

# A-Engrossed Senate Bill 1049

Ordered by the Senate June 21  
Including Senate Amendments dated June 21

Sponsored by Senator WAGNER (at the request of Governor Tina Kotek)

## 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.

*[Transfers moneys from Public Employees' Revolving Fund to General Fund for general governmental purposes.]*

**Removes requirement for boards and other entities to report to Emergency Board prior to adopting fees.**

**Transfers specified moneys to General Fund for general governmental purposes.**

**Extends sunset for tide gate grant program.**

**Modifies maximum number of state employees.**

**Extends deadline for operation of certain projects by State Forestry Department.**

**Directs disposition of proceeds from specified legal settlements.**

**Modifies maximum reimbursement rate for student vision screening.**

**Specifies manner of transfer of revenues to Drug Treatment and Recovery Services Fund.**

**Modifies continuous appropriation of moneys in Early Learning Account.**

**Creates fund for fire mobilization costs.**

**Repeals provisions relating to financing of Interstate 5 bridge replacement project.**

**Modifies certain Oregon Health Authority programs to provide reimbursements instead of grants.**

**Declares emergency, effective on passage.**

## A BILL FOR AN ACT

Relating to state financial administration; creating new provisions; amending ORS 92.365, 92.415, 100.670, 240.185, 305.231, 316.502, 327.269, 327.274, 336.221, 350.175, 438.130, 448.410, 448.450, 453.408, 453.894, 459.236, 459.305, 465.386, 476.055, 480.127, 480.130, 673.685, 675.115, 675.571, 675.785, 676.625, 677.265, 678.410, 679.120, 679.615, 680.075, 685.100, 686.255, 686.600, 692.160, 701.238, 731.804, 776.355 and 776.800 and sections 22a and 23, chapter 10, Oregon Laws 2020 (second special session), section 20, chapter 592, Oregon Laws 2021, and sections 3 and 4, chapter \_\_\_, Oregon Laws 2023 (Enrolled House Bill 3396); repealing sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013, and sections 57 and 61, chapter 10, Oregon Laws 2020 (second special session); and declaring an emergency.

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

## FEE REPORTING REQUIREMENTS

**SECTION 1.** ORS 92.365 is amended to read:

92.365. (1) The information required under ORS 92.345 and 92.355 shall be kept current by the subdivider or series partitioner. Any material change in the information furnished to the Real Estate Commissioner shall be reported by the subdivider or series partitioner within 10 days after the change occurs.

**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 (2) A subdivider or series partitioner shall be responsible for the accuracy of and for providing  
2 all information required by ORS 92.345, 92.355 and this section for as long as the subdivider or se-  
3 ries partitioner retains any unsold lot, parcel or interest in the subdivision or series partition to  
4 which the information pertains.

5 (3) A developer who acquires a lot, parcel or interest in a subdivision or series partition shall  
6 be responsible for as long as the developer retains any unsold lot, parcel or interest in the subdivi-  
7 sion or series partition for all material changes in the information contained in the public report  
8 which the developer receives on acquisition of the property:

9 (a) Which the developer causes by action of the developer; and

10 (b) Concerning the zoning, sewage disposal and water supply which substantially affect the in-  
11 tended use of the property as stated in the public report.

12 (4) A developer shall accurately report to the commissioner a material change specified in sub-  
13 section (3) of this section within 10 days after the change occurs. However, a developer who ac-  
14 quires less than 11 lots, parcels or interests in a subdivision or series partition during a six  
15 consecutive month period shall only be responsible for a material change specified in subsection  
16 (3)(b) of this section and may revise a public report to reflect such material change without report-  
17 ing the material change to the commissioner.

18 (5) The commissioner shall require a fee sufficient to recover any administrative expenses after  
19 receipt of a material change notice if, because of the changes, a public report must be issued or  
20 revised by the commissioner. The fee is subject to prior approval of the Oregon Department of Ad-  
21 ministrative Services [*and a report to the Emergency Board prior to adopting the fee*] and shall be  
22 within the budget authorized by the Legislative Assembly as that budget may be modified by the  
23 Emergency Board.

24 **SECTION 2.** ORS 92.415 is amended to read:

25 92.415. When an examination is to be made of subdivided or series partitioned lands situated in  
26 the State of Oregon, or of subdivided lands situated outside the state which will be offered for sale  
27 or lease within this state, the Real Estate Commissioner, in addition to the filing fee provided in  
28 ORS [92.355] **92.345**, may require the subdivider or series partitioner to advance payment of an  
29 amount estimated by the commissioner to be the expense incurred in going to and returning from  
30 the location of the project, and an amount estimated to be necessary to cover the additional expense  
31 of such examination, subject to prior approval of the Oregon Department of Administrative Services  
32 [*and a report to the Emergency Board prior to adopting the fee*] and [*shall be*] within the budget au-  
33 thorized by the Legislative Assembly as that budget may be modified by the Emergency Board. The  
34 amounts estimated by the commissioner, under this section shall be based upon any applicable limits  
35 established and regulated by the Oregon Department of Administrative Services under ORS 292.220.

36 **SECTION 3.** ORS 100.670 is amended to read:

37 100.670. (1) A developer or other person required to file materials or information with the Real  
38 Estate Commissioner under ORS 100.005 to 100.910 shall pay to the commissioner a fee as required  
39 under subsections (2) and (3) of this section for the review, approval and handling of the filings by  
40 the commissioner at the time of the initial filing with the commissioner.

41 (2) A fee charged by the commissioner under subsection (1) of this section shall be determined  
42 by the commissioner to cover the costs of the commissioner's review, approval or revision activity.  
43 The fee shall be based upon an hourly rate that is subject to prior approval of the Oregon Depart-  
44 ment of Administrative Services [*and a report to the Emergency Board prior to adopting the fee*] and  
45 shall be within the budget authorized by the Legislative Assembly as that budget may be modified

1 by the Emergency Board.

2 (3) The commissioner shall collect a deposit of \$100 from a developer at the time of submitting  
3 a filing described in subsection (1) of this section. The amount of the deposit shall be deducted from  
4 the final fee computed as provided in subsection (2) of this section.

5 **SECTION 4.** ORS 350.175 is amended to read:

6 350.175. (1) The Director of the Office of Community Colleges and Workforce Development may  
7 issue certificates for passing approved high school equivalency tests such as the General Educa-  
8 tional Development (GED) test to persons who demonstrate satisfactory performance in tests pre-  
9 scribed under subsection (2) of this section or meet the requirements of any prescribed evaluative  
10 procedure.

11 (2) The Higher Education Coordinating Commission by rule may prescribe tests and other ap-  
12 propriate evaluation procedures for the purposes of subsection (1) of this section and may establish  
13 age, residence and other relevant qualifications for applicants.

14 (3) The Office of Community Colleges and Workforce Development may utilize its personnel and  
15 facilities for the administration of this section, and the commission may establish by rule a  
16 nonrefundable application fee. The fee may be waived by the commission in case of hardship.

17 (4) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
18 *to the Emergency Board prior to adopting the fee*], the fee established under subsection (3) of this  
19 section shall not exceed the cost of administering the program, as authorized by the Legislative  
20 Assembly within the office's budget, as the budget may be modified by the Emergency Board.

21 (5) All moneys received under this section shall be deposited in the State Treasury to the credit  
22 of the Office of Community Colleges and Workforce Development and shall be used exclusively for  
23 administration of this section. The Office of Community Colleges and Workforce Development shall  
24 keep a record of all moneys deposited in such account. The record shall indicate by separate cu-  
25 mulative accounts the source from which the moneys are derived and the individual activity against  
26 which each withdrawal is charged.

27 (6) The Director of the Office of Community Colleges and Workforce Development shall consult  
28 with the Superintendent of Public Instruction on all matters related to evaluation procedures used  
29 to measure equivalent achievement under this section. The superintendent is authorized to make  
30 independent recommendations on evaluation procedures to the office in those cases where the  
31 superintendent's judgment differs from that of the director.

32 **SECTION 5.** ORS 438.130 is amended to read:

33 438.130. (1) The application for a license for a clinical laboratory shall be made on forms pro-  
34 vided by the Oregon Health Authority and shall be executed by the owner or one of the owners or  
35 by an officer of the firm or corporation owning the clinical laboratory, or in the case of a county  
36 or municipality, by the public official responsible for operation of the laboratory, or in the case of  
37 an institution, by the administrator of the institution. The application shall contain the names of the  
38 owner, the director or directors of the clinical laboratory, the location and physical description of  
39 the clinical laboratory, the laboratory specialties for which a license is requested and such other  
40 information as the authority may require.

41 (2)(a) The application shall be accompanied by an annual or biennial license fee to be estab-  
42 lished by the authority. The fee shall be based on test volume, test complexity, the number of spe-  
43 cialties performed and private laboratory accreditation. For each level of laboratory testing, the fee  
44 shall be not more than 100 percent of the corresponding fee charged by the federal laboratory cer-  
45 tification program known as the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578,

1 42 U.S.C. 201 and 263a) in effect on July 1, 1999. The fee for substance of abuse screening labora-  
2 tories not certified under the Clinical Laboratory Improvement Amendments of 1988 shall be com-  
3 parable to the clinical laboratory fee established under this section.

4 (b) The authority may establish prorated fees for licenses issued for a year or less and when  
5 there is a change in the laboratory's owner, director or address. A prorated license fee shall be is-  
6 sued to a laboratory accredited by an organization recognized by the authority.

7 (3) Unless sooner voided, suspended or revoked, all licenses issued under this section expire on  
8 June 30 of the one-year or two-year cycle following the date of issuance or on such date as may be  
9 specified by authority rule. Licenses issued under this section shall be renewable in the manner  
10 prescribed by the authority.

11 (4) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
12 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
13 under this section shall not exceed the cost of administering the regulatory program of the authority  
14 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative  
15 Assembly within the authority's budget, as the budget may be modified by the Emergency Board.

16 **SECTION 6.** ORS 448.410 is amended to read:

17 448.410. (1) The Environmental Quality Commission shall:

18 (a) Adopt rules necessary to carry out the provisions of ORS 448.410 to 448.430 and 448.992.

19 (b) Classify all sewage treatment works. In classifying the sewage treatment works, the com-  
20 mission shall take into consideration size and type, character of wastewater to be treated and other  
21 physical conditions affecting the sewage treatment works and the skill, knowledge and experience  
22 required of an operator.

23 (c) Certify persons qualified to supervise the operation of sewage treatment works.

24 (d) Subject to the prior approval of the Oregon Department of Administrative Services [*and a*  
25 *report to the Emergency Board prior to adopting the fee*], establish a schedule of fees for certification  
26 under paragraph (c) of this subsection. The fees established under the schedule shall be sufficient  
27 to pay the costs incurred by the Department of Environmental Quality in carrying out the provisions  
28 of ORS 448.410 to 448.430 and 448.992 and shall be within the budget authorized by the Legislative  
29 Assembly as that budget may be modified by the Emergency Board.

30 (2) The commission may grant a variance from the requirements of ORS 448.415, according to  
31 criteria established by rule by the commission.

32 (3) In adopting rules under this section, the commission shall consult with the Oregon Health  
33 Authority in order to coordinate rules adopted under this section with rules adopted by the au-  
34 thority under ORS 448.450.

35 **SECTION 7.** ORS 448.450 is amended to read:

36 448.450. (1) The Oregon Health Authority shall:

37 (a) Adopt rules necessary to carry out the provisions of ORS 448.450 to 448.465, 448.992 and  
38 448.994.

39 (b) Classify all potable water treatment plants and water distribution systems actually used or  
40 intended for use by the public. In classifying the potable water treatment plants and water distrib-  
41 ution systems, the authority shall take into consideration size and type, character of water to be  
42 treated and other physical conditions affecting the treatment plants and distribution systems and the  
43 skill, knowledge and experience required of an operator.

44 (c) Certify persons qualified to supervise the operation of a potable water treatment plant or a  
45 water distribution system.

1 (d) Subject to the prior approval of the Oregon Department of Administrative Services [*and a*  
2 *report to the Emergency Board prior to adopting the fee*], establish a schedule of fees for certification  
3 under paragraph (c) of this subsection. The fees established under the schedule shall be sufficient  
4 to pay the cost of the authority in carrying out the provisions of ORS 448.450 to 448.465, 448.992  
5 and 448.994 and shall be within the budget authorized by the Legislative Assembly as that budget  
6 may be modified by the Emergency Board.

7 (2) Notwithstanding the authority of the Oregon Health Authority to establish fees for certi-  
8 fication under subsection (1)(d) of this section, the authority will not establish fees for certification  
9 of operators of water systems serving ground water to fewer than 150 service connections.

10 (3) In adopting rules under this section, the authority shall consult with the Department of En-  
11 vironmental Quality in order to coordinate rules adopted under this section with rules adopted by  
12 the Environmental Quality Commission under ORS 448.410.

13 **SECTION 8.** ORS 453.408 is amended to read:

14 453.408. (1) The Department of Revenue, in consultation with the State Fire Marshal, is au-  
15 thorized to establish those rules and procedures for the implementation and enforcement of ORS  
16 453.396 to 453.414 that are consistent with its provisions and are considered necessary and appro-  
17 priate.

18 (2) The State Fire Marshal by rule may add persons or substances to or exempt persons or  
19 substances from liability for the fee imposed under ORS 453.396 to 453.414 to conform to the re-  
20 porting requirements established by the State Fire Marshal under the Community Right to Know  
21 and Protection Act.

22 (3) Before final adoption of initial rules to carry out the provisions of ORS 453.396 to 453.414  
23 or subsequent amendment of the initial fee schedules established under ORS 453.398, the State Fire  
24 Marshal shall obtain prior approval of the fees by the Oregon Department of Administrative Ser-  
25 vices [*and shall submit a report to the Emergency Board prior to adopting the fees*]. The fees estab-  
26 lished under ORS 453.396 to 453.414 shall be within the budget authorized by the Legislative  
27 Assembly as that budget may be modified by the Emergency Board. The fees shall not exceed the  
28 cost of the program.

29 **SECTION 9.** ORS 453.894 is amended to read:

30 453.894. (1) The Oregon Health Authority shall establish by rule a schedule of fees for at least  
31 the following:

32 (a) Initial licenses and renewal under ORS 105.555, 431.175 and 453.855 to 453.912.

33 (b) Training courses and examinations conducted by or on behalf of the authority.

34 (c) Reexaminations for failing the initial examinations.

35 (d) Review of work plans.

36 (2) The fees established under subsection (1) of this section shall be based upon the costs of the  
37 authority in carrying out the provisions of ORS 105.555, 431.175 and 453.855 to 453.912.

38 (3) If a license renewal application and fee is not received by the authority within 15 days after  
39 the expiration of the license, a penalty of \$100 shall be added and collected.

40 (4) The fees collected under this section shall be paid into the State Treasury and deposited in  
41 the General Fund to the credit of the Public Health Account. Such moneys are continuously appro-  
42 priated to the Oregon Health Authority to pay the authority's expenses in administering the pro-  
43 visions of ORS 105.555, 431.175 and 453.855 to 453.912.

44 (5) Subject to prior approval by the Oregon Department of Administrative Services [*and a report*  
45 *to the Emergency Board prior to adopting the fee*], any fee or change **thereto** shall be within the

1 budget authorized by the Legislative Assembly as that budget may be modified by the Emergency  
2 Board.

3 **SECTION 10.** ORS 459.236 is amended to read:

4 459.236. (1) In addition to the permit fees provided in ORS 459.235, upon prior approval by the  
5 Oregon Department of Administrative Services [*and a report to the Emergency Board prior to*  
6 *adopting the fees*], there is imposed a fee on all:

7 (a) Disposal sites that receive domestic solid waste, building demolition or construction wastes,  
8 land clearing debris, waste tires or solid waste generated outside the state, for final disposal or  
9 destruction; and

10 (b) Persons who transport solid waste out of the State of Oregon for final disposal or destruction  
11 to a disposal site that receives domestic solid waste, building demolition or construction wastes,  
12 land clearing debris or waste tires.

13 (2) The amount raised under subsection (1) of this section shall be up to \$1 million per year,  
14 based on the estimated tonnage or the actual tonnage, if known, received at the site or transported  
15 out of state for final disposal or destruction and any other similar or related factors the Environ-  
16 mental Quality Commission finds appropriate. Such fees shall be within the budget authorized by the  
17 Legislative Assembly as that budget may be modified by the Emergency Board.

18 (3) For solid waste delivered to a disposal site owned and operated by a metropolitan service  
19 district, the fee imposed under subsection (1) of this section shall be levied on the district, not the  
20 disposal site.

21 (4) Before transporting or arranging for transport of solid waste out of the State of Oregon to  
22 a disposal site that receives domestic solid waste, a person shall notify the Department of Environ-  
23 mental Quality in writing.

24 (5)(a) A local government unit that franchises or licenses a domestic solid waste site shall allow  
25 the disposal site to pass through the amount of the fees established by the commission in subsection  
26 (1) of this section to the users of the site.

27 (b) If a disposal site that receives domestic solid waste passes through all or a portion of the  
28 fees established by the commission in subsection (1) of this section to a solid waste collector who  
29 uses the site, a local government unit that franchises or licenses the collection of solid waste shall  
30 allow the franchisee or licensee to include the amount of the fee in the collection service rate.

31 (6) Except as provided in subsection (7) of this section, moneys collected under this section shall  
32 be deposited in the Orphan Site Account created under ORS 465.381 to be used to pay the costs of  
33 removal or remedial action of hazardous substances, in excess of the maximum amount collected  
34 under ORS 459.311 at:

35 (a) Solid waste disposal sites owned or operated by a local government unit; or

36 (b) Privately owned or operated solid waste disposal sites that receive or received domestic solid  
37 waste for which the department determines the responsible party is unknown, unwilling or unable  
38 to undertake any portion or phase of a removal or remedial action.

39 (7) The moneys collected under this section, or proceeds of any bond sale under ORS 468.195 for  
40 which moneys collected under this section are pledged for repayment shall be made available to a  
41 local government unit to pay removal or remedial action costs at a site if:

42 (a) The local government unit is responsible for conducting removal or remedial action under  
43 ORS 465.260; and

44 (b) The local government unit repays any moneys equal to the amount that may be raised by the  
45 charge imposed under ORS 459.311 and interest on such moneys, in accordance with an agreement

1 between the local government unit and the department. A local government unit is not required to  
2 repay the first \$100,000 the local government unit expends on removal or remedial action.

3 (8) As used in this section:

4 (a) "Domestic solid waste" has the meaning given that term in ORS 459A.100.

5 (b) "Person" does not include an individual who transports the individual's own residential solid  
6 waste to a disposal site located out of the state.

7 (c) "Removal" and "remedial action" have the meanings given those terms in ORS 465.200.

8 **SECTION 11.** ORS 459.305 is amended to read:

9 459.305. (1) Except as otherwise provided by rules adopted by the Environmental Quality Com-  
10 mission under subsection (4) of this section, a disposal site may not accept solid waste generated  
11 outside the county in which the disposal site is located unless the Department of Environmental  
12 Quality certifies or, for waste that originates outside Oregon in an amount exceeding 75,000 tons  
13 annually from a single source generator or wasteshed, the disposal site operator demonstrates to the  
14 department, that the person responsible for solid waste management in the area from which the solid  
15 waste originates has implemented an opportunity to recycle that:

16 (a) For waste originating outside Oregon, achieves either a recovery rate equivalent to that  
17 achieved in a comparable county in Oregon or a recycling and waste prevention program equivalent  
18 to the opportunity to recycle in ORS 459A.005 (1)(a) and (2) and the program elements in ORS  
19 459A.007; and

20 (b) For waste originating inside Oregon, meets the requirements of ORS 459.250 and 459A.005  
21 to 459A.085.

22 (2) The commission shall adopt rules to establish a program for certification of recycling pro-  
23 grams established by a person in order to comply with the requirement of subsection (1) of this  
24 section. A contract or agreement for the disposal of solid waste made between an owner or operator  
25 of a disposal site and a person does not affect the authority of the commission to establish or modify  
26 the requirements established under subsection (1) of this section.

27 (3) For each area outside the state from which a disposal site receives solid waste, the disposal  
28 site has two years after first accepting solid waste from the area to demonstrate how the area  
29 complies with the requirements of subsection (1) of this section. The disposal site operator shall  
30 provide written notice to the department prior to first accepting solid waste from outside the state.  
31 The requirements of this subsection apply only to contracts entered into after September 9, 1995.

32 (4) The commission shall establish by rule the amount of solid waste that may be accepted from  
33 outside the county in which the disposal site is located before the person must comply with the re-  
34 quirements set forth in subsection (1) of this section.

35 (5) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
36 *to the Emergency Board prior to adopting the fee*], and within the budget authorized by the Legisla-  
37 tive Assembly as that budget may be modified by the Emergency Board, the Department of Envi-  
38 ronmental Quality may establish a certification fee in accordance with ORS 468.065. The fees may  
39 not exceed the cost of the program.

40 (6) The certification requirement under subsection (1) of this section does not apply to a person  
41 implementing a waste reduction program under ORS 459.055.

42 (7) Notwithstanding any other provision of law relating to solid waste disposal, if the laws of  
43 the state of origin prohibit or restrict the disposal of any kind of solid waste within the state of  
44 origin, the prohibition or restriction also applies to the disposal of the solid waste in Oregon.

45 **SECTION 12.** ORS 465.386 is amended to read:

1       465.386. (1) Notwithstanding the totals established in ORS 459.236, the Environmental Quality  
2 Commission by rule may increase the total amount to be collected annually as a fee and deposited  
3 into the Orphan Site Account under ORS 459.236. The commission shall approve an increase if the  
4 commission determines:

5       (a) Existing fees being deposited into the Orphan Site Account are not sufficient to pay debt  
6 service on bonds sold to pay for removal or remedial actions at sites where the Department of En-  
7 vironmental Quality determines the responsible party is unknown or is unwilling or unable to  
8 undertake all required removal or remedial action; or

9       (b) Revenues from the sale of bonds cannot be used to pay for activities related to removal or  
10 remedial action, and existing fees being deposited into the Orphan Site Account are not sufficient  
11 to pay for these activities.

12       (2) The increased amount approved by the commission under subsection (1) of this section:

13       (a) Shall be no greater than the amount needed to pay anticipated costs specifically identified  
14 by the Department of Environmental Quality at sites where the department determines the respon-  
15 sible party is unknown, unwilling or unable to undertake all required removal or remedial action;  
16 and

17       (b) Shall be subject to prior approval by the Oregon Department of Administrative Services [*and*  
18 *a report to the Emergency Board prior to adopting the fees*] and shall be within the budget authorized  
19 by the Legislative Assembly as that budget may be modified by the Emergency Board during the  
20 interim period between sessions.

21       **SECTION 13.** ORS 480.127 is amended to read:

22       480.127. (1) Any person who desires to sell consumer fireworks at retail to individual members  
23 of the general public for personal use shall apply in writing to the State Fire Marshal for a permit  
24 at least 15 days in advance of the proposed sale. The State Fire Marshal shall issue the permit only  
25 if the State Fire Marshal finds that the applicant is qualified to conduct the proposed sale and that  
26 the proposed sale will conform to the provisions of ORS 480.111 to 480.165 and any rules adopted  
27 under ORS 480.111 to 480.165. A fee may be charged for the permit. Subject to prior approval by  
28 the Oregon Department of Administrative Services [*and a report to the Emergency Board prior to*  
29 *adopting the fee*], the amount of the fee shall be set by rule and shall be adjusted subsequently by  
30 the State Fire Marshal to finance the administrative expenses incurred under this section and shall  
31 be within the budget authorized by the Legislative Assembly as that budget may be modified by the  
32 Emergency Board.

33       (2) A retail sales permit issued under this section authorizes the sale of consumer fireworks only  
34 in the year for which the permit is issued during the period that begins on June 23 and ends on July  
35 6 of the year for which the permit is issued.

36       (3) A retail sales permit holder shall store consumer fireworks in accordance with any fire codes  
37 that the State Fire Marshal adopts by rule to ensure safe storage of those fireworks. The matters  
38 that the State Fire Marshal considers when adopting storage rules for fireworks may include, but  
39 are not limited to, any United States Department of Transportation requirements relating to haz-  
40 ardous materials storage.

41       **SECTION 14.** ORS 480.130 is amended to read:

42       480.130. (1) All persons, municipalities, associations or organizations or groups of individuals  
43 desiring to sell, discharge, fire off, explode or display fireworks for a public display, or to sell con-  
44 sumer fireworks to persons who possess the permit referred to in ORS 480.127, shall apply in writing  
45 to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale or date of

1 the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed  
2 sale or display will conform to law and any rules promulgated thereunder. If the State Fire Marshal  
3 finds that the applicant is qualified to conduct such sale or display and that the proposed sale or  
4 display is in accordance with the law and all rules, the State Fire Marshal shall issue a permit;  
5 otherwise the State Fire Marshal shall refuse to issue it.

6 (2) The fee for a permit for the public display of fireworks and each permit for the sale of any  
7 fireworks shall be established by rule by the State Fire Marshal, subject to prior approval by the  
8 Oregon Department of Administrative Services [*and a report to the Emergency Board prior to*  
9 *adopting the fee*], and subsequently shall be adjusted to finance the administrative expenses incurred  
10 under this section and shall be within the budget authorized by the Legislative Assembly as that  
11 budget may be modified by the Emergency Board. All fees collected shall be deposited to the credit  
12 of the State Fire Marshal Fund.

13 (3) Sales permits for fireworks are not valid for more than one year from date of issue. A public  
14 display permit is not valid for more than 10 days from date of issuance and may authorize only one  
15 fireworks display during that period.

16 **SECTION 15.** ORS 673.685 is amended to read:

17 673.685. (1) The State Board of Tax Practitioners shall adopt by rule fees for:

18 (a) Application for examination for a tax consultant's license.

19 (b) Application for examination for a tax preparer's license.

20 (c) Issuance or renewal of a tax consultant's license.

21 (d) Issuance or renewal of a tax preparer's license.

22 (e) Issuance or renewal of a tax consultant's inactive license.

23 (f) Issuance or renewal of a tax preparer's inactive license.

24 (g) Reactivation of a tax consultant's inactive license or reactivation of a tax preparer's inactive  
25 license.

26 (h) Restoration of lapsed license.

27 (i) Issuance or replacement of a duplicate license.

28 (j) Issuance of a replacement or duplicate tax consultant certificate.

29 (k) Registration or registration renewal for a sole proprietorship, partnership, corporation or  
30 other legal entity.

31 (L) Issuance or renewal of a combined tax consultant's or tax preparer's license and registration  
32 for a sole proprietorship, partnership, corporation or other legal entity. Eligibility for a combined  
33 license shall be determined under rules adopted by the board.

34 (m) Annual registration of a branch office of a sole proprietorship, partnership, corporation or  
35 other legal entity.

36 (2) The fees established by the State Board of Tax Practitioners under this section are subject  
37 to the prior approval of the Oregon Department of Administrative Services [*and, if their adoption*  
38 *occurs between regular sessions of the Legislative Assembly, a report to the Emergency Board*]. The  
39 fees may not exceed the cost of administering the regulatory program of the State Board of Tax  
40 Practitioners pertaining to the purposes for which the fees are established, as authorized by the  
41 Legislative Assembly within the board's budget, as that budget may be modified by the Emergency  
42 Board.

43 **SECTION 16.** ORS 675.115 is amended to read:

44 675.115. Subject to prior approval of the Oregon Department of Administrative Services [*and a*  
45 *report to the Emergency Board prior to adopting the fees and charges*], the fees and charges estab-

1 lished under ORS 675.110 shall not exceed the cost of administering the regulatory program of the  
2 Oregon Board of Psychology pertaining to the purpose for which the fee or charge is established,  
3 as authorized by the Legislative Assembly within the board's budget, as the budget may be modified  
4 by the Emergency Board.

5 **SECTION 17.** ORS 675.571 is amended to read:

6 675.571. (1) The State Board of Licensed Social Workers shall collect fees for:

7 (a) Examination and reexamination.

8 (b) An initial authorization to practice regulated social work.

9 (c) Renewal of an authorization to practice regulated social work.

10 (d) Delinquent renewal of an authorization to practice regulated social work.

11 (2) Fees collected under subsection (1) of this section shall be deposited in the State Board of  
12 Licensed Social Workers Account established under ORS 675.597 and shall be used to defray the  
13 expenses of the board.

14 (3) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
15 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
16 under this section may not exceed the cost of administering the regulatory program pertaining to  
17 the purpose for which the fee or charge is established, as authorized by the Legislative Assembly  
18 within the budget of the State Board of Licensed Social Workers, as the budget may be modified by  
19 the Emergency Board.

20 (4) The State Board of Licensed Social Workers may impose a delinquent renewal fee for an  
21 authorization to practice regulated social work if the application for renewal is not filed and ac-  
22 cepted by the renewal date established by the board by rule, but is filed and accepted within 30 days  
23 of the renewal date. An authorization to practice regulated social work is lapsed if an application  
24 for renewal is not filed and accepted within 30 days of the renewal date.

25 (5) Fees collected under this section are nonrefundable.

26 **SECTION 18.** ORS 675.785 is amended to read:

27 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following  
28 powers and duties:

29 (1) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules  
30 necessary for the administration of the laws the board is charged with administering.

31 (2) Subject to applicable provisions of the State Personnel Relations Law, the board may ap-  
32 point, prescribe the duties and fix the compensation of employees of the board necessary to carry  
33 out the duties of the board.

34 (3)(a) The board may impose nonrefundable fees in an amount set by rule for the following:

35 [(a)] (A) License application.

36 [(b)] (B) First issuance of a license.

37 [(c)] (C) Renewal of a license.

38 [(d)] (D) Late filing of a license renewal.

39 [(e)] (E) Renewal of registration as an associate.

40 [(f)] (F) Examinations. Examination fees may not exceed the costs incurred in administering the  
41 particular examination.

42 (b) Fees established under this subsection are subject to prior approval of the Oregon Depart-  
43 ment of Administrative Services [*and a report to the Emergency Board prior to adopting the fees*] and  
44 must be within the budget authorized by the Legislative Assembly as that budget may be modified  
45 by the Emergency Board.

1 (4) The [board] **Oregon Board of Licensed Professional Counselors and Therapists** shall:

2 (a) Maintain a register of all current licensed professional counselors and marriage and family  
3 therapists.

4 (b) Annually publish a directory listing all current licensed professional counselors and marriage  
5 and family therapists. The directory must be available to the public, and the board may collect a  
6 publication fee for the directory.

7 (5) The board shall:

8 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted  
9 under authority of the board.

10 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon re-  
11 ceipt of a complaint under ORS 675.715 to 675.835 against a licensed or unlicensed person, the board  
12 shall conduct an investigation as described under ORS 676.165.

13 (6) The board shall report to the Legislative Assembly concerning the activities of the board  
14 during the preceding biennium.

15 (7) The board shall form standards committees to establish, examine and pass on the qualifica-  
16 tions of applicants to practice professional counseling or marriage and family therapy in this state,  
17 including standards and requirements for continuing education and supervision, as appropriate. The  
18 standards committee for professional counselors shall be made up of the professional counselors on  
19 the board, the faculty member and the public member. The standards committee for marriage and  
20 family therapists shall be made up of the marriage and family members of the board, the faculty  
21 member and the public member.

22 (8) The board shall grant licenses to applicants who qualify to practice professional counseling  
23 or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the  
24 rules of the board.

25 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas  
26 to compel the attendance of witnesses and the production of documents or written information nec-  
27 essary to carry out ORS 675.715 to 675.835.

28 (10) The board may adopt a seal to be affixed to all licenses.

29 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes  
30 of professional counseling and marriage and family therapy associations as models for the code es-  
31 tablished by the board.

32 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,  
33 including, but not limited to, the adoption of rules to establish semester hour equivalents for quali-  
34 fication for licensing where quarter hours are required under ORS 675.715 to 675.835.

35 (13) The board shall require the applicant for a professional counselor license or a marriage and  
36 family therapy license to receive a passing score on an examination of competency in counseling  
37 or marriage and family therapy. The examination may be the examination given nationally to certify  
38 counselors, or in the case of marriage and family therapy, the examination approved by the Associ-  
39 ation of Marital and Family Therapy Regulatory Boards.

40 (14) For the purpose of requesting a state or nationwide criminal records check under ORS  
41 181A.195, the board may require the fingerprints of a person who is:

42 (a) Applying for a license that is issued by the board;

43 (b) Applying for renewal of a license that is issued by the board; or

44 (c) Under investigation by the board.

45 (15) The board shall prescribe, in consultation with the Oregon Board of Psychology, the duties

1 of the Director of the Mental Health Regulatory Agency.

2 **SECTION 19.** ORS 676.625 is amended to read:

3 676.625. (1) The Health Licensing Office shall establish by rule and shall collect fees and charges  
4 to carry out the office's responsibilities under ORS 676.560 to 676.625, 676.850 and 676.992 and any  
5 responsibility imposed on the office pertaining to the boards, councils and programs administered  
6 and regulated by the office pursuant to ORS 676.565.

7 (2) The Health Licensing Office Account is established separate and distinct from the General  
8 Fund. The account shall consist of the moneys credited to the account by the Legislative Assembly.  
9 All moneys in the account are continuously appropriated to and shall be used by the office for  
10 payment of expenses of the office in carrying out the duties, functions and obligations of the office,  
11 and for payment of the expenses of the boards, councils and programs administered and regulated  
12 by the office pursuant to ORS 676.565. The office shall keep a record of all moneys credited to the  
13 account and report the source from which the moneys are derived and the activity of each board,  
14 council or program that generated the moneys.

15 (3) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
16 *to the Emergency Board prior to establishing fees and charges credited to the account*], the fees and  
17 charges may not exceed the cost of administering the office and the boards, councils and programs  
18 within the office, as authorized by the Legislative Assembly within the office's budget, as the budget  
19 may be modified by the Emergency Board.

20 (4) All moneys credited to the account pursuant to ORS 676.576 and 676.806, and moneys cred-  
21 ited to the account from other office and program fees established by the office by rule, are con-  
22 tinuously appropriated to the office for carrying out the duties, functions and powers of the office  
23 under ORS 676.560 to 676.625, 676.806, 676.850 and 676.992.

24 (5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and  
25 accounted for as are other moneys received by the office and shall be for the administration and  
26 enforcement of the statutes governing the boards, councils and programs administered by the office.

27 **SECTION 19a.** ORS 676.625, as amended by section 14, chapter 92, Oregon Laws 2022, is  
28 amended to read:

29 676.625. (1) The Health Licensing Office shall establish by rule and shall collect fees and charges  
30 to carry out the office's responsibilities under ORS 676.560 to 676.625, 676.850 and 676.992 and any  
31 responsibility imposed on the office pertaining to the boards, councils and programs administered  
32 and regulated by the office pursuant to ORS 676.565.

33 (2) The Health Licensing Office Account is established separate and distinct from the General  
34 Fund. The account shall consist of the moneys credited to the account by the Legislative Assembly.  
35 All moneys in the account are continuously appropriated to and shall be used by the office for  
36 payment of expenses of the office in carrying out the duties, functions and obligations of the office,  
37 and for payment of the expenses of the boards, councils and programs administered and regulated  
38 by the office pursuant to ORS 676.565. The office shall keep a record of all moneys credited to the  
39 account and report the source from which the moneys are derived and the activity of each board,  
40 council or program that generated the moneys.

41 (3) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
42 *to the Emergency Board prior to establishing fees and charges credited to the account*], the fees and  
43 charges may not exceed the cost of administering the office and the boards, councils and programs  
44 within the office, as authorized by the Legislative Assembly within the office's budget, as the budget  
45 may be modified by the Emergency Board.

1 (4) All moneys credited to the account pursuant to ORS 676.576 and 676.806, and moneys cred-  
2 ited to the account from other office and program fees established by the office by rule, are con-  
3 tinuously appropriated to the office for carrying out the duties, functions and powers of the office  
4 under ORS 676.560 to 676.625, 676.806, 676.850 and 676.992.

5 (5) The moneys received from civil penalties assessed under ORS 676.992 and section 7, chapter  
6 92, Oregon Laws 2022, shall be deposited and accounted for as are other moneys received by the  
7 office and shall be for the administration and enforcement of the statutes governing the boards,  
8 councils and programs administered by the office.

9 **SECTION 20.** ORS 677.265 is amended to read:

10 677.265. In addition to any other powers granted by this chapter, the Oregon Medical Board  
11 may:

12 (1) Adopt necessary and proper rules for administration of this chapter including but not limited  
13 to:

14 (a) Establishing fees and charges to carry out its legal responsibilities, subject to prior approval  
15 by the Oregon Department of Administrative Services [*and a report to the Emergency Board prior*  
16 *to adopting the fees and charges*]. The fees and charges shall be within the budget authorized by the  
17 Legislative Assembly as that budget may be modified by the Emergency Board. The fees and charges  
18 established under this section may not exceed the cost of administering the program or the purpose  
19 for which the fee or charge is established, as authorized by the Legislative Assembly for the Oregon  
20 Medical Board's budget, or as modified by the Emergency Board or future sessions of the Legislative  
21 Assembly.

22 (b) Establishing standards and tests to determine the moral, intellectual, educational, scientific,  
23 technical and professional qualifications required of applicants for licenses under this chapter.

24 (c) Enforcing the provisions of this chapter and exercising general supervision over the practice  
25 of medicine and podiatry within this state. In determining whether to discipline a licensee for a  
26 standard of care violation, the Oregon Medical Board shall determine whether the licensee used that  
27 degree of care, skill and diligence that is used by ordinarily careful physicians in the same or similar  
28 circumstances in the community of the physician or a similar community.

29 (2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and  
30 fines and place licensees on probation as provided in this chapter.

31 (3) Use the gratuitous services and facilities of private organizations to receive the assistance  
32 and recommendations of the organizations in administering this chapter.

33 (4) Make its personnel and facilities available to other regulatory agencies of this state, or other  
34 bodies interested in the development and improvement of the practice of medicine or podiatry in this  
35 state, upon terms and conditions for reimbursement as are agreed to by the Oregon Medical Board  
36 and the other agency or body.

37 (5) Appoint examiners, who need not be members of the Oregon Medical Board, and employ or  
38 contract with the American Public Health Association or the National Board of Medical Examiners  
39 or other organizations, agencies and persons to prepare examination questions and score examina-  
40 tion papers.

41 (6) Determine the schools, colleges, universities, institutions and training acceptable in con-  
42 nection with licensing under this chapter. All residency, internship and other training programs  
43 carried on in this state by any hospital, institution or medical facility shall be subject to approval  
44 by the Oregon Medical Board. The board shall accept the approval by the American Osteopathic  
45 Association or the American Medical Association in lieu of approval by the board.

1 (7) Prescribe the time, place, method, manner, scope and subjects of examinations under this  
2 chapter.

3 (8) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require  
4 the submission of photographs and relevant personal history data by applicants for licensure under  
5 this chapter.

6 (9) For the purpose of requesting a state or nationwide criminal records check under ORS  
7 181A.195, require the fingerprints of a person who is:

- 8 (a) Applying for a license that is issued by the board;
- 9 (b) Applying for renewal of a license that is issued by the board; or
- 10 (c) Under investigation by the board.

11 (10) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas  
12 in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are rea-  
13 sonably necessary to carry out its duties under this chapter.

14 **SECTION 21.** ORS 678.410 is amended to read:

15 678.410. (1) The Oregon State Board of Nursing may establish and collect fees necessary to carry  
16 out the provisions of ORS 678.010 to 678.448.

17 (2) Fees are nonrefundable.

18 (3)(a) The board shall obtain approval from the Oregon Department of Administrative Services  
19 [*and submit a report to the Emergency Board*] prior to establishing fees under this section.

20 (b) A fee established and collected under this section may not exceed the cost of administering  
21 a regulatory program for which the fee is established and collected, as authorized by the Legislative  
22 Assembly within the Oregon State Board of Nursing budget, subject to modification by the Emer-  
23 gency Board.

24 (c) If federal or other funds are available to offset costs of administering the program, fees shall  
25 be established based on net costs to the state but may not exceed \$75 per biennium for a nursing  
26 assistant certification.

27 **SECTION 22.** ORS 679.120 is amended to read:

28 679.120. (1) The Oregon Board of Dentistry may impose application fees for the following:

29 (a) Examinations, which may differ for general dentistry, foreign school graduate and specialty  
30 examinations.

31 (b) Biennial dentist license, active.

32 (c) Biennial dentist license, inactive.

33 (d) Permits and certificates.

34 (e) Delinquency.

35 (2) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
36 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
37 under this section and ORS 680.075 shall not exceed the costs of administering the regulatory pro-  
38 gram of the board, as authorized by the Legislative Assembly within the board budget, as the budget  
39 may be modified by the Emergency Board.

40 (3)(a) The [*board*] **Oregon Board of Dentistry** may waive the payment of the license fee in the  
41 case of any licensee who furnishes satisfactory evidence that the licensee has discontinued the ac-  
42 tual practice of dentistry because of retirement.

43 (b) Application to reinstate a license retired under paragraph (a) of this subsection or to convert  
44 an inactive status license to an active status license shall be made in accordance with the rules of  
45 the board and with the submission of the license fee prescribed for such license; provided, however,

1 that if more than one year has expired since the license was retired or inactivated, satisfactory  
2 evidence of operative competence must be submitted to the board.

3 (4) Every dentist shall advise the board within 30 days of any change of address.

4 (5) Each dentist must renew the dentist's license every two years through submitting a renewal  
5 application and paying the license fee.

6 (6) Dentists licensed in even-numbered years must renew by March 31 of each even-numbered  
7 year. Dentists licensed in odd-numbered years must renew by March 31 of each odd-numbered year.

8 (7) A reasonable charge may be made in the event that the license fee or renewal application  
9 is more than 10 days delinquent.

10 (8) Fees paid are not refundable.

11 **SECTION 23.** ORS 679.615 is amended to read:

12 679.615. (1) The Oregon Board of Dentistry may impose nonrefundable fees for the following:

13 (a) Application for licensure;

14 (b) Examinations;

15 (c) Biennial dental therapy licenses, both active and inactive;

16 (d) Licensure renewal fees;

17 (e) Permits; and

18 (f) Delinquency.

19 (2) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
20 *to the Emergency Board prior to adopting fees and charges*], the fees and charges established under  
21 ORS 679.600 to 679.630 may not exceed the cost of administering ORS 679.600 to 679.630 as author-  
22 ized by the Legislative Assembly within the Oregon Board of Dentistry budget and as modified by  
23 the Emergency Board.

24 (3)(a) The Oregon Board of Dentistry may waive a license fee for a licensee who provides to the  
25 board satisfactory evidence that the licensee has discontinued the practice of dental therapy because  
26 of retirement.

27 (b) A licensee described in this subsection may apply to the board for reinstatement of the li-  
28 cense pursuant to rules adopted by the board. An application under this paragraph must include a  
29 fee. If the licensee has been retired or inactive for more than one year from the date of application,  
30 the licensee shall include with the application satisfactory evidence of clinical competence, as de-  
31 termined by the board.

32 (4)(a) A license to practice dental therapy is valid for two years and may be renewed. A licensee  
33 shall submit to the board an application for renewal and payment of the fee.

34 (b) A dental therapist issued a license in an even-numbered year must apply for renewal by  
35 September 30 of each even-numbered year thereafter. A dental therapist issued a license in an odd-  
36 numbered year must apply for renewal by September 30 of each odd-numbered year thereafter.

37 (c) The board may charge a reasonable fee if the application for renewal or the fee is submitted  
38 more than 10 days delinquent.

39 (5) A dental therapist shall inform the board of a change of the dental therapist's address within  
40 30 days of the change.

41 **SECTION 24.** ORS 680.075 is amended to read:

42 680.075. (1) The Oregon Board of Dentistry may impose application fees for the following:

43 (a) Examinations;

44 (b) Biennial dental hygiene license, active;

45 (c) Biennial dental hygiene license, inactive;

1 (d) Permits and certificates; and

2 (e) Delinquency.

3 (2) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
4 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
5 under this section and ORS chapter 679 shall not exceed the costs of administering the regulatory  
6 program of the board as authorized by the Legislative Assembly within the board budget, as the  
7 budget may be modified by the Emergency Board.

8 (3)(a) The [*board*] **Oregon Board of Dentistry** may waive the payment of the license fee in the  
9 case of any licensee who furnishes satisfactory evidence that the licensee has discontinued the ac-  
10 tual practice of dental hygiene because of retirement.

11 (b) Application to reinstate a license retired under paragraph (a) of this subsection or to convert  
12 an inactive status license to an active status license shall be made in accordance with the rules of  
13 the board and with the submission of the license fee prescribed for such license; provided, however,  
14 that if more than one year has expired since the license was retired or inactivated, satisfactory  
15 evidence of clinical competence must be submitted to the board.

16 (4) Every dental hygienist shall advise the board within 30 days of any change of address.

17 (5) Each dental hygienist must renew the hygienist's license every two years through submitting  
18 a renewal application and paying the license fee.

19 (6) Dental hygienists licensed in even-numbered years must renew by September 30 of each  
20 even-numbered year. Dental hygienists licensed in odd-numbered years must renew by September 30  
21 of each odd-numbered year.

22 (7) A reasonable charge may be made in the event that the license fee or renewal application  
23 is more than 10 days delinquent.

24 (8) Fees paid are not refundable.

25 **SECTION 25.** ORS 685.100 is amended to read:

26 685.100. (1) Upon approval of an application for a licensure, the Oregon Board of Naturopathic  
27 Medicine shall issue a license certificate that shall be displayed at all times in the office of the  
28 person to whom it was issued while the license is active.

29 (2) A person holding an active license issued under this chapter may apply to the board for li-  
30 cense renewal. A completed renewal application consists of:

31 (a) A completed board renewal form containing any information required by the board to de-  
32 termine the applicant's eligibility for license renewal;

33 (b) Proof of compliance with continuing education requirements set by the board; and

34 (c) Payment of the active license renewal fee established by the board under subsection (8) of  
35 this section.

36 (3) Failure to submit a completed renewal application annually by December 31, or by such date  
37 as may be specified by board rule, results in the lapse of the license. A lapsed license may be re-  
38 stored by the board upon receipt, not more than 30 days after the license lapses, of a completed  
39 renewal application and payment of the restoration fee under subsection (8) of this section.

40 (4) A license that has lapsed for more than one month may be restored by the board upon pay-  
41 ment of the restoration fee established by the board and submission of a completed renewal appli-  
42 cation and any other information required by the board.

43 (5) A person holding an active license under this chapter may convert the license to inactive  
44 status by meeting the requirements set by rule of the board and paying any required fees. A person  
45 holding a license issued under this chapter who is at least 70 years of age and retired from the

1 practice of naturopathic medicine may convert the license to retired status by meeting the require-  
2 ments set by rule of the board and paying any required fees.

3 (6)(a) A person who chooses to allow a license to become inactive may file a written application  
4 to reactivate a license that has been inactive for one year or less by paying the restoration fee and  
5 the renewal fee for an active license and demonstrating compliance with ORS 685.102. A fee paid  
6 to place the license in inactive status may not be credited toward payment of the renewal fee for  
7 an active license. The board may prorate the renewal fee.

8 (b) A person who chooses to allow a license to become inactive may file a written application  
9 to reactivate a license that has been inactive for more than one year by paying the renewal fee for  
10 an active license and demonstrating compliance with the continuing education requirement set by  
11 rule of the board under ORS 685.102 (6). The board may prorate the renewal fee.

12 (7) The executive director of the board shall issue a renewal notice to each person holding a  
13 license under this chapter at least 60 days before the renewal application is due.

14 (8) The board shall assess fees for:

15 (a) An initial license.

16 (b) Examination.

17 (c) Renewal of an active license.

18 (d) Yearly renewal of an inactive or retired license.

19 (e) Restoration of an inactive, lapsed or revoked license.

20 (f) A certificate of special competency in natural childbirth.

21 (g) A duplicate license.

22 (h) A wall certificate.

23 (i) Copies of public documents, mailing labels, lists and diskettes.

24 (9) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
25 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
26 under this section may not exceed the cost of administering the regulatory program of the board  
27 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative  
28 Assembly within the board's budget, as the budget may be modified by the Emergency Board.

29 **SECTION 26.** ORS 686.255 is amended to read:

30 686.255. (1) The Oregon State Veterinary Medical Examining Board may impose fees for the  
31 following:

32 (a) License or permit issuance or renewal.

33 (b) Examination for licensure.

34 (c) Temporary license.

35 (d) Duplicate license.

36 (e) Veterinary technician license.

37 (f) Delinquent renewal.

38 (g) Application and certification fee for certified euthanasia technicians and employers.

39 (h) Verification of a license of a veterinarian applying for license under reciprocity with another  
40 state.

41 (2) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
42 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
43 under this section shall not exceed the cost of administering the regulatory program of the board  
44 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative  
45 Assembly within the board's budget, as the budget may be modified by the Emergency Board.

1       **SECTION 27.** ORS 686.600 is amended to read:

2       686.600. (1) A veterinary facility may not offer services related to the practice of veterinary  
3 medicine, surgery or dentistry, as described in ORS 686.030, unless the veterinary facility:

4       (a) Registers with the Oregon State Veterinary Medical Examining Board; and

5       (b) Designates a veterinarian licensed under this chapter to be responsible for ensuring that the  
6 veterinary facility is in compliance with this section and rules adopted by the board under this  
7 section.

8       (2) The board shall adopt rules establishing:

9       (a) The form and manner of registering under this section;

10       (b) The form and manner of renewing a registration under this section;

11       (c) Fees for registering or renewing a registration under this section; and

12       (d) Health and safety standards for veterinary facilities.

13       (3) The board may inspect a veterinary facility to ensure that the veterinary facility is in com-  
14 pliance with this section and rules adopted under this section.

15       (4) Subject to the provisions of ORS chapter 183, the board may suspend or revoke the regis-  
16 tration of a veterinary facility if the veterinary facility changes ownership, does not retain a desig-  
17 nated veterinarian with the responsibilities described in subsection (1)(b) of this section or fails to  
18 comply with this section or any rule adopted by the board under this section.

19       (5) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
20 *to the Emergency Board prior to adopting the fees*], the fees established under subsection (2)(c) of this  
21 section may not exceed the cost of administering this section or rules adopted under this section,  
22 as authorized by the Legislative Assembly within the Oregon State Veterinary Medical Examining  
23 Board's budget, as the budget may be modified by the Emergency Board.

24       **SECTION 28.** ORS 692.160 is amended to read:

25       692.160. (1) The fees that may be charged under this chapter are:

26       (a) A fee covering requests for applications for a funeral service practitioner license, an  
27 embalmer license, a death care consultant license, a funeral establishment license, an immediate  
28 disposition company license, a certificate of authority for a cemetery, a certificate of authority for  
29 a crematorium, a certificate of authority for any other facility for final disposition of human re-  
30 mains, registration as a funeral service practitioner trainee, registration as an embalmer trainee, a  
31 certificate of removal registration, a license as a reciprocal funeral service practitioner or a license  
32 as a reciprocal embalmer. The application fee shall be accompanied by an additional fee for each  
33 principal of a funeral establishment, immediate disposition company, cemetery, crematorium or other  
34 facility for final disposition of human remains.

35       (b) A fee covering the renewal of a license for a funeral establishment, a license for an imme-  
36 diate disposition company, a certificate of authority for a crematorium or a certificate of authority  
37 for any other facility for final disposition of human remains.

38       (c) A fee covering the renewal of a funeral service practitioner license, an embalmer license or  
39 a death care consultant license.

40       (d) A fee for renewal of a combination funeral service practitioner and embalmer license.

41       (e) A fee for renewal of the registration of a funeral service practitioner trainee or an embalmer  
42 trainee.

43       (f) An examination fee for a funeral service practitioner license, an embalmer license or a death  
44 care consultant license.

45       (g) A fee covering the renewal of a certificate of authority for a cemetery.

1 (h) A fee covering the reinstatement of a lapsed license, certificate of authority or registration.

2 (i) A fee for reissuing a license, registration or certificate of authority as provided in ORS  
3 692.148.

4 (j) Fees for copying any public record maintained by the State Mortuary and Cemetery Board,  
5 for documents distributed by the board and postage for mailing any copies or documents.

6 (2) All licenses granted under this chapter to funeral service practitioners, embalmers and death  
7 care consultants expire on January 1 in even-numbered years or on such date as may be specified  
8 by rule of the State Mortuary and Cemetery Board. All licenses or certificates of authority granted  
9 under this chapter to operators of funeral establishments, to operators of immediate disposition  
10 companies, to operators of cemeteries, to operators of crematoriums or to operators of other facili-  
11 ties for final disposition of human remains expire on January 1 in odd-numbered years or on such  
12 date as may be specified by board rule.

13 (3) The board shall mail to each licensed funeral service practitioner, to each licensed embalmer,  
14 to each licensed death care consultant, to each licensed operator of a funeral establishment or im-  
15 mediate disposition company and to each cemetery, crematorium and other facility for final dispo-  
16 sition of human remains holding a certificate of authority under ORS 692.275, addressed to the  
17 licensee or certificate holder at the licensee's or certificate holder's last-known address, a notice  
18 that the renewal fee is due and payable and that if the fee is not paid by the renewal date the li-  
19 cense or certificate of authority shall lapse. The board shall mail the notice at least 60 days before  
20 the license or certificate of authority expires. The board may impose continuing education require-  
21 ments as a prerequisite for relicensure.

22 (4) Subject to prior approval of the Oregon Department of Administrative Services [*and a report*  
23 *to the Emergency Board prior to adopting the fees and charges*], the fees and charges established  
24 under this section shall not exceed the cost of administering the regulatory program of the State  
25 Mortuary and Cemetery Board pertaining to the purpose for which the fee or charge is established,  
26 as authorized by the Legislative Assembly within the board's budget, as the budget may be modified  
27 by the Emergency Board.

28 **SECTION 29.** ORS 701.238 is amended to read:

29 701.238. (1) Before July 1 of each year, the Construction Contractors Board shall determine the  
30 amounts of the fees to be charged for applications under ORS 701.056 for the issuance or renewal  
31 of contractor licenses. The fee amounts are subject to prior approval of the Oregon Department of  
32 Administrative Services [*and a report to the Emergency Board prior to adoption*]. The fee amounts  
33 shall be within the budget authorized by the Legislative Assembly as that budget may be modified  
34 by the Emergency Board. The fee amounts established under this section may not exceed the cost  
35 of administering the regulatory program of the [*board*] **Construction Contractors Board** under this  
36 chapter, as authorized by the Legislative Assembly within the board's budget, as the budget may be  
37 modified by the Emergency Board.

38 (2) The amounts of the fees determined by the [*board*] **Construction Contractors Board** under  
39 subsection (1) of this section shall be effective as set by rule.

40 **SECTION 30.** ORS 731.804 is amended to read:

41 731.804. (1) Except as otherwise provided in this section, each authorized insurer doing business  
42 in this state shall pay assessments that the Director of the Department of Consumer and Business  
43 Services determines are necessary to support the legislatively authorized budget of the Department  
44 of Consumer and Business Services with respect to functions of the department under the Insurance  
45 Code. The director shall determine the assessments according to one or more percentage rates es-

1 tablished by the director by rule. The director shall specify in the rule when assessments shall be  
 2 made and payments shall be due. The premium-weighted average of the percentage rates may not  
 3 exceed nine-hundredths of one percent of the gross amount of premiums received by an insurer or  
 4 the insurer's insurance producers from and under the insurer's policies covering direct domestic  
 5 risks, after deducting the amount of return premiums paid and the amount of dividend payments  
 6 made to policyholders with respect to such policies. In the case of reciprocal insurers, the amount  
 7 of savings paid or credited to the accounts of subscribers shall be deducted from the gross amount  
 8 of premiums. In establishing the percentage rate or rates, the director shall use the most recent  
 9 premium data approved by the director. In establishing the amounts to be collected under this sub-  
 10 section, the director shall take into consideration the expenses of the department for administering  
 11 the Insurance Code and the fees collected under subsection (2) of this section. When the director  
 12 establishes two or more percentage rates:

13 (a) Each rate shall be based on such expenses of the department ascribed by the director to the  
 14 line of insurance for which the rate is established.

15 (b) Each rate shall be applied to the gross amount of premium received by an insurer or its in-  
 16 surance producers for the applicable line of insurance as provided in this subsection.

17 (2) The director may collect fees for specific services provided by the department under the In-  
 18 surance Code according to a schedule of fees established by the director by rule. The director may  
 19 collect such fees in advance. In establishing the schedule for fees, the director shall take into con-  
 20 sideration the cost of each service for which a fee is imposed.

21 (3)(a) Notwithstanding the provisions of ORS 743A.067 (7)(e) and 743A.067 (9), for the purpose  
 22 of mitigating inequity in the health insurance market, the director may assess a fee on any insurer  
 23 that offers a health benefit plan, as defined in ORS 743B.005, that is exempt from a provision of ORS  
 24 chapter 743A or other provision of the Insurance Code that requires specified coverage by health  
 25 benefit plans.

26 (b) Any fees collected under paragraph (a) of this subsection must be the actuarial equivalent  
 27 of costs attributed to the provision and administration of the required coverage by an insurer that  
 28 is not exempt.

29 (c) Nothing in this section limits the authority of the director to enforce the provisions of ORS  
 30 chapter 743A if an insurer unlawfully fails to comply.

31 (d) Notwithstanding ORS 646A.628, fees paid in accordance with paragraph (a) of this subsection  
 32 shall be deposited in the General Fund to become available for general governmental expenses.

33 (4) Establishment and amendment of the schedule of fees under subsection (2) of this section are  
 34 subject to prior approval of the Oregon Department of Administrative Services [*and a report to the*  
 35 *Emergency Board prior to adopting the fees*] and shall be within the budget authorized by the Leg-  
 36 islative Assembly as that budget may be modified by the Emergency Board.

37 (5) The director may not collect an assessment under subsection (1) of this section from any of  
 38 the following persons:

39 (a) A fraternal benefit society complying with ORS chapter 748.

40 (b) Any person or class of persons designated by the director by rule.

41 (6) The director may not collect an assessment under subsection (1) of this section with respect  
 42 to premiums received from any of the following policies:

43 (a) Workers' compensation insurance policies.

44 (b) Wet marine and transportation insurance policies.

45 (c) Any category of policies designated by the director by rule.



**TIDE GATE GRANT PROGRAM**

**SECTION 36.** Section 22a, chapter 10, Oregon Laws 2020 (second special session), is amended to read:

**Sec. 22a.** The Tide Gate Grant and Loan Fund established under section 21 [*of this 2020 second special session Act*], **chapter 10, Oregon Laws 2020 (second special session)**, is abolished on June 30, [2023] **2024**. Any moneys remaining in the fund on that date shall be transferred to the Administrative Services Economic Development Fund established under ORS 461.540.

**SECTION 37.** Section 23, chapter 10, Oregon Laws 2020 (second special session), is amended to read:

**Sec. 23.** Sections 21 and 22 [*of this 2020 second special session Act*], **chapter 10, Oregon Laws 2020 (second special session)**, are repealed on June 30, [2023] **2024**.

**SECTION 38.** (1) **If this 2023 Act does not become effective until after June 30, 2023, the amendments to section 23, chapter 10, Oregon Laws 2020 (second special session), by section 37 of this 2023 Act revive sections 21 and 22, chapter 10, Oregon Laws 2020 (second special session). If this 2023 Act does not become effective until after June 30, 2023, this 2023 Act shall be operative retroactively to that date, and the operation and effect of sections 21 and 22, chapter 10, Oregon Laws 2020 (second special session), shall continue unaffected from June 30, 2023, to the effective date of this 2023 Act and thereafter. Any otherwise lawful action taken or otherwise lawful obligation incurred under the authority of sections 21 and 22, chapter 10, Oregon Laws 2020 (second special session), after June 30, 2023, and before the effective date of this 2023 Act, is ratified and approved.**

(2) **If this 2023 Act does not become effective until after June 30, 2023, any amounts transferred to the Administrative Services Economic Development Fund by operation of section 22a, chapter 10, Oregon Laws 2020 (second special session), shall be transferred to the Tide Gate Grant and Loan Fund established under section 21, chapter 10, Oregon Laws 2020 (second special session).**

**MAXIMUM NUMBER OF STATE EMPLOYEES**

**SECTION 39.** ORS 240.185 is amended to read:

240.185. (1) On and after January 1, 2018, the number of persons employed by the state may not exceed [*one*] **1.5** percent of the state's population of the prior year.

(2) The population figure shall be that required by ORS 190.510 to 190.610.

(3) This section applies to all full-time equivalent budgeted positions.

(4) This section does not apply to the Governor, the Secretary of State, the State Treasurer, the Supreme Court or the Legislative Assembly in the conduct of duties vested in any of them by the Oregon Constitution. However, this exception applies only to the office of the Governor and not to the executive branch of government.

(5) This section does not apply to personnel who administer unemployment insurance benefits programs of the Employment Department, to personnel who administer programs required to be implemented as a condition for the continued certification of the Employment Division Law by the United States Secretary of Labor or to personnel who administer programs implemented by the United States Department of Labor under federal law if the state is required to enter into contracts to provide such programs.

1 (6) In order to assess the effect of subsection (1) of this section, the Oregon Department of Ad-  
 2 ministrative Services by December 31 of each even-numbered year shall conduct a workload analysis  
 3 of each state agency, regardless of whether the agency is exempt from the application of subsection  
 4 (1) of this section. The workload analysis of each agency shall be submitted to the Legislative As-  
 5 sembly prior to its convening in the subsequent odd-numbered year regular session and shall ac-  
 6 company the agency's budget request before the Joint Ways and Means Committee.

7  
 8 **STATE FORESTRY DEPARTMENT**

9  
 10 **SECTION 40.** Section 20, chapter 592, Oregon Laws 2021, is amended to read:

11 **Sec. 20.** (1) The State Forestry Department shall complete the operation of projects under sec-  
 12 tion 18 [of this 2021 Act], **chapter 592, Oregon Laws 2021**, no later than June 30, [2023] **2025**.

13 (2) The department shall report regarding progress in carrying out projects under section 18  
 14 [of this 2021 Act], **chapter 592, Oregon Laws 2021**, to an interim committee of the Legislative As-  
 15 sembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor,  
 16 State Wildfire Programs Director and Wildfire Programs Advisory Council no later than January  
 17 15, 2022. The report shall include, but need not be limited to:

18 (a) An explanation of how landscapes were selected, a summary of the selected projects, a de-  
 19 scription of initial outcomes from projects selected under the requirements established by section  
 20 18 [of this 2021 Act], **chapter 592, Oregon Laws 2021**, anticipated time frames for completion of the  
 21 projects and any initial recommendations concerning landscape identification and projects selected  
 22 under the requirements established by section 18 [of this 2021 Act], **chapter 592, Oregon Laws**  
 23 **2021**;

24 (b) A description of the funding source types and amounts secured by the department as  
 25 matching funds to implement projects; and

26 (c) A summary of outreach and coordination with relevant federal and state agencies, counties,  
 27 cities and other units of local government, federally recognized Indian tribes in this state, public and  
 28 private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant  
 29 community organizations to identify and select landscapes for treatment and develop selection cri-  
 30 teria for projects.

31 (3)(a) The department shall report its findings and recommendations regarding wildfire risk re-  
 32 duction on forestland and rangeland and in communities, based on information obtained from the  
 33 projects described in section 18 [of this 2021 Act], **chapter 592, Oregon Laws 2021**, to an interim  
 34 committee of the Legislative Assembly related to natural resources, in the manner provided by ORS  
 35 192.245, and to the Governor, State Wildfire Programs Director and Wildfire Programs Advisory  
 36 Council no later than July 15, 2023. The report shall include, but need not be limited to:

37 (A) A qualitative and quantitative summary of the project outcomes that, at a minimum, states  
 38 the number of acres treated, the treatment actions carried out and any resulting or anticipated  
 39 changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to  
 40 public values;

41 (B) The identification of barriers to more efficient implementation and achievement of goals in  
 42 future wildfire risk reduction projects;

43 (C) A qualitative and quantitative summary of the use of prescribed fire activities and invasive  
 44 annual grass treatments for wildfire risk reduction that, at a minimum, states the number of acres  
 45 burned or treated and any resulting or anticipated changes in landscape conditions related to en-

1 hanced resiliency or the mitigation of wildfire risk to public values;

2 (D) The identification of existing disincentives to, and recommendation for reducing barriers to,  
3 the use of prescribed fire;

4 (E) Recommendations for creating optimal working relationships with forestland or rangeland  
5 collaboratives and other relevant community organizations regarding future wildfire risk reduction  
6 projects;

7 (F) A description of the funding source types and amounts secured by the department as  
8 matching funds to carry out projects; and

9 (G) Recommendations for investment in future wildfire risk reduction projects to be carried out  
10 in the 2023-2025 biennium.

11 (b) In developing the report required under this subsection, the department shall work in coor-  
12 dination with federal land management agencies, institutions of higher education and third parties  
13 to develop consistent performance measurements and condition-based metrics for monitoring and  
14 communicating the effectiveness of state investments and project actions in reducing wildfire risk  
15 on public or private forestlands and rangelands and in communities.

16  
17 **JUUL SETTLEMENT**

18  
19 **SECTION 41.** (1) Subject to subsection (2) of this section, the Department of Justice shall  
20 deposit proceeds from the Juul Settlement, plus any interest earned on such proceeds, into  
21 the Oregon Health Authority Fund established under ORS 413.101, to be expended for pur-  
22 poses consistent with the terms of the settlement.

23 (2) Before making the deposit under subsection (1) of this section, the Department of  
24 Justice shall deduct from the proceeds the amount of costs and expenses of the department  
25 associated with the settlement.

26 (3) As used in this section, “Juul Settlement” means the settlement between the State  
27 of Oregon and Juul Labs, Inc. announced on September 6, 2022, and any modifications  
28 thereto.

29  
30 **MONSANTO SETTLEMENT**

31  
32 **SECTION 42.** As used in sections 43 and 44 of this 2023 Act, “Monsanto Settlement  
33 Agreement” means the settlement agreement between the State of Oregon and Monsanto  
34 Company, Pharmacia LLC and Solutia, Inc., effective December 15, 2022, and any modifica-  
35 tions thereto.

36 **SECTION 43.** (1) The Polychlorinated Biphenyls Remediation and Restitution Account is  
37 established in the State Treasury, separate and distinct from the General Fund. Interest  
38 earned by the account shall be credited to the account.

39 (2) The Polychlorinated Biphenyls Remediation and Restitution Account consists of:

40 (a) Proceeds of the Monsanto Settlement Agreement deposited into the account; and

41 (b) Other amounts deposited in the account from any other source.

42 (3) Moneys in the Polychlorinated Biphenyls Remediation and Restitution Account are  
43 continuously appropriated to the Oregon Department of Administrative Services to be dis-  
44 tributed by the department as directed by the Legislative Assembly. The department shall  
45 keep a record of moneys transferred into and out of the account.

1 (4) It is the intent of the Legislative Assembly to allocate moneys from the  
2 Polychlorinated Biphenyls Remediation and Restitution Account for environmental remedi-  
3 ation or restitutionary projects or purposes having a nexus with environmental harms to air,  
4 water, soil or other natural resources, including but not limited to:

5 (a) Restoring, maintaining and enhancing the quality of Oregon’s air, land, water and  
6 other natural resources;

7 (b) Brownfields remediation or development;

8 (c) Environmental or natural resource damage assessment or restoration;

9 (d) Improvements to air or water quality;

10 (e) Cleanup of contaminated sites;

11 (f) Remediation of impaired water bodies, sediments or soil;

12 (g) Restoration or protection of wildlife or wildlife habitats, including fish, aquatic life,  
13 marine mammal or bird habitats; or

14 (h) Other similar air, water, soil or other natural resource environmental remediation  
15 or restitutionary projects.

16 **SECTION 44.** (1) Subject to subsection (2) of this section, the Department of Justice shall  
17 deposit the proceeds of the Monsanto Settlement Agreement, and any interest earnings from  
18 the proceeds, in the Polychlorinated Biphenyls Remediation and Restitution Account estab-  
19 lished under section 43 of this 2023 Act.

20 (2) Before making the deposit under subsection (1) of this section, the department shall  
21 deduct from the proceeds of the Monsanto Settlement Agreement the costs and expenses  
22 associated with the Monsanto Settlement Agreement.

23  
24 **STUDENT VISION SCREENING REIMBURSEMENT RATE**

25  
26 **SECTION 45.** ORS 336.211 is amended to read:

27 336.211. (1) As used in this section:

28 (a) “Education provider” means:

29 (A) An entity that offers a program that is recognized as an Oregon prekindergarten program  
30 under ORS 329.170 to 329.200.

31 (B) A school district board.

32 (b) “Eye examination” means an eye examination that:

33 (A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to  
34 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in  
35 eye surgery and eye disease; and

36 (B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range  
37 of vision of the eye.

38 (c) “Vision screening” means an eye screening test to identify potential vision health problems  
39 that is conducted by a person who is:

40 (A) Licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

41 (B) Licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery  
42 and eye disease;

43 (C) A health care practitioner acting in accordance with rules adopted by the State Board of  
44 Education; or

45 (D) A school nurse, an employee of an education provider or a person or nonprofit entity des-

1 ignated by the Department of Education to provide vision screening to students who is acting in  
2 accordance with rules adopted by the State Board of Education.

3 (2)(a) Except as provided in subsection (3) of this section, each education provider shall require  
4 a student who is seven years of age or younger and who is beginning an educational program with  
5 the education provider for the first time to submit certification that the student received:

6 (A) A vision screening or an eye examination; and

7 (B) Any further examinations or necessary treatments of the eye or assistance of the powers or  
8 range of vision of the eye.

9 (b) The certification required by this subsection must be provided no later than 120 days after  
10 the student begins the educational program.

11 (3) A student is not required to submit certification as required under subsection (2) of this  
12 section if the student provides a statement from the parent or guardian of the student that:

13 (a) The student submitted certification to a prior education provider; or

14 (b) The vision screening or eye examination is contrary to the religious beliefs of the student  
15 or the parent or guardian of the student.

16 (4) Each education provider shall:

17 (a) Ensure that the requirements of this section are met. Failure by a student to meet the re-  
18 quirements of this section may not result in a program's or school's prohibiting the student from  
19 attending the program or school, but may result in withholding report cards or similar actions.

20 (b) File in the student's vision health record any certifications and any results of a vision  
21 screening or an eye examination known by the education provider.

22 (c) Provide the parent or guardian of each student with information about the vision screenings  
23 and eye examinations, and information about further examinations or necessary treatments.

24 (5)(a) Upon application of a person that provides students with vision screenings, the Depart-  
25 ment of Education shall reimburse the person for any necessary expenses incurred by the person in  
26 the provision of the vision screenings.

27 (b) A person may receive reimbursement under this subsection for the provision of a vision  
28 screening to any student of an education provider, regardless of whether the student has complied  
29 with subsection (2) or (3) of this section. Nothing in this paragraph removes the requirement that  
30 a student must comply with subsection (2) or (3) of this section.

31 (c) Reimbursements made under this subsection:

32 (A) May not exceed [~~\$3.20~~] **\$4** per vision screening per student per school year.

33 (B) Must be paid from the Vision Health Account established under ORS 336.212.

34 (C) May not exceed amounts available in the Vision Health Account.

35 (6)(a) The State Board of Education, in consultation with the Oregon Health Policy Board, shall  
36 adopt by rule any standards for the implementation of this section.

37 (b) The State Board of Education shall adopt rules that:

38 (A) Prescribe the process by which a person or nonprofit entity is designated by the Department  
39 of Education to provide vision screenings; and

40 (B) Establish the process for providing reimbursements under subsection (5) of this section, in-  
41 cluding the prioritization of persons to receive a reimbursement if the total amount available for  
42 reimbursements exceeds the total amount requested for reimbursements.

43 **SECTION 46. The amendments to ORS 336.211 by section 45 of this 2023 Act apply to vi-**  
44 **sion screenings provided on or after the effective date of this 2023 Act.**

**DRUG TREATMENT AND RECOVERY SERVICES FUND**

**SECTION 47.** ORS 305.231 is amended to read:

305.231. (1) The Department of Revenue shall [*credit and transfer or cause to be credited and transferred*] **transfer** to the Drug Treatment and Recovery Services Fund the savings to the State of Oregon from the implementation of chapter 2, Oregon Laws 2021, as calculated in ORS 293.665.

(2) If the savings calculated for any subsequent biennium under ORS 293.665 (1) is less than **for** any prior biennium, the amount [*credited and*] transferred to the Drug Treatment and Recovery Services Fund shall be the highest amount calculated for any previous biennium.

(3) The savings as calculated in ORS 293.665 shall be transferred on or before the end of the fiscal year in which the calculation is completed.

**(4) The department shall retain revenue from the tax imposed under ORS chapter 316 in an amount necessary to make the transfer required under this section. The department shall make the transfer out of the revenue in lieu of paying the revenue over to the State Treasurer for deposit in the General Fund.**

**SECTION 47a.** ORS 316.502, as amended by section 13, chapter 115, Oregon Laws 2022, is amended to read:

316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and amounts described in ORS 285B.630 [*and*], 285C.635 **and 305.231**, shall be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts available generally to meet any expense or obligation of the State of Oregon lawfully incurred.

(2) A working balance of unreceipted revenue from the tax imposed by this chapter may be retained for the payment of refunds, but such working balance shall not at the close of any fiscal year exceed the sum of \$1 million.

(3) Moneys are continuously appropriated to the Department of Revenue to make:

(a) The refunds authorized under subsection (2) of this section; and

(b) The refund payments in excess of tax liability authorized under ORS 315.174, 315.262, 315.264, 315.266 and 316.090 and section 3, chapter 589, Oregon Laws 2021, and section 8, chapter 115, Oregon Laws 2022.

**OPIOID HARM REDUCTION**

**SECTION 48.** (1) **The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund shall be credited to the fund.**

**(2) The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund consists of:**

(a) **Moneys received by the Oregon Health Authority from opioid litigation settlements;**

(b) **Grants awarded for the purpose of addressing substance use and overdose epidemics;**

(c) **Other gifts, grants, bequests, endowments or donations made to the fund; and**

(d) **Moneys appropriated to the fund by the Legislative Assembly.**

**(3) The moneys in the Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund are continuously appropriated to the Oregon Health Authority for expenses related to opioid harm reduction.**

**EARLY LEARNING ACCOUNT**

**SECTION 49.** ORS 327.269, as amended by section 20, chapter 631, Oregon Laws 2021, and section 1, chapter 26, Oregon Laws 2023 (Enrolled Senate Bill 427), is amended to read:

327.269. (1) The Early Learning Account is established within the Fund for Student Success.

(2) The Early Learning Account shall consist of:

(a) Moneys transferred from the Fund for Student Success under ORS 327.001;

(b) Moneys appropriated or otherwise transferred to the account by the Legislative Assembly;

(c) Amounts donated to the account; and

(d) Other amounts deposited into the account from any source.

(3) The Department of Education or the Department of Early Learning and Care, on behalf of the State of Oregon, may solicit and accept gifts, grants, donations and other moneys from public and private sources for the Early Learning Account. Moneys received as provided in this subsection shall be deposited into the Early Learning Account.

(4) Moneys in the Early Learning Account are continuously appropriated to **the Department of Education for:**

(a) [*The Department of Education for*] Early childhood special education or early intervention services, as provided by ORS 343.475; and

(b) **Transfer to** the Department of Early Learning and Care for early learning programs, as described in ORS 327.274.

**SECTION 50.** ORS 327.274, as amended by section 21, chapter 631, Oregon Laws 2021, section 30, chapter 27, Oregon Laws 2022, and section 2, chapter 26, Oregon Laws 2023 (Enrolled Senate Bill 427), is amended to read:

327.274. (1) The Department of Education shall use moneys in the Early Learning Account:

(a) To provide funding for early childhood special education or early intervention services, as provided by ORS 343.475[.]; **and**

(b) **For transfer to the Department of Early Learning and Care to provide funding for programs described in this section.**

(2) The Department of Early Learning and Care shall use moneys [*in*] **transferred from** the Early Learning Account to provide funding for early learning programs in a manner consistent with a statewide early learning system plan overseen by the Early Learning Council. Early learning programs for which the department may use moneys **transferred** from the Early Learning Account include:

(a) Relief nurseries;

(b) Programs funded by the Early Childhood Equity Fund;

(c) The Oregon prekindergarten program and other public preschool programs established under ORS 329.170 to 329.200, by increasing:

(A) The total number of spaces for children served by the programs; or

(B) Existing spaces for full-day programs from half-day programs;

(d) Professional development for early childhood educators; and

(e) Early Head Start programs.

(3) In addition to the uses identified in subsection (2) of this section, the Department of Early Learning and Care may use moneys [*in*] **transferred from** the Early Learning Account for:

(a) Administrative, operational or program needs, including staffing, of the Department of Early Learning and Care for the purpose of implementing this section.

1 (b) Costs incurred by the Department of Early Learning and Care in conducting the biennial  
2 evaluation of programs that receive grants under ORS 417.782.

3 (4) The Early Learning Council shall adopt rules necessary for the distribution of moneys under  
4 this section.

5  
6 **STATE FIRE MARSHAL MOBILIZATION FUND**  
7

8 **SECTION 51. (1)(a) The State Fire Marshal Mobilization Fund is established in the State**  
9 **Treasury, separate and distinct from the General Fund.**

10 (b) The State Fire Marshal Mobilization Fund consists of moneys appropriated by the  
11 Legislative Assembly for deposit in the fund, grant funds received by the Department of the  
12 State Fire Marshal from the Federal Emergency Management Agency, and other moneys  
13 appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or  
14 otherwise.

15 (c) Moneys in the fund are continuously appropriated to the department for eligible  
16 mobilization costs incurred by the department and reimbursements pursuant to ORS 476.560.

17 (2) As used in this section, “eligible mobilization costs” means expenses incurred for  
18 emergency mobilization and pre-positioning activities in Oregon.

19 **SECTION 52.** ORS 476.055 is amended to read:

20 476.055. (1) All moneys received by the Department of the State Fire Marshal shall be paid into  
21 the State Treasury, and shall be placed by the State Treasurer to the credit of the State Fire Mar-  
22 shal Fund, except those moneys received and accounted for under the provisions of ORS 279A.290  
23 and section 51 of this 2023 Act.

24 (2) Except as otherwise provided by this section, moneys in the State Fire Marshal Fund shall  
25 be available and constitute a continuing appropriation for the payment of any expense of the de-  
26 partment and for the payment of expenses of the Department of Public Safety Standards and Train-  
27 ing and the Board on Public Safety Standards and Training relating to training programs concerning  
28 fire services and accreditation of fire service professionals. The Department of the State Fire Mar-  
29 shal shall keep on file an itemized statement of all expenses incurred by the department and shall  
30 approve all disbursements as submitted for payment. Administrative expenditures made from the  
31 State Fire Marshal Fund shall not exceed a reasonable amount for the services performed.

32  
33 **INTERSTATE 5 BRIDGE REPLACEMENT PROJECT**  
34

35 **SECTION 53. Sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013, are repealed.**  
36

37 **OREGON HEALTH AUTHORITY**  
38

39 **SECTION 54.** Section 3, chapter \_\_\_\_, Oregon Laws 2023 (Enrolled House Bill 3396), is amended  
40 to read:

41 **Sec. 3.** The Oregon Health Authority shall provide [*grants*] **reimbursements** to support clinical  
42 education at hospitals and health care facilities.

43 **SECTION 55.** Section 4, chapter \_\_\_\_, Oregon Laws 2023 (Enrolled House Bill 3396), is amended  
44 to read:

45 **Sec. 4.** The Oregon Health Authority shall provide [*grants*] **reimbursements** to employers

1 participating in a labor-management training trust to expand on-the-job training, apprenticeship op-  
2 portunities and other programs that support the development of health care professionals, including  
3 medical technicians, certified nursing assistants and phlebotomists.

4  
5 **CAPTIONS**

6  
7 **SECTION 56. The unit captions used in this 2023 Act are provided only for the conven-**  
8 **ience of the reader and do not become part of the statutory law of this state or express any**  
9 **legislative intent in the enactment of this 2023 Act.**

10  
11 **EMERGENCY CLAUSE**

12  
13 **SECTION 57. This 2023 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
15 **on its passage.**

16 \_\_\_\_\_