



MINUTES OF MEETING

DESCHUTES COUNTY BOARD OF COMMISSIONERS

DATE/TIME:

LOCATION:

DEPARTMENT OR GROUP:

ATTENDEES:

PURPOSE OF MEETING: Legislative Update

ITEMS DISCUSSED:

1. Central Oregon Legislator's Update
2. Deschutes County Commissioner's Update
3. Deschutes County Department 2015 Priorities

See attached agenda for additional details.

ACTION(S) TAKEN BY BOARD: None.

FOLLOW-UP REQUIRED:

1. Community Development Department Director to draft letter stating County position on HB 3282 for Board of Commissioners in advance of public hearing scheduled on March 24, 2015.
2. Commissioner DeBone to solicit environmental partners to support HB 2833.
3. Community Development Director to draft letter of opposition to SB 359 and HB 3208 and similar provisions being inserted into another bill.
4. County Administrator to investigate reasons for elevated Justice Court fees in Deschutes County.
5. Commissioner Baney to solicit community input regarding SB 831 and SB 832 and Health Services Director to obtain information from PacificSource.
6. Next legislative meeting to be held on April 7, 2015 at 7:30 a.m. in Allen Room.

REPORT COMPLETED/SUBMITTED BY: Judith Ure

**Deschutes County Board of Commissioners
Legislative Update
3/24/2015**

Attendees

On site:

Tony DeBone, Commissioner
Alan Unger, Commissioner
David Doyle, County Counsel
David Givans, Auditor
Erik Kropp, Administrative Services
Nick Lelack, Community Development Department
Chris Doty, Road Department
Jane Smilie, Health Services Department
Jennifer Stevens, Representative Knute Buehler
Janet Burton, Central Oregon Association of Realtors
Judith Ure, Administrative Services
Jeff Perreault, Central Oregon Land Watch
Gail Snyder, Central Oregon Land Watch

Via telephone:

Tim Knopp, State Senator
Ted Ferrioli, State Senator
Mike McLane, State Representative
Doug Whitsett, State Representative
Gene Whisnant, State Representative
John Huffman, State Representative
Tammy Baney, Commissioner
Mark Nelson, Public Affairs Counsel
Justen Rainey, Public Affairs Counsel
Nancy Blankenship, Clerk's Office
Jamie Christman, Bend Chamber of Commerce

DATED this 4th day of May 2015 for the
Deschutes County Board of Commissioners.



ANTHONY DEBONE, Chair



ALAN UNGER, Vice Chair



TAMMY BANEY, Commissioner

ATTEST:



Recording Secretary



Deschutes County Agenda
Tuesday, March 24, 2015
7:30am

1-866-279-1568
8678842

I. CENTRAL OREGON LEGISLATOR'S UPDATE

- a. Update from Legislators

II. DESCHUTES COUNTY COMMISSIONERS UPDATE

- a. Update on Commissioner's Priorities

III. DESCHUTES COUNTY DEPARTMENT 2015 PRIORITIES

- a. Update on Priority 1 Support Bills

- i. SB 648: Central Oregon Health Council
 - 1. Referred to Senate Health Care Committee
 - 2. PH and PWS Scheduled for 4/6/15
- ii. HB 2833: Adds woody biomass to green technology for public buildings
 - 1. Referred to House Energy and Environment Committee
 - 2. Public Hearing Held on 3/12/15
- iii. SB 516: Requires Housing and Community Development to dedicate money from housing accounts to county assessment and taxation fund for the benefit of the county collecting fees.
 - 1. Referred to Senate Finance and Revenue Committee
 - 2. PH held on 3/12/15
- iv. SB 133: Allows DCBS to provide electronic access to building code information
 - 1. Passed Senate 29-0
 - 2. Referred to House Business and Labor on 3/5/15

b. Update on Priority 1 Oppose Bills

- i. HB 3208: Modifies definitions of water delivery infrastructure
 1. Referred to Rural Communities, Land Use, and Water
 2. No Action Currently Scheduled
- ii. SB 359/HB 3379: Limits amount of appeal fee city or county may charge for quasi-judicial review of the city or county land use application.
 1. Public Hearing Held in Senate Judiciary Committee
 2. No House Action Currently

c. Priority 2 Bills – Action Scheduled/Moving or Important Updates

i. Court/Judicial

1. HB 2355: Court Fees (Support)
 - a. Discuss Proposed Fee Agreement
2. HB 2339: Requires court to appoint interpreter and provide appropriate communication device when necessary for crime victim who seeks to exercise certain constitutional rights. (Support)
 - a. Passed House (56-1)
 - b. Referred to Senate Judiciary
 - c. No New Action
3. HB 2908: Oregon law into compliance with federal sex trafficking laws (Support)
 - a. Passed House (54-0)

ii. Forest/Land Use/Contracting Issues

1. HB 2132: County forest collections (Support)
 - a. Public Hearing Held on 3/10/15
 - b. County Assessors (Support)
 - c. Department of Forestry (Support)
 - d. No New Action
2. SB 210: Allows applicant to obtain expedited review of certain applications by filing a request and paying a fee. (Oppose)
 - a. Referred to Senate Environment and Natural Resource
 - b. Opposed by Oregon Trial Lawyers and 1000 Friends of Oregon
 - c. Public Hearing held on 2/16/15
 - d. No New Action
3. SB 491: Additional state contracting requirements/pay equity (Oppose)
 - a. PH held on 3/4/15
 - b. BOLI/Governor Both Submitted Testimony

c. No Testimony in Opposition

iii. Human Service Issues

1. HB 2015: Employee Related Day Care Subsidies
 - a. 3/18/14 Work Session Held
 - b. Going to JWM
2. HB 2041: Local governments may prohibit medical marijuana facilities located one mile from school
 - a. PH held 3/4/15
 - b. No New Action
3. HB 2546: E-Cigarettes/Youth Tobacco Prevention and Clean Air Act (Support)
 - a. Passed House 56-2
 - b. Referred to Senate Health Care
 - c. PH held on 3/23/15
4. HB 3100: Changes government framework for public health activities (Support)
 - a. PH held on 3/9/15
 - b. Commissioner Baney Testified
 - c. AOC Supports
 - d. No New Action

iv. Revenue and Tax Issues

1. HB 2482: Requires Department of Revenue to appraise industrial property if improvements have real market value of more than \$1 million. (Support)
 - a. Passed House (59 yes, with one excused)
 - b. Referred to Senate Finance and Revenue
 - c. No New Action
2. HB 2483: Clarifies right to seek determination on total market value (Support)
 - a. Passed House (58-0)
 - b. Referred to Senate Finance and Revenue
 - c. No New Action
3. HB 2484: Extends due date to March 15 for filing of certain property tax returns. (Support)
 - a. Passed House (60-0)
 - b. Referred to Senate Finance and Revenue
 - c. No New Action

4. HB 2487: Requires correction of maximum assessed value due to correction of square footage on property to be proportional to change in real market value. (Support)
 - a. Passed House (59-0)
 - b. Referred to Senate Finance and Revenue
- v. Elections/County Clerk Issues
 1. SB 27: Resolves certain contradictory provisions applicable to duties of the county clerk. (Support)
 - a. Headed for House Vote
- vi. SB 28: Clarifies that the county clerk may use elector registration records, rather than physical registration cards. (Support)
 - a. Referred to Senate Rules Committee
 - b. Passed out of Committee
- vii. SB 29: Establishes procedures for electing precinct committee persons. (Support)
 1. Referred to Senate Rules Committee
 - a. Passed out of Committee

IV. NEXT MEETING

- a. Tuesday, April 7, 2015 at 7:30am

Senate Bill 648

Sponsored by Senator KNOPP, Representative BUEHLER; Senator STEINER HAYWARD, Representatives HOYLE, MCLANE, WHISNANT, WILLIAMSON

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**.

Expands duties of Central Oregon Health Council. Allows council to convene one community advisory council for all coordinated care organizations serving counties that join council. Requires report to Seventy-ninth Legislative Assembly. Extends sunset to 2022.

A BILL FOR AN ACT

1
2 Relating to Central Oregon Health Council; amending sections 13, 14, 15, 16, 18 and 19, chapter 418,
3 Oregon Laws 2011.

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

5 **SECTION 1.** Section 13, chapter 418, Oregon Laws 2011, is amended to read:

6 **Sec. 13.** (1) Crook, Deschutes and Jefferson Counties may form a Central Oregon Health Council
7 when the governing body of each of the counties adopts a resolution signifying the body's intention
8 to do so.

9 (2) *[Subsequent to the formation of the Central Oregon Health Council,]* A county that is adjacent
10 to Crook, Deschutes or Jefferson County may join the council if:

11 (a) The governing body of the county seeking to join the council adopts a resolution signifying
12 the body's intention to include a portion of that county in the region served by the council;

13 (b) The portion of the county to be included in the region is part of a natural health care re-
14 ferral pattern with the other counties on the council; and

15 (c) The Oregon Health Authority and the council approve.

16 **SECTION 2.** Section 14, chapter 418, Oregon Laws 2011, is amended to read:

17 **Sec. 14.** (1) The Central Oregon Health Council shall consist of no more than *[11]* **15** members,
18 including:

19 *[(a) A formative council consisting of:]*

20 *[(A)]* **(a)** One member each from the governing bodies of Crook, Deschutes and Jefferson Coun-
21 ties, appointed by each body;

22 *[(B)]* **(b)** The chief executive officer, or a designee of the chief executive officer, of the health
23 care system serving the region; *[and]*

24 *[(C)]* **(c)** The chief executive officer, or a designee of the chief executive officer, of *[the Medicaid*
25 *contractor]* **each coordinated care organization** serving **any of the counties in** the region **that**
26 **join the council;** and

27 *[(b)]* **(d)** At least three members appointed by the *[formative]* council *[established under para-*
28 *graph (a) of this subsection. Members appointed under this paragraph shall be representatives of]* **who**
29 **represent:**

30 (A) Consumers of physical and behavioral health services;

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 (B) Health care professionals;
- 2 (C) School districts or educational service districts;
- 3 (D) The business community; or
- 4 (E) [A member from] The governing body of [each] **any** county that joins the council under sec-
- 5 tion 13 (2), [of this 2011 Act] **chapter 418, Oregon Laws 2011.**

6 (2) The term of office of the members of the council is four years. **Members may be reap-**
 7 **pointed.**

8 (3) A majority of the members of the council constitutes a quorum for the transaction of busi-
 9 ness.

10 (4) The council shall elect a member of the council to serve as the chairperson.

11 (5) If there is a vacancy for any cause, the appointing authority shall make an appointment to
 12 the vacated position to become effective immediately.

13 (6) The council may **incorporate under ORS chapter 65 as an Oregon nonprofit corporation**
 14 **and may adopt rules necessary for the operation of the council**, enter into necessary contracts,
 15 apply for and receive grants, hold and dispose of property and take other actions necessary to carry
 16 out the activities, services and responsibilities assumed by the council.

17 (7) The council may [adopt rules necessary for the operation of the council] **convene a single**
 18 **community advisory council required by ORS 414.627 for all of the coordinated care organ-**
 19 **izations serving any of the counties that join the council.**

20 **SECTION 3.** Section 15, chapter 418, Oregon Laws 2011, is amended to read:

21 **Sec. 15.** The Central Oregon Health Council [shall] **may** appoint an advisory committee to ad-
 22 vise the council in the performance of the duties of the council. The members of the advisory com-
 23 mittee may include representatives of:

- 24 (1) Public health agencies serving the region;
- 25 (2) Behavioral health agencies for mental health authorities serving the region represented on
 26 the council;
- 27 (3) Hospital or integrated delivery systems serving the region represented on the council;
- 28 (4) Medicaid contractors in each region served by the council;
- 29 (5) Safety net clinics;
- 30 (6) Health collaboratives;
- 31 (7) The dental profession;
- 32 (8) School and educational service districts;
- 33 (9) The business community;
- 34 (10) Primary care clinics; and
- 35 (11) Independent physician associations.

36 **SECTION 4.** Section 16, chapter 418, Oregon Laws 2011, is amended to read:

37 **Sec. 16.** (1) As used in this section, "regional health improvement plan" means a four-year
 38 comprehensive, coordinated regional plan incorporating and replacing all health and human service
 39 plans prescribed by the Oregon Health Authority, including but not limited to:

- 40 (a) Plans required under ORS 430.630, 430.640, 431.385 and 624.510; **and**
- 41 (b) **The community health assessment and community health improvement plan described**
 42 **in ORS 414.627.**

43 (2)(a) The Central Oregon Health Council shall conduct a regional health assessment and adopt
 44 a regional health improvement plan to serve as a strategic population health and health care system
 45 service plan for the region served by the council. The plan must define the scope of the activities,

1 services and responsibilities that the council proposes to assume upon implementation of the plan.

2 (b) The activities, services and responsibilities that the council proposes to assume under the
3 plan may include, but are not limited to:

4 (A) Analysis and development of public and private resources, capacities and metrics based on
5 ongoing regional health assessment activities and population health priorities;

6 (B) Health policy;

7 (C) System design;

8 (D) Outcome and quality improvement;

9 (E) Integration of service delivery; and

10 (F) Workforce development.

11 (3) The council shall submit the plan adopted under subsection (2) of this section to the au-
12 thority for approval. The authority may approve the plan or return it to the council for modification
13 prior to approval.

14 (4) The regional health improvement plan adopted under this section shall serve as a guide for
15 entities serving medical assistance recipients, public health authorities, mental health authorities,
16 health care systems, payer groups, provider groups and health coalitions in the counties served by
17 the council.

18 **SECTION 5.** Section 18, chapter 418, Oregon Laws 2011, as amended by section 64, chapter 37,
19 Oregon Laws 2012, is amended to read:

20 **Sec. 18.** *[No later than the dates of the convening of the 2013 and of the 2015 Legislative Assem-*
21 *blies as specified in ORS 171.010,]* The Central Oregon Health Council shall report to the *[Seventy-*
22 *seventh and Seventy-eighth]* **Seventy-ninth** Legislative *[Assemblies]* **Assembly** in the manner
23 provided by ORS 192.245 about the results of the implementation of the regional health improvement
24 plan adopted under section 16, *[of this 2011 Act]* **chapter 418, Oregon Laws 2011**. The report shall
25 include, but is not limited to, performance measures of improvement of health outcomes, improve-
26 ment in care and reductions in the cost of care.

27 **SECTION 6.** Section 19, chapter 418, Oregon Laws 2011, is amended to read:

28 **Sec. 19.** Sections 13 to 18, *[of this 2011 Act]* **chapter 418, Oregon Laws 2011**, are repealed on
29 January 2, *[2016]* **2022**.

House Bill 2833

Sponsored by Representative WITT, Senator GIROD; Representatives BARKER, BOONE, DOHERTY, ESQUIVEL, EVANS, GILLIAM, GORSEK, HOYLE, JOHNSON, KRIEGER, LIVELY, REARDON, WHISNANT, Senators BAERTSCHIGER JR, DEMBROW, FERRIOLI, HASS, KNOPP, ROBLAN

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**.

Adds woody biomass to types of green energy technology for which contracting agency must set aside 1.5 percent of contract price to include in public building.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to green energy technology for public buildings; creating new provisions; amending ORS
3 279C.527; and prescribing an effective date.

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

5 **SECTION 1.** ORS 279C.527 is amended to read:

6 279C.527. (1) As used in this section and in ORS 279C.528:

7 (a)(A) "Green energy technology" means a system that employs:

8 (i) Solar or geothermal energy directly for space or water heating or to generate electricity;

9 [or]

10 (ii) Building design that uses solar energy passively to reduce energy use from other sources
11 by at least 20 percent from a level required under ORS 276.900 to 276.915 or achieved in buildings
12 constructed according to state building code standards that the Department of Consumer and Busi-
13 ness Services approves under ORS 455.496[.]; or

14 **(iii) Woody biomass as a fuel for space heating or water heating or as a fuel for a com-
15 bined heat and power system.**

16 (B) "Green energy technology" does not include a system that:

17 (i) Uses water, groundwater or the ground as a heat source at temperatures less than 140 de-
18 grees Fahrenheit; or

19 (ii) Incorporates solar energy indirectly into other methods for generating energy, such as from
20 the action of waves on water, from hydroelectric facilities or from wind-powered turbines.

21 (b) "Public building" means a building that a public body, as defined in ORS 174.109, owns or
22 controls, and that is:

23 (A) Used or occupied by employees of the public body; or

24 (B) Used for conducting public business.

25 (2)(a) Except as otherwise provided in this section, a public improvement contract for the con-
26 struction of a public building or for the reconstruction or major renovation of a public building, if
27 the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public
28 building, [shall] **must** contain and reserve an amount equal to at least 1.5 percent of the total con-
29 tract price for the purpose of including appropriate green energy technology as part of the con-
30 struction, reconstruction or major renovation of the public building.

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 (b) A public improvement contract to construct, reconstruct or renovate a public building may
 2 provide for constructing green energy technology at a site that is located away from the site of the
 3 public building if:

4 (A) Constructing green energy technology away from the site of the public building and using
 5 the energy from the green energy technology at the site of the public building is more cost-effective,
 6 taking into account additional costs associated with transmitting generated energy to the site of the
 7 public building, than is constructing and using green energy technology at the site of the public
 8 building;

9 (B) The green energy technology that is located away from the site of the public building is lo-
 10 cated within this state and in the same county as, or in a county adjacent to, the site of the public
 11 building; and

12 (C) The public improvement contract provides that all of the moneys for constructing green en-
 13 ergy technology away from the site of the public building must fund new energy generating capacity
 14 that does not replace or constitute a purchase and use of energy generated from green energy
 15 technology that:

16 (i) Employs solar energy and that existed on the date that the original building permit for the
 17 public building was issued; *[or]*

18 (ii) Employs geothermal energy and for which construction was completed before January 1,
 19 2013[.]; *or*

20 **(iii) Employs woody biomass as a fuel for space heating or water heating or as fuel for**
 21 **a combined heat and power system, and that existed on the date on which the original**
 22 **building permit for the public building was issued.**

23 (c) In making the determination required under paragraph (b)(A) of this subsection, a contract-
 24 ing agency shall[.:

25 *[(A)] compare the costs of constructing green energy technology that employs [solar energy] a*
 26 **particular fuel source or method of energy generation** at the site of the public building only
 27 with the corresponding costs of green energy technology that employs *[solar energy]* **the same fuel**
 28 **source or method of energy generation** at a location away from the site of the public building.
 29 *[; and]*

30 *[(B) Compare the costs of green energy technology that employs geothermal energy at the site of the*
 31 *public building only with the corresponding costs of green energy technology that employs geothermal*
 32 *energy at a location away from the site of the public building.]*

33 (3) Before entering into a public improvement contract described in subsection (2) of this sec-
 34 tion, a contracting agency shall prepare a written determination of whether including green energy
 35 technology as part of the construction, reconstruction or major renovation of the public building is
 36 appropriate. The contracting agency shall list in the determination the total contract price and
 37 specify the amount the agency intends to expend on including green energy technology as part of
 38 the construction, reconstruction or major renovation. The State Department of Energy shall develop
 39 a form that a contracting agency may use to prepare the written determination described in this
 40 subsection.

41 (4)(a) If the contracting agency determines that green energy technology is not appropriate for
 42 the public building, subsection (2) of this section does not apply to the public improvement contract.
 43 A contracting agency's determination under this paragraph must consider whether constructing
 44 green energy technology at the site of the public building is appropriate and whether constructing
 45 green energy technology away from the site of the public building and in accordance with subsection

1 (2)(b) and (c) of this section is appropriate.

2 (b) If subsection (2) of this section does not apply to the public improvement contract:

3 (A) The contracting agency shall spend an amount equal to at least 1.5 percent of the total
4 contract price to include appropriate green energy technology as part of a future public building
5 project; and

6 (B) The amount the contracting agency spends on the future public building project in accord-
7 ance with subparagraph (A) of this paragraph is in addition to any amount required under sub-
8 section (2) of this section for including appropriate green energy technology as part of the future
9 public building project.

10 (5) Subsection (4)(b) of this section does not apply to a public improvement contract for which
11 state funds are not directly or indirectly used.

12 (6)(a) This section does not exempt an authorized state agency, as defined in ORS 276.905, from
13 complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying
14 with ORS 276.900 to 276.915, may determine that green energy technology is appropriate to include
15 as part of the construction, reconstruction or major renovation of a public building.

16 (b) A contracting agency may not use an amount described in subsection (4)(b) of this section
17 to comply with requirements set forth in ORS 276.900 to 276.915 or with a state building code
18 standard that the Department of Consumer and Business Services approves under ORS 455.496.

19 (7) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovernmental
20 entities described in ORS 174.108 (3).

21 **SECTION 2. The amendments to ORS 279C.527 by section 1 of this 2015 Act apply to**
22 **public improvement contracts that a contracting agency first advertises or otherwise solicits**
23 **or, if the contracting agency does not advertise or solicit the public improvement contract,**
24 **to public improvement contracts into which the contracting agency first enters on or after**
25 **the effective date of this 2015 Act.**

26 **SECTION 3. This 2015 Act takes effect on the 91st day after the date on which the 2015**
27 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

28

Senate Bill 516

Sponsored by Senator KNOPP, Representatives BUEHLER, WHISNANT

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**.

Requires Housing and Community Services Department to dedicate and use portion of moneys deposited in certain housing accounts from County Assessment and Taxation Fund for benefit of county from which fees deposited into fund were charged and collected.

A BILL FOR AN ACT

1
2 Relating to use of fees charged by counties for certain housing programs; creating new provisions;
3 and amending ORS 458.620, 458.650, 458.655 and 458.665.

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

5 **SECTION 1.** ORS 458.665 is amended to read:

6 458.665. (1) The Housing and Community Services Department shall administer the General
7 Housing Account.

8 (2) The department shall disburse moneys credited to the account to accomplish the purposes
9 described in ORS 456.515 to 456.725, except that:

10 (a) **An amount equal to 25 percent of moneys deposited in the account pursuant to ORS**
11 **294.187 (2)(b) is dedicated for expenditure to meet the critical housing needs of veterans in this**
12 **state; and**

13 (b) **An amount equal to 75 percent of moneys deposited in the account pursuant to ORS**
14 **294.187 (2)(b) is dedicated and must be used for the benefit of the county from which the fees**
15 **deposited in the account were charged and collected pursuant to ORS 205.323 (4)(c).**

16 (3) The department may disburse moneys in the account by contract, grant, loan or otherwise
17 as the department determines necessary.

18 (4) The department may set interest rates on loans made with moneys in the account.

19 (5) The department shall establish guidelines for the types of loans financed with moneys in the
20 account by rule.

21 (6) The department may use moneys in the account to pay allowable administrative expenses
22 incurred under ORS 456.515 to 456.725.

23 (7) The department may, in the director's discretion, return moneys received for deposit in the
24 account to the original source of the moneys.

25 (8) The department may accept moneys for deposit in the account pursuant to ORS 458.620 (4)
26 and enter into agreements regarding the use of moneys deposited with the original source of the
27 moneys.

28 (9) The department shall adopt rules that:

29 (a) Subject to subsection (2) of this section, govern the allocation of moneys deposited in the
30 account to best meet critical housing needs and build organizational capacity of partners throughout
31 this state; and

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 (b) Require equitable distribution of resources over time based on objective measures of need,
2 including the number and percentage of low and very low income households in an area.

3 **SECTION 2.** ORS 458.650 is amended to read:

4 458.650. (1) The Emergency Housing Account shall be administered by the Housing and Com-
5 munity Services Department to assist homeless persons and those persons who are at risk of be-
6 coming homeless[.], **except that:**

7 (a) An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187
8 (2)(b) is dedicated for expenditure for assistance to veterans who are homeless or at risk of be-
9 coming homeless; **and**

10 (b) **An amount equal to 75 percent of moneys deposited in the account pursuant to ORS**
11 **294.187 (2)(b) is dedicated and must be used for the benefit of the county from which the fees**
12 **deposited in the account were charged and collected pursuant to ORS 205.323 (4)(c).** [*For*
13 *purposes of this section, "account" means the Emergency Housing Account.*]

14 (2) The State Housing Council shall develop policy for giving grants to organizations that shall
15 use the funds to provide to low and very low income persons, including but not limited to, persons
16 more than 65 years of age, persons with disabilities, farmworkers and Native Americans:

17 (a) Emergency shelters and attendant services;

18 (b) Transitional housing services designed to assist persons to make the transition from
19 homelessness to permanent housing and economic independence;

20 (c) Supportive housing services to enable persons to continue living in their own homes or to
21 provide in-home services for such persons for whom suitable programs do not exist in their ge-
22 ographic area;

23 (d) Programs that provide emergency payment of home payments, rents or utilities; or

24 (e) Some or all of the needs described in paragraphs (a) to (d) of this subsection.

25 (3)(a) The council shall require as a condition of awarding a grant that the organization dem-
26 onstrate to the satisfaction of the council that the organization has the capacity to deliver any
27 service proposed by the organization.

28 (b) Any funds granted under this section shall not be used to replace existing funds. Funds
29 granted under this section may be used to supplement existing funds. An organization may use funds
30 to support existing programs or to establish new programs.

31 (c) The council, by policy, shall give preference in granting funds to those organizations that
32 coordinate services with those programs established under ORS 458.625.

33 (4) The department may expend funds from the account for administration of the account as
34 provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the
35 department.

36 **SECTION 3.** ORS 458.655 is amended to read:

37 458.655. (1) The Home Ownership Assistance Account shall be administered by the Housing and
38 Community Services Department to expand this state's supply of homeownership housing for low and
39 very low income families and individuals, including, but not limited to, persons over 65 years of age,
40 persons with disabilities, minorities, veterans and farmworkers[.], **except that:**

41 (a) An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187
42 (2)(b) is dedicated for expenditure to expand this state's supply of homeownership housing for low
43 and very low income veterans and families of veterans; **and**

44 (b) **An amount equal to 75 percent of moneys deposited in the account pursuant to ORS**
45 **294.187 (2)(b) is dedicated and must be used for the benefit of the county from which the fees**

1 **deposited in the account were charged and collected pursuant to ORS 205.323 (4)(c).** [*The State*
 2 *Housing Council shall have a policy of distributing funds statewide while concentrating funds in those*
 3 *areas of this state with the greatest need, as determined by the council, for low and very low income*
 4 *homeownership housing. However, the council's policy of distributing funds may differ from the dis-*
 5 *tribution policy for the Housing Development and Guarantee Account.*]

6 (2) Funds in the Home Ownership Assistance Account shall be granted to organizations that
 7 both sponsor and manage low income homeownership programs, including lease-to-own programs, for
 8 the construction of new homeownership housing or for the acquisition or rehabilitation of existing
 9 structures for homeownership housing for persons of low or very low income, or both.

10 (3) The council shall develop a policy for disbursing grants for any or all of the following pur-
 11 poses:

12 (a) To aid low income homeownership programs, including program administration, in purchas-
 13 ing land, providing assistance with down payment costs, or providing homeownership training and
 14 qualification services or any combination thereof. Funds in the Home Ownership Assistance Account
 15 may not be used by an organization to pay for its general operations or to pay for more than 25
 16 percent of construction or rehabilitation costs.

17 (b) To match public and private moneys available from other sources for purposes of the pro-
 18 vision of low or very low income homeownership housing.

19 (c) To administer the Home Ownership Assistance Account as provided for in the legislatively
 20 approved budget, as that term is defined in ORS 291.002, for the department.

21 (4) The council, in developing policy under subsection (3) of this section, shall give preference
 22 in making grants to those entities that propose to:

23 (a) Provide the greatest number of low and very low income homeownership housing units con-
 24 structed, acquired or rehabilitated for the amount of account money expended by matching account
 25 funds with other grant, loan or eligible in-kind contributions;

26 (b) Ensure the longest use for the units as low or very low income homeownership housing units,
 27 such as by including some form of equity recapture, land trust or shared equity provisions, as de-
 28 termined by the council;

29 (c) Include social services for occupants and proposed occupants of the proposed housing, in-
 30 cluding but not limited to, programs that address home health care, mental health care, alcohol and
 31 drug treatment and post-treatment care, child care, homeownership training, mortgage qualification
 32 service, credit repair and case management; and

33 (d) Support a comprehensive strategy to reverse the decreasing rates of homeownership among
 34 minorities, giving priority to activities that support adopted comprehensive community plans that
 35 incorporate recognized best practices or demonstrate proven success in increasing homeownership
 36 for minorities.

37 **SECTION 4.** ORS 458.620 is amended to read:

38 458.620. (1) There is created, separate and distinct from the General Fund of the State Treasury,
 39 the Oregon Housing Fund, which consists of five separate revolving accounts:

40 (a) The Housing Development and Guarantee Account;

41 (b) The Emergency Housing Account;

42 (c) The Home Ownership Assistance Account;

43 (d) The Farmworker Housing Development Account; and

44 (e) The General Housing Account.

45 (2) Earnings on investment of moneys in:

1 (a) The Housing Development and Guarantee Account accrue to that account.

2 (b) The Emergency Housing Account accrue to that account.

3 (c) The Home Ownership Assistance Account accrue to that account.

4 (d) The Farmworker Housing Development Account accrue to that account.

5 (e) The General Housing Account accrue to that account.

6 (3)(a) Moneys in the Housing Development and Guarantee Account are appropriated contin-
7 uously to the Housing and Community Services Department to carry out the provisions of ORS
8 458.625 and 458.630.

9 (b) Moneys in the Emergency Housing Account are appropriated continuously to the department
10 to carry out the provisions of ORS 458.650.

11 (c) Moneys in the Home Ownership Assistance Account are appropriated continuously to the
12 department to carry out the provisions of ORS 458.655.

13 (d) Moneys in the Farmworker Housing Development Account are appropriated continuously to
14 the department to carry out the provisions of ORS 458.660.

15 (e) Moneys in the General Housing Account are appropriated continuously to the department
16 to carry out the provisions of ORS [456.515 to 456.725] **458.665**.

17 (4) Individuals and corporations, both for profit or nonprofit, may make monetary contributions
18 to be credited to:

19 (a) The Housing Development and Guarantee Account; or

20 (b) The General Housing Account.

21 **SECTION 5. The amendments to ORS 458.620, 458.650, 458.655 and 458.665 by sections 1**
22 **to 4 of this 2015 Act apply to moneys deposited in the General Housing Account, the Emer-**
23 **gency Housing Account and the Home Ownership Assistance Account on or after the effec-**
24 **tive date of this 2015 Act.**

25

A-Engrossed Senate Bill 133

Ordered by the Senate February 23
Including Senate Amendments dated February 23

Sponsored by Senator DEVLIN, Representative VEGA PEDERSON (Presession 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.

[Allows Department of Consumer and Business Services to enter into agreement with public body to allow access to public body's construction-related services through department's electronic building codes information system. Provides for system information and services to include coordinating and tracking construction-related services.]

Allows Department of Consumer and Business Services to make system for electronic access to building code information available for other purposes. Allows department to enter into agreement with public body to allow access to public body's construction-related services through system. Prohibits department disciplinary actions or sanctions against municipality due to municipality nonparticipation in system.

Eliminates sunset on building permit surcharge used for financing operation of electronic building codes system. Reduces surcharge rate.

A BILL FOR AN ACT

1
2 Relating to the Department of Consumer and Business Services system for electronic access to
3 building code information; creating new provisions; amending ORS 455.095, 455.097, 455.185 and
4 455.210; and repealing section 8, chapter 69, Oregon Laws 2007.

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

6 **SECTION 1. As used in ORS 455.095, 455.097 and 455.185, "construction-related" means**
7 **consisting of, or involving the approving, enabling, expediting or facilitating of, the alter-**
8 **ation, construction, demolishing, development, improvement, inspection, moving, operation,**
9 **repair or wrecking of, or the addition to or subtraction from, public improvements, real**
10 **property or a structure.**

11 **SECTION 2. ORS 455.095 is amended to read:**

12 455.095. (1) The Department of Consumer and Business Services shall develop and implement a
13 system that provides electronic access to building codes information. The department shall make the
14 system accessible for use by municipalities in carrying out the building inspection programs admin-
15 istered and enforced by the municipalities.

16 (2) **The department may also make the system available for use by other public bodies**
17 **that provide construction-related services including, but not limited to, public bodies de-**
18 **scribed in ORS 455.185 (4).** The *[building codes]* information and services available through the
19 system may include, but need not be limited to:

- 20 *[(1)]* (a) Licensing, permit, inspection and other relevant information;
- 21 *[(2)]* (b) Access to forms;
- 22 *[(3)]* (c) Electronic submission of permit applications;
- 23 *[(4)]* (d) Electronic submission of plans for review;

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 [(5)] (e) Electronic issuance of minor label or other appropriate permits;

2 [(6)] (f) Access to permit and inspection processes; [and]

3 [(7)] (g) Scheduling of inspections, tracking of corrections and granting of approvals[.]; and

4 **(h) The coordination and tracking of construction-related services.**

5 **(3) The use of the system described in this section by a municipality or other public body**
6 **is voluntary. Nonparticipation in the system by a municipality or other public body is not**
7 **grounds for the department to suspend, revoke authorization for or assume the adminis-**
8 **tration of a building inspection program described in ORS 455.148 or 455.150 or to impose**
9 **other disciplinary actions or sanctions against a municipality or other public body.**

10 **SECTION 3.** ORS 455.097 is amended to read:

11 455.097. (1) As used in this section, "form and format":

12 (a) Means the arrangement, organization, configuration, structure or style of, or method of de-
13 livery for, providing required information or providing the substantive equivalent of required infor-
14 mation.

15 (b) Does not mean altering the substance of information or the addition or omission of informa-
16 tion.

17 (2) The purpose of this section and ORS 455.095 is to enable the Department of Consumer and
18 Business Services to develop and implement a system that:

19 (a) Provides electronic access to building codes information;

20 (b) Is designed to offer a full range of electronic building permits services;

21 (c) Allows the streamlining of building inspection services;

22 (d) Provides a uniform form and format for submitting building codes information electronically;
23 [and]

24 (e) Is available for use by any municipality administering and enforcing a building inspection
25 program[.]; and

26 **(f) At the discretion of the department:**

27 **(A) Is available for use by other public bodies that provide construction-related services;**
28 **and**

29 **(B) Supports access for other purposes that may include, but need not be limited to, ac-**
30 **cess for the coordination and tracking of construction-related services.**

31 (3) The department shall adopt rules to govern the form and format of building permit applica-
32 tions, building plans, specifications, [and] other building program information and any other in-
33 formation exchanged through the electronic building codes information system described in ORS
34 455.095.

35 (4) The department may waive a contrary form and format requirement imposed by statute or
36 ordinance or by the rules of another agency for the submission of information in physical form to
37 the extent the waiver is necessary to facilitate the submission of the information electronically. The
38 department may accept an electronic reproduction of a signature, stamp, seal, certification or
39 notarization as the equivalent of the original or may accept the substitution of identifying informa-
40 tion for the signature, stamp, seal, certification or notarization. The department may not waive a
41 requirement imposed by statute or ordinance or by the rules of another agency, other than a form
42 and format requirement.

43 (5) A person exchanging information through the electronic building codes information system
44 in a form and format acceptable to the department is not subject to any licensing sanction, civil
45 penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a form

1 or format requirement imposed by statute, ordinance or rule for submission of the information in
 2 physical form, including but not limited to any requirement that the information be in a particular
 3 form or of a particular size, be submitted with multiple copies, be physically attached to another
 4 document, be an original document or be signed, stamped, sealed, certified or notarized.

5 **SECTION 4.** ORS 455.185 is amended to read:

6 455.185. (1) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one or more
 7 municipalities and with the consent of all affected parties, the Director of the Department of Con-
 8 sumer and Business Services may enter into an agreement for the Department of Consumer and
 9 Business Services to uniformly administer and enforce all or a portion of a building inspection pro-
 10 gram within a geographic area. The geographic area may be a municipality, a region comprising
 11 parts of more than one municipality or a region comprising multiple municipalities. The geographic
 12 area need not correspond to the jurisdictional boundaries of municipalities. The agreement may
 13 provide for the department to perform administration and enforcement for a specified period or for
 14 carrying out one or more particular projects.

15 (2) The terms of an agreement under **subsection (1) of this section** may specify whether the
 16 department is to utilize department resources or combine resources with one or more of the
 17 municipalities to carry out an agreement. An agreement may combine department and local gov-
 18 ernment resources in any manner that the parties believe will provide for the efficient and uniform
 19 administration of the building inspection program within the geographic area, including but not
 20 limited to full, divided, mutual or joint performance of any of the administrative or enforcement
 21 functions by any of the parties to the agreement. A decision by the director regarding whether to
 22 enter into an agreement under **subsection (1) of this section**, and the content of any agreement that
 23 the director enters into under **subsection (1) of this section**, is not subject to review by the At-
 24 torney General or the Oregon Department of Administrative Services and is subject to challenge or
 25 appeal under ORS chapter 183 only for failure to comply with an express requirement created under
 26 ORS 455.185 to 455.198.

27 (3) An agreement under **subsection (1) of this section** is not an abandonment of a building ins-
 28 pection program for purposes of ORS 455.148 or 455.150.

29 (4) **If the Department of Consumer and Business Services enters into an agreement un-
 30 der subsection (1) of this section, the department and a public body that offers
 31 construction-related services in the geographic area may enter into an agreement for pro-
 32 viding access to the construction-related services on the electronic information system de-
 33 scribed in ORS 455.095 and 455.097. The agreement may include, but need not be limited to,
 34 provision for access that allows the electronic submission of an application to the public body
 35 for a construction-related permit. As used in this subsection, "public body" has the meaning
 36 given that term in ORS 174.109.**

37 **SECTION 5.** ORS 455.210, as amended by section 6, chapter 69, Oregon Laws 2007, and section
 38 30, chapter 473, Oregon Laws 2011, is amended to read:

39 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
 40 issued by the Department of Consumer and Business Services for the construction, reconstruction,
 41 alteration and repair of prefabricated structures and of buildings and other structures and the in-
 42 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
 43 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in the "Uni-
 44 form Mechanical Code," 1979 Edition, both published by the International Conference of Building
 45 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-

1 vices.

2 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-
3 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
4 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

5 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
6 reasonable to provide for the administration and enforcement of any specialty code or codes for
7 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
8 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
9 section. The municipality shall give the notice to the director at the time the municipality provides
10 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
11 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
12 is published under ORS 294.426.

13 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
14 of a fee described in this subsection to the Director of the Department of Consumer and Business
15 Services. The persons or association must file the appeal no later than 60 days after the director
16 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
17 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
18 with the director within one year after adoption of the new or increased fee. Upon receiving a
19 timely appeal, the director shall, after notice to affected parties and hearing, review the
20 municipality's fee adoption process and the costs of administering and enforcing the specialty code
21 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
22 director feels the fee is necessary and reasonable. If the director does not approve the fee upon
23 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
24 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
25 tion.

26 (c) Fees collected by a municipality under this subsection shall be used for the administration
27 and enforcement of a building inspection program for which the municipality has assumed responsi-
28 bility under ORS 455.148 or 455.150.

29 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
30 the director shall consider whether:

31 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
32 other municipalities of a similar size and geographic location for the same level of service;

33 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
34 other municipalities for the same service;

35 (C) The fee is the same type as the fee charged by other municipalities for the same level of
36 service; and

37 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
38 this section and standards adopted by the director under ORS 455.148 (11) or 455.150 (11).

39 (4) Notwithstanding any other provision of this chapter:

40 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
41 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
42 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

43 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
44 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
45 rate instead of purchasing a permit, two percent of the total hourly charges collected.

1 (c) For the purpose of defraying the cost of administering and enforcing the state building code,
2 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
3 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
4 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

5 **(d) For the purpose of defraying the cost of developing and administering the electronic**
6 **building codes information system described in ORS 455.095 and 455.097, there is imposed a**
7 **surcharge in the amount of four percent on permit fees, or if the applicant chooses to pay**
8 **an hourly rate instead of purchasing a permit, four percent of the total hourly charges col-**
9 **lected.**

10 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
11 to the director as provided in ORS 455.220.

12 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
13 have been previously reviewed.

14 **SECTION 6. Section 8, chapter 69, Oregon Laws 2007, is repealed.**

15

House Bill 3208

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

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**.

Modifies definition of "land use decision" to exclude decisions pertaining to construction, operation, maintenance or improvement of water delivery infrastructure that are made by districts for irrigation, drainage, water improvement or water control.

A BILL FOR AN ACT

1
2 Relating to decisions affecting lands of district; creating new provisions; and amending ORS 197.015.

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

4 **SECTION 1.** ORS 197.015 is amended to read:

5 197.015. As used in ORS chapters 195, 196 and 197, unless the context requires otherwise:

6 (1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and
7 land use regulations, land use regulation or plan or regulation amendment complies with the goals
8 or certifies that Metro land use planning goals and objectives, Metro regional framework plan,
9 amendments to Metro planning goals and objectives or amendments to the Metro regional frame-
10 work plan comply with the goals.

11 (2) "Board" means the Land Use Board of Appeals.

12 (3) "Carport" means a stationary structure consisting of a roof with its supports and not more
13 than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

14 (4) "Commission" means the Land Conservation and Development Commission.

15 (5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement
16 of the governing body of a local government that interrelates all functional and natural systems and
17 activities relating to the use of lands, including but not limited to sewer and water systems, trans-
18 portation systems, educational facilities, recreational facilities, and natural resources and air and
19 water quality management programs. "Comprehensive" means all-inclusive, both in terms of the
20 geographic area covered and functional and natural activities and systems occurring in the area
21 covered by the plan. "General nature" means a summary of policies and proposals in broad catego-
22 ries and does not necessarily indicate specific locations of any area, activity or use. A plan is "co-
23 ordinated" when the needs of all levels of governments, semipublic and private agencies and the
24 citizens of Oregon have been considered and accommodated as much as possible. "Land" includes
25 water, both surface and subsurface, and the air.

26 (6) "Department" means the Department of Land Conservation and Development.

27 (7) "Director" means the Director of the Department of Land Conservation and Development.

28 (8) "Goals" means the mandatory statewide land use planning standards adopted by the com-
29 mission pursuant to ORS chapters 195, 196 and 197.

30 (9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation,
31 adoption and implementation of comprehensive plans in compliance with goals and to aid state

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 agencies and special districts in the preparation, adoption and implementation of plans, programs
 2 and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state
 3 agencies, cities, counties and special districts to a single approach.

4 (10) "Land use decision":

5 (a) Includes:

6 (A) A final decision or determination made by a local government or special district that con-
 7 cerns the adoption, amendment or application of:

8 (i) The goals;

9 (ii) A comprehensive plan provision;

10 (iii) A land use regulation; or

11 (iv) A new land use regulation;

12 (B) A final decision or determination of a state agency other than the commission with respect
 13 to which the agency is required to apply the goals; or

14 (C) A decision of a county planning commission made under ORS 433.763;

15 (b) Does not include a decision of a local government:

16 (A) That is made under land use standards that do not require interpretation or the exercise
 17 of policy or legal judgment;

18 (B) That approves or denies a building permit issued under clear and objective land use stan-
 19 dards;

20 (C) That is a limited land use decision;

21 (D) That determines final engineering design, construction, operation, maintenance, repair or
 22 preservation of a transportation facility that is otherwise authorized by and consistent with the
 23 comprehensive plan and land use regulations;

24 (E) That is an expedited land division as described in ORS 197.360;

25 (F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal
 26 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal
 27 under ORS 480.410 to 480.460;

28 (G) That approves or denies approval of a final subdivision or partition plat or that determines
 29 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or
 30 partition plan; or

31 (H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-
 32 knowledged comprehensive plan and land use regulations implementing the plan, if:

33 (i) The local government has already made a land use decision authorizing a use or activity that
 34 encompasses the proposed state agency action;

35 (ii) The use or activity that would be authorized, funded or undertaken by the proposed state
 36 agency action is allowed without review under the acknowledged comprehensive plan and land use
 37 regulations implementing the plan; or

38 (iii) The use or activity that would be authorized, funded or undertaken by the proposed state
 39 agency action requires a future land use review under the acknowledged comprehensive plan and
 40 land use regulations implementing the plan;

41 (c) Does not include a decision by a school district to close a school;

42 (d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization
 43 of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000
 44 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

45 (e) Does not include:

- 1 (A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;
- 2 (B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after
- 3 a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; [or]
- 4 (C) A state agency action subject to ORS 197.180 (1), if:
- 5 (i) The local government with land use jurisdiction over a use or activity that would be au-
- 6 thorized, funded or undertaken by the state agency as a result of the state agency action has already
- 7 made a land use decision approving the use or activity; or
- 8 (ii) A use or activity that would be authorized, funded or undertaken by the state agency as a
- 9 result of the state agency action is allowed without review under the acknowledged comprehensive
- 10 plan and land use regulations implementing the plan; or
- 11 **(D) A decision of a district, as defined in ORS 540.505, pertaining to the construction,**
- 12 **operation, maintenance or improvement of water delivery infrastructure, including piping or**
- 13 **lining a canal, that is owned or operated by the district and that is within a right-of-way or**
- 14 **easement of the district.**
- 15 (11) "Land use regulation" means any local government zoning ordinance, land division ordi-
- 16 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for
- 17 implementing a comprehensive plan.
- 18 (12) "Limited land use decision":
- 19 (a) Means a final decision or determination made by a local government pertaining to a site
- 20 within an urban growth boundary that concerns:
- 21 (A) The approval or denial of a tentative subdivision or partition plan, as described in ORS
- 22 92.040 (1).
- 23 (B) The approval or denial of an application based on discretionary standards designed to reg-
- 24 ulate the physical characteristics of a use permitted outright, including but not limited to site re-
- 25 view and design review.
- 26 (b) Does not mean a final decision made by a local government pertaining to a site within an
- 27 urban growth boundary that concerns approval or denial of a final subdivision or partition plat or
- 28 that determines whether a final subdivision or partition plat substantially conforms to the tentative
- 29 subdivision or partition plan.
- 30 (13) "Local government" means any city, county or metropolitan service district formed under
- 31 ORS chapter 268 or an association of local governments performing land use planning functions
- 32 under ORS 195.025.
- 33 (14) "Metro" means a metropolitan service district organized under ORS chapter 268.
- 34 (15) "Metro planning goals and objectives" means the land use goals and objectives that a met-
- 35 ropolitan service district may adopt under ORS 268.380 (1)(a). The goals and objectives do not con-
- 36 stitute a comprehensive plan.
- 37 (16) "Metro regional framework plan" means the regional framework plan required by the 1992
- 38 Metro Charter or its separate components. Neither the regional framework plan nor its individual
- 39 components constitute a comprehensive plan.
- 40 (17) "New land use regulation" means a land use regulation other than an amendment to an
- 41 acknowledged land use regulation adopted by a local government that already has a comprehensive
- 42 plan and land regulations acknowledged under ORS 197.251.
- 43 (18) "Person" means any individual, partnership, corporation, association, governmental subdi-
- 44 vision or agency or public or private organization of any kind. The Land Conservation and Devel-
- 45 opment Commission or its designee is considered a person for purposes of appeal under ORS

1 chapters 195 and 197.

2 (19) "Special district" means any unit of local government, other than a city, county, metropol-
 3 itan service district formed under ORS chapter 268 or an association of local governments per-
 4 forming land use planning functions under ORS 195.025, authorized and regulated by statute and
 5 includes but is not limited to water control districts, domestic water associations and water coop-
 6 eratives, irrigation districts, port districts, regional air quality control authorities, fire districts,
 7 school districts, hospital districts, mass transit districts and sanitary districts.

8 (20) "Urban unincorporated community" means an area designated in a county's acknowledged
 9 comprehensive plan as an urban unincorporated community after December 5, 1994.

10 (21) "Voluntary association of local governments" means a regional planning agency in this
 11 state officially designated by the Governor pursuant to the federal Office of Management and Budget
 12 Circular A-95 as a regional clearinghouse.

13 (22) "Wetlands" means those areas that are inundated or saturated by surface or ground water
 14 at a frequency and duration that are sufficient to support, and that under normal circumstances do
 15 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

16 **SECTION 2.** ORS 197.015, as amended by section 11, chapter 575, Oregon Laws 2013, is
 17 amended to read:

18 197.015. As used in ORS chapters 195, 196 and 197 and ORS 197A.300 to 197A.325, unless the
 19 context requires otherwise:

20 (1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and
 21 land use regulations, land use regulation or plan or regulation amendment complies with the goals
 22 or certifies that Metro land use planning goals and objectives, Metro regional framework plan,
 23 amendments to Metro planning goals and objectives or amendments to the Metro regional frame-
 24 work plan comply with the goals.

25 (2) "Board" means the Land Use Board of Appeals.

26 (3) "Carport" means a stationary structure consisting of a roof with its supports and not more
 27 than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

28 (4) "Commission" means the Land Conservation and Development Commission.

29 (5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement
 30 of the governing body of a local government that interrelates all functional and natural systems and
 31 activities relating to the use of lands, including but not limited to sewer and water systems, trans-
 32 portation systems, educational facilities, recreational facilities, and natural resources and air and
 33 water quality management programs. "Comprehensive" means all-inclusive, both in terms of the
 34 geographic area covered and functional and natural activities and systems occurring in the area
 35 covered by the plan. "General nature" means a summary of policies and proposals in broad catego-
 36 ries and does not necessarily indicate specific locations of any area, activity or use. A plan is "co-
 37 ordinated" when the needs of all levels of governments, semipublic and private agencies and the
 38 citizens of Oregon have been considered and accommodated as much as possible. "Land" includes
 39 water, both surface and subsurface, and the air.

40 (6) "Department" means the Department of Land Conservation and Development.

41 (7) "Director" means the Director of the Department of Land Conservation and Development.

42 (8) "Goals" means the mandatory statewide land use planning standards adopted by the com-
 43 mission pursuant to ORS chapters 195, 196 and 197.

44 (9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation,
 45 adoption and implementation of comprehensive plans in compliance with goals and to aid state

1 agencies and special districts in the preparation, adoption and implementation of plans, programs
 2 and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state
 3 agencies, cities, counties and special districts to a single approach.

4 (10) "Land use decision":

5 (a) Includes:

6 (A) A final decision or determination made by a local government or special district that con-
 7 cerns the adoption, amendment or application of:

8 (i) The goals;

9 (ii) A comprehensive plan provision;

10 (iii) A land use regulation; or

11 (iv) A new land use regulation;

12 (B) A final decision or determination of a state agency other than the commission with respect
 13 to which the agency is required to apply the goals; or

14 (C) A decision of a county planning commission made under ORS 433.763;

15 (b) Does not include a decision of a local government:

16 (A) That is made under land use standards that do not require interpretation or the exercise
 17 of policy or legal judgment;

18 (B) That approves or denies a building permit issued under clear and objective land use stan-
 19 dards;

20 (C) That is a limited land use decision;

21 (D) That determines final engineering design, construction, operation, maintenance, repair or
 22 preservation of a transportation facility that is otherwise authorized by and consistent with the
 23 comprehensive plan and land use regulations;

24 (E) That is an expedited land division as described in ORS 197.360;

25 (F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal
 26 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal
 27 under ORS 480.410 to 480.460;

28 (G) That approves or denies approval of a final subdivision or partition plat or that determines
 29 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or
 30 partition plan; or

31 (H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-
 32 knowledged comprehensive plan and land use regulations implementing the plan, if:

33 (i) The local government has already made a land use decision authorizing a use or activity that
 34 encompasses the proposed state agency action;

35 (ii) The use or activity that would be authorized, funded or undertaken by the proposed state
 36 agency action is allowed without review under the acknowledged comprehensive plan and land use
 37 regulations implementing the plan; or

38 (iii) The use or activity that would be authorized, funded or undertaken by the proposed state
 39 agency action requires a future land use review under the acknowledged comprehensive plan and
 40 land use regulations implementing the plan;

41 (c) Does not include a decision by a school district to close a school;

42 (d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization
 43 of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000
 44 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

45 (e) Does not include:

- 1 (A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;
- 2 (B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after
- 3 a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; [or]
- 4 (C) A state agency action subject to ORS 197.180 (1), if:
- 5 (i) The local government with land use jurisdiction over a use or activity that would be au-
- 6 thorized, funded or undertaken by the state agency as a result of the state agency action has already
- 7 made a land use decision approving the use or activity; or
- 8 (ii) A use or activity that would be authorized, funded or undertaken by the state agency as a
- 9 result of the state agency action is allowed without review under the acknowledged comprehensive
- 10 plan and land use regulations implementing the plan; or
- 11 **(D) A decision of a district, as defined in ORS 540.505, pertaining to the construction,**
- 12 **operation, maintenance or improvement of water delivery infrastructure, including piping or**
- 13 **lining a canal, that is owned or operated by the district and that is within a right-of-way or**
- 14 **easement of the district.**
- 15 (11) "Land use regulation" means any local government zoning ordinance, land division ordi-
- 16 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for
- 17 implementing a comprehensive plan.
- 18 (12) "Limited land use decision":
- 19 (a) Means a final decision or determination made by a local government pertaining to a site
- 20 within an urban growth boundary that concerns:
- 21 (A) The approval or denial of a tentative subdivision or partition plan, as described in ORS
- 22 92.040 (1).
- 23 (B) The approval or denial of an application based on discretionary standards designed to reg-
- 24 ulate the physical characteristics of a use permitted outright, including but not limited to site re-
- 25 view and design review.
- 26 (b) Does not mean a final decision made by a local government pertaining to a site within an
- 27 urban growth boundary that concerns approval or denial of a final subdivision or partition plat or
- 28 that determines whether a final subdivision or partition plat substantially conforms to the tentative
- 29 subdivision or partition plan.
- 30 (13) "Local government" means any city, county or metropolitan service district formed under
- 31 ORS chapter 268 or an association of local governments performing land use planning functions
- 32 under ORS 195.025.
- 33 (14) "Metro" means a metropolitan service district organized under ORS chapter 268.
- 34 (15) "Metro planning goals and objectives" means the land use goals and objectives that a met-
- 35 ropolitan service district may adopt under ORS 268.380 (1)(a). The goals and objectives do not con-
- 36 stitute a comprehensive plan.
- 37 (16) "Metro regional framework plan" means the regional framework plan required by the 1992
- 38 Metro Charter or its separate components. Neither the regional framework plan nor its individual
- 39 components constitute a comprehensive plan.
- 40 (17) "New land use regulation" means a land use regulation other than an amendment to an
- 41 acknowledged land use regulation adopted by a local government that already has a comprehensive
- 42 plan and land regulations acknowledged under ORS 197.251.
- 43 (18) "Person" means any individual, partnership, corporation, association, governmental subdi-
- 44 vision or agency or public or private organization of any kind. The Land Conservation and Devel-
- 45 opment Commission or its designee is considered a person for purposes of appeal under ORS

1 chapters 195 and 197.

2 (19) "Special district" means any unit of local government, other than a city, county, metropol-
 3 itan service district formed under ORS chapter 268 or an association of local governments per-
 4 forming land use planning functions under ORS 195.025, authorized and regulated by statute and
 5 includes but is not limited to water control districts, domestic water associations and water coop-
 6 eratives, irrigation districts, port districts, regional air quality control authorities, fire districts,
 7 school districts, hospital districts, mass transit districts and sanitary districts.

8 (20) "Urban unincorporated community" means an area designated in a county's acknowledged
 9 comprehensive plan as an urban unincorporated community after December 5, 1994.

10 (21) "Voluntary association of local governments" means a regional planning agency in this
 11 state officially designated by the Governor pursuant to the federal Office of Management and Budget
 12 Circular A-95 as a regional clearinghouse.

13 (22) "Wetlands" means those areas that are inundated or saturated by surface or ground water
 14 at a frequency and duration that are sufficient to support, and that under normal circumstances do
 15 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

16 **SECTION 3. The amendments to ORS 197.015 by sections 1 and 2 of this 2015 Act apply**
 17 **to decisions pertaining to the construction, operation, maintenance or improvement of water**
 18 **delivery infrastructure that are made by districts, as defined in ORS 540.505, on or after the**
 19 **effective date of this 2015 Act.**

20

Senate Bill 359

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 Senate Interim Committee on Judiciary)

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**.

Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application. Requires city or county to refund appeals fee and transcript fee when appellate authority of city or county declines to review decision.

Prohibits city or county from charging fee for appeal of final decision of city or county to Land Use Board of Appeals.

A BILL FOR AN ACT

1
2 Relating to fees for appeal of local land use decisions; creating new provisions; and amending ORS
3 197.835, 215.422 and 227.180.

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

5 **SECTION 1.** ORS 215.422 is amended to read:

6 *215.422. [(1)(a) A party aggrieved by the action of a hearings officer or other decision-making au-*
7 *thority may appeal the action to the planning commission or county governing body, or both, however*
8 *the governing body prescribes. The appellate authority on its own motion may review the action. The*
9 *procedure and type of hearing for such an appeal or review shall be prescribed by the governing body,*
10 *but shall not require the notice of appeal to be filed within less than seven days after the date the*
11 *governing body mails or delivers the decision to the parties.]*

12 *[(b) Notwithstanding paragraph (a) of this subsection, the governing body may provide that the*
13 *decision of a hearings officer or other decision-making authority is the final determination of the*
14 *county.]*

15 *[(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred*
16 *in acting upon an appeal from a hearings officer, planning commission or other designated person. The*
17 *amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or*
18 *the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing*
19 *body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and*
20 *shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared*
21 *by the governing body and the fee therefor, the governing body shall allow any party to an appeal*
22 *proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted*
23 *at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the*
24 *transcript fee shall be refunded.]*

25 *[(2) A party aggrieved by the final determination may have the determination reviewed in the*
26 *manner provided in ORS 197.830 to 197.845.]*

27 **(1) The governing body of a county, by ordinance or resolution, may:**

28 **(a) Provide that the decision of a hearings officer or other decision-making authority of**

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 the county is the final determination of the county; or

2 (b) Choose to act, or designate another entity to act, as an appellate authority to review
3 the decision of a hearings officer or other decision-making authority.

4 (2) If the governing body of the county establishes an appellate authority pursuant to
5 subsection (1)(b) of this section, the governing body of the county, by ordinance or resol-
6 ution, shall prescribe the procedure and type of hearing to provide for review of a decision
7 of a hearings officer or other decision-making authority, but the governing body may not
8 require that a notice of appeal be filed less than seven days after the date the county mails
9 or delivers the decision to the parties.

10 (3) If the governing body of the county establishes an appellate authority pursuant to
11 subsection (1)(b) of this section:

12 (a) A party aggrieved by the action of a hearings officer or other decision-making au-
13 thority may appeal the decision to the appellate authority; or

14 (b) The appellate authority may review the decision on its own motion.

15 (4) To defray the costs incurred in acting upon an appeal from a hearings officer or other
16 decision-making authority, the governing body of the county, by ordinance or resolution, may
17 prescribe:

18 (a) A reasonable fee that does not exceed 10 percent of the original application fee or
19 \$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the
20 proceedings to be reviewed.

21 (b) A reasonable fee for the preparation of a written transcript of the proceedings to be
22 reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever
23 is less.

24 (5) If an appellate authority of a county declines to review the decision of a hearings of-
25 ficer or other decision-making authority, the county shall refund the full amount of appeal
26 and transcript fees collected by the county.

27 (6) In lieu of having the county prepare a transcript, a party to an appeal proceeding held
28 on the record may elect to prepare, at the party's own expense, a transcript of relevant
29 portions of the proceedings conducted at a lower level. The county still may charge the
30 transcript fee, but the county shall refund the transcript fee if the party prevails on appeal.

31 [(3)] (7) [No] A decision or action of a planning commission or [county governing body shall be]
32 the governing body of a county is not invalid due to ex parte contact or bias resulting from ex
33 parte contact with a member of the decision-making body, if the member of the decision-making body
34 receiving the contact:

35 (a) Places on the record the substance of any written or oral ex parte communications con-
36 cerning the decision or action; and

37 (b) Has a public announcement of the content of the communication and of the parties' right to
38 rebut the substance of the communication made at the first hearing following the communication
39 [where] at which action will be considered or taken on the subject to which the communication
40 related.

41 [(4)] (8) A communication between county staff and the planning commission or governing body
42 [shall not be considered] is not an ex parte contact for the purposes of subsection [(3)] (7) of this
43 section.

44 [(5)] (9) Subsection [(3)] (7) of this section does not apply to ex parte contact with a hearings
45 officer approved under ORS 215.406 (1).

1 (10) A party aggrieved by the final decision of a county may have the final decision re-
 2 viewed by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.

3 (11) A county may not charge a fee for appeal of a final decision of the county to the
 4 board.

5 (12) A fee prescribed under this section may not exceed the actual cost to the county for
 6 providing the service.

7 **SECTION 2.** ORS 227.180 is amended to read:

8 227.180. [(1)(a) A party aggrieved by the action of a hearings officer may appeal the action to the
 9 planning commission or council of the city, or both, however the council prescribes. The appellate
 10 authority on its own motion may review the action. The procedure for such an appeal or review shall
 11 be prescribed by the council, but shall:]

12 [(A) Not require that the appeal be filed within less than seven days after the date the governing
 13 body mails or delivers the decision of the hearings officer to the parties;]

14 [(B) Require a hearing at least for argument; and]

15 [(C) Require that upon appeal or review the appellate authority consider the record of the hearings
 16 officer's action. That record need not set forth evidence verbatim.]

17 [(b) Notwithstanding paragraph (a) of this subsection, the council may provide that the decision of
 18 a hearings officer or other decision-making authority in a proceeding for a discretionary permit or zone
 19 change is the final determination of the city.]

20 [(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred
 21 in acting upon an appeal from a hearings officer, planning commission or other designated person. The
 22 amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or
 23 the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing
 24 body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and
 25 shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared
 26 by the governing body and the fee therefor, the governing body shall allow any party to an appeal
 27 proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted
 28 at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the
 29 transcript fee shall be refunded.]

30 [(2) A party aggrieved by the final determination in a proceeding for a discretionary permit or zone
 31 change may have the determination reviewed under ORS 197.830 to 197.845.]

32 (1) **The governing body of a city, by ordinance or resolution, may:**

33 (a) **Provide that the decision of a hearings officer or other decision-making authority of**
 34 **the city is the final determination of the city; or**

35 (b) **Choose to act, or designate another entity to act, as an appellate authority to review**
 36 **the decision of a hearings officer or other decision-making authority.**

37 (2) **If the governing body of the city establishes an appellate authority pursuant to sub-**
 38 **section (1)(b) of this section, the governing body of the city, by ordinance or resolution, shall**
 39 **prescribe the procedure and type of hearing to provide for review of a decision of a hearings**
 40 **officer or other decision-making authority, but the governing body may not require that a**
 41 **notice of appeal be filed less than seven days after the date the city mails or delivers the**
 42 **decision to the parties.**

43 (3) **If the governing body of the city establishes an appellate authority pursuant to sub-**
 44 **section (1)(b) of this section:**

45 (a) **A party aggrieved by the action of a hearings officer or other decision-making au-**

1 **thority may appeal the decision to the appellate authority; or**

2 **(b) The appellate authority may review the decision on its own motion.**

3 **(4) To defray the costs incurred in acting upon an appeal from a hearings officer or other**
 4 **decision-making authority, the governing body of the city, by ordinance or resolution, may**
 5 **prescribe:**

6 **(a) A reasonable fee that does not exceed 10 percent of the original application fee or**
 7 **\$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the**
 8 **proceedings to be reviewed.**

9 **(b) A reasonable fee for the preparation of a written transcript of the proceedings to be**
 10 **reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever**
 11 **is less.**

12 **(5) If an appellate authority of a city declines to review the decision of a hearings officer**
 13 **or other decision-making authority, the city shall refund the full amount of appeal and**
 14 **transcript fees collected by the city.**

15 **(6) In lieu of having the city prepare a transcript, a party to an appeal proceeding held**
 16 **on the record may elect to prepare, at the party's own expense, a transcript of relevant**
 17 **portions of the proceedings conducted at a lower level. The city still may charge the tran-**
 18 **script fee, but the city shall refund the transcript fee if the party prevails on appeal.**

19 **[(3)] (7) [No] A decision or action of a planning commission or [city governing body shall be] the**
 20 **governing body of a city is not invalid due to ex parte contact or bias resulting from ex parte**
 21 **contact with a member of the decision-making body, if the member of the decision-making body re-**
 22 **ceiving the contact:**

23 **(a) Places on the record the substance of any written or oral ex parte communications con-**
 24 **cerning the decision or action; and**

25 **(b) Has a public announcement of the content of the communication and of the parties' right to**
 26 **rebut the substance of the communication made at the first hearing following the communication**
 27 **[where] at which action will be considered or taken on the subject to which the communication**
 28 **related.**

29 **[(4)] (8) A communication between city staff and the planning commission or governing body**
 30 **[shall not be considered] is not an ex parte contact for the purposes of subsection [(3)] (7) of this**
 31 **section.**

32 **[(5)] (9) Subsection [(3)] (7) of this section [does not apply to ex parte contact with a hearings**
 33 **officer.**

34 **(10) A party aggrieved by the final decision of a city may have the final decision reviewed**
 35 **by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.**

36 **(11) A city may not charge a fee for appeal of a final decision of the city to the board.**

37 **(12) A fee prescribed under this section may not exceed the actual cost to the city for**
 38 **providing the service.**

39 **SECTION 3. ORS 197.835 is amended to read:**

40 **197.835. (1) The Land Use Board of Appeals shall review the land use decision or limited land**
 41 **use decision and prepare a final order affirming, reversing or remanding the land use decision or**
 42 **limited land use decision. The board shall adopt rules defining the circumstances in which it will**
 43 **reverse rather than remand a land use decision or limited land use decision that is not affirmed.**

44 **(2)(a) Review of a decision under ORS 197.830 to 197.845 shall be confined to the record.**

45 **(b) In the case of disputed allegations of standing, unconstitutionality of the decision, ex parte**

1 contacts, actions described in subsection (10)(a)(B) of this section or other procedural irregularities
 2 not shown in the record that, if proved, would warrant reversal or remand, the board may take ev-
 3 idence and make findings of fact on those allegations. The board shall be bound by any finding of
 4 fact of the local government, special district or state agency for which there is substantial evidence
 5 in the whole record.

6 (3) Issues shall be limited to those raised by any participant before the local hearings body as
 7 provided by ORS 197.195 or 197.763, whichever is applicable.

8 (4) A petitioner may raise new issues to the board if:

9 (a) The local government failed to list the applicable criteria for a decision under ORS 197.195
 10 (3)(c) or 197.763 (3)(b), in which case a petitioner may raise new issues based upon applica-
 11 ble criteria that were omitted from the notice. However, the board may refuse to allow new issues to be
 12 raised if it finds that the issue could have been raised before the local government; or

13 (b) The local government made a land use decision or limited land use decision which is different
 14 from the proposal described in the notice to such a degree that the notice of the proposed action
 15 did not reasonably describe the local government's final action.

16 (5) The board shall reverse or remand a land use decision not subject to an acknowledged
 17 comprehensive plan and land use regulations if the decision does not comply with the goals. The
 18 board shall reverse or remand a land use decision or limited land use decision subject to an ac-
 19 knowledged comprehensive plan or land use regulation if the decision does not comply with the
 20 goals and the Land Conservation and Development Commission has issued an order under ORS
 21 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to
 22 apply the goals to the type of decision being challenged.

23 (6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment
 24 is not in compliance with the goals.

25 (7) The board shall reverse or remand an amendment to a land use regulation or the adoption
 26 of a new land use regulation if:

27 (a) The regulation is not in compliance with the comprehensive plan; or

28 (b) The comprehensive plan does not contain specific policies or other provisions which provide
 29 the basis for the regulation, and the regulation is not in compliance with the statewide planning
 30 goals.

31 (8) The board shall reverse or remand a decision involving the application of a plan or land use
 32 regulation provision if the decision is not in compliance with applicable provisions of the compre-
 33 hensive plan or land use regulations.

34 (9) In addition to the review under subsections (1) to (8) of this section, the board shall reverse
 35 or remand the land use decision under review if the board finds:

36 (a) The local government or special district:

37 (A) Exceeded its jurisdiction;

38 (B) Failed to follow the procedures applicable to the matter before it in a manner that preju-
 39 diced the substantial rights of the petitioner;

40 (C) Made a decision not supported by substantial evidence in the whole record;

41 (D) Improperly construed the applicable law; or

42 (E) Made an unconstitutional decision; or

43 (b) The state agency made a decision that violated the goals.

44 (10)(a) The board shall reverse a local government decision and order the local government to
 45 grant approval of an application for development denied by the local government if the board finds:

1 (A) Based on the evidence in the record, that the local government decision is outside the range
 2 of discretion allowed the local government under its comprehensive plan and implementing ordi-
 3 nances; or

4 (B) That the local government's action was for the purpose of avoiding the requirements of ORS
 5 215.427 or 227.178.

6 (b) If the board does reverse the decision and orders the local government to grant approval of
 7 the application, the board shall award attorney fees to the applicant and against the local govern-
 8 ment.

9 (11)(a) Whenever the findings, order and record are sufficient to allow review, and to the extent
 10 possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues
 11 presented to it when reversing or remanding a land use decision described in subsections (2) to (9)
 12 of this section or limited land use decision described in ORS 197.828 and 197.195.

13 (b) Whenever the findings are defective because of failure to recite adequate facts or legal
 14 conclusions or failure to adequately identify the standards or their relation to the facts, but the
 15 parties identify relevant evidence in the record which clearly supports the decision or a part of the
 16 decision, the board shall affirm the decision or the part of the decision supported by the record and
 17 remand the remainder to the local government, with direction indicating appropriate remedial
 18 action.

19 (12) The board may reverse or remand a land use decision under review due to ex parte contacts
 20 or bias resulting from ex parte contacts with a member of the decision-making body, only if the
 21 member of the decision-making body did not comply with ORS 215.422 [(3)] (7) or 227.180 [(3)] (7),
 22 whichever is applicable.

23 (13) Subsection (12) of this section does not apply to reverse or remand of a land use decision
 24 due to ex parte contact or bias resulting from ex parte contact with a hearings officer.

25 (14) The board shall reverse or remand a land use decision or limited land use decision which
 26 violates a commission order issued under ORS 197.328.

27 (15) In cases in which a local government provides a quasi-judicial land use hearing on a limited
 28 land use decision, the requirements of subsections (12) and (13) of this section apply.

29 (16) The board may decide cases before it by means of memorandum decisions and shall prepare
 30 full opinions only in such cases as it deems proper.

31 **SECTION 4. The amendments to ORS 197.835, 215.422 and 227.180 by sections 1 to 3 of this**
 32 **2015 Act apply to quasi-judicial review by a city or county of the decisions made by a hearings**
 33 **officer or other decision-making authority at the city or county level on and after the ef-**
 34 **fective date of this 2015 Act.**

House Bill 3379

Sponsored by Representative HOYLE

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**.

Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application. Requires city or county to refund appeal fee and transcript fee when appellate authority of city or county declines to hear review.

Prohibits city or county from charging fee for appeal of final decision of city or county to Land Use Board of Appeals.

A BILL FOR AN ACT

1
2 Relating to fees for appeal of local land use decisions; creating new provisions; and amending ORS
3 197.835, 215.422 and 227.180.

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

5 **SECTION 1.** ORS 215.422 is amended to read:

6 215.422. [(1)(a) *A party aggrieved by the action of a hearings officer or other decision-making au-*
7 *thority may appeal the action to the planning commission or county governing body, or both, however*
8 *the governing body prescribes. The appellate authority on its own motion may review the action. The*
9 *procedure and type of hearing for such an appeal or review shall be prescribed by the governing body,*
10 *but shall not require the notice of appeal to be filed within less than seven days after the date the*
11 *governing body mails or delivers the decision to the parties.]*

12 [(b) *Notwithstanding paragraph (a) of this subsection, the governing body may provide that the*
13 *decision of a hearings officer or other decision-making authority is the final determination of the*
14 *county.]*

15 [(c) *The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred*
16 *in acting upon an appeal from a hearings officer, planning commission or other designated person. The*
17 *amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or*
18 *the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing*
19 *body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and*
20 *shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared*
21 *by the governing body and the fee therefor, the governing body shall allow any party to an appeal*
22 *proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted*
23 *at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the*
24 *transcript fee shall be refunded.]*

25 [(2) *A party aggrieved by the final determination may have the determination reviewed in the*
26 *manner provided in ORS 197.830 to 197.845.]*

27 (1) **The governing body of a county, by ordinance or resolution, may:**

28 (a) **Provide that the decision of a hearings officer or other decision-making authority of**
29 **the county is the final determination of the county; or**

30 (b) **Choose to act, or designate another entity to act, as an appellate authority to review**

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 the decision of a hearings officer or other decision-making authority.

2 (2) If the governing body of the county establishes an appellate authority pursuant to
 3 subsection (1)(b) of this section, the governing body of the county, by ordinance or resol-
 4 ution, shall prescribe the procedure and type of hearing to provide for review of a decision
 5 of a hearings officer or other decision-making authority, but the governing body may not
 6 require that a notice of appeal be filed less than seven days after the date the county mails
 7 or delivers the decision to the parties.

8 (3) If the governing body of the county establishes an appellate authority pursuant to
 9 subsection (1)(b) of this section:

10 (a) A party aggrieved by the action of a hearings officer or other decision-making au-
 11 thority may appeal the decision to the appellate authority; or

12 (b) The appellate authority may review the decision on its own motion.

13 (4) To defray the costs incurred in acting upon an appeal from a hearings officer or other
 14 decision-making authority, the governing body of the county, by ordinance or regulation,
 15 may prescribe:

16 (a) A reasonable fee that does not exceed 10 percent of the original application fee or
 17 \$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the
 18 proceedings to be reviewed.

19 (b) A reasonable fee for the preparation of a written transcript of the proceedings to be
 20 reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever
 21 is less.

22 (5) If an appellate authority of a county declines to review the decision of a hearings of-
 23 ficer or other decision-making authority, the county shall refund the full amount of appeal
 24 and transcript fees collected by the county.

25 (6) In lieu of having the county prepare a transcript, a party to an appeal proceeding held
 26 on the record may elect to prepare a transcript of relevant portions of the proceedings con-
 27 ducted at a lower level at the party's own expense. The county still may charge the tran-
 28 script fee, but the county shall refund the transcript fee if the party prevails on appeal.

29 [(3)] (7) [No] A decision or action of a planning commission or *[county governing body shall be]*
 30 the governing body of the county is not invalid due to ex parte contact or bias resulting from
 31 ex parte contact with a member of the decision-making body, if the member of the decision-making
 32 body receiving the contact:

33 (a) Places on the record the substance of any written or oral ex parte communications con-
 34 cerning the decision or action; and

35 (b) Has a public announcement of the content of the communication and of the parties' right to
 36 rebut the substance of the communication made at the first hearing following the communication
 37 *[where]* at which action will be considered or taken on the subject to which the communication
 38 related.

39 [(4)] (8) A communication between county staff and the planning commission or governing body
 40 *[shall not be considered]* is not an ex parte contact for the purposes of subsection [(3)] (7) of this
 41 section.

42 [(5)] (9) Subsection [(3)] (7) of this section does not apply to ex parte contact with a hearings
 43 officer approved under ORS 215.406 (1).

44 (10) A party aggrieved by the final decision of a county may have the final decision re-
 45 viewed by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.

1 (11) A county may not charge a fee for appeal of a final decision of the county to the
 2 board.

3 **SECTION 2.** ORS 227.180 is amended to read:

4 227.180. [(1)(a) A party aggrieved by the action of a hearings officer may appeal the action to the
 5 planning commission or council of the city, or both, however the council prescribes. The appellate
 6 authority on its own motion may review the action. The procedure for such an appeal or review shall
 7 be prescribed by the council, but shall:]

8 [(A) Not require that the appeal be filed within less than seven days after the date the governing
 9 body mails or delivers the decision of the hearings officer to the parties;]

10 [(B) Require a hearing at least for argument; and]

11 [(C) Require that upon appeal or review the appellate authority consider the record of the hearings
 12 officer's action. That record need not set forth evidence verbatim.]

13 [(b) Notwithstanding paragraph (a) of this subsection, the council may provide that the decision of
 14 a hearings officer or other decision-making authority in a proceeding for a discretionary permit or zone
 15 change is the final determination of the city.]

16 [(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred
 17 in acting upon an appeal from a hearings officer, planning commission or other designated person. The
 18 amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or
 19 the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing
 20 body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and
 21 shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared
 22 by the governing body and the fee therefor, the governing body shall allow any party to an appeal
 23 proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted
 24 at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the
 25 transcript fee shall be refunded.]

26 [(2) A party aggrieved by the final determination in a proceeding for a discretionary permit or zone
 27 change may have the determination reviewed under ORS 197.830 to 197.845.]

28 (1) **The governing body of a city, by ordinance or resolution, may:**

29 (a) **Provide that the decision of a hearings officer or other decision-making authority of**
 30 **the city is the final determination of the city; or**

31 (b) **Choose to act, or designate another entity to act, as an appellate authority to review**
 32 **the decision of a hearings officer or other decision-making authority.**

33 (2) **If the governing body of the city establishes an appellate authority pursuant to sub-**
 34 **section (1)(b) of this section, the governing body of the city, by ordinance or resolution, shall**
 35 **prescribe the procedure and type of hearing to provide for review of a decision of a hearings**
 36 **officer or other decision-making authority, but the governing body may not require that a**
 37 **notice of appeal be filed less than seven days after the date the city mails or delivers the**
 38 **decision to the parties.**

39 (3) **If the governing body of the city establishes an appellate authority pursuant to sub-**
 40 **section (1)(b) of this section:**

41 (a) **A party aggrieved by the action of a hearings officer or other decision-making au-**
 42 **thority may appeal the decision to the appellate authority; or**

43 (b) **The appellate authority may review the decision on its own motion.**

44 (4) **To defray the costs incurred in acting upon an appeal from a hearings officer or other**
 45 **decision-making authority, the governing body of the city, by ordinance or regulation, may**

1 **prescribe:**

2 (a) **A reasonable fee that does not exceed 10 percent of the original application fee or**
 3 **\$1,000, whichever is less, and that excludes the cost to prepare a written transcript of the**
 4 **proceedings to be reviewed.**

5 (b) **A reasonable fee for the preparation of a written transcript of the proceedings to be**
 6 **reviewed that does not exceed the actual cost of preparing the transcript or \$500, whichever**
 7 **is less.**

8 (5) **If an appellate authority of a city declines to review the decision of a hearings officer**
 9 **or other decision-making authority, the city shall refund the full amount of appeal and**
 10 **transcript fees collected by the city.**

11 (6) **In lieu of having the city prepare a transcript, a party to an appeal proceeding held**
 12 **on the record may elect to prepare a transcript of relevant portions of the proceedings con-**
 13 **ducted at a lower level at the party's own expense. The city still may charge the transcript**
 14 **fee, but the city shall refund the transcript fee if the party prevails on appeal.**

15 [(3)] (7) **[No] A decision or action of a planning commission or [city governing body shall be] the**
 16 **governing body of the city is not** invalid due to ex parte contact or bias resulting from ex parte
 17 contact with a member of the decision-making body, if the member of the decision-making body re-
 18 ceiving the contact:

19 (a) Places on the record the substance of any written or oral ex parte communications con-
 20 cerning the decision or action; and

21 (b) Has a public announcement of the content of the communication and of the parties' right to
 22 rebut the substance of the communication made at the first hearing following the communication
 23 [where] **at which** action will be considered or taken on the subject to which the communication
 24 related.

25 [(4)] (8) A communication between city staff and the planning commission or governing body
 26 [shall not be considered] **is not** an ex parte contact for the purposes of subsection [(3)] (7) of this
 27 section.

28 [(5)] (9) Subsection [(3)] (7) of this section does not apply to ex parte contact with a hearings
 29 officer.

30 (10) **A party aggrieved by the final decision of a city may have the final decision reviewed**
 31 **by the Land Use Board of Appeals in the manner provided in ORS 197.830 to 197.845.**

32 (11) **A city may not charge a fee for appeal of a final decision of the city to the board.**

33 **SECTION 3.** ORS 197.835 is amended to read:

34 197.835. (1) The Land Use Board of Appeals shall review the land use decision or limited land
 35 use decision and prepare a final order affirming, reversing or remanding the land use decision or
 36 limited land use decision. The board shall adopt rules defining the circumstances in which it will
 37 reverse rather than remand a land use decision or limited land use decision that is not affirmed.

38 (2)(a) Review of a decision under ORS 197.830 to 197.845 shall be confined to the record.

39 (b) In the case of disputed allegations of standing, unconstitutionality of the decision, ex parte
 40 contacts, actions described in subsection (10)(a)(B) of this section or other procedural irregularities
 41 not shown in the record that, if proved, would warrant reversal or remand, the board may take ev-
 42 idence and make findings of fact on those allegations. The board shall be bound by any finding of
 43 fact of the local government, special district or state agency for which there is substantial evidence
 44 in the whole record.

45 (3) Issues shall be limited to those raised by any participant before the local hearings body as

1 provided by ORS 197.195 or 197.763, whichever is applicable.

2 (4) A petitioner may raise new issues to the board if:

3 (a) The local government failed to list the applicable criteria for a decision under ORS 197.195
4 (3)(c) or 197.763 (3)(b), in which case a petitioner may raise new issues based upon applicable crite-
5 ria that were omitted from the notice. However, the board may refuse to allow new issues to be
6 raised if it finds that the issue could have been raised before the local government; or

7 (b) The local government made a land use decision or limited land use decision which is different
8 from the proposal described in the notice to such a degree that the notice of the proposed action
9 did not reasonably describe the local government's final action.

10 (5) The board shall reverse or remand a land use decision not subject to an acknowledged
11 comprehensive plan and land use regulations if the decision does not comply with the goals. The
12 board shall reverse or remand a land use decision or limited land use decision subject to an ac-
13 knowledged comprehensive plan or land use regulation if the decision does not comply with the
14 goals and the Land Conservation and Development Commission has issued an order under ORS
15 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to
16 apply the goals to the type of decision being challenged.

17 (6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment
18 is not in compliance with the goals.

19 (7) The board shall reverse or remand an amendment to a land use regulation or the adoption
20 of a new land use regulation if:

21 (a) The regulation is not in compliance with the comprehensive plan; or

22 (b) The comprehensive plan does not contain specific policies or other provisions which provide
23 the basis for the regulation, and the regulation is not in compliance with the statewide planning
24 goals.

25 (8) The board shall reverse or remand a decision involving the application of a plan or land use
26 regulation provision if the decision is not in compliance with applicable provisions of the compre-
27 hensive plan or land use regulations.

28 (9) In addition to the review under subsections (1) to (8) of this section, the board shall reverse
29 or remand the land use decision under review if the board finds:

30 (a) The local government or special district:

31 (A) Exceeded its jurisdiction;

32 (B) Failed to follow the procedures applicable to the matter before it in a manner that preju-
33 diced the substantial rights of the petitioner;

34 (C) Made a decision not supported by substantial evidence in the whole record;

35 (D) Improperly construed the applicable law; or

36 (E) Made an unconstitutional decision; or

37 (b) The state agency made a decision that violated the goals.

38 (10)(a) The board shall reverse a local government decision and order the local government to
39 grant approval of an application for development denied by the local government if the board finds:

40 (A) Based on the evidence in the record, that the local government decision is outside the range
41 of discretion allowed the local government under its comprehensive plan and implementing ordi-
42 nances; or

43 (B) That the local government's action was for the purpose of avoiding the requirements of ORS
44 215.427 or 227.178.

45 (b) If the board does reverse the decision and orders the local government to grant approval of

1 the application, the board shall award attorney fees to the applicant and against the local govern-
 2 ment.

3 (11)(a) Whenever the findings, order and record are sufficient to allow review, and to the extent
 4 possible consistent with the time requirements of ORS 197.830 (14), the board shall decide all issues
 5 presented to it when reversing or remanding a land use decision described in subsections (2) to (9)
 6 of this section or limited land use decision described in ORS 197.828 and 197.195.

7 (b) Whenever the findings are defective because of failure to recite adequate facts or legal
 8 conclusions or failure to adequately identify the standards or their relation to the facts, but the
 9 parties identify relevant evidence in the record which clearly supports the decision or a part of the
 10 decision, the board shall affirm the decision or the part of the decision supported by the record and
 11 remand the remainder to the local government, with direction indicating appropriate remedial
 12 action.

13 (12) The board may reverse or remand a land use decision under review due to ex parte contacts
 14 or bias resulting from ex parte contacts with a member of the decision-making body, only if the
 15 member of the decision-making body did not comply with ORS 215.422 [(3)] (7) or 227.180 [(3)] (7),
 16 whichever is applicable.

17 (13) Subsection (12) of this section does not apply to reverse or remand of a land use decision
 18 due to ex parte contact or bias resulting from ex parte contact with a hearings officer.

19 (14) The board shall reverse or remand a land use decision or limited land use decision which
 20 violates a commission order issued under ORS 197.328.

21 (15) In cases in which a local government provides a quasi-judicial land use hearing on a limited
 22 land use decision, the requirements of subsections (12) and (13) of this section apply.

23 (16) The board may decide cases before it by means of memorandum decisions and shall prepare
 24 full opinions only in such cases as it deems proper.

25 **SECTION 4. The amendments to ORS 197.835, 215.422 and 227.180 by sections 1 to 3 of this**
 26 **2015 Act apply to quasi-judicial review by a city or county of the decisions made by a hearings**
 27 **officer or other decision-making authority at the city or county level on or after the effective**
 28 **date of this 2015 Act.**

29

The Association of Oregon Counties Opposes SB 359

To: Senate Judiciary Committee

From: Mark Nystrom, Policy Manager, Association of Oregon Counties

Date: February 25, 2015

The Association of Oregon Counties opposes SB 359 and the limits put on land use appeal fees. The state-wide land use system is set up to be implemented locally, and with 36 counties, there is great variation around the state. However, one issue is consistent from county to county – they go through great lengths to ensure that Goal 1 is met and that there is robust citizen involvement. Ensuring active citizen involvement can be expensive and every county has different demands on its general fund dollars.

Land use appeals are handled differently in every county. Some counties use volunteer citizen boards while others choose to use independent land use appeals officers. These officers provide an unbiased opinion from an expert in the field, but can cost the county greatly. Each county has made the decision for itself in how they handle the appeals in accordance with Oregon state land use laws and this bill would limit a county's ability to do so.

Some counties have the ability to pay for the majority of the cost of appeals out of their general fund while others need to have a fee-based system to cover the costs. SB 359 would eliminate choices for counties that have chosen to use fees to cover the expenses of the appeal. The \$1,000 limit would barely cover the cost of a land use attorney for a day's work. With complicated appeals, the county's expenses can run over \$5,000. SB 359 would force counties to either give up their current process, use general fund dollars to cover the extra costs, raise fees for other services, or pass the appeals on to LUBA and lose local control. None of these options is acceptable to Oregon Counties.

- Forcing counties to give up their current process flies in the face of local decision making and local control. The state chose to give the counties this option and SB 359 would take that away.
- Shifting funds from general fund only serves to short other programs at a time when many counties are in fiscal distress and only have discretion over a small fraction of their spending. When there is talk about closing jails, underfunded mental and public health programs and losing sheriff's deputies, this adds to the ongoing burden of county budgets.
- Land use appeal expenses need to be covered somehow. If not from appeal fees or general funds, then the county will need to turn to raising other fees to cover these costs. This decision is not equitable nor is it politically feasible for county commissioners.

- Passing the appeal to LUBA again denies the county the right for local control. In addition, the fees that LUBA charges for an appeal does not cover the state's cost; therefore SB 359 will shift more costs to the state. Counties will not choose this option because they lose control over local decision making, but will still bear costs in defending the earlier land use decision. This is not an acceptable solution.

The Association of Oregon Counties recognizes the goals of SB 359. Counties believe that all citizens should have access to the land use system and financial constraint should not be a limiting factor. However, SB 359 does not provide a workable solution to this problem, it simply shifts the cost to local governments that are already struggling financially. Looking at other options such as state-funded low income assistance for those filling appeals would be much more equitable for all. These and other options should be put on the table and AOC will commit to working with SB 359 advocates to find a workable solution.

Please contact AOC Policy Manager Mark Nystrom with any questions.



Feb. 24, 2015

Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary
900 Court St. NE
Salem, Or 97301

RE: Senate Bill 359 – Fees; Local Land Use Appeals

Dear Chair Prozanski and Members of the Judiciary Committee:

I am writing to express the city of Beaverton's opposition to Senate Bill 359, as introduced. Senate Bill 359 would limit the appeal fee a city or county may charge for an appeal of a land use decision made by a local hearings officer or planning commission. These are fees paid for local appeals, not appeals to LUBA.

As proposed, Senate Bill 359 would limit a local appeal fee to "a reasonable fee not to exceed 10 percent of the original application fee or \$1,000, whichever is less." The proposed cap adversely affects Beaverton because the land use application fees the cap applies to are already low.

The city sets its land use application fees annually based on a good faith, reasonable estimate of the average cost for processing various land use applications. Beaverton's application fees for most Type 3 matters—the city's most common land use proceeding—are in the range of \$2,000 to \$3,000. Application fees for Type 4 matters are either \$4,770 for a development code text amendment or \$5,243 for a comprehensive plan amendment. All of these fees are set with notice to the public who can comment on the fee amounts.

Similarly, Beaverton sets its appeal fees annually based on a good faith, reasonable estimate of average cost of preparing for and conducting an appeal. These fees, too, are set with notice to the public who can comment on the fee amounts. Using this methodology, the fee for either a Type 3 or Type 4 land use appeal in Beaverton is currently \$1,439.

As written, Senate Bill 359 would limit land use appeal fees in Beaverton to the lesser of \$1000 or 10 percent of the original land use application fee. This means the city would be limited to a \$200 to \$300 appeal fee for most Type 3 matters and less than a \$500 appeal fee for any Type 4 matter. These appeal fees are unreasonably low.

Without question, appeal fees should not to be set so high as to discourage legitimate appeals. But Senate Bill 359 would set such unreasonably low appeal fees for jurisdictions like Beaverton that it will likely encourage a "roll-the-dice" mentality when it comes to appeals of local land use decisions. Appeal fees should not be set so low as to encourage spurious appeals.

I urge you to oppose Senate Bill 359, as introduced. Thank you for the opportunity to comment.

Sincerely,



Bill Kirby
City Attorney



February 24, 2015

RE: Testimony from the Association of Oregon County Planning Directors on SB 359

To: Laura Handzel, Judiciary Committee Administrator

The Association of Oregon County Planning Directors would like to offer this testimony in opposition of SB 359 which limits the amount of appeal fee counties may charge for land use applications.

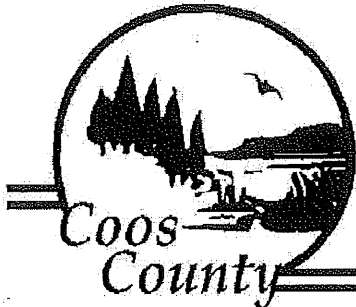
There are significant differences in costs of processing land use applications and appeals between counties throughout the state. The mechanism to cover those costs varies from full cost recovery in some counties while other counties subsidize costs through the use of general fund dollars. The costs of processing land use appeals also varies across the state because some appeals are heard by volunteer planning commissions while other counties rely on contract hearings officers. In either case, the proposed cap on appeal fees of \$1000.00 in most cases through the state will not cover the actual cost of processing land use appeals, and in many cases does not cover half or a third of the actual cost of service. The current law which allows counties to determine fees should remain a local decision and is necessary to provide flexibility and sound fiscal planning to support planning programs throughout the state.

The Association of Oregon County Planning Directors opposes SB 359. Thank you for the opportunity to comment on this legislation.

Sincerely,

Mike McCallister
President Association of Oregon County Planning Directors
Clackamas County Planning Director

cc: Mark Nystrom, AOC



MELISSA CRIBBINS, COMMISSIONER

250 N. Baxter Street, Coquille, Oregon 97423

(541) 396-7539

FAX (541) 396-1010 / TDD (800) 735-2900

E-Mail: mcribbins@co.coos.or.us

February 24, 2015

Senate Bill 359 limits the amount of the appeal fee that a city or county may charge for quasi-judicial review of city or county decisions on land use applications. The bill further requires the city or county refund appeals fees and transcript fees when appellate authority of city or county declines to review decision.

This bill also prohibits cities or counties from charging fees for appeal of final decisions of the city or county to the Land Use Board of Appeals.

Different counties charge different fees due to various types of funding necessities. Often times, there is no funding to subsidize the planning program, which is a statutory mandated service. Capping fees has the possibility of causing a failed planning program. This statement sounds dramatic when considering only a cap on appeal fees but, for reasons explained in this letter, is a valid consideration.

This bill will result in financial hardship for the Coos County Planning Department and other County Planning Departments that are reliant on fees as their major funding source. Coos County is a county that charges actual cost of services (ACS). The fee cap for an appeal of a planning director's decision causes a loss of revenue to the Planning Department of about \$1987 for every appeal filed at the first level (due to the existing \$250 cap). The new cap would now impose a limit on the appeal of a Planning Commission's decision, which would cost the Planning Department an additional \$1200 dollars, on average, for each appeal to the Board of Commissioners. Any portion of the fee that is not expensed is returned to an applicant or appellant.

One consequence of this bill on Coos County is an increase in all other fees to subsidize the decreased appeal fee. Due to the fact that the general fund is dwindling, the Coos County Board of Commissioners had to make the difficult decision to remove Coos County Planning from the general fund. As a result, fees, grant funds and economic development dollars are used to support the planning program and the reduction of this income has the potential to negatively affect the quality of service offered by the Planning Department.

If fees are not raised to offset the cap, the solution would be to subsidize appeal fees by reducing other planning services or increasing the fees for other services. This would reduce long range planning and risk closure to the public due to reduction in staff. An associated risk of raising fees is making applications for permits cost prohibitive, resulting in either more enforcement issues or lack of development. Either of these outcomes will cause financial harm to the citizens of Coos County.

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973

Public input is very valuable and a necessity in the planning process but, as it currently stands, the State has already limited appeal fees to \$250 for administrative (staff) decisions. The direct effect of this appeal fee cap in Coos County is that any controversial or complex applications are directly sent to public hearing. The Board of Commissioners has invested time in selecting Planning Commission members and money to train them. Therefore, the fee acts as a control to eliminate frivolous appeals.

This seems like an equality issue as well, because this gives an appellant an unfair advantage. Some appeals that are received have no land use merit and it has been the experience in Coos County that a higher fee prevents those types of appeals. This is a local jurisdiction decision and the authority of the County should not be removed. Coos County does offer fee waiver for financial hardships or public benefits at the discretion of the Board of County Commissioners, which allows for special cases to be considered.

Thank you for the opportunity to provide the Committee with information on this matter from Coos County's view. Coos County urges the Commission to oppose this bill and allow counties to maintain local discretion to fund planning services.



Melissa Cribbins
Commissioner
Coos County

PUBLIC RECORD

Oregon State Legislature

WITNESS REGISTRATION

Committee Name: Senate Judiciary

Public Hearing on: SB 359

Date: 02/25/2015

Please register if you wish to testify on the above named measure/issue.

Please print legibly.

Name and Organization or County of Residence PLEASE PRINT LEGIBLY	Phone # (Optional)	Do you live more than 100 miles from this meeting location?		Position			Are you submitting written testimony?	
		Yes	No	For	Against	Neutral	Yes	No
NICK LELACK		✓			✓		✓	
Peggy Lynch LWVOR				✓			✓	
Erin Doyle League of Oregon Cities					✓			✓
Jonathan Manton Central Oregon LandWatch				✓				
ERIK KAWLER CITY OF BEND					✓		✓	
Steve Mcloy 1000 Friends of Oregon			✓	✓				✓
Jon Chandler OHA					x			
Stephen Kaborny OAPA			✓			✓		✓
Shaun Jillions OAR			x		x			x

Public Affairs Counsel
 2015 Regular Session
 Bill Summary Report

Deschutes County

HB 2833 **Position** **Priority** **Date Input**

Bill Info Support 1 2/4/15

Summary: Adds woody biomass to types of green energy technology for which contracting agency must set aside 1.5 percent of contract price to include in public building.

Status:

3/12/15 H - Public Hearing held.
 2/6/15 H - Referred to Energy and Environment.
 2/2/15 H - First reading. Referred to Speaker's desk.

HB 3208 **Position** **Priority** **Date Input**

Bill Info Oppose 1 3/2/15

Summary: Modifies definition of "land use decision" to exclude decisions pertaining to construction, operation, maintenance or improvement of water delivery infrastructure that are made by districts for irrigation, drainage, water improvement or water control.

Status:

3/5/15 H - Referred to Rural Communities, Land Use, and Water.
 2/27/15 H - First reading. Referred to Speaker's desk.

HB 3379 **Position** **Priority** **Date Input**

Bill Info Oppose 1 3/2/15

Summary: Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application.

Status:

3/6/15 H - Referred to Rural Communities, Land Use, and Water.
 2/27/15 H - First reading. Referred to Speaker's desk.

SB 0133A **Position** **Priority** **Date Input**

Bill Info Support 1 2/24/15

Summary: Allows Department of Consumer and Business Services to make system for electronic access to building code information available for other purposes.

Status:

3/5/15 H - Referred to Business and Labor.
 2/27/15 H - First reading. Referred to Speaker's desk.
 2/26/15 S - Third reading. Carried by Riley. Passed. Ayes, 29; excused, 1--Winters.
 2/26/15 S - Olsen declared potential conflict of interest.
 2/24/15 S - Second reading.
 2/23/15 S - Recommendation: Do pass with amendments. (Printed A-Eng.)
 2/18/15 S - Public Hearing and Work Session held.
 2/9/15 S - Public Hearing held.
 1/20/15 S - Referred to Business and Transportation.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

**Public Affairs Counsel
2015 Regular Session
Bill Summary Report**

SB 0359 **Position** **Priority** **Date Input**
Bill Info Oppose 1 1/16/15
Summary: Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application.
Status:
2/25/15 S - Public Hearing held.
1/20/15 S - Referred to Judiciary.
1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0516 **Position** **Priority** **Date Input**
Bill Info Support 1 2/4/15
Summary: Requires Housing and Community Services Department to dedicate and use portion of moneys deposited in certain housing accounts from County Assessment and Taxation Fund for benefit of county from which fees deposited into fund were charged and collected.
Status:
3/12/15 S - Public Hearing held.
3/5/15 S - Public Hearing and Work Session held.
2/3/15 S - Referred to Finance and Revenue.
2/2/15 S - Introduction and first reading. Referred to President's desk.

SB 0648 **Position** **Priority** **Date Input**
Bill Info Support 1 3/16/15
Summary: Expands duties of Central Oregon Health Council.
Status:
4/6/15 S - Public Hearing and Possible Work Session scheduled.
2/19/15 S - Referred to Health Care.
2/17/15 S - Introduction and first reading. Referred to President's desk.

HB 2015A **Position** **Priority** **Date Input**
Bill Info Support 2 3/6/15
Summary: Directs Department of Human Services, in consultation with Early Learning Division and Office of Child Care, to adopt rules for subsidy programs for employment-related child care that, at minimum, provide for one year of eligibility regardless of change in employment, permit students enrolled in coursework and self-employed persons to receive subsidized employment-related child care, and provide for reduced copayments and incentive payments when child care provider meets specified minimum standa
Status:

**Public Affairs Counsel
2015 Regular Session
Bill Summary Report**

3/20/15 H - Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.
 3/20/15 H - Referred to Ways and Means by prior reference.
 3/18/15 H - Work Session held.
 2/9/15 H - Public Hearing held.
 1/16/15 H - Referred to Human Services and Housing with subsequent referral to Ways and Means.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2041 **Position** **Priority** **Date Input**

Bill Info Support 2 1/16/15

Summary: Provides that local governments may prohibit medical marijuana facilities and producers, processors and sellers of marijuana from being located within one mile of school.

Status:

3/4/15 H - Public Hearing held.
 1/16/15 H - Referred to Implementing Measure 91.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2132 **Position** **Priority** **Date Input**

Bill Info Support 2 1/16/15

Summary: Allows county that collects forest protection district assessment or surcharge to retain percentage of collected moneys for purpose of paying county administrative costs.

Status:

3/10/15 H - Public Hearing held.
 1/16/15 H - Referred to Consumer Protection and Government Effectiveness.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2133 **Position** **Priority** **Date Input**

Bill Info Support 2 1/16/15

Summary: Removes requirement that 70 percent of net revenue from new or increased local transient lodging tax be used to fund tourism promotion or tourism-related facilities.

Status:

1/16/15 H - Referred to Transportation and Economic Development with subsequent referral to Revenue.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2142 **Position** **Priority** **Date Input**

Bill Info Neutral 2 1/16/15

Summary: Specifies ballot title for ___ Joint Resolution ___ (2015) (LC 335).

Status:

1/16/15 H - Referred to Rules.
 1/12/15 H - First reading. Referred to Speaker's desk.

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HB 2160 **Position** **Priority** **Date Input**
Bill Info Support 2 1/16/15
Summary: Removes prohibition against imposition of taxes by county on cigarettes and tobacco products.
Status:
1/16/15 H - Referred to Revenue.
1/12/15 H - First reading. Referred to Speaker's desk.

HB 2161 **Position** **Priority** **Date Input**
Bill Info Oppose 2 1/16/15
Summary: Authorizes county to charge fee not to exceed actual cost to county of recording certain instruments.
Status:
1/16/15 H - Referred to Revenue.
1/12/15 H - First reading. Referred to Speaker's desk.

HB 2162 **Position** **Priority** **Date Input**
Bill Info Support 2 1/16/15
Summary: Removes prohibition against local government imposition of taxes on cigarettes and tobacco products.
Status:
1/16/15 H - Referred to Revenue.
1/12/15 H - First reading. Referred to Speaker's desk.

HB 2235 **Position** **Priority** **Date Input**
Bill Info Support 2 1/15/15
Summary: Limits review by Land Use Board of Appeals of land use decisions and limited land use decisions changing comprehensive plans and land use regulations to issues raised during local planning process.
Status:
1/16/15 H - Referred to Rural Communities, Land Use and Water.
1/12/15 H - First reading. Referred to Speaker's desk.

HB 2287 **Position** **Priority** **Date Input**
Bill Info Support 2 3/6/15
Summary: Authorizes issuance of lottery bonds for transportation projects funded from Multimodal Transportation Fund.
Status:
1/16/15 H - Referred to Transportation and Economic Development with subsequent referral to Ways and Means.
1/12/15 H - First reading. Referred to Speaker's desk.

HB 2339 **Position** **Priority** **Date Input**
Bill Info Support 2 1/16/15

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Summary: Requires court to appoint interpreter and provide appropriate assistive communication device when necessary for crime victim who seeks to exercise certain constitutional rights in open court.

Status:

2/12/15 S - First reading. Referred to President's desk.
 2/12/15 S - Referred to Judiciary.
 2/11/15 H - Third reading. Carried by Williamson. Passed. Ayes, 56; Nays, 1--Nearman; Absent, 1--Evans; Excused, 1--Clem; Excused for Business of the House, 1--Buckley.
 2/9/15 H - Rules suspended. Carried over to February 11, 2015 Calendar.
 2/6/15 H - Recommendation: Do pass.
 2/6/15 H - Second reading.
 2/2/15 H - Public Hearing and Work Session held.
 1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2348 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Provides honorably retired law enforcement officers with protections provided to Oregon concealed handgun license holders.

Status:

2/26/15 H - Public Hearing held.
 1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2355 **Position** **Priority** **Date Input**

Bill Info No Position 2 1/16/15

Summary: Increases certain fees charged by justice courts.

Status:

1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2424 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Authorizes employees of Department of Corrections, State Board of Parole and Post-Prison Supervision and Oregon Corrections Enterprises who work in department building to store personal handgun and ammunition in vehicle.

Status:

3/19/15 H - Work Session held.
 2/26/15 H - Public Hearing held.
 1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2482 **Position** **Priority** **Date Input**

Bill Info Support 2 1/14/15

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Summary: Requires Department of Revenue to appraise industrial property if improvements have real market value of more than \$1 million, unless appraisal delegated to county upon request of county assessor.

Status:

3/3/15 S - Referred to Finance and Revenue.
 2/24/15 S - First reading. Referred to President's desk.
 2/23/15 H - Third reading. Carried by Smith Warner. Passed. Ayes, 59; Excused, 1--Esquivel.
 2/20/15 H - Second reading.
 2/19/15 H - Recommendation: Do pass.
 2/18/15 H - Work Session held.
 2/9/15 H - Public Hearing held.
 1/16/15 H - Referred to Revenue.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2483A **Position** **Priority** **Date Input**

Bill Info Support 2 2/26/15

Summary: Clarifies that right of any other party to seek determination of total real market value of unit of property or real market value of components of tax account or unit of property applies in appeals of accounts constituting unit of property.

Status:

3/11/15 S - Referred to Finance and Revenue.
 3/3/15 S - First reading. Referred to President's desk.
 3/2/15 H - Third reading. Carried by Davis. Passed. Ayes, 58; Excused, 2--Esquivel, Gorsek.
 2/27/15 H - Rules suspended. Carried over to March 2, 2015 Calendar.
 2/25/15 H - Second reading.
 2/24/15 H - Recommendation: Do pass with amendments and be printed A-Engrossed.
 2/23/15 H - Work Session held.
 2/18/15 H - Work Session held.
 2/9/15 H - Public Hearing held.
 1/16/15 H - Referred to Revenue.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2484 **Position** **Priority** **Date Input**

Bill Info Support 2 1/15/15

Summary: Extends due date to March 15 for filing of certain property tax returns.

Status:

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3/5/15 S - Referred to Finance and Revenue.
 2/26/15 S - First reading. Referred to President's desk.
 2/25/15 H - Read third time under Consent Calendar. Passed. Ayes, 60.
 2/23/15 H - Second reading.
 2/20/15 H - Recommendation: Do pass and be placed on Consent Calendar.
 2/19/15 H - Work Session held.
 2/9/15 H - Public Hearing held.
 1/16/15 H - Referred to Revenue.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2487 **Position** **Priority** **Date Input**

Bill Info Support 2 1/15/15

Summary: Requires correction of maximum assessed value due to correction of square footage of property to be proportional to change in real market value of property that is due to correction of square footage.

Status:

3/11/15 S - Referred to Finance and Revenue.
 3/9/15 S - First reading. Referred to President's desk.
 3/5/15 H - Third reading. Carried by Bentz. Passed. Ayes, 59; Excused, 1--Taylor.
 3/4/15 H - Rules suspended. Carried over to March 5, 2015 Calendar.
 3/3/15 H - Second reading.
 3/2/15 H - Recommendation: Do pass.
 2/26/15 H - Work Session held.
 2/16/15 H - Public Hearing held.
 1/16/15 H - Referred to Revenue.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2529 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license.

Status:

1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2540 **Position** **Priority** **Date Input**

Bill Info Oppose 2 1/15/15

Summary: Modifies definition of "public works." Classifies exemption from ad valorem property taxation as funds of public agency for purpose of requiring payment of prevailing rate of wage.

Status:

1/16/15 H - Referred to Business and Labor.
 1/12/15 H - First reading. Referred to Speaker's desk.

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HB 2546A **Position** **Priority** **Date Input**
Bill Info Support 2 2/23/15
Summary: Defines "inhalant delivery system." Amends laws concerning sale of tobacco products to, and use of tobacco products by, minors so those laws equally apply to inhalant delivery systems.
Status:
 3/23/15 S - Public Hearing Scheduled.
 3/9/15 S - Referred to Health Care.
 3/3/15 S - First reading. Referred to President's desk.
 3/2/15 H - Third reading. Carried by Taylor. Passed. Ayes, 56; Nays, 2--Nearman, Weidner; Excused, 2--Esquivel, Gorsek.
 2/27/15 H - Rules suspended. Carried over to March 2, 2015 Calendar.
 2/25/15 H - Second reading.
 2/24/15 H - Recommendation: Do pass with amendments and be printed A-Engrossed.
 2/20/15 H - Work Session held.
 2/9/15 H - Public Hearing held.
 1/16/15 H - Referred to Health Care.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2651 **Position** **Priority** **Date Input**
Bill Info Oppose 2 1/16/15
Summary: Requires police officer or certified reserve officer employed or utilized by law enforcement unit that employs at least 20 police officers to have associate degree.
Status:
 1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2701 **Position** **Priority** **Date Input**
Bill Info Neutral 2 1/16/15
Summary: Increases number of sessions with mental health professional that law enforcement agency must pay for and requires involved officer to attend all sessions.
Status:
 1/16/15 H - Referred to Judiciary.
 1/12/15 H - First reading. Referred to Speaker's desk.

HB 2829 **Position** **Priority** **Date Input**
Bill Info No Position 2 3/6/15
Summary: Modifies provisions authorizing private parks in exclusive farm use zones.
Status:
 2/5/15 H - Referred to Rural Communities, Land Use, and Water.
 2/2/15 H - First reading. Referred to Speaker's desk.

HB 2830 **Position** **Priority** **Date Input**
Bill Info Support 2 2/4/15

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Summary: Modifies time period for local government to take action on application for permit, limited land use decision or zone change after remand based on final order of Land Use Board of Appeals.

Status:

3/3/15 H - Public Hearing held.
2/5/15 H - Referred to Rural Communities, Land Use, and Water.
2/2/15 H - First reading. Referred to Speaker's desk.

HB 2836 **Position** **Priority** **Date Input**

Bill Info Neutral 2 2/4/15

Summary: Provides hours of service credit for vesting purposes and retirement credit to member of Oregon Public Service Retirement Plan who receives workers' compensation disability payments and later returns to employment with participating public employer.

Status:

2/5/15 H - Referred to Business and Labor.
2/2/15 H - First reading. Referred to Speaker's desk.

HB 2885 **Position** **Priority** **Date Input**

Bill Info No Position 2 2/5/15

Summary: Provides that Oregon Liquor Control Commission may delay issuing licenses to applicants for processing marijuana products that are intended to be consumed as food or as potable liquid until July 1, 2016.

Status:

2/11/15 H - Referred to Implementing Measure 91.
2/4/15 H - First reading. Referred to Speaker's desk.

HB 2908A **Position** **Priority** **Date Input**

Bill Info Support 2 2/6/15

Summary: Brings Oregon law into compliance with federal Preventing Sex Trafficking and Strengthening Families Act of 2014.

Status:

3/20/15 H - Third reading. Carried by Barker. Passed. Ayes, 54; Excused, 6--Barreto, Gilliam, Hack, Heard, Hoyle, Olson.
3/19/15 H - Second reading.
3/18/15 H - Recommendation: Do pass with amendments and be printed A-Engrossed.
3/16/15 H - Work Session held.
2/23/15 H - Public Hearing held.
2/13/15 H - Referred to Judiciary.
2/6/15 H - First reading. Referred to Speaker's desk.

HB 2915 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Establishes credit against personal income taxes for purchase of qualifying gun safes.

Status:

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3/9/15 H - Recommendation: Do pass and be referred to Revenue by prior reference.
 3/9/15 H - Referred to Revenue by prior reference.
 3/5/15 H - Public Hearing and Work Session held.
 2/13/15 H - Referred to Judiciary with subsequent referral to Revenue.
 2/6/15 H - First reading. Referred to Speaker's desk.

HB 2959 **Position** **Priority** **Date Input**

Bill Info Support 2 2/12/15

Summary: Requires Housing and Community Services Department to dedicate and use portion of moneys deposited in certain housing accounts from County Assessment and Taxation Fund for benefit of county from which fees deposited into fund were charged and collected.

Status:

2/18/15 H - Referred to Human Services and Housing with subsequent referral to Ways and Means.
 2/11/15 H - First reading. Referred to Speaker's desk.

HB 3051 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Provides persons licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license.

Status:

2/27/15 H - Referred to Judiciary.
 2/20/15 H - First reading. Referred to Speaker's desk.

HB 3093 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Provides persons licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license if other state has no less stringent handgun competency requirement than Oregon.

Status:

3/2/15 H - Referred to Judiciary.
 2/23/15 H - First reading. Referred to Speaker's desk.

HB 3097 **Position** **Priority** **Date Input**

Bill Info Oppose 2 2/24/15

Summary: Makes inquiring after applicant's conviction history and certain activities related to conducting criminal records check on prospective employee unlawful employment practice.

Status:

3/25/15 H - Public Hearing scheduled.
 3/2/15 H - Referred to Business and Labor.
 2/23/15 H - First reading. Referred to Speaker's desk.

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HB 3100

	Position	Priority	Date Input
Bill Info	Support	2	2/18/15
Summary:	Changes governmental framework for conducting public health activities in this state and for providing public health services to residents of this state.		
Status:			
3/9/15	H - Public Hearing held.		
2/20/15	H - Referred to Health Care.		
2/16/15	H - First reading. Referred to Speaker's desk.		

HB 3282

	Position	Priority	Date Input
Bill Info	Support	2	3/2/15
Summary:	Requires Director of Department of Land Conservation and Development at city request to approve or remand sequential phases of work task related to potential amendment of urban growth boundary.		
Status:			
3/24/15	H - Public Hearing scheduled.		
3/5/15	H - Referred to Rural Communities, Land Use, and Water.		
2/27/15	H - First reading. Referred to Speaker's desk.		

HB 3431

	Position	Priority	Date Input
Bill Info	Neutral	2	3/3/15
Summary:	Extends deadline for owner of Metolius resort site to notify Department of Land Conservation and Development that owner has elected to seek approval of small-scale recreation community.		
Status:			
3/9/15	H - Referred to Rural Communities, Land Use, and Water.		
3/2/15	H - First reading. Referred to Speaker's desk.		

HB 5015

	Position	Priority	Date Input
Bill Info	Support	2	1/15/15
Summary:	Appropriates moneys from General Fund to Department of Justice for biennial expenses of district attorneys.		
Status:			
2/26/15	H - Public Hearing held.		
1/29/15	H - Assigned to Subcommittee On Public Safety.		
1/16/15	H - Referred to Ways and Means.		
1/12/15	H - First reading. Referred to Speaker's desk.		

SB 0027

	Position	Priority	Date Input
Bill Info	Support	2	1/15/15
Summary:	Resolves certain contradictory provisions applicable to duties of county clerk.		
Status:			

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3/19/15 S - Second reading.
 3/19/15 S - Recommendation: Do pass.
 3/12/15 S - Work Session held.
 2/19/15 S - Public Hearing held.
 1/20/15 S - Referred to Rules.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0028A **Position** **Priority** **Date Input**

Bill Info Support 2 1/15/15

Summary: Clarifies that county clerk may use elector's registration record, rather than physical registration card, to authenticate signatures.

Status:

3/19/15 S - Recommendation: Do pass with amendments. (Printed A-Eng.)
 3/12/15 S - Work Session held.
 2/19/15 S - Public Hearing held.
 1/20/15 S - Referred to Rules.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0029 **Position** **Priority** **Date Input**

Bill Info Support 2 1/15/15

Summary: Establishes procedures for electing precinct committee persons.

Status:

3/19/15 S - Recommendation: Do pass.
 3/19/15 S - Second reading.
 3/12/15 S - Work Session held.
 2/19/15 S - Public Hearing held.
 1/20/15 S - Referred to Rules.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0067 **Position** **Priority** **Date Input**

Bill Info Support 2 1/15/15

Summary: Changes certain ballot markings from "Presidential only" to "Federal only."

Status:

1/20/15 S - Referred to Rules.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0115 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Removes six-month county residence requirement for legal resident applicant for concealed handgun license.

Status:

1/20/15 S - Referred to Judiciary.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

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SB 0130 **Position** **Priority** **Date Input**
Bill Info Neutral 2 1/15/15
Summary: Repeals state preemption of charter and statutory authority of local governments to set minimum wage requirements.
Status:
1/20/15 S - Referred to Workforce.
1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0173 **Position** **Priority** **Date Input**
Bill Info Monitor 2 1/23/15
Summary: Authorizes person licensed to carry concealed handgun to present valid license instead of providing firearm to peace officer for examination when possessing firearm in public building.
Status:
1/20/15 S - Referred to Judiciary.
1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0210 **Position** **Priority** **Date Input**
Bill Info Oppose 2 1/16/15
Summary: Allows applicant to obtain expedited review of certain applications by filing request and paying fee.
Status:
2/16/15 S - Public Hearing held.
1/20/15 S - Referred to Environment and Natural Resources.
1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0245 **Position** **Priority** **Date Input**
Bill Info Neutral 2 1/16/15
Summary: Modifies purposes for assessing, and authorized uses of, solid waste facility permit fees.
Status:
2/25/15 S - Public Hearing held.
1/20/15 S - Referred to Environment and Natural Resources.
1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0246 **Position** **Priority** **Date Input**
Bill Info Support 2 1/16/15
Summary: Authorizes Environmental Quality Commission to develop low-interest loan program to complete on-site septic system repairs, replacements or upgrades.
Status:
3/11/15 S - Public Hearing held.
1/20/15 S - Referred to Environment and Natural Resources, then Ways and Means.
1/12/15 S - Introduction and first reading. Referred to President's desk.

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<u>SB 0263</u>	Position	Priority	Date Input
<u>Bill Info</u>	No Position	2	2/27/15
Summary:	Adds program elements to opportunity to recycle.		
Status:			
2/25/15	S - Public Hearing held.		
1/20/15	S - Referred to Environment and Natural Resources.		
1/12/15	S - Introduction and first reading. Referred to President's desk.		
<u>SB 0299</u>	Position	Priority	Date Input
<u>Bill Info</u>	Monitor	2	3/13/15
Summary:	Changes states in which residents of Oregon may lawfully obtain long guns for transport into Oregon from contiguous states to all other states.		
Status:			
1/20/15	S - Referred to Judiciary.		
1/12/15	S - Introduction and first reading. Referred to President's desk.		
<u>SB 0385</u>	Position	Priority	Date Input
<u>Bill Info</u>	Monitor	2	1/16/15
Summary:	Adds justice court and municipal court to definition of "court facility" in which firearms and other weapons are prohibited except in specified circumstances.		
Status:			
2/26/15	S - Public Hearing held.		
1/20/15	S - Referred to Judiciary.		
1/12/15	S - Introduction and first reading. Referred to President's desk.		
<u>SB 0415</u>	Position	Priority	Date Input
<u>Bill Info</u>	Support	2	2/23/15
Summary:	Prohibits distributing, selling or allowing to be sold flavored tobacco products or flavored inhalant delivery system products in this state.		
Status:			
3/23/15	S - Public Hearing Scheduled.		
1/20/15	S - Referred to Health Care.		
1/12/15	S - Introduction and first reading. Referred to President's desk.		
<u>SB 0417</u>	Position	Priority	Date Input
<u>Bill Info</u>	Support	2	2/23/15
Summary:	Requires premises where person makes retail sales of tobacco products and inhalant delivery systems to be licensed by Oregon Liquor Control Commission.		
Status:			
1/20/15	S - Referred to Business and Transportation.		
1/12/15	S - Introduction and first reading. Referred to President's desk.		

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SB 0440 **Position** **Priority** **Date Input**

Bill Info Support 2 1/16/15

Summary: Requires Oregon Health Policy Board to establish Health Plan Quality Metrics Committee to develop health outcome and quality measures for coordinated care organizations and plans offered by Public Employees' Benefit Board and Oregon Educators Benefit Board.

Status:

3/18/15 S - Public Hearing held.
 1/20/15 S - Referred to Health Care.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0491 **Position** **Priority** **Date Input**

Bill Info Oppose 2 1/16/15

Summary: Provides that state contracting agency may not prequalify prospective bidder or proposer for public contract for goods or services, or for public improvement contract, if prospective bidder or proposer employs 40 or more workers and if public contract has estimated contract price that exceeds \$500,000, unless prospective bidder or proposer submits certificate that shows completion of training program for compliance with pay equity provisions of state law.

Status:

3/4/15 S - Public Hearing held.
 1/20/15 S - Referred to Workforce.
 1/12/15 S - Introduction and first reading. Referred to President's desk.

SB 0528 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Provides persons licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license.

Status:

2/3/15 S - Referred to Judiciary.
 2/2/15 S - Introduction and first reading. Referred to President's desk.

SB 0579 **Position** **Priority** **Date Input**

Bill Info Oppose 2 2/5/15

Summary: Requires state contracting agency that awards public improvement contract with contract price of more than \$5 million to require contractor to employ apprentices to perform 10 percent of work hours on public improvement that workers in apprenticeable occupations perform.

Status:

2/9/15 S - Referred to Workforce.
 2/5/15 S - Introduction and first reading. Referred to President's desk.

SB 0636 **Position** **Priority** **Date Input**

Bill Info Monitor 2 3/13/15

Summary: Reduces required age for concealed handgun license applicant to 18 years of age if

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applicant is servicemember.

Status:

2/13/15

S - Referred to Judiciary.

2/12/15

S - Introduction and first reading. Referred to President's desk.

SB 0663

Position Priority Date Input

Bill Info

Support 2 2/18/15

Summary:

Changes governmental framework for conducting public health activities in this state and for providing public health services to residents of this state.

Status:

3/9/15

S - Public Hearing held.

2/19/15

S - Referred to Health Care.

2/17/15

S - Introduction and first reading. Referred to President's desk.

SB 0668

Position Priority Date Input

Bill Info

Support 2 2/18/15

Summary:

Provides that right and privilege to construct, maintain or operate water, gas, electric or communication service line, fixture or other facility along public roads, free of charge, does not extend to county roads.

Status:

2/19/15

S - Referred to Business and Transportation.

2/17/15

S - Introduction and first reading. Referred to President's desk.

SB 0723

Position Priority Date Input

Bill Info

Monitor 2 3/2/15

Summary:

Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license.

Status:

3/5/15

S - Referred to Judiciary.

2/26/15

S - Introduction and first reading. Referred to President's desk.

SB 0724

Position Priority Date Input

Bill Info

Monitor 2 3/2/15

Summary:

Provides persons licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license if other state has no less stringent requirements for obtaining license than Oregon.

Status:

3/5/15

S - Referred to Judiciary.

2/26/15

S - Introduction and first reading. Referred to President's desk.

SB 5505

Position Priority Date Input

Bill Info

Support 2 1/16/15

Summary:

Directs distribution of moneys from Criminal Fine Account.

Status:

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1/29/15	S - Assigned to Subcommittee On Capital Construction.
1/20/15	S - Referred to Ways and Means.
1/12/15	S - Introduction and first reading. Referred to President's desk.