

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2436 - A10

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: June 18, 2019

Measure Description:

Directs Department of State Lands to collaborate with certain entities to develop proposal, including recommended legislation for introduction in 2020 regular session, for department to assume partial authority to administer federal wetland dredge and fill permits.

Government Unit(s) Affected:

Department of Land Conservation and Development (DLCD), Department of State Lands (DSL), Department of Environmental Quality (DEQ), Department of Fish and Wildlife (ODFW), Department of Forestry (ODF), Department of Geology and Mineral Industries (DOGAMI), Department of Justice (DOJ), Oregon Department of Agriculture (ODA)

Summary of Fiscal Impact:

Costs related to the measure will require budgetary action - See analysis.

Summary of Expenditure Impact:

	2019-21 Biennium	2021-23 Biennium
Other Funds	\$355,776	
Total Funds	\$355,776	\$0
Positions	2	
FTE	1.50	

Analysis:

The measure 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 amends statute to remove the requirement that the DSL director consider all items of an enumerated list of considerations related to a removal-fill permit application. And allows the director to determine that an application is consistent with statutory requirements for a permit to be issued, regardless of consideration of those items. The bill also eliminates certain restrictions on the purchase of credits from the Oregon Removal-Fill Mitigation Fund.

Development of the proposal for legislation is anticipated by DSL to require two limited-duration Legislative Policy Analysts (1.50 FTE) for a cost of \$327,276 in personal service and \$28,500 in services and supplies or a total of \$355,776 Other Funds in the 2019-21 biennium.

A minimal and absorbable fiscal impact as a result of this legislation is anticipated for the following agencies: Department of Environmental Quality, Department of Land Conservation and Development, Department of Geology and Mineral Industries, Department of Agriculture, Department of Forestry, Department of Fish and Wildlife, and the Department of Justice.