

House Bill 4075

Sponsored by Representative BENTZ (Presession filed.)

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**.

Prohibits state natural resource agencies from spending more than \$50,000 that is received by agency as compensatory mitigation payment until agency reports on costs and benefits of proposed expenditure. Specifies required contents of report.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mitigation; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Compensatory mitigation payment"** means a payment of money made by a person
6 to a natural resource agency to create, restore, enhance or preserve the functions and val-
7 ues of the natural resources of this state to compensate for the adverse effects of project
8 development or other activities on the natural resources of this state, or to resolve vio-
9 lations of law.

10 (b) **"Natural resource agency"** means the Department of Environmental Quality, the
11 State Department of Agriculture, the Water Resources Department, the State Department
12 of Fish and Wildlife, the State Forestry Department, the Department of State Lands, the
13 State Department of Geology and Mineral Industries, the Department of Land Conservation
14 and Development, the State Marine Board, the Public Utility Commission, the Department
15 of Transportation and the Oregon Watershed Enhancement Board.

16 (2) **Except as otherwise provided by federal law, before a natural resource agency spends**
17 **an amount exceeding \$50,000 that the agency has received as a compensatory mitigation**
18 **payment, the agency shall prepare a written report regarding the proposed expenditure and**
19 **publish the report on the agency's website. The report shall describe:**

20 (a) **The extent to which the proposed expenditure would achieve the maximum mitigation**
21 **benefit;**

22 (b) **The negative statewide and local economic impacts of the proposed expenditure;**

23 (c) **The statewide and local economic benefits of the proposed expenditure;**

24 (d) **Any other benefits or harms that might result from the proposed expenditure; and**

25 (e) **Other potential uses of the compensatory mitigation payments that the agency con-**
26 **sidered.**

27 (3) **A natural resource agency may not spend moneys described in subsection (2) of this**
28 **section until 30 days after the date that the agency publishes the report described in sub-**
29 **section (2) of this section on the agency's website.**

30 **SECTION 2. Section 1 of this 2012 Act applies to expenditures made by a natural resource**

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 agency on or after the effective date of this 2012 Act.

2 SECTION 3. This 2012 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
4 on its passage.

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