

SB 1049-2
(LC 4140)
6/15/23 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
SENATE BILL 1049**

1 In line 2 of the printed bill, before the period insert “; creating new pro-
2 visions; amending ORS 92.365, 92.415, 100.670, 240.185, 305.231, 316.502,
3 327.269, 327.274, 336.221, 350.175, 438.130, 448.410, 448.450, 453.408, 453.894,
4 459.236, 459.305, 465.386, 476.055, 480.127, 480.130, 673.685, 675.115, 675.571,
5 675.785, 676.625, 677.265, 678.410, 679.120, 679.615, 680.075, 685.100, 686.255,
6 686.600, 692.160, 701.238, 731.804, 776.355 and 776.800 and sections 22a and 23,
7 chapter 10, Oregon Laws 2020 (second special session), section 20, chapter
8 592, Oregon Laws 2021, and sections 3 and 4, chapter ___, Oregon Laws 2023
9 (Enrolled House Bill 3396); repealing sections 3, 11, 12 and 13, chapter 4,
10 Oregon Laws 2013, and sections 57 and 61, chapter 10, Oregon Laws 2020
11 (second special session); and declaring an emergency”.

12 Delete lines 4 through 6 and insert:
13

14 **“FEE REPORTING REQUIREMENTS**
15

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

17 “92.365. (1) The information required under ORS 92.345 and 92.355 shall
18 be kept current by the subdivider or series partitioner. Any material change
19 in the information furnished to the Real Estate Commissioner shall be re-
20 ported by the subdivider or series partitioner within 10 days after the change
21 occurs.

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

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

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

12 “(b) Concerning the zoning, sewage disposal and water supply which
13 substantially affect the intended use of the property as stated in the public
14 report.

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

22 “(5) The commissioner shall require a fee sufficient to recover any ad-
23 ministrative expenses after receipt of a material change notice if, because
24 of the changes, a public report must be issued or revised by the commis-
25 sioner. The fee is subject to prior approval of the Oregon Department of
26 Administrative Services [*and a report to the Emergency Board prior to*
27 *adopting the fee*] and shall be within the budget authorized by the Legislative
28 Assembly as that budget may be modified by the Emergency Board.

29 **“SECTION 2.** ORS 92.415 is amended to read:

30 “92.415. When an examination is to be made of subdivided or series par-

1 titled lands situated in the State of Oregon, or of subdivided lands situated
2 outside the state which will be offered for sale or lease within this state, the
3 Real Estate Commissioner, in addition to the filing fee provided in ORS
4 [92.355] **92.345**, may require the subdivider or series partitioner to advance
5 payment of an amount estimated by the commissioner to be the expense in-
6 curred in going to and returning from the location of the project, and an
7 amount estimated to be necessary to cover the additional expense of such
8 examination, subject to prior approval of the Oregon Department of Admin-
9 istrative Services [*and a report to the Emergency Board prior to adopting the*
10 *fee*] and [*shall be*] within the budget authorized by the Legislative Assembly
11 as that budget may be modified by the Emergency Board. The amounts esti-
12 mated by the commissioner, under this section shall be based upon any ap-
13 plicable limits established and regulated by the Oregon Department of
14 Administrative Services under ORS 292.220.

15 **“SECTION 3.** ORS 100.670 is amended to read:

16 “100.670. (1) A developer or other person required to file materials or in-
17 formation with the Real Estate Commissioner under ORS 100.005 to 100.910
18 shall pay to the commissioner a fee as required under subsections (2) and (3)
19 of this section for the review, approval and handling of the filings by the
20 commissioner at the time of the initial filing with the commissioner.

21 “(2) A fee charged by the commissioner under subsection (1) of this sec-
22 tion shall be determined by the commissioner to cover the costs of the
23 commissioner’s review, approval or revision activity. The fee shall be based
24 upon an hourly rate that is subject to prior approval of the Oregon Depart-
25 ment of Administrative Services [*and a report to the Emergency Board prior*
26 *to adopting the fee*] and shall be within the budget authorized by the Legis-
27 lative Assembly as that budget may be modified by the Emergency Board.

28 “(3) The commissioner shall collect a deposit of \$100 from a developer at
29 the time of submitting a filing described in subsection (1) of this section. The
30 amount of the deposit shall be deducted from the final fee computed as pro-

1 vided in subsection (2) of this section.

2 **“SECTION 4.** ORS 350.175 is amended to read:

3 “350.175. (1) The Director of the Office of Community Colleges and
4 Workforce Development may issue certificates for passing approved high
5 school equivalency tests such as the General Educational Development
6 (GED) test to persons who demonstrate satisfactory performance in tests
7 prescribed under subsection (2) of this section or meet the requirements of
8 any prescribed evaluative procedure.

9 “(2) The Higher Education Coordinating Commission by rule may pre-
10 scribe tests and other appropriate evaluation procedures for the purposes of
11 subsection (1) of this section and may establish age, residence and other
12 relevant qualifications for applicants.

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

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

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

30 “(6) The Director of the Office of Community Colleges and Workforce

1 Development shall consult with the Superintendent of Public Instruction on
2 all matters related to evaluation procedures used to measure equivalent
3 achievement under this section. The superintendent is authorized to make
4 independent recommendations on evaluation procedures to the office in those
5 cases where the superintendent's judgment differs from that of the director.

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

7 "438.130. (1) The application for a license for a clinical laboratory shall
8 be made on forms provided by the Oregon Health Authority and shall be
9 executed by the owner or one of the owners or by an officer of the firm or
10 corporation owning the clinical laboratory, or in the case of a county or
11 municipality, by the public official responsible for operation of the labora-
12 tory, or in the case of an institution, by the administrator of the institution.
13 The application shall contain the names of the owner, the director or direc-
14 tors of the clinical laboratory, the location and physical description of the
15 clinical laboratory, the laboratory specialties for which a license is requested
16 and such other information as the authority may require.

17 "(2)(a) The application shall be accompanied by an annual or biennial li-
18 cense fee to be established by the authority. The fee shall be based on test
19 volume, test complexity, the number of specialties performed and private
20 laboratory accreditation. For each level of laboratory testing, the fee shall
21 be not more than 100 percent of the corresponding fee charged by the federal
22 laboratory certification program known as the Clinical Laboratory Improve-
23 ment Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a) in effect on
24 July 1, 1999. The fee for substance of abuse screening laboratories not cer-
25 tified under the Clinical Laboratory Improvement Amendments of 1988 shall
26 be comparable to the clinical laboratory fee established under this section.

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

1 “(3) Unless sooner voided, suspended or revoked, all licenses issued under
2 this section expire on June 30 of the one-year or two-year cycle following the
3 date of issuance or on such date as may be specified by authority rule. Li-
4 censes issued under this section shall be renewable in the manner prescribed
5 by the authority.

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

13 **“SECTION 6.** ORS 448.410 is amended to read:

14 “448.410. (1) The Environmental Quality Commission shall:

15 “(a) Adopt rules necessary to carry out the provisions of ORS 448.410 to
16 448.430 and 448.992.

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

22 “(c) Certify persons qualified to supervise the operation of sewage treat-
23 ment works.

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

1 modified by the Emergency Board.

2 “(2) The commission may grant a variance from the requirements of ORS
3 448.415, according to criteria established by rule by the commission.

4 “(3) In adopting rules under this section, the commission shall consult
5 with the Oregon Health Authority in order to coordinate rules adopted under
6 this section with rules adopted by the authority under ORS 448.450.

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

8 “448.450. (1) The Oregon Health Authority shall:

9 “(a) Adopt rules necessary to carry out the provisions of ORS 448.450 to
10 448.465, 448.992 and 448.994.

11 “(b) Classify all potable water treatment plants and water distribution
12 systems actually used or intended for use by the public. In classifying the
13 potable water treatment plants and water distribution systems, the authority
14 shall take into consideration size and type, character of water to be treated
15 and other physical conditions affecting the treatment plants and distribution
16 systems and the skill, knowledge and experience required of an operator.

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

19 “(d) Subject to the prior approval of the Oregon Department of Adminis-
20 trative Services [*and a report to the Emergency Board prior to adopting the*
21 *fee*], establish a schedule of fees for certification under paragraph (c) of this
22 subsection. The fees established under the schedule shall be sufficient to pay
23 the cost of the authority in carrying out the provisions of ORS 448.450 to
24 448.465, 448.992 and 448.994 and shall be within the budget authorized by the
25 Legislative Assembly as that budget may be modified by the Emergency
26 Board.

27 “(2) Notwithstanding the authority of the Oregon Health Authority to
28 establish fees for certification under subsection (1)(d) of this section, the
29 authority will not establish fees for certification of operators of water sys-
30 tems serving ground water to fewer than 150 service connections.

1 “(3) In adopting rules under this section, the authority shall consult with
2 the Department of Environmental Quality in order to coordinate rules
3 adopted under this section with rules adopted by the Environmental Quality
4 Commission under ORS 448.410.

5 **“SECTION 8.** ORS 453.408 is amended to read:

6 “453.408. (1) The Department of Revenue, in consultation with the State
7 Fire Marshal, is authorized to establish those rules and procedures for the
8 implementation and enforcement of ORS 453.396 to 453.414 that are consist-
9 ent with its provisions and are considered necessary and appropriate.

10 “(2) The State Fire Marshal by rule may add persons or substances to or
11 exempt persons or substances from liability for the fee imposed under ORS
12 453.396 to 453.414 to conform to the reporting requirements established by the
13 State Fire Marshal under the Community Right to Know and Protection Act.

14 “(3) Before final adoption of initial rules to carry out the provisions of
15 ORS 453.396 to 453.414 or subsequent amendment of the initial fee schedules
16 established under ORS 453.398, the State Fire Marshal shall obtain prior
17 approval of the fees by the Oregon Department of Administrative Services
18 [*and shall submit a report to the Emergency Board prior to adopting the*
19 *fees*]. The fees established under ORS 453.396 to 453.414 shall be within the
20 budget authorized by the Legislative Assembly as that budget may be modi-
21 fied by the Emergency Board. The fees shall not exceed the cost of the pro-
22 gram.

23 **“SECTION 9.** ORS 453.894 is amended to read:

24 “453.894. (1) The Oregon Health Authority shall establish by rule a
25 schedule of fees for at least the following:

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

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

30 “(c) Reexaminations for failing the initial examinations.

1 “(d) Review of work plans.

2 “(2) The fees established under subsection (1) of this section shall be
3 based upon the costs of the authority in carrying out the provisions of ORS
4 105.555, 431.175 and 453.855 to 453.912.

5 “(3) If a license renewal application and fee is not received by the au-
6 thority within 15 days after the expiration of the license, a penalty of \$100
7 shall be added and collected.

8 “(4) The fees collected under this section shall be paid into the State
9 Treasury and deposited in the General Fund to the credit of the Public
10 Health Account. Such moneys are continuously appropriated to the Oregon
11 Health Authority to pay the authority’s expenses in administering the pro-
12 visions of ORS 105.555, 431.175 and 453.855 to 453.912.

13 “(5) Subject to prior approval by the Oregon Department of Administra-
14 tive Services [*and a report to the Emergency Board prior to adopting the*
15 *fee*], any fee or change **thereto** shall be within the budget authorized by the
16 Legislative Assembly as that budget may be modified by the Emergency
17 Board.

18 “**SECTION 10.** ORS 459.236 is amended to read:

19 “459.236. (1) In addition to the permit fees provided in ORS 459.235, upon
20 prior approval by the Oregon Department of Administrative Services [*and a*
21 *report to the Emergency Board prior to adopting the fees*], there is imposed a
22 fee on all:

23 “(a) Disposal sites that receive domestic solid waste, building demolition
24 or construction wastes, land clearing debris, waste tires or solid waste gen-
25 erated outside the state, for final disposal or destruction; and

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

30 “(2) The amount raised under subsection (1) of this section shall be up to

1 \$1 million per year, based on the estimated tonnage or the actual tonnage,
2 if known, received at the site or transported out of state for final disposal
3 or destruction and any other similar or related factors the Environmental
4 Quality Commission finds appropriate. Such fees shall be within the budget
5 authorized by the Legislative Assembly as that budget may be modified by
6 the Emergency Board.

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

10 “(4) Before transporting or arranging for transport of solid waste out of
11 the State of Oregon to a disposal site that receives domestic solid waste, a
12 person shall notify the Department of Environmental Quality in writing.

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

17 “(b) If a disposal site that receives domestic solid waste passes through
18 all or a portion of the fees established by the commission in subsection (1)
19 of this section to a solid waste collector who uses the site, a local govern-
20 ment unit that franchises or licenses the collection of solid waste shall allow
21 the franchisee or licensee to include the amount of the fee in the collection
22 service rate.

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

28 “(a) Solid waste disposal sites owned or operated by a local government
29 unit; or

30 “(b) Privately owned or operated solid waste disposal sites that receive

1 or received domestic solid waste for which the department determines the
2 responsible party is unknown, unwilling or unable to undertake any portion
3 or phase of a removal or remedial action.

4 “(7) The moneys collected under this section, or proceeds of any bond sale
5 under ORS 468.195 for which moneys collected under this section are pledged
6 for repayment shall be made available to a local government unit to pay re-
7 moval or remedial action costs at a site if:

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

10 “(b) The local government unit repays any moneys equal to the amount
11 that may be raised by the charge imposed under ORS 459.311 and interest
12 on such moneys, in accordance with an agreement between the local gov-
13 ernment unit and the department. A local government unit is not required
14 to repay the first \$100,000 the local government unit expends on removal or
15 remedial action.

16 “(8) As used in this section:

17 “(a) ‘Domestic solid waste’ has the meaning given that term in ORS
18 459A.100.

19 “(b) ‘Person’ does not include an individual who transports the
20 individual’s own residential solid waste to a disposal site located out of the
21 state.

22 “(c) ‘Removal’ and ‘remedial action’ have the meanings given those terms
23 in ORS 465.200.

24 **“SECTION 11.** ORS 459.305 is amended to read:

25 “459.305. (1) Except as otherwise provided by rules adopted by the Envi-
26 ronmental Quality Commission under subsection (4) of this section, a dis-
27 posal site may not accept solid waste generated outside the county in which
28 the disposal site is located unless the Department of Environmental Quality
29 certifies or, for waste that originates outside Oregon in an amount exceeding
30 75,000 tons annually from a single source generator or wasteshed, the dis-

1 disposal site operator demonstrates to the department, that the person respon-
2 sible for solid waste management in the area from which the solid waste
3 originates has implemented an opportunity to recycle that:

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

8 “(b) For waste originating inside Oregon, meets the requirements of ORS
9 459.250 and 459A.005 to 459A.085.

10 “(2) The commission shall adopt rules to establish a program for certi-
11 fication of recycling programs established by a person in order to comply
12 with the requirement of subsection (1) of this section. A contract or agree-
13 ment for the disposal of solid waste made between an owner or operator of
14 a disposal site and a person does not affect the authority of the commission
15 to establish or modify the requirements established under subsection (1) of
16 this section.

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

24 “(4) The commission shall establish by rule the amount of solid waste that
25 may be accepted from outside the county in which the disposal site is located
26 before the person must comply with the requirements set forth in subsection
27 (1) of this section.

28 “(5) Subject to prior approval of the Oregon Department of Administrative
29 Services [*and a report to the Emergency Board prior to adopting the fee*], and
30 within the budget authorized by the Legislative Assembly as that budget may

1 be modified by the Emergency Board, the Department of Environmental
2 Quality may establish a certification fee in accordance with ORS 468.065.
3 The fees may not exceed the cost of the program.

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

7 “(7) Notwithstanding any other provision of law relating to solid waste
8 disposal, if the laws of the state of origin prohibit or restrict the disposal
9 of any kind of solid waste within the state of origin, the prohibition or re-
10 striction also applies to the disposal of the solid waste in Oregon.

11 **“SECTION 12.** ORS 465.386 is amended to read:

12 “465.386. (1) Notwithstanding the totals established in ORS 459.236, the
13 Environmental Quality Commission by rule may increase the total amount
14 to be collected annually as a fee and deposited into the Orphan Site Account
15 under ORS 459.236. The commission shall approve an increase if the com-
16 mission determines:

17 “(a) Existing fees being deposited into the Orphan Site Account are not
18 sufficient to pay debt service on bonds sold to pay for removal or remedial
19 actions at sites where the Department of Environmental Quality determines
20 the responsible party is unknown or is unwilling or unable to undertake all
21 required removal or remedial action; or

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

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

27 “(a) Shall be no greater than the amount needed to pay anticipated costs
28 specifically identified by the Department of Environmental Quality at sites
29 where the department determines the responsible party is unknown, unwill-
30 ing or unable to undertake all required removal or remedial action; and

1 “(b) Shall be subject to prior approval by the Oregon Department of Ad-
2 ministrative Services [*and a report to the Emergency Board prior to adopting*
3 *the fees*] and shall be within the budget authorized by the Legislative As-
4 sembly as that budget may be modified by the Emergency Board during the
5 interim period between sessions.

6 **“SECTION 13.** ORS 480.127 is amended to read:

7 “480.127. (1) Any person who desires to sell consumer fireworks at retail
8 to individual members of the general public for personal use shall apply in
9 writing to the State Fire Marshal for a permit at least 15 days in advance
10 of the proposed sale. The State Fire Marshal shall issue the permit only if
11 the State Fire Marshal finds that the applicant is qualified to conduct the
12 proposed sale and that the proposed sale will conform to the provisions of
13 ORS 480.111 to 480.165 and any rules adopted under ORS 480.111 to 480.165.
14 A fee may be charged for the permit. Subject to prior approval by the
15 Oregon Department of Administrative Services [*and a report to the Emer-*
16 *gency Board prior to adopting the fee*], the amount of the fee shall be set by
17 rule and shall be adjusted subsequently by the State Fire Marshal to finance
18 the administrative expenses incurred under this section and shall be within
19 the budget authorized by the Legislative Assembly as that budget may be
20 modified by the Emergency Board.

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

25 “(3) A retail sales permit holder shall store consumer fireworks in ac-
26 cordance with any fire codes that the State Fire Marshal adopts by rule to
27 ensure safe storage of those fireworks. The matters that the State Fire
28 Marshal considers when adopting storage rules for fireworks may include,
29 but are not limited to, any United States Department of Transportation re-
30 quirements relating to hazardous materials storage.

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

2 “480.130. (1) All persons, municipalities, associations or organizations or
3 groups of individuals desiring to sell, discharge, fire off, explode or display
4 fireworks for a public display, or to sell consumer fireworks to persons who
5 possess the permit referred to in ORS 480.127, shall apply in writing to the
6 State Fire Marshal for a permit at least 15 days in advance of the proposed
7 sale or date of the display. The State Fire Marshal, upon receipt of such
8 application, shall determine if the proposed sale or display will conform to
9 law and any rules promulgated thereunder. If the State Fire Marshal finds
10 that the applicant is qualified to conduct such sale or display and that the
11 proposed sale or display is in accordance with the law and all rules, the
12 State Fire Marshal shall issue a permit; otherwise the State Fire Marshal
13 shall refuse to issue it.

14 “(2) The fee for a permit for the public display of fireworks and each
15 permit for the sale of any fireworks shall be established by rule by the State
16 Fire Marshal, subject to prior approval by the Oregon Department of Ad-
17 ministrative Services [*and a report to the Emergency Board prior to adopting*
18 *the fee*], and subsequently shall be adjusted to finance the administrative
19 expenses incurred under this section and shall be within the budget author-
20 ized by the Legislative Assembly as that budget may be modified by the
21 Emergency Board. All fees collected shall be deposited to the credit of the
22 State Fire Marshal Fund.

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

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

28 “673.685. (1) The State Board of Tax Practitioners shall adopt by rule fees
29 for:

30 “(a) Application for examination for a tax consultant’s license.

- 1 “(b) Application for examination for a tax preparer’s license.
- 2 “(c) Issuance or renewal of a tax consultant’s license.
- 3 “(d) Issuance or renewal of a tax preparer’s license.
- 4 “(e) Issuance or renewal of a tax consultant’s inactive license.
- 5 “(f) Issuance or renewal of a tax preparer’s inactive license.
- 6 “(g) Reactivation of a tax consultant’s inactive license or reactivation of
7 a tax preparer’s inactive license.
- 8 “(h) Restoration of lapsed license.
- 9 “(i) Issuance or replacement of a duplicate license.
- 10 “(j) Issuance of a replacement or duplicate tax consultant certificate.
- 11 “(k) Registration or registration renewal for a sole proprietorship, part-
12 nership, corporation or other legal entity.
- 13 “(L) Issuance or renewal of a combined tax consultant’s or tax preparer’s
14 license and registration for a sole proprietorship, partnership, corporation
15 or other legal entity. Eligibility for a combined license shall be determined
16 under rules adopted by the board.
- 17 “(m) Annual registration of a branch office of a sole proprietorship,
18 partnership, corporation or other legal entity.
- 19 “(2) The fees established by the State Board of Tax Practitioners under
20 this section are subject to the prior approval of the Oregon Department of
21 Administrative Services [*and, if their adoption occurs between regular ses-
22 sions of the Legislative Assembly, a report to the Emergency Board*]. The fees
23 may not exceed the cost of administering the regulatory program of the State
24 Board of Tax Practitioners pertaining to the purposes for which the fees are
25 established, as authorized by the Legislative Assembly within the board’s
26 budget, as that budget may be modified by the Emergency Board.
- 27 “**SECTION 16.** ORS 675.115 is amended to read:
- 28 “675.115. Subject to prior approval of the Oregon Department of Admin-
29 istrative Services [*and a report to the Emergency Board prior to adopting the
30 fees and charges*], the fees and charges established under ORS 675.110 shall

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

8 "(a) Examination and reexamination.

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

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

11 "(d) Delinquent renewal of an authorization to practice regulated social
12 work.

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

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

23 "(4) The State Board of Licensed Social Workers may impose a delinquent
24 renewal fee for an authorization to practice regulated social work if the ap-
25 plication for renewal is not filed and accepted by the renewal date estab-
26 lished by the board by rule, but is filed and accepted within 30 days of the
27 renewal date. An authorization to practice regulated social work is lapsed
28 if an application for renewal is not filed and accepted within 30 days of the
29 renewal date.

30 "(5) Fees collected under this section are nonrefundable.

1 **“SECTION 18.** ORS 675.785 is amended to read:

2 “675.785. The Oregon Board of Licensed Professional Counselors and
3 Therapists has the following powers and duties:

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

7 “(2) Subject to applicable provisions of the State Personnel Relations
8 Law, the board may appoint, prescribe the duties and fix the compensation
9 of employees of the board necessary to carry out the duties of the board.

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

12 “[(a)] (A) License application.

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

14 “[(c)] (C) Renewal of a license.

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

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

17 “[(f)] (F) Examinations. Examination fees may not exceed the costs in-
18 curred in administering the particular examination.

19 “(b) Fees established under this subsection are subject to prior approval
20 of the Oregon Department of Administrative Services [*and a report to the*
21 *Emergency Board prior to adopting the fees*] and must be within the budget
22 authorized by the Legislative Assembly as that budget may be modified by
23 the Emergency Board.

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

26 “(a) Maintain a register of all current licensed professional counselors
27 and marriage and family therapists.

28 “(b) Annually publish a directory listing all current licensed professional
29 counselors and marriage and family therapists. The directory must be avail-
30 able to the public, and the board may collect a publication fee for the di-

1 rectory.

2 “(5) The board shall:

3 “(a) Investigate alleged violations of the provisions of ORS 675.715 to
4 675.835 or rules adopted under authority of the board.

5 “(b) Establish procedures to review the complaints of clients of licensees
6 of the board. Upon receipt of a complaint under ORS 675.715 to 675.835
7 against a licensed or unlicensed person, the board shall conduct an investi-
8 gation as described under ORS 676.165.

9 “(6) The board shall report to the Legislative Assembly concerning the
10 activities of the board during the preceding biennium.

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

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

23 “(9) The board may administer oaths, take depositions, defray legal ex-
24 penses and issue subpoenas to compel the attendance of witnesses and the
25 production of documents or written information necessary to carry out ORS
26 675.715 to 675.835.

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

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

1 “(12) The board may set academic and training standards necessary under
2 ORS 675.715 to 675.835, including, but not limited to, the adoption of rules
3 to establish semester hour equivalents for qualification for licensing where
4 quarter hours are required under ORS 675.715 to 675.835.

5 “(13) The board shall require the applicant for a professional counselor
6 license or a marriage and family therapy license to receive a passing score
7 on an examination of competency in counseling or marriage and family
8 therapy. The examination may be the examination given nationally to certify
9 counselors, or in the case of marriage and family therapy, the examination
10 approved by the Association of Marital and Family Therapy Regulatory
11 Boards.

12 “(14) For the purpose of requesting a state or nationwide criminal records
13 check under ORS 181A.195, the board may require the fingerprints of a per-
14 son who is:

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

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

17 “(c) Under investigation by the board.

18 “(15) The board shall prescribe, in consultation with the Oregon Board
19 of Psychology, the duties of the Director of the Mental Health Regulatory
20 Agency.

21 **“SECTION 19.** ORS 676.625 is amended to read:

22 “676.625. (1) The Health Licensing Office shall establish by rule and shall
23 collect fees and charges to carry out the office’s responsibilities under ORS
24 676.560 to 676.625, 676.850 and 676.992 and any responsibility imposed on the
25 office pertaining to the boards, councils and programs administered and
26 regulated by the office pursuant to ORS 676.565.

27 “(2) The Health Licensing Office Account is established separate and
28 distinct from the General Fund. The account shall consist of the moneys
29 credited to the account by the Legislative Assembly. All moneys in the ac-
30 count are continuously appropriated to and shall be used by the office for

1 payment of expenses of the office in carrying out the duties, functions and
2 obligations of the office, and for payment of the expenses of the boards,
3 councils and programs administered and regulated by the office pursuant to
4 ORS 676.565. The office shall keep a record of all moneys credited to the
5 account and report the source from which the moneys are derived and the
6 activity of each board, council or program that generated the moneys.

7 “(3) Subject to prior approval of the Oregon Department of Administrative
8 Services [*and a report to the Emergency Board prior to establishing fees and*
9 *charges credited to the account*], the fees and charges may not exceed the cost
10 of administering the office and the boards, councils and programs within the
11 office, as authorized by the Legislative Assembly within the office’s budget,
12 as the budget may be modified by the Emergency Board.

13 “(4) All moneys credited to the account pursuant to ORS 676.576 and
14 676.806, and moneys credited to the account from other office and program
15 fees established by the office by rule, are continuously appropriated to the
16 office for carrying out the duties, functions and powers of the office under
17 ORS 676.560 to 676.625, 676.806, 676.850 and 676.992.

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

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

24 “676.625. (1) The Health Licensing Office shall establish by rule and shall
25 collect fees and charges to carry out the office’s responsibilities under ORS
26 676.560 to 676.625, 676.850 and 676.992 and any responsibility imposed on the
27 office pertaining to the boards, councils and programs administered and
28 regulated by the office pursuant to ORS 676.565.

29 “(2) The Health Licensing Office Account is established separate and
30 distinct from the General Fund. The account shall consist of the moneys

1 credited to the account by the Legislative Assembly. All moneys in the ac-
2 count are continuously appropriated to and shall be used by the office for
3 payment of expenses of the office in carrying out the duties, functions and
4 obligations of the office, and for payment of the expenses of the boards,
5 councils and programs administered and regulated by the office pursuant to
6 ORS 676.565. The office shall keep a record of all moneys credited to the
7 account and report the source from which the moneys are derived and the
8 activity of each board, council or program that generated the moneys.

9 “(3) Subject to prior approval of the Oregon Department of Administrative
10 Services [*and a report to the Emergency Board prior to establishing fees and*
11 *charges credited to the account*], the fees and charges may not exceed the cost
12 of administering the office and the boards, councils and programs within the
13 office, as authorized by the Legislative Assembly within the office’s budget,
14 as the budget may be modified by the Emergency Board.

15 “(4) All moneys credited to the account pursuant to ORS 676.576 and
16 676.806, and moneys credited to the account from other office and program
17 fees established by the office by rule, are continuously appropriated to the
18 office for carrying out the duties, functions and powers of the office under
19 ORS 676.560 to 676.625, 676.806, 676.850 and 676.992.

20 “(5) The moneys received from civil penalties assessed under ORS 676.992
21 and section 7, chapter 92, Oregon Laws 2022, shall be deposited and ac-
22 counted for as are other moneys received by the office and shall be for the
23 administration and enforcement of the statutes governing the boards, coun-
24 cils and programs administered by the office.

25 **“SECTION 20.** ORS 677.265 is amended to read:

26 “677.265. In addition to any other powers granted by this chapter, the
27 Oregon Medical Board may:

28 “(1) Adopt necessary and proper rules for administration of this chapter
29 including but not limited to:

30 “(a) Establishing fees and charges to carry out its legal responsibilities,

1 subject to prior approval by the Oregon Department of Administrative Ser-
2 vices [*and a report to the Emergency Board prior to adopting the fees and*
3 *charges*]. The fees and charges shall be within the budget authorized by the
4 Legislative Assembly as that budget may be modified by the Emergency
5 Board. The fees and charges established under this section may not exceed
6 the cost of administering the program or the purpose for which the fee or
7 charge is established, as authorized by the Legislative Assembly for the
8 Oregon Medical Board’s budget, or as modified by the Emergency Board or
9 future sessions of the Legislative Assembly.

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

13 “(c) Enforcing the provisions of this chapter and exercising general
14 supervision over the practice of medicine and podiatry within this state. In
15 determining whether to discipline a licensee for a standard of care violation,
16 the Oregon Medical Board shall determine whether the licensee used that
17 degree of care, skill and diligence that is used by ordinarily careful physi-
18 cians in the same or similar circumstances in the community of the physician
19 or a similar community.

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

23 “(3) Use the gratuitous services and facilities of private organizations to
24 receive the assistance and recommendations of the organizations in admin-
25 istering this chapter.

26 “(4) Make its personnel and facilities available to other regulatory agen-
27 cies of this state, or other bodies interested in the development and im-
28 provement of the practice of medicine or podiatry in this state, upon terms
29 and conditions for reimbursement as are agreed to by the Oregon Medical
30 Board and the other agency or body.

1 “(5) Appoint examiners, who need not be members of the Oregon Medical
2 Board, and employ or contract with the American Public Health Association
3 or the National Board of Medical Examiners or other organizations, agencies
4 and persons to prepare examination questions and score examination papers.

5 “(6) Determine the schools, colleges, universities, institutions and train-
6 ing acceptable in connection with licensing under this chapter. All residency,
7 internship and other training programs carried on in this state by any hos-
8 pital, institution or medical facility shall be subject to approval by the
9 Oregon Medical Board. The board shall accept the approval by the American
10 Osteopathic Association or the American Medical Association in lieu of ap-
11 proval by the board.

12 “(7) Prescribe the time, place, method, manner, scope and subjects of ex-
13 aminations under this chapter.

14 “(8) Prescribe all forms that it considers appropriate for the purposes of
15 this chapter, and require the submission of photographs and relevant per-
16 sonal history data by applicants for licensure under this chapter.

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

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

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

21 “(c) Under investigation by the board.

22 “(10) Administer oaths, issue notices and subpoenas in the name of the
23 board, enforce subpoenas in the manner authorized by ORS 183.440, hold
24 hearings and perform such other acts as are reasonably necessary to carry
25 out its duties under this chapter.

26 “**SECTION 21.** ORS 678.410 is amended to read:

27 “678.410. (1) The Oregon State Board of Nursing may establish and collect
28 fees necessary to carry out the provisions of ORS 678.010 to 678.448.

29 “(2) Fees are nonrefundable.

30 “(3)(a) The board shall obtain approval from the Oregon Department of

1 Administrative Services [*and submit a report to the Emergency Board*] prior
2 to establishing fees under this section.

3 “(b) A fee established and collected under this section may not exceed the
4 cost of administering a regulatory program for which the fee is established
5 and collected, as authorized by the Legislative Assembly within the Oregon
6 State Board of Nursing budget, subject to modification by the Emergency
7 Board.

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

11 **“SECTION 22.** ORS 679.120 is amended to read:

12 “679.120. (1) The Oregon Board of Dentistry may impose application fees
13 for the following:

14 “(a) Examinations, which may differ for general dentistry, foreign school
15 graduate and specialty examinations.

16 “(b) Biennial dentist license, active.

17 “(c) Biennial dentist license, inactive.

18 “(d) Permits and certificates.

19 “(e) Delinquency.

20 “(2) Subject to prior approval of the Oregon Department of Administrative
21 Services [*and a report to the Emergency Board prior to adopting the fees and*
22 *charges*], the fees and charges established under this section and ORS 680.075
23 shall not exceed the costs of administering the regulatory program of the
24 board, as authorized by the Legislative Assembly within the board budget,
25 as the budget may be modified by the Emergency Board.

26 “(3)(a) The [*board*] **Oregon Board of Dentistry** may waive the payment
27 of the license fee in the case of any licensee who furnishes satisfactory evi-
28 dence that the licensee has discontinued the actual practice of dentistry be-
29 cause of retirement.

30 “(b) Application to reinstate a license retired under paragraph (a) of this

1 subsection or to convert an inactive status license to an active status license
2 shall be made in accordance with the rules of the board and with the sub-
3 mission of the license fee prescribed for such license; provided, however, that
4 if more than one year has expired since the license was retired or inacti-
5 vated, satisfactory evidence of operative competence must be submitted to
6 the board.

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

9 “(5) Each dentist must renew the dentist’s license every two years
10 through submitting a renewal application and paying the license fee.

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

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

16 “(8) Fees paid are not refundable.

17 **“SECTION 23.** ORS 679.615 is amended to read:

18 “679.615. (1) The Oregon Board of Dentistry may impose nonrefundable
19 fees for the following:

20 “(a) Application for licensure;

21 “(b) Examinations;

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

23 “(d) Licensure renewal fees;

24 “(e) Permits; and

25 “(f) Delinquency.

26 “(2) Subject to prior approval of the Oregon Department of Administrative
27 Services [*and a report to the Emergency Board prior to adopting fees and*
28 *charges*], the fees and charges established under ORS 679.600 to 679.630 may
29 not exceed the cost of administering ORS 679.600 to 679.630 as authorized by
30 the Legislative Assembly within the Oregon Board of Dentistry budget and

1 as modified by the Emergency Board.

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

5 “(b) A licensee described in this subsection may apply to the board for
6 reinstatement of the license pursuant to rules adopted by the board. An ap-
7 plication under this paragraph must include a fee. If the licensee has been
8 retired or inactive for more than one year from the date of application, the
9 licensee shall include with the application satisfactory evidence of clinical
10 competence, as determined by the board.

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

14 “(b) A dental therapist issued a license in an even-numbered year must
15 apply for renewal by September 30 of each even-numbered year thereafter.
16 A dental therapist issued a license in an odd-numbered year must apply for
17 renewal by September 30 of each odd-numbered year thereafter.

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

20 “(5) A dental therapist shall inform the board of a change of the dental
21 therapist’s address within 30 days of the change.

22 “**SECTION 24.** ORS 680.075 is amended to read:

23 “680.075. (1) The Oregon Board of Dentistry may impose application fees
24 for the following:

25 “(a) Examinations;

26 “(b) Biennial dental hygiene license, active;

27 “(c) Biennial dental hygiene license, inactive;

28 “(d) Permits and certificates; and

29 “(e) Delinquency.

30 “(2) Subject to prior approval of the Oregon Department of Administrative

1 Services [*and a report to the Emergency Board prior to adopting the fees and*
2 *charges*], the fees and charges established under this section and ORS chap-
3 ter 679 shall not exceed the costs of administering the regulatory program
4 of the board as authorized by the Legislative Assembly within the board
5 budget, as the budget may be modified by the Emergency Board.

6 “(3)(a) The [*board*] **Oregon Board of Dentistry** may waive the payment
7 of the license fee in the case of any licensee who furnishes satisfactory evi-
8 dence that the licensee has discontinued the actual practice of dental hy-
9 giene because of retirement.

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

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

19 “(5) Each dental hygienist must renew the hygienist’s license every two
20 years through submitting a renewal application and paying the license fee.

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

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

26 “(8) Fees paid are not refundable.

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

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

1 while the license is active.

2 “(2) A person holding an active license issued under this chapter may
3 apply to the board for license renewal. A completed renewal application
4 consists of:

5 “(a) A completed board renewal form containing any information required
6 by the board to determine the applicant’s eligibility for license renewal;

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

9 “(c) Payment of the active license renewal fee established by the board
10 under subsection (8) of this section.

11 “(3) Failure to submit a completed renewal application annually by De-
12 cember 31, or by such date as may be specified by board rule, results in the
13 lapse of the license. A lapsed license may be restored by the board upon re-
14 ceipt, not more than 30 days after the license lapses, of a completed renewal
15 application and payment of the restoration fee under subsection (8) of this
16 section.

17 “(4) A license that has lapsed for more than one month may be restored
18 by the board upon payment of the restoration fee established by the board
19 and submission of a completed renewal application and any other informa-
20 tion required by the board.

21 “(5) A person holding an active license under this chapter may convert
22 the license to inactive status by meeting the requirements set by rule of the
23 board and paying any required fees. A person holding a license issued under
24 this chapter who is at least 70 years of age and retired from the practice of
25 naturopathic medicine may convert the license to retired status by meeting
26 the requirements set by rule of the board and paying any required fees.

27 “(6)(a) A person who chooses to allow a license to become inactive may
28 file a written application to reactivate a license that has been inactive for
29 one year or less by paying the restoration fee and the renewal fee for an
30 active license and demonstrating compliance with ORS 685.102. A fee paid

1 to place the license in inactive status may not be credited toward payment
2 of the renewal fee for an active license. The board may prorate the renewal
3 fee.

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

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

12 “(8) The board shall assess fees for:

13 “(a) An initial license.

14 “(b) Examination.

15 “(c) Renewal of an active license.

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

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

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

19 “(g) A duplicate license.

20 “(h) A wall certificate.

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

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

1 impose fees for the following:

2 “(a) License or permit issuance or renewal.

3 “(b) Examination for licensure.

4 “(c) Temporary license.

5 “(d) Duplicate license.

6 “(e) Veterinary technician license.

7 “(f) Delinquent renewal.

8 “(g) Application and certification fee for certified euthanasia technicians
9 and employers.

10 “(h) Verification of a license of a veterinarian applying for license under
11 reciprocity with another state.

12 “(2) Subject to prior approval of the Oregon Department of Administrative
13 Services [*and a report to the Emergency Board prior to adopting the fees and*
14 *charges*], the fees and charges established under this section shall not exceed
15 the cost of administering the regulatory program of the board pertaining to
16 the purpose for which the fee or charge is established, as authorized by the
17 Legislative Assembly within the board’s budget, as the budget may be modi-
18 fied by the Emergency Board.

19 **“SECTION 27.** ORS 686.600 is amended to read:

20 “686.600. (1) A veterinary facility may not offer services related to the
21 practice of veterinary medicine, surgery or dentistry, as described in ORS
22 686.030, unless the veterinary facility:

23 “(a) Registers with the Oregon State Veterinary Medical Examining
24 Board; and

25 “(b) Designates a veterinarian licensed under this chapter to be respon-
26 sible for ensuring that the veterinary facility is in compliance with this
27 section and rules adopted by the board under this section.

28 “(2) The board shall adopt rules establishing:

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

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

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

2 “(d) Health and safety standards for veterinary facilities.

3 “(3) The board may inspect a veterinary facility to ensure that the
4 veterinary facility is in compliance with this section and rules adopted under
5 this section.

6 “(4) Subject to the provisions of ORS chapter 183, the board may suspend
7 or revoke the registration of a veterinary facility if the veterinary facility
8 changes ownership, does not retain a designated veterinarian with the re-
9 sponsibilities described in subsection (1)(b) of this section or fails to comply
10 with this section or any rule adopted by the board under this section.

11 “(5) Subject to prior approval of the Oregon Department of Administrative
12 Services [*and a report to the Emergency Board prior to adopting the fees*], the
13 fees established under subsection (2)(c) of this section may not exceed the
14 cost of administering this section or rules adopted under this section, as
15 authorized by the Legislative Assembly within the Oregon State Veterinary
16 Medical Examining Board’s budget, as the budget may be modified by the
17 Emergency Board.

18 “**SECTION 28.** ORS 692.160 is amended to read:

19 “692.160. (1) The fees that may be charged under this chapter are:

20 “(a) A fee covering requests for applications for a funeral service practi-
21 tioner license, an embalmer license, a death care consultant license, a fu-
22 neral establishment license, an immediate disposition company license, a
23 certificate of authority for a cemetery, a certificate of authority for a
24 crematorium, a certificate of authority for any other facility for final dispo-
25 sition of human remains, registration as a funeral service practitioner
26 trainee, registration as an embalmer trainee, a certificate of removal regis-
27 tration, a license as a reciprocal funeral service practitioner or a license as
28 a reciprocal embalmer. The application fee shall be accompanied by an ad-
29 ditional fee for each principal of a funeral establishment, immediate dispo-
30 sition company, cemetery, crematorium or other facility for final disposition

1 of human remains.

2 “(b) A fee covering the renewal of a license for a funeral establishment,
3 a license for an immediate disposition company, a certificate of authority for
4 a crematorium or a certificate of authority for any other facility for final
5 disposition of human remains.

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

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

10 “(e) A fee for renewal of the registration of a funeral service practitioner
11 trainee or an embalmer trainee.

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

14 “(g) A fee covering the renewal of a certificate of authority for a ceme-
15 tery.

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

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

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

23 “(2) All licenses granted under this chapter to funeral service practition-
24 ers, embalmers and death care consultants expire on January 1 in even-
25 numbered years or on such date as may be specified by rule of the State
26 Mortuary and Cemetery Board. All licenses or certificates of authority
27 granted under this chapter to operators of funeral establishments, to opera-
28 tors of immediate disposition companies, to operators of cemeteries, to opera-
29 tors of crematoriums or to operators of other facilities for final disposition
30 of human remains expire on January 1 in odd-numbered years or on such date

1 as may be specified by board rule.

2 “(3) The board shall mail to each licensed funeral service practitioner, to
3 each licensed embalmer, to each licensed death care consultant, to each li-
4 censed operator of a funeral establishment or immediate disposition company
5 and to each cemetery, crematorium and other facility for final disposition
6 of human remains holding a certificate of authority under ORS 692.275, ad-
7 dressed to the licensee or certificate holder at the licensee’s or certificate
8 holder’s last-known address, a notice that the renewal fee is due and payable
9 and that if the fee is not paid by the renewal date the license or certificate
10 of authority shall lapse. The board shall mail the notice at least 60 days
11 before the license or certificate of authority expires. The board may impose
12 continuing education requirements as a prerequisite for relicensure.

13 “(4) Subject to prior approval of the Oregon Department of Administrative
14 Services [*and a report to the Emergency Board prior to adopting the fees and*
15 *charges*], the fees and charges established under this section shall not exceed
16 the cost of administering the regulatory program of the State Mortuary and
17 Cemetery Board pertaining to the purpose for which the fee or charge is es-
18 tablished, as authorized by the Legislative Assembly within the board’s
19 budget, as the budget may be modified by the Emergency Board.

20 “**SECTION 29.** ORS 701.238 is amended to read:

21 “701.238. (1) Before July 1 of each year, the Construction Contractors
22 Board shall determine the amounts of the fees to be charged for applications
23 under ORS 701.056 for the issuance or renewal of contractor licenses. The fee
24 amounts are subject to prior approval of the Oregon Department of Admin-
25 istrative Services [*and a report to the Emergency Board prior to adoption*].
26 The fee amounts shall be within the budget authorized by the Legislative
27 Assembly as that budget may be modified by the Emergency Board. The fee
28 amounts established under this section may not exceed the cost of adminis-
29 tering the regulatory program of the [*board*] **Construction Contractors**
30 **Board** under this chapter, as authorized by the Legislative Assembly within

1 the board's budget, as the budget may be modified by the Emergency Board.

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

5 **“SECTION 30.** ORS 731.804 is amended to read:

6 “731.804. (1) Except as otherwise provided in this section, each authorized
7 insurer doing business in this state shall pay assessments that the Director
8 of the Department of Consumer and Business Services determines are neces-
9 sary to support the legislatively authorized budget of the Department of
10 Consumer and Business Services with respect to functions of the department
11 under the Insurance Code. The director shall determine the assessments ac-
12 cording to one or more percentage rates established by the director by rule.
13 The director shall specify in the rule when assessments shall be made and
14 payments shall be due. The premium-weighted average of the percentage
15 rates may not exceed nine-hundredths of one percent of the gross amount of
16 premiums received by an insurer or the insurer's insurance producers from
17 and under the insurer's policies covering direct domestic risks, after deduct-
18 ing the amount of return premiums paid and the amount of dividend pay-
19 ments made to policyholders with respect to such policies. In the case of
20 reciprocal insurers, the amount of savings paid or credited to the accounts
21 of subscribers shall be deducted from the gross amount of premiums. In es-
22 tablishing the percentage rate or rates, the director shall use the most recent
23 premium data approved by the director. In establishing the amounts to be
24 collected under this subsection, the director shall take into consideration the
25 expenses of the department for administering the Insurance Code and the
26 fees collected under subsection (2) of this section. When the director estab-
27 lishes two or more percentage rates:

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

30 “(b) Each rate shall be applied to the gross amount of premium received

1 by an insurer or its insurance producers for the applicable line of insurance
2 as provided in this subsection.

3 “(2) The director may collect fees for specific services provided by the
4 department under the Insurance Code according to a schedule of fees estab-
5 lished by the director by rule. The director may collect such fees in advance.
6 In establishing the schedule for fees, the director shall take into consider-
7 ation the cost of each service for which a fee is imposed.

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

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

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

19 “(d) Notwithstanding ORS 646A.628, fees paid in accordance with para-
20 graph (a) of this subsection shall be deposited in the General Fund to become
21 available for general governmental expenses.

22 “(4) Establishment and amendment of the schedule of fees under sub-
23 section (2) of this section are subject to prior approval of the Oregon De-
24 partment of Administrative Services [*and a report to the Emergency Board*
25 *prior to adopting the fees*] and shall be within the budget authorized by the
26 Legislative Assembly as that budget may be modified by the Emergency
27 Board.

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

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

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

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

5 “(a) Workers’ compensation insurance policies.

6 “(b) Wet marine and transportation insurance policies.

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

8 “**SECTION 31.** ORS 776.355 is amended to read:

9 “776.355. (1) Except as provided in subsection (2) of this section, each
10 licensee under this chapter shall pay an annual license fee to the Oregon
11 Board of Maritime Pilots not to exceed the amount established under ORS
12 776.115. Subject to prior approval of the Oregon Department of Administra-
13 tive Services [*and a report to the Emergency Board prior to adopting the*
14 *fee*], the amount of the fee shall be adjusted by the Oregon Board of Mari-
15 time Pilots to finance costs as defined by the legislatively approved budget,
16 as it may be modified by the Emergency Board.

17 “(2) The [*board*] **Oregon Board of Maritime Pilots** by rule may establish
18 reduced license fees for those individuals who engage in pilotage activities
19 on less than a full-time basis. However, in no event shall the fee be less than
20 \$50.

21 “**SECTION 32.** ORS 776.800 is amended to read:

22 “776.800. (1) Except as provided in subsection (2) of this section, each
23 licensee under this chapter shall collect a board operations fee from each
24 vessel using the services of a licensee. The purpose of the fee is to allow
25 the Oregon Board of Maritime Pilots to carry out its duties, functions and
26 powers under this chapter. The fee may not exceed the amount described in
27 ORS 776.810.

28 “(2) The fee described in subsection (1) of this section shall be collected
29 in the following manner:

30 “(a) For vessels entering or leaving the Columbia River, licensees for the

1 Columbia River bar pilotage ground shall collect the fee from inbound ves-
2 sels and licensees for the Columbia and Willamette River pilotage ground
3 shall collect the fee from outbound vessels.

4 “(b) For vessels entering or leaving Coos Bay or Yaquina Bay, licensees
5 for the Coos Bay or Yaquina Bay pilotage ground shall collect the fee from
6 inbound and outbound vessels.

7 “(3) The board shall prescribe the procedures for collecting and remitting
8 the fee imposed under this section.

9 “(4) Each quarter the board shall review the amount of the fee. If the
10 board determines that the fee should be adjusted, then the board may adjust
11 the fee subject to[:]

12 “[a)] prior approval of the Oregon Department of Administrative
13 Services.[:; and]

14 “[b) A report to the Emergency Board.]

15

16 **“TRANSFERS FOR GENERAL GOVERNMENTAL PURPOSES**

17

18 **“SECTION 33. Notwithstanding ORS 243.167, the amount of**
19 **\$40,000,000 is transferred from the Public Employees’ Revolving Fund**
20 **to the General Fund for general governmental purposes. The transfer**
21 **shall be made on May 31, 2025.**

22 **“SECTION 33a. Notwithstanding ORS 243.167, the amount of**
23 **\$50,000,000 is transferred from the Public Employees’ Revolving Fund**
24 **to the Insurance Fund established under ORS 278.425. The transfer**
25 **shall be made on May 31, 2025.**

26 **“SECTION 33b. Notwithstanding ORS 741.102, the amount of \$614,635**
27 **is transferred from the Health Insurance Exchange Fund to the Gen-**
28 **eral Fund for general governmental purposes. The transfer shall be**
29 **made on May 31, 2025.**

30 **“SECTION 34. Sections 57 and 61, chapter 10, Oregon Laws 2020**

1 (second special session), are repealed.

2 **“SECTION 35.** Any actions or omissions before the effective date
3 of this 2023 Act that would have been valid if sections 57 and 61,
4 chapter 10, Oregon Laws 2020 (second special session), were not en-
5 acted into law are validated.

6
7 **“TIDE GATE GRANT PROGRAM**

8
9 **“SECTION 36.** Section 22a, chapter 10, Oregon Laws 2020 (second special
10 session), is amended to read:

11 **“Sec. 22a.** The Tide Gate Grant and Loan Fund established under section
12 21 [*of this 2020 second special session Act*], **chapter 10, Oregon Laws 2020**
13 **(second special session)**, is abolished on June 30, [2023] **2024**. Any moneys
14 remaining in the fund on that date shall be transferred to the Administrative
15 Services Economic Development Fund established under ORS 461.540.

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

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

21 **“SECTION 38.** (1) If this 2023 Act does not become effective until
22 after June 30, 2023, the amendments to section 23, chapter 10, Oregon
23 Laws 2020 (second special session), by section 37 of this 2023 Act revive
24 sections 21 and 22, chapter 10, Oregon Laws 2020 (second special ses-
25 sion). If this 2023 Act does not become effective until after June 30,
26 2023, this 2023 Act shall be operative retroactively to that date, and the
27 operation and effect of sections 21 and 22, chapter 10, Oregon Laws 2020
28 (second special session), shall continue unaffected from June 30, 2023,
29 to the effective date of this 2023 Act and thereafter. Any otherwise
30 lawful action taken or otherwise lawful obligation incurred under the

1 authority of sections 21 and 22, chapter 10, Oregon Laws 2020 (second
2 special session), after June 30, 2023, and before the effective date of
3 this 2023 Act, is ratified and approved.

4 “(2) If this 2023 Act does not become effective until after June 30,
5 2023, any amounts transferred to the Administrative Services Eco-
6 nomic Development Fund by operation of section 22a, chapter 10,
7 Oregon Laws 2020 (second special session), shall be transferred to the
8 Tide Gate Grant and Loan Fund established under section 21, chapter
9 10, Oregon Laws 2020 (second special session).

10

11

“MAXIMUM NUMBER OF STATE EMPLOYEES

12

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

14 “240.185. (1) On and after January 1, 2018, the number of persons em-
15 ployed by the state may not exceed [one] 1.5 percent of the state’s population
16 of the prior year.

17 “(2) The population figure shall be that required by ORS 190.510 to
18 190.610.

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

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

25 “(5) This section does not apply to personnel who administer unemploy-
26 ment insurance benefits programs of the Employment Department, to per-
27 sonnel who administer programs required to be implemented as a condition
28 for the continued certification of the Employment Division Law by the
29 United States Secretary of Labor or to personnel who administer programs
30 implemented by the United States Department of Labor under federal law if

1 the state is required to enter into contracts to provide such programs.

2 “(6) In order to assess the effect of subsection (1) of this section, the
3 Oregon Department of Administrative Services by December 31 of each
4 even-numbered year shall conduct a workload analysis of each state agency,
5 regardless of whether the agency is exempt from the application of sub-
6 section (1) of this section. The workload analysis of each agency shall be
7 submitted to the Legislative Assembly prior to its convening in the subse-
8 quent odd-numbered year regular session and shall accompany the agency’s
9 budget request before the Joint Ways and Means Committee.

10

11

“STATE FORESTRY DEPARTMENT

12

13 “**SECTION 40.** Section 20, chapter 592, Oregon Laws 2021, is amended to
14 read:

15 “**Sec. 20.** (1) The State Forestry Department shall complete the operation
16 of projects under section 18 [*of this 2021 Act*], **chapter 592, Oregon Laws**
17 **2021**, no later than June 30, [2023] **2025**.

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

24 “(a) An explanation of how landscapes were selected, a summary of the
25 selected projects, a description of initial outcomes from projects selected
26 under the requirements established by section 18 [*of this 2021 Act*], **chapter**
27 **592, Oregon Laws 2021**, anticipated time frames for completion of the
28 projects and any initial recommendations concerning landscape identification
29 and projects selected under the requirements established by section 18 [*of*
30 *this 2021 Act*], **chapter 592, Oregon Laws 2021**;

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

3 “(c) A summary of outreach and coordination with relevant federal and
4 state agencies, counties, cities and other units of local government, federally
5 recognized Indian tribes in this state, public and private forestland and
6 rangeland owners, forestland and rangeland collaboratives and other relevant
7 community organizations to identify and select landscapes for treatment and
8 develop selection criteria for projects.

9 “(3)(a) The department shall report its findings and recommendations re-
10 garding wildfire risk reduction on forestland and rangeland and in commu-
11 nities, based on information obtained from the projects described in section
12 18 [*of this 2021 Act*], **chapter 592, Oregon Laws 2021**, to an interim com-
13 mittee of the Legislative Assembly related to natural resources, in the man-
14 ner provided by ORS 192.245, and to the Governor, State Wildfire Programs
15 Director and Wildfire Programs Advisory Council no later than July 15, 2023.
16 The report shall include, but need not be limited to:

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

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

24 “(C) A qualitative and quantitative summary of the use of prescribed fire
25 activities and invasive annual grass treatments for wildfire risk reduction
26 that, at a minimum, states the number of acres burned or treated and any
27 resulting or anticipated changes in landscape conditions related to enhanced
28 resiliency or the mitigation of wildfire risk to public values;

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

1 “(E) Recommendations for creating optimal working relationships with
2 forestland or rangeland collaboratives and other relevant community organ-
3 izations regarding future wildfire risk reduction projects;

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

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

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

15
16 **“JUUL SETTLEMENT**

17
18 **“SECTION 41. (1) Subject to subsection (2) of this section, the De-**
19 **partment of Justice shall deposit proceeds from the Juul Settlement,**
20 **plus any interest earned on such proceeds, into the Oregon Health**
21 **Authority Fund established under ORS 413.101, to be expended for**
22 **purposes consistent with the terms of the settlement.**

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

27 **“(3) As used in this section, ‘Juul Settlement’ means the settlement**
28 **between the State of Oregon and Juul Labs, Inc. announced on Sep-**
29 **tember 6, 2022, and any modifications thereto.**

1 **“MONSANTO SETTLEMENT**

2
3 **“SECTION 42. As used in sections 43 and 44 of this 2023 Act,**
4 **‘Monsanto Settlement Agreement’ means the settlement agreement**
5 **between the State of Oregon and Monsanto Company, Pharmacia LLC**
6 **and Solutia, Inc., effective December 15, 2022, and any modifications**
7 **thereto.**

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

12 **“(2) The Polychlorinated Biphenyls Remediation and Restitution**
13 **Account consists of:**

14 **“(a) Proceeds of the Monsanto Settlement Agreement deposited into**
15 **the account; and**

16 **“(b) Other amounts deposited in the account from any other source.**

17 **“(3) Moneys in the Polychlorinated Biphenyls Remediation and**
18 **Restitution Account are continuously appropriated to the Oregon De-**
19 **partment of Administrative Services to be distributed by the depart-**
20 **ment as directed by the Legislative Assembly. The department shall**
21 **keep a record of moneys transferred into and out of the account.**

22 **“(4) It is the intent of the Legislative Assembly to allocate moneys**
23 **from the Polychlorinated Biphenyls Remediation and Restitution Ac-**
24 **count for environmental remediation or restitutionary projects or**
25 **purposes having a nexus with environmental harms to air, water, soil**
26 **or other natural resources, including but not limited to:**

27 **“(a) Restoring, maintaining and enhancing the quality of Oregon’s**
28 **air, land, water and other natural resources;**

29 **“(b) Brownfields remediation or development;**

30 **“(c) Environmental or natural resource damage assessment or res-**

1 **toration;**

2 **“(d) Improvements to air or water quality;**

3 **“(e) Cleanup of contaminated sites;**

4 **“(f) Remediation of impaired water bodies, sediments or soil;**

5 **“(g) Restoration or protection of wildlife or wildlife habitats, in-**
6 **cluding fish, aquatic life, marine mammal or bird habitats; or**

7 **“(h) Other similar air, water, soil or other natural resource envi-**
8 **ronmental remediation or restitutionary projects.**

9 **“SECTION 44. (1) Subject to subsection (2) of this section, the De-**
10 **partment of Justice shall deposit the proceeds of the Monsanto**
11 **Settlement Agreement, and any interest earnings from the proceeds,**
12 **in the Polychlorinated Biphenyls Remediation and Restitution Account**
13 **established under section 43 of this 2023 Act.**

14 **“(2) Before making the deposit under subsection (1) of this section,**
15 **the department shall deduct from the proceeds of the Monsanto**
16 **Settlement Agreement the costs and expenses associated with the**
17 **Monsanto Settlement Agreement.**

18

19 **“STUDENT VISION SCREENING REIMBURSEMENT RATE**

20

21 **“SECTION 45. ORS 336.211 is amended to read:**

22 **“336.211. (1) As used in this section:**

23 **“(a) ‘Education provider’ means:**

24 **“(A) An entity that offers a program that is recognized as an Oregon**
25 **prekindergarten program under ORS 329.170 to 329.200.**

26 **“(B) A school district board.**

27 **“(b) ‘Eye examination’ means an eye examination that:**

28 **“(A) Is conducted by a person licensed by the Oregon Board of Optometry**
29 **under ORS 683.010 to 683.340 or a person licensed by the Oregon Medical**
30 **Board under ORS chapter 677 and trained in eye surgery and eye disease;**

1 and

2 “(B) Involves any diagnosis of the eye and any measurement or assistance
3 of the powers or range of vision of the eye.

4 “(c) ‘Vision screening’ means an eye screening test to identify potential
5 vision health problems that is conducted by a person who is:

6 “(A) Licensed by the Oregon Board of Optometry under ORS 683.010 to
7 683.340;

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

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

12 “(D) A school nurse, an employee of an education provider or a person
13 or nonprofit entity designated by the Department of Education to provide
14 vision screening to students who is acting in accordance with rules adopted
15 by the State Board of Education.

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

20 “(A) A vision screening or an eye examination; and

21 “(B) Any further examinations or necessary treatments of the eye or as-
22 sistance of the powers or range of vision of the eye.

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

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

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

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

1 “(4) Each education provider shall:

2 “(a) Ensure that the requirements of this section are met. Failure by a
3 student to meet the requirements of this section may not result in a
4 program’s or school’s prohibiting the student from attending the program or
5 school, but may result in withholding report cards or similar actions.

6 “(b) File in the student’s vision health record any certifications and any
7 results of a vision screening or an eye examination known by the education
8 provider.

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

12 “(5)(a) Upon application of a person that provides students with vision
13 screenings, the Department of Education shall reimburse the person for any
14 necessary expenses incurred by the person in the provision of the vision
15 screenings.

16 “(b) A person may receive reimbursement under this subsection for the
17 provision of a vision screening to any student of an education provider, re-
18 gardless of whether the student has complied with subsection (2) or (3) of
19 this section. Nothing in this paragraph removes the requirement that a stu-
20 dent must comply with subsection (2) or (3) of this section.

21 “(c) Reimbursements made under this subsection:

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

24 “(B) Must be paid from the Vision Health Account established under ORS
25 336.212.

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

27 “(6)(a) The State Board of Education, in consultation with the Oregon
28 Health Policy Board, shall adopt by rule any standards for the implementa-
29 tion of this section.

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

1 “(A) Prescribe the process by which a person or nonprofit entity is des-
2 ignated by the Department of Education to provide vision screenings; and

3 “(B) Establish the process for providing reimbursements under subsection
4 (5) of this section, including the prioritization of persons to receive a re-
5 imbursement if the total amount available for reimbursements exceeds the
6 total amount requested for reimbursements.

7 **“SECTION 46. The amendments to ORS 336.211 by section 45 of this**
8 **2023 Act apply to vision screenings provided on or after the effective**
9 **date of this 2023 Act.**

10

11 **“DRUG TREATMENT AND RECOVERY SERVICES FUND**

12

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

14 “305.231. (1) The Department of Revenue shall [*credit and transfer or cause*
15 *to be credited and transferred*] **transfer** to the Drug Treatment and Recovery
16 Services Fund the savings to the State of Oregon from the implementation
17 of chapter 2, Oregon Laws 2021, as calculated in ORS 293.665.

18 “(2) If the savings calculated for any subsequent biennium under ORS
19 293.665 (1) is less than **for** any prior biennium, the amount [*credited and*]
20 transferred to the Drug Treatment and Recovery Services Fund shall be the
21 highest amount calculated for any previous biennium.

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

24 **“(4) The department shall retain revenue from the tax imposed un-**
25 **der ORS chapter 316 in an amount necessary to make the transfer re-**
26 **quired under this section. The department shall make the transfer out**
27 **of the revenue in lieu of paying the revenue over to the State Treas-**
28 **urer for deposit in the General Fund.**

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

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

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

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

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

12 “(b) The refund payments in excess of tax liability authorized under ORS
13 315.174, 315.262, 315.264, 315.266 and 316.090 and section 3, chapter 589,
14 Oregon Laws 2021, and section 8, chapter 115, Oregon Laws 2022.

15

16 **“OPIOID HARM REDUCTION**

17

18 **“SECTION 48. (1) The Opioid Reversal Medication and Harm Re-**
19 **duction Clearinghouse Bulk Purchasing Fund is established in the**
20 **State Treasury, separate and distinct from the General Fund. Interest**
21 **earned by the Opioid Reversal Medication and Harm Reduction Clear-**
22 **inghouse Bulk Purchasing Fund shall be credited to the fund.**

23 **“(2) The Opioid Reversal Medication and Harm Reduction Clearing-**
24 **house Bulk Purchasing Fund consists of:**

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

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

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

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

2 “(3) The moneys in the Opioid Reversal Medication and Harm Re-
3 duction Clearinghouse Bulk Purchasing Fund are continuously appro-
4 priated to the Oregon Health Authority for expenses related to opioid
5 harm reduction.

6

7

“EARLY LEARNING ACCOUNT

8

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

12 “327.269. (1) The Early Learning Account is established within the Fund
13 for Student Success.

14 “(2) The Early Learning Account shall consist of:

15 “(a) Moneys transferred from the Fund for Student Success under ORS
16 327.001;

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

19 “(c) Amounts donated to the account; and

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

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

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

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

30 “(b) **Transfer to** the Department of Early Learning and Care for early

1 learning programs, as described in ORS 327.274.

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

5 “327.274. (1) The Department of Education shall use moneys in the Early
6 Learning Account:

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

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

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

17 “(a) Relief nurseries;

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

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

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

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

23 “(d) Professional development for early childhood educators; and

24 “(e) Early Head Start programs.

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

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

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

4 “(4) The Early Learning Council shall adopt rules necessary for the dis-
5 tribution of moneys under this section.

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

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

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

18 **“(c) Moneys in the fund are continuously appropriated to the de-**
19 **partment for eligible mobilization costs incurred by the department**
20 **and reimbursements pursuant to ORS 476.560.**

21 **“(2) As used in this section, ‘eligible mobilization costs’ means ex-**
22 **penses incurred for emergency mobilization and pre-positioning activ-**
23 **ities in Oregon.**

24 **“SECTION 52. ORS 476.055 is amended to read:**

25 **“476.055. (1) All moneys received by the Department of the State Fire**
26 **Marshal shall be paid into the State Treasury, and shall be placed by the**
27 **State Treasurer to the credit of the State Fire Marshal Fund, except those**
28 **moneys received and accounted for under the provisions of ORS 279A.290 and**
29 **section 51 of this 2023 Act.**

30 **“(2) Except as otherwise provided by this section, moneys in the State**

1 Fire Marshal Fund shall be available and constitute a continuing appropri-
2 ation for the payment of any expense of the department and for the payment
3 of expenses of the Department of Public Safety Standards and Training and
4 the Board on Public Safety Standards and Training relating to training
5 programs concerning fire services and accreditation of fire service profes-
6 sionals. The Department of the State Fire Marshal shall keep on file an
7 itemized statement of all expenses incurred by the department and shall ap-
8 prove all disbursements as submitted for payment. Administrative expendi-
9 tures made from the State Fire Marshal Fund shall not exceed a reasonable
10 amount for the services performed.

11

12 **“INTERSTATE 5 BRIDGE REPLACEMENT PROJECT**

13

14 **“SECTION 53. Sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013,**
15 **are repealed.**

16

17 **“OREGON HEALTH AUTHORITY**

18

19 **“SECTION 54.** Section 3, chapter ___, Oregon Laws 2023 (Enrolled House
20 Bill 3396), is amended to read:

21 **“Sec. 3.** The Oregon Health Authority shall provide [*grants*] **reimburse-**
22 **ments** to support clinical education at hospitals and health care facilities.

23 **“SECTION 55.** Section 4, chapter ___, Oregon Laws 2023 (Enrolled House
24 Bill 3396), is amended to read:

25 **“Sec. 4.** The Oregon Health Authority shall provide [*grants*] **reimburse-**
26 **ments** to employers participating in a labor-management training trust to
27 expand on-the-job training, apprenticeship opportunities and other programs
28 that support the development of health care professionals, including medical
29 technicians, certified nursing assistants and phlebotomists.

30

1 **“CAPTIONS**

2

3 **“SECTION 56. The unit captions used in this 2023 Act are provided**
4 **only for the convenience of the reader and do not become part of the**
5 **statutory law of this state or express any legislative intent in the**
6 **enactment of this 2023 Act.**

7

8

“EMERGENCY CLAUSE

9

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

13
