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SB 333 (FEES) DISCUSSION
TAPES 007-008

SENATE COMMITTEE ON GOVERNMENT
FINANCE AND TAX POLICY

JANUARY 18 1995 - 1:00 P.M. - HEARING ROOM A - STATE CAPITOL BUILDING

Members Present: Sen . Paul Phillips, Chair
 Sen. Shirley Gold
 Sen. Tom Hartung
 Sen. Cliff Trow
 Sen. Greg Walden

Excused: Sen. Eugene Timms

Witnesses: Thomas Clifford, Legislative Counsel
 Bob Cantine, Association of Oregon Counties
 B.J. Smith, League of Oregon Cities

Staff: James Scherzinger, Legislative Revenue Officer
 Richard Yates, Legislative Revenue Office
 Janice DeVito, Committee Assistant

TAPE 007 - SIDE A

005 Chair Phillips -calls the meeting to order at 1:10 pm
 -outlines procedures to be followed on addressing bills
 -questions

036 Richard Yates -presents staff outline for discussion of SB 333 Issues
(Exhibit A)

042 Tom Clifford -defines intent of term "enabling legislation" as a
specific bill enacted by the legislature at some future time
 -questions and discussion

103 Sen Gold -begins discussion of roll back date
 -concern about jurisdictional position and possible conflict in session
with Ways and Means Committee

130 Clifford -conflict is conceivable
 -need to track other legislation and be sure SB 333 is consistent
 -discussion continues

145 Chair Phillips -describes steps taken to eliminate conflicting
legislation
 -returns discussion to topic of "enabling legislation"
 -suggests specific language that state agency fees shall not be raised
without enactment or specific action/direction by the legislature in
setting that fee or fee schedule

165 Clifford -opinion that legislation already accomplishes that aim
-questions and discussion

280 Sen Walden -asks about E-Board authority in fee adjustments

287 Chair Phillips -definition of "enabling legislation" does not include
action by the E-Board
-questions and discussion

350 Chair Phillips -initiates discussion of roll back date
-questions and discussion

TAPE 008, SIDE A

010 -questions and discussion continue

012 Chair Phillips -poses question of setting arbitrary date of
implementation

017 Jim Scherzinger -issue would need to be addressed somewhere in the
legislation of not paying refunds for established fees
-has inquired to Administrative Services about list of all fees
-is working with the Fiscal Office to determine impact of bill

067 Clifford -Legislative Counsel has compiled a 67 page report of fees of
various kinds
-discussion and questions

076 Sen Gold -brings up subject of refunding fees

111 Sen Hartung -whether fees are levied by all three branches of
government

114 Chair Phillips -does not include judicial branch, but this may need
discussion

119 Sen Gold -expresses concerns about adding too many complications to
bill

135 Sen Hartung -opinion about the need to initially consider all options

139 Sen Trow -need to redefine goal of bill: "what will it do for us that
needs to be done?"

144 Sen Hartung -"we want to downsize government, make it leaner and more
efficient, and not allow any taxes to be increased without the benefit of
legislative review"

151 Chair Phillips -the issue is "making sure that there is (to the extent
possible) a rationale for how fees are set and increased, that they are
done in a fashion that requires specific legislative enactment which
requires a hearing, and that we make this as clear as we possibly can"
-going back in time with the rollback date is for the purpose of being
consistent with idea of oversight

190 "get government under control - retain and restore credibility"

195 -discussion about role of local government in fee setting

262 Sen Trow -inquires about purpose of roll back date

265 Chair Phillips -roll back addresses the issue of legislative oversight
and need to be consistent with new legislation

270 Yates -gives background information about allowable percentage
increase
-questions and discussion

362 Sen Trow -asks how new fees and programs are set during legislative
interim

373 Clifford - occur through statutory authority granted by the
legislative assembly
-opinion that "without express statutory authority to generate fees, there
is no authority - and the people who are being required to pay such fees
need to go to court for a determination as to the extent of that agency's
authority"
-understanding that Attorney General agrees with this position
-discussion continues

460 Sen Hartung -asks for clarification of decision of number of fee
increases allowed
-this to be once per calendar year, but will be debated as more input is
received from agencies

470 Yates -introduces subject of exemptions to limit on fee increases

TAPE 007 SIDE B

030 -discussion and questions

060 Sen Gold -expresses concern about identifying groups who fit the
definition of ORS 576-579
-discussion continues

111 Chair Phillips -requests staff to provide list of agencies exempted

under ORS reference points
-discussion continues
130 -discussion of higher education fee exemptions
163 Chair Phillips -suggests professional fees be excluded (i.e., medical
in nature)
-discussion and questions
226 Yates -introduces subject of definitions
235 Clifford -clarification of status of local schools
268 -need to look to statute for clarification of delegation
290 Chair Phillips -summarizes that if authority/implementation was
delegated to another unit of government, that they would be required to
charge the same fee as the state unless they were to provide significantly
different or more services
-discussion and questions continue
353 Yates -introduces subject of other issues
380 Chair Phillips -requests Legislative Counsel to research cases on
delegation of authority and to provide direction on writing applicable
provisions which are not "overly intrusive" to other government units
-no funds will be made available to local government units
426 Clifford -observations about public meeting law, administrative
procedures act, as opportunities for public to question fee increases
TAPE 008 SIDE B
018 Sen Gold -questions whether uniformity of opportunity exists
throughout the state
028 Bob Cantine -Association of Oregon Counties
-public hearings law is uniform throughout the state, but ordinance process
differs between jurisdictions
-discussion about meeting process being more clearly defined in levels of
government
057 -questions and discussion about increasing citizen involvement in
process
070 -delegation issue is fairly unique to counties
-policy issue that will be raised and needs discussion is: Will there be
limits to authority to impose costs to pay for programs?
114 Sen Trow is there a possibility of hearing from some agencies that set
fees, and be advised about complications that this bill might have for
them?
123 Chair Phillips -directs staff to invite representatives of agencies to
testify before committee
134 CONCLUSION OF STAFF DISCUSSION/REPORT
136 Chair Phillips -calls for public testimony
146 B.J. Smith -League of Oregon Cities
-describes how bill integrates into open meetings law at local level
-difficulties which arise because of difference in fees and charges between
state and local levels
193 -questions correctness of public policy in getting public testimony at
time of enactment - this should be earlier in development process
-questions and discussion
258 Chair Phillips -adjourns at 2:52 pm

Janice DeVito
Committee Assistant

Kimberly Taylor James
Office Manager

Exhibits Summary:
A. SB 333 Issues, Yates