

House Bill 2785

Sponsored by Representative SMITH G (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes some fees charged by DOGAMI and tells DOGAMI to give a report on mined land to the legislature each year. (Flesch Readability Score: 65.7).

Modifies certain fees charged by the State Department of Geology and Mineral Industries. Requires the department to annually report on the mined land regulatory and reclamation program.

A BILL FOR AN ACT

1
2 Relating to the State Department of Geology and Mineral Industries; creating new provisions; and
3 amending ORS 517.800.

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

5 **SECTION 1.** ORS 517.800 is amended to read:

6 517.800. (1)(a) Except for an application for a mining operation submitted under ORS 517.910 to
7 517.989, each applicant for an operating permit under ORS 517.702 to 517.989 shall pay to the State
8 Department of Geology and Mineral Industries a fee established by the State Geologist in an amount
9 not to exceed [\$2,000] \$_____.

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

16 (2) A holder of an operating permit that did not extract minerals during the preceding 12-month
17 period shall pay to the department an annual renewal fee of \$1,200. A holder of an operating permit
18 that extracted minerals during the preceding 12-month period shall pay to the department an annual
19 renewal fee of [\$1,460] \$_____ and [\$0.0125] \$_____ per ton of minerals extracted during the
20 preceding 12-month period.

21 (3) If a reclamation plan is changed, the operator may be assessed for staff time and other re-
22 lated costs an amount not to exceed \$2,000 in addition to the annual renewal fee. This subsection
23 does not apply to a mining operation that is subject to the fee established by ORS 517.973 (2)(a).

24 (4) If an operator requests that the department respond to requests for information required by
25 a local government in making a land use planning decision, the State Geologist may require the
26 operator to pay the department a fee for staff time and related costs. The department shall notify
27 the operator in advance of the estimated costs of providing the information, and the assessment may
28 not exceed the estimate.

29 (5) The State Geologist may require the operator of a site to pay to the department a special
30 inspection fee in an amount not to exceed \$2,000 for an inspection conducted under the following

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 circumstances:

2 (a) Investigation of surface mining operations conducted without the operating permit required
3 under ORS 517.790; or

4 (b) Investigation of surface mining operations conducted outside the area authorized in an op-
5 erating permit.

6 (6) Upon request of an applicant or operator, the department shall provide an itemized list and
7 documentation of expenses used to determine a fee under subsection (1)(b), (3) or (4) of this section.

8 (7) Notwithstanding the per ton fee established in subsection (2) of this section, the governing
9 board of the department may lower to zero or raise the per ton fee up to [\$0.015] \$_____ to reflect
10 actual expenses of the department in administering ORS 517.702 to 517.951.

11 (8) All fees collected by the department under this section shall be deposited in the Mined Land
12 Regulation and Reclamation Program Subaccount within the Geology and Mineral Industries Ac-
13 count. The department shall prepare and submit to the governing board of the department an annual
14 report on the financial status of the Mined Land Regulation and Reclamation Program Subaccount.

15 (9) The governing board of the department shall adopt rules establishing:

16 (a) Procedures for the administrative review of the determinations of fees under this section.

17 (b) The payment date for fees required under this section.

18 (c) Late fees of up to five percent of the unpaid amount of a fee owed under this section if the
19 fee is more than 60 days past due.

20 **SECTION 2. No later than September 15 of each year, the State Department of Geology**
21 **and Mineral Industries shall submit a report in the manner provided by ORS 192.245 to the**
22 **interim committees of the Legislative Assembly related to natural resources. The report**
23 **must include, but need not be limited to, the following information:**

24 (1) **The status of any pending applications for:**

25 (a) **New operating permits under ORS 517.790 or amendments to an existing operating**
26 **permit;**

27 (b) **Exploration permits under ORS 517.705; and**

28 (c) **The transfer of permits under 517.833.**

29 (2) **A summary of the revenue raised from fees charged to operators under ORS 517.710**
30 **and ORS 517.750 to 517.901.**

31 (3) **The average amount of time that elapses between:**

32 (a) **The time when a permit application is submitted and when the department determines**
33 **the application is complete; and**

34 (b) **The time when the department determines an application is complete and when the**
35 **department issues a permit.**

36 (4) **The steps the department has taken to:**

37 (a) **Meet any performance benchmarks established by the governing board of the de-**
38 **partment or the Legislative Assembly; and**

39 (b) **Process and issue permits as required by law.**

40 (5) **A review of potential internal processes and procedures that the department may**
41 **adopt to increase program efficiency and reduce delays in the processing and issuance of**
42 **permits under ORS 517.705 and ORS 517.750 to 517.901.**

43 (6) **Any results of a performance audit of the mined land regulatory and reclamation**
44 **program conducted under ORS 297.070.**