

B-Engrossed
House Bill 2106

Ordered by the House June 18
Including House Amendments dated March 7 and June 18

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)

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.

Establishes fee for review of wetland delineation reports submitted to Department of State Lands. Requires department to review submitted reports within specified time period.

Increases biennial expenditure limitation by department for purposes of review and fee revision.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to fees for agency review of wetland delineation reports; creating new provisions; amending
3 ORS 196.692; limiting expenditures; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 196.800 to**
6 **196.825.**

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

10 (a) **Whether waters of this state are present on a specific land parcel;**

11 (b) **Where the boundaries of waters of this state are located on a land parcel; or**

12 (c) **Whether the waters of this state or a proposed activity in the waters of this state is**
13 **subject to permit requirements.**

14 (2) **The department shall review the wetland delineation report submitted under sub-**
15 **section (1) of this section within 120 days after submission of the wetland delineation report**
16 **to the department.**

17 (3) **The fee described in subsection (1) of this section is in addition to any permit appli-**
18 **cation fee required under ORS 196.815. A person or governmental body submitting a revised**
19 **report to replace a previously rejected report must pay an additional nonrefundable fee of**
20 **\$100.**

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

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

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

5 **SECTION 4.** ORS 196.692 is amended to read:

6 196.692. (1) The Department of State Lands shall adopt rules to carry out the provisions of ORS
7 196.668 to 196.692, 196.800, 196.810, 196.825, 196.830, 196.850 to 196.860, 196.885, 196.905, 197.015,
8 197.279, 215.213, 215.283, 215.284, 215.418 and 227.350 **and section 2 of this 2007 Act.**

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

13 **SECTION 4a. Notwithstanding any other law limiting expenditures, the limitation on**
14 **expenditures established by section 2 (3), chapter 107, Oregon Laws 2007 (Enrolled House Bill**
15 **5043), for the biennium beginning July 1, 2007, as the maximum limit for payment of expenses**
16 **from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery**
17 **funds and federal funds, collected or received by the Department of State Lands, is increased**
18 **by \$255,667 for the purpose of carrying out the provisions of section 2 of this 2007 Act.**

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

22 (2) The Department of State Lands may take any action, including but not limited to the
23 adoption of rules, before the operative date specified in subsection (1) of this section that is
24 necessary to enable the department to exercise, on and after the operative date specified in
25 subsection (1) of this section, all the duties, functions and powers conferred on the depart-
26 ment by section 2 of this 2007 Act and the amendments to ORS 196.692 by section 4 of this
27 2007 Act.

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

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