

Enrolled Senate Bill 262

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Environmental Quality)

CHAPTER

AN ACT

Relating to oil spill contingency funding; amending ORS 468B.405, 468B.412 and 468B.455; and prescribing an effective date.

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

SECTION 1. ORS 468B.405 is amended to read:

468B.405. (1) The Department of Environmental Quality shall assess the following fees on covered vessels and offshore and onshore facilities to recover the costs of reviewing the plans and conducting the inspections, exercises, training and activities required under ORS 468B.345 to 468B.400:

- (a) Cargo and passenger vessels, [~~\$70~~] **\$105** per trip.
- (b) Nonselved-propelled tank vessels:
 - (A) Having a capacity of fewer than 25,000 barrels, [~~\$60~~] **\$85** per trip.
 - (B) Having a capacity of 25,000 to 99,999 barrels, [~~\$70~~] **\$110** per trip.
 - (C) Having a capacity of 100,000 or more barrels, [~~\$100~~] **\$250** per trip.
- (c) Self-propelled tank vessels of 300 gross tons or less, [~~\$60~~] **\$85** per trip.
- (d) Self-propelled tank vessels over 300 gross tons, [~~\$1,200~~] **\$2,100** per trip.
- (e) Offshore and onshore facilities, [~~\$5,900~~] **\$9,250** per year.
- (f) Dredge vessels, [~~\$36~~] **\$50** per day when operating in the navigable waters of the state.

(2) Moneys collected under this section shall be deposited in the State Treasury to the credit of the Oil Spill Prevention Fund established under ORS 468B.410.

(3) As used in this section, "trip" means travel to the appointed destination and return travel to the point of origin within the navigable waters of this state. For the purpose of assessing trip fees under this section, self-propelled tank vessels transiting the navigable waters of this state in ballast shall be considered cargo vessels.

SECTION 2. ORS 468B.455 is amended to read:

468B.455. (1) There is established an Oil Spillage Control Fund, separate and distinct from the General Fund. This account shall be a revolving fund, the interest of which shall be credited to the Oil Spillage Control Fund.

(2) All penalties recovered under ORS 468B.450 (1) shall be paid into the Oil Spillage Control Fund. Such moneys are continuously appropriated to the Department of Environmental Quality [*for the advancement of costs incurred in carrying out cleanup activities and for the rehabilitation of affected fish and wildlife as provided under ORS 468B.060.*] **for:**

- (a) Advancing costs incurred in carrying out cleanup activities;
- (b) Reviewing contingency plans submitted to the department pursuant to ORS 468B.360;
- (c) Conducting training, response exercises, inspections and tests in order to verify equipment inventories and ability to prevent and respond to oil release emergencies and undertaking other activities intended to verify or establish the preparedness of the state, a municipality or a party required by ORS 468B.345 to 468B.415 to have an approved contingency plan to act in accordance with that plan;
- (d) Verifying or establishing proof of financial responsibility required by ORS 468B.390;
- (e) Reviewing and revising the oil spill response plan required by ORS 468B.495 and 468B.500; and
- (f) Restoring fish and wildlife production, including habitat restoration, as provided under ORS 468B.060.

(3) With the approval of the Environmental Quality Commission, the moneys in the Oil Spillage Control Fund may be invested as provided by ORS 293.701 to 293.857, and earnings from such investment shall be credited to the fund.

(4) The Oil Spillage Control Fund shall not be used for any purpose other than that for which the fund was created.

SECTION 3. ORS 468B.412 is amended to read:

468B.412. (1) By September 30 of each year, [*beginning in 2008,*] the Department of Environmental Quality shall publish a report for the previous fiscal year, commencing on July 1 and ending on June 30, that addresses:

(a) The fees assessed under ORS 468B.405 on covered vessels and offshore and onshore facilities; [*and*]

(b) The activities of the department under ORS 468B.410 (4);

(c) **The penalties recovered by the department under ORS 468B.450 (1); and**

(d) **The activities of the department under ORS 468B.455 (2).**

(2)(a) The report published by the department under this section must be in a format that allows for the monitoring of fee collection and related activities by the department and for ensuring that adequate but not excessive fees are collected to meet the department's budgetary needs.

(b) The department shall make the report available to those who paid fees under ORS 468B.405 and to the general public.

SECTION 4. This 2015 Act takes effect on the 91st day after the date on which the 2015 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by Senate June 10, 2015

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 23, 2015

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

.....
Jeanne P. Atkins, Secretary of State