

Senate Bill 217

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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**.

Permits Historic Preservation Revolving Loan Fund to be used for enforcement of cultural resources protection laws and for promotion of public education regarding cultural resources. Requires funds recovered by Attorney General for cultural resources protection enforcement to be placed in Historic Preservation Revolving Loan Fund. Appropriates \$200,000 from General Fund to Historic Preservation Revolving Loan Fund for cultural resources protection enforcement.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Historic Preservation Revolving Loan Fund; amending ORS 358.664, 358.676 and 358.955;
3 appropriating money; and declaring an emergency.

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

5 **SECTION 1.** ORS 358.664 is amended to read:

6 358.664. (1) There is established in the State Treasury, separate and distinct from the General
7 Fund, the Historic Preservation Revolving Loan Fund. Moneys in the Historic Preservation Revolv-
8 ing Loan Fund are continuously appropriated to the State Historic Preservation Officer for the fol-
9 lowing purposes:

10 (a) To provide loans to owners of historic property, as described in ORS 358.662 to 358.678.

11 (b) **To pay** for administrative expenses of the State Historic Preservation Officer in:

12 (A) Processing applications for loans made under ORS 358.662 to 358.678;

13 (B) Investigating historic property rehabilitation projects funded by loans made under ORS
14 358.662 to 358.678; and

15 (C) Collecting loans made under ORS 358.662 to 358.678.

16 (c) **To pay expenses incurred by the Attorney General in the exercise of the Attorney**
17 **General's enforcement authority described in ORS 358.955 or in the Attorney General's**
18 **criminal prosecution of violations of ORS 358.905 to 358.961 or ORS chapter 97 or 390.**

19 (d) **To promote public education regarding cultural preservation.**

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

21 (a) Moneys appropriated to the fund by the Legislative Assembly;

22 (b) Repayment of moneys loaned from the fund;

23 (c) Moneys transferred to the fund from the federal government or from private contributions;

24 (d) Application fees required under ORS 358.668; *[and]*

25 (e) Interest and other earnings on moneys in the fund[.];

26 (f) **Moneys recovered by the Attorney General in the exercise of the Attorney General's**
27 **enforcement authority described in ORS 358.955; and**

28 (g) **Gifts, grants or donations received from any source.**

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

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

10 **SECTION 2.** ORS 358.676 is amended to read:

11 358.676. (1) The State Historic Preservation Officer shall adopt rules:

12 **(a) Establishing standards and guidelines for the rehabilitation of historic property.** The stan-
 13 dards and guidelines shall include, but need not be limited to, guidance on preservation, mainte-
 14 nance and rehabilitation of historic property, adequacy of rehabilitation plans and proposals, and
 15 eligible alterations of and construction associated with historic property. To the extent practicable,
 16 the standards and guidelines shall be based on those developed by the United States Secretary of
 17 the Interior to determine sufficiency of rehabilitation plans.

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

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

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

23 **(b) Establishing loan application procedures.**

24 **(c) Establishing loan application and administrative fees.**

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

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

27 **SECTION 3.** ORS 358.955 is amended to read:

28 358.955. (1) Any person or the Attorney General, on behalf of the state, may institute a civil
 29 proceeding against a person who violates the provisions of ORS 358.920, 358.945, 358.950 or 390.235.
 30 In *[such]* **the** proceeding, relief shall be granted in conformity with the principles that govern the
 31 granting of injunctive relief in other civil cases, except that *[no]* **a** showing of special or irreparable
 32 damage to the person *[shall have to be made.]* **is not required.** Upon the execution of the proper
 33 bond against damages for an injunction improvidently granted and a showing of immediate danger
 34 of significant loss or damage, a temporary restraining order or a preliminary injunction may be is-
 35 sued in any such action before a final determination on the merits.

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

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

45 **SECTION 4. In addition to and not in lieu of any other appropriation, there is appropri-**

1 ated to the Historic Preservation Revolving Loan Fund, for the biennium beginning July 1,
2 2009, out of the General Fund, the amount of \$200,000 for the expenses of the Attorney
3 General described in ORS 358.664. This appropriation is available continuously until expended
4 for the purpose specified in this section.

5 SECTION 5. This 2009 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
7 on its passage.

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