

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2238 - B

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Authorizes Director of Department of State Lands to adopt rules establishing fees related to removal or fill permit applications, wetland delineation reports and general authorizations.

Government Unit(s) Affected:

State Treasurer, Department of State Lands

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

HB 2238 - B permits DSL, as of January 1, 2024, to remove, store, and dispose of personal property that the department has determined to have been left on state lands without authorization. Before removing personal property, the department must post written notice, which includes information about storage of property, except for under certain circumstances. DSL may remove property 24 hours after posting notice, and must remove it within 10 days. Property must be stored in a manner that is reasonably likely to protect the personal property from harm; in a location that is reasonably secure; and in a location that is reasonably accessible to the site where the personal property was found. The property may be donated or disposed of after 30 days if not claimed. DSL may collect the costs of removing, storing, returning, donating or disposing of the personal property from the property owner.

This measure also requires DSL to establish by rule the fees for applications and renewal of removal or fill permits and review of wetland delineation reports, which includes establishing fees in project tiers. DSL is also to establish general authorization fees by rule, based on the cost of processing the general authorizations. DSL is to evaluate the impact of fully recovering, through fees, DSL costs of administering the removal and fill program.

These fees are currently defined in statute. DSL is to submit a report to the committees of the Legislative Assembly related to the environment, land use, and natural resources, on their progress in establishing the fees, by February 15, 2025. The fees must be established in rule by January 1, 2026.

The measure takes effect on the 91st day after the Legislature adjourns sine die.

While there is minimal fiscal impact anticipated from this measure, the Legislative Fiscal Office notes that any fees established by the agency will be subject to Legislative ratification. Fee revenue is credited to the Common School Fund for use by DSL to administer ORS 196.600 to 196.921. If fees are increased by rule, fee revenue will offset some DSL administrative costs that are currently paid from other Common School Fund revenues. Any changes to Common School Fund revenues will be addressed by the Legislative Revenue Office in a Revenue Impact Statement.

Under Unclaimed Property statutes, DSL is required to hold personal property for up to two years. Reducing holding of some property to 30 days will likely result in savings for DSL, though the total savings are indeterminate at this time.