

# House Bill 2032

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., 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 **as introduced**.

Sets forth requirements for payments for off-site compensatory mitigation to Oregon Removal-Fill Mitigation Fund.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to off-site compensatory mitigation; creating new provisions; amending ORS 196.643; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 196.643 is amended to read:

6 196.643. (1) A person who provides off-site compensatory mitigation in order to comply with a  
7 condition imposed on a permit in accordance with ORS 196.825 (5), an authorization issued in ac-  
8 cordance with ORS 196.800 to 196.905 or a resolution of a violation of ORS 196.800 to 196.905 may  
9 make a payment for credits to an approved mitigation bank with available credits, or to the Oregon  
10 Removal-Fill Mitigation Fund, if credits from a mitigation bank are not available. [*If the person is*  
11 *making a payment to the Oregon Removal-Fill Mitigation Fund, the payment shall be equal to the av-*  
12 *erage cost of credits available from all active mitigation banks in the state.*]

13 (2) **Any payments for off-site compensatory mitigation made to the Oregon Removal-Fill**  
14 **Mitigation Fund under subsection (1) of this section must be sufficient to cover the costs and**  
15 **expenses of land acquisition, project design and engineering, construction, planting, moni-**  
16 **toring, maintenance, long-term management and protection activities, administration and**  
17 **other costs and expenses related to the off-site compensatory mitigation, which may vary**  
18 **depending on the region of this state where the off-site compensatory mitigation is con-**  
19 **ducted, and shall be calculated by the Department of State Lands as follows:**

20 (a) **If the off-site compensatory mitigation project and project costs and expenses are**  
21 **identified at the time of payment to the Oregon Removal-Fill Mitigation Fund, the depart-**  
22 **ment shall calculate the payment based on the actual costs and expenses of the off-site**  
23 **compensatory mitigation.**

24 (b) **If the off-site compensatory mitigation project and project costs and expenses are not**  
25 **identified at the time of payment to the Oregon Removal-Fill Mitigation Fund, the depart-**  
26 **ment shall calculate the payment based on the estimate of costs and expenses for off-site**  
27 **compensatory mitigation, as set forth in rules adopted by the department, for the region of**  
28 **this state where the department, to the greatest extent practicable, determines the off-site**  
29 **compensatory mitigation may be conducted.**

30 **SECTION 2.** (1) **Except as provided in subsection (2) of this section, the amendments to**

**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 **ORS 196.643 by section 1 of this 2013 Act become operative on January 1, 2014.**

2 **(2) The Department of State Lands may adopt rules before the operative date specified**  
3 **in subsection (1) of this section, or take any other action before the operative date specified**  
4 **in subsection (1) of this section, that is necessary to implement, on or after the operative**  
5 **date specified in subsection (1) of this section, the amendments to ORS 196.643 by section 1**  
6 **of this 2013 Act.**

7 **SECTION 3. The amendments to ORS 196.643 by section 1 of this 2013 Act apply to pay-**  
8 **ments for off-site compensatory mitigation made to the Oregon Removal-Fill Mitigation Fund**  
9 **on or after the operative date specified in section 2 of this 2013 Act.**

10 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
12 **on its passage.**

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