

**PROPOSED AMENDMENTS TO
HOUSE BILL 3463**

1 In line 2 of the printed bill, after “administration;” insert “amending ORS
2 517.800;”.

3 Delete lines 4 through 25 and insert:

4 **“SECTION 1.** ORS 517.800 is amended to read:

5 “517.800. (1)(a) Except for an application for a mining operation submitted
6 under ORS 517.910 to 517.989, each applicant for an operating permit under
7 ORS 517.702 to 517.989 shall pay to the State Department of Geology and
8 Mineral Industries a fee established by the State Geologist in an amount not
9 to exceed [~~\$1,260~~] **\$1,750**.

10 “(b) If an application for a new permit or an amendment to an existing
11 permit requires extraordinary department resources because of concerns
12 about slope stability or proximity to waters of the state or other environ-
13 mentally sensitive areas, the applicant shall pay to the department an addi-
14 tional fee in an amount determined by the State Geologist to be adequate to
15 cover the additional costs for staff and other related expenses. The State
16 Geologist shall consult with the applicant when determining the amount of
17 the fee.

18 “(2) Annually, each holder of an operating permit shall pay to the de-
19 partment a base fee of [~~\$635~~] **\$850**, plus [~~\$0.0075~~] **\$0.0095** per ton of aggregate
20 or mineral ore extracted during the previous 12-month period.

21 “(3) If a reclamation plan is changed, the operator may be assessed for
22 staff time and other related costs an amount not to exceed [~~\$1,260~~] **\$1,750** in

1 addition to the annual renewal fee. This subsection does not apply to a
2 mining operation that is subject to the fee established by ORS 517.973 (2)(a).

3 “(4) If, at operator request, the department responds to requests for in-
4 formation required by a local government in making a land use planning
5 decision on behalf of the operator for a specific site, the State Geologist may
6 require the operator to pay the department a fee for staff time and related
7 costs. The department shall notify the operator in advance of the estimated
8 costs of providing the information, and the actual amount assessed shall not
9 exceed the estimate provided by the department.

10 “(5) The State Geologist may require the operator of a site to pay to the
11 department a special inspection fee in an amount not to exceed [~~\$200~~] **\$500**
12 for an inspection conducted under the following circumstances:

13 “(a) Investigation of surface mining operations conducted without the
14 operating permit required under ORS 517.790; or

15 “(b) Investigation of surface mining operations conducted outside the area
16 authorized in an operating permit.

17 “(6) Upon request of an applicant or operator, the department shall pro-
18 vide an itemized list and documentation of expenses used to determine a fee
19 under subsection (1)(b), (3) or (4) of this section.

20 “(7) Notwithstanding the per ton fee established in subsection (2) of this
21 section, the governing board of the department may lower to zero or raise
22 the per ton fee up to [~~\$0.0085~~] **\$0.0095** if necessary to provide financial cer-
23 tainty to the department or to reflect actual expenses of the department in
24 administering ORS 517.702 to 517.951. [*If the per ton fee established in sub-*
25 *section (2) of this section is raised by the governing board, the additional*
26 *amount of money]*

27 “(8) **All fees** collected by the department **under this section** shall be
28 deposited in the Mined Land Regulation and Reclamation Program Subac-
29 count within the Geology and Mineral Industries Account. **The department**
30 **shall prepare and submit to the governing board of the State Depart-**

1 **ment of Geology and Mineral Industries an annual report on the fi-**
2 **nancial status of the Mined Land Regulation and Reclamation**
3 **Program Subaccount.**

4 “[(8)] (9) The governing board of the [*State Department of Geology and*
5 *Mineral Industries*] **department:**

6 “(a) Shall adopt by rule a procedure for the administrative review of the
7 determinations of fees under this section.

8 “(b) Shall adopt rules establishing the payment date for annual fees re-
9 quired under this section.

10 “(c) May adopt rules establishing a late fee of up to five percent of the
11 unpaid amount of an annual fee owed under this section if the annual fee is
12 more than 60 days past due.”.

13 In line 26, delete “3” and insert “2”.

14 _____