

HB 2238 A -A6 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 4/26, 5/17

WHAT THE MEASURE DOES:

Authorizes the Department of State Lands (DSL) to adopt rules associated with personal property left on state lands without authorization as determined by DSL or by law. Specifies notice requirements prior to removal. Specifies storage requirements and permitted disposal methods of removed personal property and requires that any personal identification, including Social Security or other identification card, must be destroyed at the end of the 30-day storage period. Exempts DSL from liability for conversion of removed, stored, returned, donated, or disposed of personal property and authorizes DSL to collect costs associated with these processes. Authorizes DSL to immediately, and without providing notice, remove and dispose of property that: is not personal property; creates an exceptional emergency; or if the property presents an immediate danger to human life or safety. Operative January 1, 2024. Allows DSL to take action before operative date to ensure department's ability to exercise removal of personal property as described in the measure on and after rulemaking. Takes effect on 91st day following adjournment sine die.

FISCAL: Fiscal impact issued

REVENUE: Revenue impact issued

HOUSE VOTE: Ayes, 49; Nays, 1

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A6 Requires the Director of the Department of State Lands (DSL) to adopt rules establishing fees related to removal or fill permit applications, wetland delineation report review, and general authorizations. Requires the Director evaluate the impact of fully recovering, through fees, the costs of administering the removal and fill program. Requires the Director to establish project tiers for certain fees. Directs DSL to submit a report to committees of the Legislative Assembly by February 15, 2025, that describes the department's rulemaking progress. Removes specific fee amounts from statutes. Defines "riprap" as the facing of a streambank with rock or similar substance to control erosion in accordance with rules adopted by DSL in the context of mitigation, wetland conservation plans, and fill and removal activities. Becomes operative on the earlier of the effective date of adopted rules or January 1, 2026. Requires rule adoption by January 1, 2026. Allows DSL to take action before the operative date to ensure the department's ability to take needed actions.

FISCAL: Has minimal fiscal impact

REVENUE: Has indeterminate revenue impact

BACKGROUND:

With few exceptions, recreational uses, limited to a period of up to 30 days, are allowed on all state-owned land. Currently, personal property left on state lands without authorization, that is removed by the Department of State Lands (DSL), must be held in safekeeping for a period of up to three years.

House Bill 2238 A would authorize DSL to adopt rules associated with personal property left on state lands without authorization as determined by DSL or by law.