

Enrolled
House Bill 2106

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of State Lands)

CHAPTER

AN ACT

Relating to fees for agency review of wetland delineation reports; creating new provisions; amending ORS 196.692; limiting expenditures; and declaring an emergency.

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

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 196.800 to 196.825.

SECTION 2. (1) A person or governmental body must pay to the Department of State Lands a nonrefundable fee of \$350 when submitting a wetland delineation report to the department for a determination of:

- (a) Whether waters of this state are present on a specific land parcel;
- (b) Where the boundaries of waters of this state are located on a land parcel; or
- (c) Whether the waters of this state or a proposed activity in the waters of this state is subject to permit requirements.

(2) The department shall review the wetland delineation report submitted under subsection (1) of this section within 120 days after submission of the wetland delineation report to the department.

(3) The fee described in subsection (1) of this section is in addition to any permit application fee required under ORS 196.815. A person or governmental body submitting a revised report to replace a previously rejected report must pay an additional nonrefundable fee of \$100.

(4) The Director of the Department of State Lands shall issue an order revising the fee specified in subsection (1) of this section on January 1 of each year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. The director shall round the amount to the nearest dollar. The revised fee shall take effect January 1 and apply for that calendar year.

(5) Fees received under this section shall be credited to the Common School Fund for use by the department in administration of ORS 196.600 to 196.905.

SECTION 3. The Department of State Lands shall make the first increase in fees under section 2 (4) of this 2007 Act on January 1, 2009.

SECTION 4. ORS 196.692 is amended to read:

196.692. (1) The Department of State Lands shall adopt rules to carry out the provisions of ORS 196.668 to 196.692, 196.800, 196.810, 196.825, 196.830, 196.850 to 196.860, 196.885, 196.905, 197.015, 197.279, 215.213, 215.283, 215.284, 215.418 and 227.350 and section 2 of this 2007 Act.

(2) Rules adopted pursuant to subsection (1) of this section shall include rules governing the application for and issuance of permits to remove material from the beds or banks of any waters of this state or to fill any waters of this state including, but not limited to, clear and objective standards and criteria for determining whether to grant or deny a permit.

SECTION 4a. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter 107, Oregon Laws 2007 (Enrolled House Bill 5043), for the biennium beginning July 1, 2007, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of State Lands, is increased by \$255,667 for the purpose of carrying out the provisions of section 2 of this 2007 Act.

SECTION 4b. (1) Except as provided in subsection (2) of this section, section 2 of this 2007 Act and the amendments to ORS 196.692 by section 4 of this 2007 Act become operative on January 1, 2008.

(2) The Department of State Lands may take any action, including but not limited to the adoption of rules, before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department by section 2 of this 2007 Act and the amendments to ORS 196.692 by section 4 of this 2007 Act.

SECTION 5. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by House June 21, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 23, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State