

# Senate Bill 221

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## 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**.

Establishes Electronic Permitting System Subaccount. Requires State Department of Geology and Mineral Industries to collect surcharge on use of electronic permitting system for deposit into subaccount.

## A BILL FOR AN ACT

1  
2 Relating to the State Department of Geology and Mineral Industries electronic permitting system;  
3 creating new provisions; and amending ORS 516.070.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 516.**

6 **SECTION 2. (1) The State Department of Geology and Mineral Industries may impose and**  
7 **collect a surcharge as a percentage of each invoice generated by the department's electronic**  
8 **permitting system. The surcharge percentage rate is 10.7 percent.**

9 (2)(a) Notwithstanding subsection (1) of this section, the department may reduce the  
10 surcharge percentage rate under subsection (1) of this section to a rate that the department  
11 determines will be sufficient to cover the anticipated expenses of the Electronic Permitting  
12 System Subaccount under ORS 516.070 (5) during the next biennium and to maintain an ad-  
13 equate operational reserve in the subaccount.

14 (b) The department shall implement a reduced rate, if any, by issuing an order on or  
15 before January 1 of the odd-numbered year that sets forth the reduced rate for the next  
16 biennium.

17 (c) The department shall notify all persons with an active account within the electronic  
18 permitting system of the reduced rate, if any.

19 (d) Unless extended by a subsequent order under this subsection, the reduced rate ex-  
20 pires at the end of the biennium, after which the department shall charge the surcharge  
21 percentage rate as described in subsection (1) of this section.

22 (3) Surcharge moneys collected by the department under this section shall be deposited  
23 into the same fund or account as the fee or invoice payment associated with the surcharge.  
24 The department shall periodically transfer all surcharge moneys collected by the department  
25 under this section into the Electronic Permitting System Subaccount established under ORS  
26 516.070 (5).

27 **SECTION 3. ORS 516.070 is amended to read:**

28 516.070. (1) There is established in the General Fund of the State Treasury an account to be  
29 known as the Geology and Mineral Industries Account. All moneys received by the State Depart-  
30 ment of Geology and Mineral Industries shall be paid over to the State Treasurer and by the State

**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 Treasurer deposited in the General Fund to the credit of the account. All moneys within the account  
2 are continuously appropriated for the use of the department in carrying out its lawful functions.

3 (2) The Federal Locatable Mineral Royalties Subaccount is established within the Geology and  
4 Mineral Industries Account. Notwithstanding subsection (1) of this section, all moneys received  
5 from the federal government by the State of Oregon as the state's distributive share of the amounts  
6 collected for royalties for locatable minerals shall be credited to the subaccount. All moneys in the  
7 Federal Locatable Mineral Royalties Subaccount are continuously appropriated to the State De-  
8 partment of Geology and Mineral Industries to conduct investigations of new mineral resources and  
9 to carry out the provisions of ORS 517.840 (6).

10 (3) The State Treasurer may invest and reinvest the moneys in the Federal Locatable Mineral  
11 Royalties Subaccount as provided in ORS 293.701 to 293.857. Interest from the moneys deposited in  
12 the subaccount and earnings from investment of the moneys in the subaccount shall be credited to  
13 the subaccount.

14 (4) The Mined Land Regulation and Reclamation Program Subaccount is established within the  
15 Geology and Mineral Industries Account. Notwithstanding subsection (1) of this section, all moneys  
16 received by the State Department of Geology and Mineral Industries from fees assessed pursuant to  
17 ORS 517.800 shall be credited to the subaccount. All moneys in the subaccount are continuously  
18 appropriated to the department for the purpose of administering ORS 517.702 to 517.951.

19 **(5) The Electronic Permitting System Subaccount is established within the Geology and**  
20 **Mineral Industries Account. Notwithstanding subsection (1) of this section, moneys received**  
21 **by the State Department of Geology and Mineral Industries under section 2 of this 2023 Act**  
22 **shall be credited to the subaccount. Moneys in the subaccount are continuously appropriated**  
23 **to the department for the costs of maintaining the department's electronic permitting sys-**  
24 **tem, that allows the department to electronically issue permits and receive applications and**  
25 **fees under this chapter and ORS chapters 517, 520 and 522. Costs of maintaining the system**  
26 **include the costs of hosting, operating, repairing, upgrading, staffing and administering the**  
27 **system.**

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