

Enrolled Senate Bill 221

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CHAPTER

AN ACT

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

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

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

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

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

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

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

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

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

SECTION 3. ORS 516.070 is amended to read:

516.070. (1) There is established in the General Fund of the State Treasury an account to be known as the Geology and Mineral Industries Account. All moneys received by the State Department of Geology and Mineral Industries shall be paid over to the State Treasurer and by the State Treasurer deposited in the General Fund to the credit of the account. All moneys within the account are continuously appropriated for the use of the department in carrying out its lawful functions.

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

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

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

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

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 21, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State