority fee amounts; creating new provisions; amending ORS 446.321, 448.035, 448.037, 624.490 and 624.630; and declaring an emergency.

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

SECTION 1. ORS 446.321 is amended to read:

446.321. (1) Every applicant for [*licensing of a tourist facility as defined in ORS 446.310 and required by*] **a license under** ORS 446.320 shall pay to the Oregon Health Authority a fee established by the authority by rule. The fee may not exceed [~~\$60~~] **\$100**, except that recreation parks shall pay an additional fee not to exceed [~~\$2~~] **\$3** for each space.

(2) Rules adopted pursuant to subsection (1) of this section shall be adopted in accordance with ORS chapter 183.

SECTION 2. ORS 448.035 is amended to read:

448.035. (1) [~~No person shall~~] **A person may not** operate or maintain a public swimming pool, public spa pool, public wading pool or bathhouse without a license to do so from the Oregon Health Authority.

(2) An annual fee of [~~\$100~~] **\$275** shall be paid for a license to operate a public swimming pool, public spa pool, public wading pool or bathhouse. The annual [~~fee for a license for a second or~~] **license fee for each** additional public swimming pool, public spa pool, public wading pool or bathhouse, or any combination [~~thereof~~] **of those facilities**, on the same site [~~shall be an amount equal to~~] **is** 60 percent of the fee for the first license.

(3) Licenses issued under this section expire annually on a date set by rule.

SECTION 3. ORS 448.037 is amended to read:

448.037. (1) A person applying for a variance shall submit a variance application accompanied by a fee of [~~\$150~~] **\$480** to the Oregon Health Authority. If the authority approves the application, **the authority shall grant** a variance [~~shall be granted~~], stating the terms and conditions [~~thereof~~] **of the variance**.

(2) The authority may waive the fee for variance [~~requests~~] **applications** precipitated by change in the authority's rules.

(3) The authority may not delegate the responsibility under subsection (1) of this section under the provision of ORS 448.100.

SECTION 4. ORS 624.490 is amended to read:

624.490. (1) The Oregon Health Authority may charge the following fees for the issuance or renewal of licenses:

- (a) [~~\$157.50~~] **\$200** for a bed and breakfast facility.
- (b) [~~\$210~~] **\$335** for a limited service restaurant.
- (c) For a restaurant in accordance with seating capacity, as follows:
 - (A) [~~\$367.50~~] **\$530** for 0 to 15 seats;
 - (B) [~~\$414.75~~] **\$600** for 16 to 50 seats;
 - (C) [~~\$472.50~~] **\$700** for 51 to 150 seats; and
 - (D) [~~\$525~~] **\$770** for more than 150 seats.
- (d) For an intermittent temporary restaurant, [~~\$52.50~~] **\$75**.
- (e) For a seasonal temporary restaurant, [~~\$52.50~~] **\$75**.
- (f) For a single-event temporary restaurant, except as provided in ORS 624.106:
 - (A) [~~\$36.75~~] **\$50** for an event lasting one day; and
 - (B) [~~\$52.50~~] **\$75** for an event lasting two days or longer.
- (g) [~~\$262.50~~] **\$350** for a commissary.
- (h) [~~\$105~~] **\$180** for each warehouse.
- (i) [~~\$131.50~~] **\$255** for each mobile unit.
- (j) For vending machines in accordance with the number of machines covered by the license as follows:
 - (A) [~~\$26.25~~] **\$90** for 1 to 10 machines;
 - (B) [~~\$52.50~~] **\$140** for 11 to 20 machines;
 - (C) [~~\$78.75~~] **\$200** for 21 to 30 machines;
 - (D) [~~\$105~~] **\$300** for 31 to 40 machines;
 - (E) [~~\$131.25~~] **\$320** for 41 to 50 machines;
 - (F) [~~\$157.50~~] **\$330** for 51 to 75 machines;
 - (G) [~~\$210~~] **\$390** for 76 to 100 machines;
 - (H) [~~\$367.50~~] **\$510** for 101 to 250 machines;
 - (I) [~~\$577.50~~] **\$800** for 251 to 500 machines;
 - (J) [~~\$787.50~~] **\$1,000** for 501 to 750 machines;
 - (K) [~~\$966~~] **\$1,500** for 751 to 1,000 machines;
 - (L) [~~\$1,260~~] **\$1,600** for 1,001 to 1,500 machines; and
 - (M) [~~\$1,575~~] **\$1,700** for more than 1,500 machines.

(2) Except as provided in this subsection, to reinstate an expired license the operator must pay a reinstatement fee of \$100 in addition to the license fee required under subsection (1) of this section. The reinstatement fee does not apply to the reinstatement of an expired intermittent temporary restaurant, seasonal temporary restaurant or single-event temporary restaurant license. If the operator reinstates the license more than 30 days after the expiration date, the reinstatement fee shall increase by \$100 on the 31st day following the expiration date and on that day of the month in each succeeding month until the license is reinstated.

(3) Notwithstanding subsection (1) of this section, the Oregon Health Authority or a local public health authority as provided under ORS 624.510 may exempt or reduce the license fee for restaurants operated by benevolent organizations that provide food or beverages primarily to children, the elderly, the indigent or other needy populations if the persons receiving the food or beverages are not required to pay the full cost of the food or beverages. As used in this subsection, "benevolent organization" has the meaning given that term in ORS 624.101.

SECTION 5. ORS 624.630 is amended to read:

624.630. A person may not construct or extensively remodel a facility subject to licensure under this chapter without first submitting construction or remodeling plans to the Oregon Health Authority and paying a fee to the authority for review of the plans. The fee shall be assessed in the following amounts:

- (1) For initial construction:
 - (a) Of a full service restaurant, [~~\$250~~] **\$400**.
 - (b) Of a bed and breakfast facility, [~~\$75~~] **\$190**.
 - (c) Of a commissary, [~~\$125~~] **\$240**.

- (d) Of a warehouse, [\$50] **\$150.**
- (e) Of a limited service restaurant, [\$75] **\$220.**
- (f) Of a mobile unit, [\$75] **\$400.**
- (2) For remodeling:
 - (a) Of a full service restaurant, [\$100] **\$225.**
 - (b) Of any facility other than a full service restaurant, [\$50] **\$100.**

SECTION 6. (1) The amendments to ORS 446.321 by section 1 of this 2019 Act apply to Oregon Health Authority rules that establish tourist facility license fees for licensing periods that begin on or after July 1, 2019.

(2) The amendments to ORS 448.035, 448.037, 624.490 and 624.630 by sections 2 to 5 of this 2019 Act become operative on July 1, 2019.

(3) If this 2019 Act becomes law after July 1, 2019:

(a) No later than 30 days after the effective date of this 2019 Act, the Oregon Health Authority may adopt temporary rules under ORS 446.321, establishing new tourist facility license fees to apply retroactively for tourist facility licensing periods beginning on or after July 1, 2019.

(b) The Legislative Assembly intends that:

(A) The amendments to ORS 448.035 by section 2 of this 2019 Act apply retroactively to fees paid for licensing periods beginning on or after July 1, 2019.

(B) The amendments to ORS 448.037 by section 3 of this 2019 Act apply retroactively to applications received by the Oregon Health Authority on or after July 1, 2019.

(C) The amendments to ORS 624.490 by section 4 of this 2019 Act apply retroactively to fees paid for licensing periods beginning on or after July 1, 2019.

(D) The amendments to ORS 624.630 by section 5 of this 2019 Act apply retroactively to review services requested on or after July 1, 2019.

SECTION 7. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate June 10, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 18, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State