

Senate Bill 962

Sponsored by 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**.

Allows person who is adversely affected by violation of state environmental law, or by failure of state agency to enforce state environmental law, to bring action in circuit court for specified relief. Awards attorney fees and certain expenses to plaintiff who prevails in action.

A BILL FOR AN ACT

1
2 Relating to enforcement of state environmental laws.

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

4 **SECTION 1. (1) As used in this section, "state environmental law" means any provision**
5 **of:**

6 (a) **ORS chapter 390;**

7 (b) **ORS chapter 468A;**

8 (c) **ORS chapter 468B;**

9 (d) **ORS chapter 498;**

10 (e) **ORS chapter 530;**

11 (f) **ORS 527.610 to 527.770; or**

12 (g) **ORS chapter 537.**

13 (2) **Any person who is adversely affected by a violation of a state environmental law, or**
14 **by the failure of a state agency to enforce a state environmental law, may bring an action:**

15 (a) **For injunctive and other equitable relief to enforce a provision of, or to prohibit a**
16 **violation of, a state environmental law or any permit issued pursuant to a state environ-**
17 **mental law.**

18 (b) **Against any person, other than a local government, alleged to be in violation of a**
19 **state environmental law or any permit issued pursuant to a state environmental law.**

20 (3) **An action under this section must be commenced in the Circuit Court for Marion**
21 **County, the circuit court for the county in which the defendant resides, the circuit court for**
22 **the county in which the defendant's principal place of business is located or the circuit court**
23 **for the county in which the alleged environmental harm occurred or may occur.**

24 (4) **An action may not be commenced under this section if the state has commenced a**
25 **civil or criminal action in the same matter.**

26 (5) **An action may not be brought under this section unless the plaintiff has given written**
27 **notice of the alleged violation at least 60 days before filing the action to:**

28 (a) **Any state agencies that are charged with enforcing the state environmental law that**
29 **is the subject of the action; and**

30 (b) **All persons who will be named as defendants in the action.**

31 (6) **A plaintiff who prevails in an action under this section is entitled to receive all rea-**

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 **sonable attorney fees and expenses incurred by the plaintiff, including expenses incurred for**
2 **expert witnesses and the preparation of supporting studies or reports.**

3 **(7) The Attorney General may intervene in any action under this section on behalf of any**
4 **state agency charged with enforcing the state environmental law sought to be enforced in**
5 **the action.**

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