

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Bonamici, Dingfelder, Prozanski

Nays: Kruse, Whitsett

Exc.: 0

Prepared By: Cheyenne Ross, Counsel

Meeting Dates: 3/31, 4/14

WHAT THE MEASURE DOES: Authorizes Department of Environmental Quality (Department) to make agreements affecting activities on real property as a means to reduce exposure to hazardous substances and when reasonably related to remediation. Requires recordation unless agreement specifies otherwise. Makes such agreements valid and enforceable with any conveyance or assignment of interest in the property. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Keeping otherwise hazardous properties useful/marketable
- Need for long term protections against potential exposure
- Work group participants and activity

EFFECT OF COMMITTEE AMENDMENT: Refines terms throughout measure, including the definition of “institutional control,” referencing grantor and grantee rather than parties, and permitting such agreement where reasonably related to remediation as determined by the Department. Further insulates agreements against those who acquire subsequent interest in the property.

BACKGROUND: The National Conference of Commissioners on Uniform State Laws proposed adoption of a Uniform Environmental Covenants Act in 2003 (the Act), but Oregon already had a program in place. In 2008, the Oregon Law Commission organized a work group to examine the issue. The work group concluded that wholesale replacement of Oregon’s existing program was unwarranted.

Senate Bill 867 A codifies Oregon’s existing Department of Environmental Quality program that uses interests in real property as a means to manage risks associated with hazardous substance contamination.