

Enrolled
Senate Bill 217

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CHAPTER

AN ACT

Relating to Historic Preservation Revolving Loan Fund; amending ORS 358.664, 358.676 and 358.955; and declaring an emergency.

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

SECTION 1. ORS 358.664 is amended to read:

358.664. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Historic Preservation Revolving Loan Fund. Moneys in the Historic Preservation Revolving Loan Fund are continuously appropriated to the State Historic Preservation Officer for the following purposes:

- (a) To provide loans to owners of historic property, as described in ORS 358.662 to 358.678.
- (b) **To pay** for administrative expenses of the State Historic Preservation Officer in:
 - (A) Processing applications for loans made under ORS 358.662 to 358.678;
 - (B) Investigating historic property rehabilitation projects funded by loans made under ORS 358.662 to 358.678; and
 - (C) Collecting loans made under ORS 358.662 to 358.678.
- (c) **To pay expenses incurred by the Attorney General in the exercise of the Attorney General's enforcement authority described in ORS 358.955 or in the Attorney General's criminal prosecution of violations of ORS 358.905 to 358.961 or ORS chapter 97 or 390.**
- (d) **To promote public education regarding cultural preservation.**

(2) The Historic Preservation Revolving Loan Fund shall consist of:

- (a) Moneys appropriated to the fund by the Legislative Assembly;
- (b) Repayment of moneys loaned from the fund;
- (c) Moneys transferred to the fund from the federal government or from private contributions;
- (d) Application fees required under ORS 358.668; [and]
- (e) Interest and other earnings on moneys in the fund[.];
- (f) **Moneys recovered by the Attorney General in the exercise of the Attorney General's enforcement authority described in ORS 358.955; and**
- (g) **Gifts, grants or donations received from any source.**

(3) **The State Historic Preservation Officer may seek or accept gifts, grants or donations from any source for the purposes specified in subsection (1)(c) and (d) of this section. Moneys received under this subsection shall be paid into the fund established in subsection (1) of this section.**

[*(3) If the State Historic Preservation Officer does not make any loan from the Historic Preservation Revolving Loan Fund for a 24-month period, the balance of the Historic Preservation Revolving Loan Fund and any repayments of loans from the Historic Preservation Revolving Loan Fund shall be transferred to the Oregon Property Management Account established under ORS 358.690 and may be spent for any purpose for which Oregon Property Management Account moneys may be spent.*]

SECTION 2. ORS 358.676 is amended to read:

358.676. (1) The State Historic Preservation Officer shall adopt rules:

(a) Establishing standards and guidelines for the rehabilitation of historic property. The standards and guidelines shall include, but need not be limited to, guidance on preservation, maintenance and rehabilitation of historic property, adequacy of rehabilitation plans and proposals, and eligible alterations of and construction associated with historic property. To the extent practicable, the standards and guidelines shall be based on those developed by the United States Secretary of the Interior to determine sufficiency of rehabilitation plans.

(b) Establishing criteria and procedures for the payment of moneys to the Attorney General for expenses described in ORS 358.664.

(2) The State Historic Preservation Officer may adopt rules:

(a) Establishing lending guidelines for loans from the Historic Preservation Revolving Loan Fund.

(b) Establishing loan application procedures.

(c) Establishing loan application and administrative fees.

(d) Facilitating administration of the Historic Preservation Revolving Loan Fund.

(e) Facilitating the promotion of public education regarding cultural preservation.

SECTION 3. ORS 358.955 is amended to read:

358.955. (1) Any person or the Attorney General, on behalf of the state, may institute a civil proceeding against a person who violates the provisions of ORS 358.920, 358.945, 358.950 or 390.235. In [*such*] **the** proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief in other civil cases, except that [*no*] **a showing of special or irreparable damage to the person [*shall have to be made.*] is not required.** Upon the execution of the proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order or a preliminary injunction may be issued in any such action before a final determination on the merits.

(2) In any proceeding brought under this section, the court may allow the prevailing party to recover costs, expert witness fees, and reasonable attorney fees at trial and upon appeal. **Any moneys recovered by the Attorney General under this subsection shall be deposited in the fund established in ORS 358.664.**

(3) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under subsection (1) of this section if the Attorney General certifies that in the opinion of the Attorney General, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate April 22, 2009

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Secretary of Senate

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President of Senate

Passed by House May 11, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State