

Legislative Fiscal Office

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Joint Committee on Ways and Means

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Rep. David Gomberg, House Co-Vice Chair
Rep. Greg Smith, House Co-Vice Chair

To: Capital Construction Subcommittee

From: Matt Stayner, Legislative Fiscal Office

Date: June 18, 2019

Subject: HB 2436 - Relating to removal-fill laws
Work Session Recommendations

HB 2436 directs the Oregon Department of State Lands (DSL) to develop a proposal, in collaboration with certain state and federal agencies, for the partial assumption of the authority to administer permits for the discharge of dredge or fill materials under section 404 of the Federal Water Pollution Control Act. That authority is limited to specific development activities defined by the bill.

The proposal also must include recommendations for legislation to be introduced during the 2020 legislative session to provide adequate legal authority for the state to implement the partial assumption program. Those recommendations must also ensure that if specified laws become operative, the resulting removal-fill permitting or regulatory requirements for activities not included in partial assumption do not exceed current requirements.

The bill eliminates certain restrictions on the purchase of credits from the Oregon Removal-Fill Mitigation Fund and includes a blank appropriation from the General Fund to DSL for the purposes of the bill.

Recommended Changes

The A10 amendments eliminate the blank General Fund appropriation and provide a \$355,776 Other Funds expenditure limitation increase for the Department of State Lands for the costs associated with the proposal for partial assumption of the federal program.

The amendments amend statute to remove the requirement that the DSL director consider all items of an enumerated list of standards related to a removal-fill permit application. And allows the director to determine that an application is, or is not, consistent with statutory requirements for a permit to be issued, regardless of consideration of those items.

LFO recommends adoption of the -A10 amendment.

MOTION: I move adoption of the -A10 amendment to HB 2436. (VOTE)

Final Subcommittee Action

LFO recommends that HB 2436, as amended by the -A10 amendment, to be moved to the Ways and Means Full Committee.

MOTION: I move HB 2436, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____