

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 246 - A**

81st Oregon Legislative Assembly – 2021 Regular Session  
Legislative Fiscal Office

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

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**Measure Description:**

Modifies definition of radioactive waste for purposes of regulation by State Department of Energy.

**Government Unit(s) Affected:**

Department of Energy (DOE), Department of Justice (DOJ), Department of Environmental Quality (DEQ), Public Universities, Oregon Judicial Department (OJD), Oregon Department of Transportation (ODOT), Office of the Governor

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

SB 246 - A prohibits disposal of radioactive waste in Oregon and directs the Energy Facility Siting Council to adopt rules to prevent disposal of radioactive waste within Oregon. Under this measure, the Oregon Department of Energy (ODOE) and the Energy Facility Siting Council are empowered to collect records and information needed to enforce certain statutes related to radioactive waste; to require a person to take action to comply with statute or rules related to radioactive waste; and to inspect and obtain samples from any public or private property to determine compliance with these regulations. Persons found out of compliance must reimburse ODOE for all investigative costs.

ODOE’s costs to implement this measure are indeterminate. This measure increases ODOE’s radioactive waste enforcement and oversight authority. However, the level of enforcement required will be dependent on rules adopted by the Energy Facility Siting Council following passage of this bill. Of note, any costs related to this measure would be paid from Other Funds derived from the Energy Supplier Assessment, unless the agency is reimbursed for investigative costs.

Oregon Judicial Department (OJD) costs are also indeterminate. Any challenges to rules adopted by the Energy Facility Siting Council must be heard by the Supreme Court. Other administrative rule challenges are generally heard in the Court of Appeals. Depending on the number of cases, case complexity, and various other factors, there could be a fiscal impact for OJD as a result of this measure.

There is no fiscal impact anticipated for the Department of Justice, Department of Environmental Quality, Public Universities, Oregon Department of Transportation, and the Office of the Governor.

ODOE and OJD may need to return to the Legislative Emergency Board or a subsequent legislative session to request expenditure appropriation and/or limitation in order to comply with the provisions of this measure.