

76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session  
STAFF MEASURE SUMMARY  
Senate Committee on Judiciary

MINORITY REPORT  
MEASURE: SB 867 A  
CARRIER: Sen. Kruse

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass with Different Amendments and Be Printed Engrossed

Signers onto the

Minority Report: Kruse, Whitsett

Prepared By: Cheyenne Ross, Counsel

Meeting Dates: 3/31, 4/14

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**WHAT THE MEASURE DOES:** Allows Department of Environmental Quality (DEQ) to agree to waive right to seek redress against party otherwise liable under ORS 465.255 if party not liable for existing contamination, remediation is necessary, there is no contribution to or exacerbation of existing contamination, no increase in health risk, no interference with remediation, and substantial public benefit results. Provides examples of substantial public benefit including funding for remediation, commitment to remediation, and productive land use. Requires DEQ to consult with affected jurisdictions and consider future uses. Requires agreements to include commitments to perform, waiver of claims against state, DEQ right of entry, legal property description, and be binding upon parties only. Releases parties from liability under ORS 465.200 to 465.545 and 465.900 for contamination in existence up to date of acquisition. Requires agreements to be recorded and not run with land. Applies measure prospectively. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

- No discussion

**EFFECT OF MINORITY AMENDMENT:** Replaces the original measure.

**BACKGROUND:** Senate Bill 867, as introduced, was requested by the Oregon Law Commission. The Commission organized a work group in 2008 to examine a proposal by the National Conference of Commissioners on Uniform State Laws, that Oregon should adopt a Uniform Environmental Covenants Act. However, Oregon already had an existing program in place and the work group concluded that its wholesale replacement was not warranted. Senate Bill 867, as introduced, was the result of the work group's efforts. There is no background information on Senate Bill 867, as amended.

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*This summary has not been adopted or officially endorsed by action of the committee.*

Committee Services Form – 2011 Regular Session