

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar

Vote: 7 - 0 - 1

Yeas: Clem, Cowan, Esquivel, Garrett, Hanna, Wingard, Nolan

Nays: 0

Exc.: Greenlick

Prepared By: Cheyenne Ross, Administrator

Meeting Dates: 5/5, 5/12

WHAT THE MEASURE DOES: Modifies definition of surface mining to exclude grading operations and excavation or reprocessing of aggregate material from within highway right of way that is reasonably necessary for construction, reconstruction or maintenance of highway. Applies to all operating permits issued before or after Act takes effect. Changes term “public transportation facility” to “highway” and provides statutory reference.

ISSUES DISCUSSED:

- History and provisions of the measure
- Need for one additional technical amendment

EFFECT OF COMMITTEE AMENDMENT: Deletes “or adjacent to” the highway right of way.

BACKGROUND: The Department of Geology and Mining Industry (DOGAMI) has regulated mining operations in Oregon since 1972. Under its current field-based inspection program, over 1500 mining inspections are conducted each biennium throughout the state. Experiences with contested cases led DOGAMI to propose legislation to the 2007 Legislative Assembly that clarified and strengthened its regulatory role; however, during its rulemaking process, DOGAMI realized that the statute had been modified in such a way as to require the Oregon Department of Transportation (ODOT) to obtain surface mining permits to perform grading along highways. Senate Bill 599B exempts such activities to relieve counties, cities, and ODOT from having to obtain surface mining permits for the construction, reconstruction, or maintenance of highways.