

Senate Bill 58

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Department of Environmental Quality to add fee to credit card transactions.

Allows department to establish and collect surcharge on invoices generated by environmental data management system. Appropriates surcharge moneys to department for maintenance and operation of system.

Becomes operative on January 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to charges imposed by the Department of Environmental Quality; and declaring an emer-
3 gency.

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

5 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS**
6 **chapter 468.**

7 **SECTION 2. The Department of Environmental Quality may accept payments by credit**
8 **card for any products or services offered by the department. The department may add a fee**
9 **to the amount of any payment made by credit card in an amount reasonably calculated to**
10 **offset the impact to the department of financial institution fees related to credit card**
11 **transactions.**

12 **SECTION 3. (1) The Department of Environmental Quality may impose a surcharge in**
13 **an amount calculated under subsection (2) of this section on each fee or invoice generated**
14 **by the department using the environmental data management system.**

15 **(2) The amount of the surcharge shall be calculated by multiplying the percentage rate**
16 **set under subsection (3) of this section by the sum of all other charges listed on the invoice.**

17 **(3) On or before July 1 of each year, the department shall set the surcharge at a per-**
18 **centage rate the department determines is necessary to defray the costs to the department**
19 **of licensing and hosting the environmental data management system during the calendar**
20 **year, provided that the percentage rate does not exceed _____ percent.**

21 **(4) After setting the surcharge percentage rate as described in subsection (3) of this**
22 **section, the department shall notify all persons with an active account within the environ-**
23 **mental data management system of the surcharge percentage rate.**

24 **(5) The surcharge percentage rate set under subsection (3) of this section shall become**
25 **effective beginning on October 1 of each year.**

26 **(6) Surcharge moneys collected by the department under this section shall be deposited**
27 **in the Environmental Data Management System Fund established under section 4 of this 2021**
28 **Act.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 4.** The Environmental Data Management System Fund is established in the
2 State Treasury, separate and distinct from the General Fund. The Environmental Data
3 Management System Fund consists of moneys deposited in the fund under section 3 of this
4 2021 Act and may include moneys appropriated, allocated, deposited or transferred to the
5 fund by the Legislative Assembly or otherwise. Moneys in the Environmental Data Manage-
6 ment System Fund are continuously appropriated to the Department of Environmental
7 Quality for the maintenance and operations costs associated with the department's environ-
8 mental data management system.

9 **SECTION 5.** Notwithstanding the requirement of section 3 (3) of this 2021 Act that the
10 Department of Environmental Quality set the surcharge percentage rate on or before July
11 1, the department shall first set the surcharge the percentage rate under section 3 (3) of this
12 2021 Act as soon as is practicable after the effective date of this 2021 Act.

13 **SECTION 6.** Section 5 of this 2021 Act is repealed on January 2, 2022.

14 **SECTION 7.** (1) Sections 1 to 4 of this 2021 Act become operative on January 1, 2022.

15 (2) The Department of Environmental Quality may take any action before the operative
16 date specified in subsection (1) of this section that is necessary for the department to exer-
17 cise, on and after the operative date specified in subsection (1) of this section, all of the du-
18 ties, functions and powers conferred on the department by sections 1 to 4 of this 2021 Act.

19 **SECTION 8.** This 2021 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
21 on its passage.
22