

# A-Engrossed House Bill 2734

Ordered by the House March 19  
Including House Amendments dated March 19

Sponsored by Representative READ, Senator HANSELL, Representative FREDERICK; Representative HUFFMAN,  
Senator ROBLAN (Pre-session filed.)

## 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.

*[Authorizes city or county to organize land bank authority by act of incorporation adopted by special ordinance.]*

*[Authorizes land bank to take ownership of real property with immunity from legal liability for legacy contamination.]*

*[Exempts land bank from state and local taxation.]*

**Authorizes governing body of local government to create by ordinance or resolution Land Bank Authority as municipal corporation.**

**Authorizes authority to have powers necessary to acquire, rehabilitate, redevelop or re-utilize brownfield properties. Authorizes authority to bring action to recover remedial action costs or damages and authorizes court in such action to allow authority to recover costs, expert witness fees, reasonable attorney fees and prejudgment or preaward interest.**

**Exempts authority, under certain circumstances, from liability for spill or release of oil or hazardous material existing on property as of date of authority's acquisition of ownership or operation of property.**

**Requires authority to be managed and controlled by board of directors. Sets forth duties of board.**

**Authorizes governing body of city or county to grant property tax abatement against taxes imposed on brownfield in amount equal to certain remediation costs. Provides that abatement may equal 100 percent of tax liability and that additional abatement in excess of 100 percent of tax liability may be carried forward if governing body adopts additional requirements in connection with development of brownfield.**

## A BILL FOR AN ACT

Relating to remediation of contaminated property; creating new provisions; and amending ORS 244.050, 465.255, 466.640 and 468B.310.

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

## LAND BANK AUTHORITIES

### **SECTION 1. As used in sections 1 to 6 of this 2015 Act:**

**(1) "Authority" means any public land bank authority created pursuant to sections 1 to 6 of this 2015 Act.**

**(2) "Brownfield" has the meaning given that term in ORS 285A.185.**

**(3) "Governing body" means the county court, board of county commissioners, council or other legislative body of any local government.**

**(4) "Local government" has the meaning given that term in ORS 174.116.**

**(5) "Remedial action," "remedial action costs" and "removal" have the meanings given those terms in ORS 465.200.**

**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       **SECTION 2.** (1) A governing body of a local government may, upon its own motion, con-  
2 sider whether it is advisable to create an authority for the purpose of acquiring, rehabili-  
3 tating, redeveloping or reutilizing brownfield properties that are located within the  
4 geographic boundaries over which the local government has jurisdiction.

5       (2) If the governing body, after public hearing according to the governing body's rules,  
6 determines that it is wise and desirable to create in an authority the powers and duties set  
7 forth in sections 1 to 6 of this 2015 Act, the governing body shall by ordinance or resolution  
8 create such an authority. The ordinance or resolution shall set forth:

9       (a) The name of the authority, which shall be "The Land Bank Authority of (local gov-  
10 ernment), Oregon" or other similar distinctive name.

11       (b) The number of directors of the authority, which must be an odd number not less than  
12 five nor more than 11.

13       (c) The names of the initial directors and their terms of service, which shall not exceed  
14 four years.

15       (d) Other provisions that may be appropriate and not inconsistent with sections 1 to 6  
16 of this 2015 Act or the laws of Oregon.

17       (3) Upon the adoption of an ordinance or resolution under subsection (2) of this section,  
18 the authority shall be deemed established as a municipal corporation of the state and as a  
19 body corporate and politic exercising public powers.

20       (4) An authority organized under this section shall have all the powers and duties con-  
21 tained in sections 1 to 6 of this 2015 Act. The governing body, at its sole discretion and at  
22 any time, may alter or change the structure, organization, programs or activities of the au-  
23 thority, subject to any limitations imposed by law on the impairment of contracts. The gov-  
24 erning body may dissolve the authority at any time, provided the authority has no obligations  
25 outstanding.

26       **SECTION 3.** (1) An authority shall be managed and controlled by a board of directors.  
27 The directors shall be appointed by the governing body that created the authority. The board  
28 of directors must include:

29       (a) At least one director who is also a member of the governing body;

30       (b) At least one director who represents the largest municipal corporation within the  
31 geographic jurisdiction of the local government that is not a school district;

32       (c) At least one director who represents the largest school district within the geographic  
33 jurisdiction of the local government; and

34       (d) Subject to the maximum number of directors allowed by the ordinance or resolution  
35 establishing the authority, one or more directors who are also members of civic organiza-  
36 tions that serve the same jurisdiction as the authority and that have a purpose or mission  
37 that aligns with that of the authority.

38       (2) The directors shall select annually from among themselves a chairperson, vice chair-  
39 person, secretary, treasurer and other officers as the board determines.

40       (3) The board shall adopt and may amend rules for calling and conducting its meetings  
41 and carrying out its business and may adopt an official seal. All decisions of the board shall  
42 be by motion or resolution and shall be recorded in the board's minute book, which shall be  
43 a public record. A majority of the directors of the board constitutes a quorum for the  
44 transaction of business, and a majority is sufficient to pass a motion or resolution.

45       (4) The board may employ employees and agents as the board deems appropriate and

1 provide for their compensation.

2 (5) A director is not entitled to compensation for service on the board of an authority.

3 **SECTION 4. (1) An authority shall have all powers necessary to accomplish the purposes**  
4 **of acquiring, rehabilitating, redeveloping or reutilizing brownfield properties, including with-**  
5 **out limitation the power to:**

6 (a) Sue and be sued, plead and be impleaded in all actions, suits or proceedings brought  
7 by or against the authority.

8 (b) Acquire, hold, use, enjoy and convey, lease or otherwise dispose of any interest in:

9 (A) Brownfield properties within the authority's geographic jurisdiction;

10 (B) Properties undergoing removal or remedial action under the supervision or approval  
11 of the Department of Environmental Quality that are within the authority's geographic ju-  
12 risdiction; and

13 (C) Personal property.

14 (c) Conduct removal or remedial action on real property in which the authority has a  
15 property interest under an agreement with the Department of Environmental Quality.

16 (d) Assist parties that are interested in acquiring a property interest in real property  
17 held by the authority with entering into an agreement with the Department of Environ-  
18 mental Quality under ORS 465.327.

19 (e) Enter into contracts with any person.

20 (f) Borrow moneys and issue notes and revenue bonds for the purpose of carrying out the  
21 authority's powers.

22 (g) Invest moneys into property, securities or other instruments.

23 (h) Obtain insurance.

24 (i) Solicit and accept grants, gifts or other assistance from a public or private source.

25 (j) Develop and prepare plans or reports to evaluate the authority and to guide future  
26 improvements to the processes and operations of the authority.

27 (k) Develop priorities for the use of property of the authority that may include, but are  
28 not limited to, public use, affordable housing, open space and commercial or industrial de-  
29 velopment.

30 (L) Adopt and amend ordinances and resolutions.

31 (2) An authority may establish an advisory committee to advise the board of directors  
32 of the authority on the interests of the community in the actions of the board and the au-  
33 thority. If a committee is established, a member of the committee shall serve as a liaison  
34 between the board of the authority and a community of interest affected by a decision or  
35 proposed decision of the board.

36 (3) An authority shall give public notice of a proposed disposition of any interest in real  
37 property held by the authority. The notice shall allow 30 days for the public to comment on  
38 the proposed disposition. The authority shall provide responses to comments prior to final  
39 disposition of the property interest.

40 (4) An authority shall annually prepare and submit a report to the Governor and, in the  
41 manner described in ORS 192.245, submit the report to the Legislative Assembly. The report  
42 must summarize the activity of the authority, including a list of real properties in which the  
43 authority has acquired or disposed of a property interest, the method of acquisition or dis-  
44 position, the price paid or received for each property and additional information as requested  
45 by the Governor, the President of the Senate or the Speaker of the House of Representatives.

1       **SECTION 5. The revenue bonds and other obligations of an authority shall not be a gen-**  
2 **eral obligation of the local government and shall not be a charge upon the tax revenues of**  
3 **the local government.**

4       **SECTION 6. (1) An authority established under sections 1 to 6 of this 2015 Act shall keep**  
5 **a record of the authority's remedial action costs.**

6       **(2) Notwithstanding any law to the contrary, an authority may, based on the record**  
7 **compiled by the authority under subsection (1) of this section, bring an action to recover**  
8 **from a person liable under ORS 465.255 or 465.260 the amount of the authority's remedial**  
9 **action costs.**

10       **(3) In an action brought by an authority established under sections 1 to 6 of this 2015**  
11 **Act to recover remedial action costs under ORS 465.255 (1) or damages under ORS 468B.310**  
12 **(1), the court may allow the authority to recover costs, expert witness fees, reasonable at-**  
13 **torney fees and prejudgment or preaward interest if the authority prevails in the action.**

14       **SECTION 7.** ORS 465.255 is amended to read:

15       465.255. (1) The following persons shall be strictly liable for those remedial action costs incurred  
16 by the state or any other person that are attributable to or associated with a facility and for dam-  
17 ages for injury to or destruction of any natural resources caused by a release:

18       (a) Any owner or operator at or during the time of the acts or omissions that resulted in the  
19 release.

20       (b) Any owner or operator who became the owner or operator after the time of the acts or  
21 omissions that resulted in the release, and who knew or reasonably should have known of the re-  
22 lease when the person first became the owner or operator.

23       (c) Any owner or operator who obtained actual knowledge of the release at the facility during  
24 the time the person was the owner or operator of the facility and then subsequently transferred  
25 ownership or operation of the facility to another person without disclosing such knowledge.

26       (d) Any person who, by any acts or omissions, caused, contributed to or exacerbated the release,  
27 unless the acts or omissions were in material compliance with applicable laws, standards, regu-  
28 lations, licenses or permits.

29       (e) Any person who unlawfully hinders or delays entry to, investigation of or removal or reme-  
30 dial action at a facility.

31       (2) Except as provided in subsection (1)(c) to (e) of this section and subsection (4) of this section,  
32 the following persons shall not be liable for remedial action costs incurred by the state or any other  
33 person that are attributable to or associated with a facility, or for damages for injury to or de-  
34 struction of any natural resources caused by a release:

35       (a) Any owner or operator who became the owner or operator after the time of the acts or  
36 omissions that resulted in a release, and who did not know and reasonably should not have known  
37 of the release when the person first became the owner or operator.

38       (b) Any owner or operator if the release at the facility was caused solely by one or a combina-  
39 tion of the following:

40       (A) An act of God. "Act of God" means an unanticipated grave natural disaster or other natural  
41 phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not  
42 have been prevented or avoided by the exercise of due care or foresight.

43       (B) An act of war.

44       (C) Acts or omissions of a third party, other than an employee or agent of the person asserting  
45 this defense, or other than a person whose acts or omissions occur in connection with a contractual

1 relationship, existing directly or indirectly, with the person asserting this defense. As used in this  
2 subparagraph, “contractual relationship” includes but is not limited to land contracts, deeds or other  
3 instruments transferring title or possession.

4 (3) Except as provided in subsection (1)(c) to (e) of this section or subsection (4) of this section,  
5 the following persons shall not be liable for remedial action costs incurred by the state or any other  
6 person that are attributable to or associated with a facility, or for damages for injury to or de-  
7 struction of any natural resources caused by a release:

8 (a) A unit of state or local government that acquired ownership or control of a facility in the  
9 following ways:

10 (A) Involuntarily by virtue of its function as sovereign, including but not limited to escheat,  
11 bankruptcy, tax delinquency or abandonment; or

12 (B) Through the exercise of eminent domain authority by purchase or condemnation.

13 (b) A person who acquired a facility by inheritance or bequest.

14 (c) Any fiduciary exempted from liability in accordance with rules adopted by the Environmental  
15 Quality Commission under ORS 465.440.

16 **(d) An authority that acquired an ownership interest in the facility as authorized in**  
17 **section 4 of this 2015 Act.**

18 (4) Notwithstanding the exclusions from liability provided for specified persons in subsections  
19 (2) and (3) of this section such persons shall be liable for remedial action costs incurred by the state  
20 or any other person that are attributable to or associated with a facility, and for damages for injury  
21 to or destruction of any natural resources caused by a release, to the extent that the person’s acts  
22 or omissions contribute to such costs or damages, if the person:

23 (a) Obtained actual knowledge of the release and then failed to promptly notify the Department  
24 of Environmental Quality and exercise due care with respect to the hazardous substance concerned,  
25 taking into consideration the characteristics of the hazardous substance in light of all relevant facts  
26 and circumstances; or

27 (b) Failed to take reasonable precautions against the reasonably foreseeable acts or omissions  
28 of a third party and the reasonably foreseeable consequences of such acts or omissions.

29 (5)(a) No indemnification, hold harmless, or similar agreement or conveyance shall be effective  
30 to transfer from any person who may be liable under this section, to any other person, the liability  
31 imposed under this section. Nothing in this section shall bar any agreement to insure, hold harmless  
32 or indemnify a party to such agreement for any liability under this section.

33 (b) A person who is liable under this section shall not be barred from seeking contribution from  
34 any other person for liability under ORS 465.200 to 465.545 and 465.900.

35 (c) Nothing in ORS 465.200 to 465.545 and 465.900 shall bar a cause of action that a person liable  
36 under this section or a guarantor has or would have by reason of subrogation or otherwise against  
37 any person.

38 (d) Nothing in this section shall restrict any right that the state or any person might have under  
39 federal statute, common law or other state statute to recover remedial action costs or to seek any  
40 other relief related to a release.

41 (6) To establish, for purposes of subsection (1)(b) of this section or subsection (2)(a) of this sec-  
42 tion, that the person did or did not have reason to know, the person must have undertaken, at the  
43 time of acquisition, all appropriate inquiry into the previous ownership and uses of the property  
44 consistent with good commercial or customary practice in an effort to minimize liability.

45 (7)(a) Except as provided in paragraph (b) of this subsection, no person shall be liable under ORS

1 465.200 to 465.545 and 465.900 for costs or damages as a result of actions taken or omitted in the  
2 course of rendering care, assistance or advice in accordance with rules adopted under ORS 465.400  
3 or at the direction of the department or its authorized representative, with respect to an incident  
4 creating a danger to public health, safety, welfare or the environment as a result of any release of  
5 a hazardous substance. This paragraph shall not preclude liability for costs or damages as the result  
6 of negligence on the part of such person.

7 (b) No state or local government shall be liable under ORS 465.200 to 465.545 and 465.900 for  
8 costs or damages as a result of actions taken in response to an emergency created by the release  
9 of a hazardous substance generated by or from a facility owned by another person. This paragraph  
10 shall not preclude liability for costs or damages as a result of gross negligence or intentional mis-  
11 conduct by the state or local government. For the purpose of this paragraph, reckless, willful or  
12 wanton misconduct shall constitute gross negligence.

13 (c) This subsection shall not alter the liability of any person covered by subsection (1) of this  
14 section.

15 **SECTION 8.** ORS 466.640 is amended to read:

16 466.640. (1) Any person owning or having control over any oil or hazardous material spilled or  
17 released or threatening to spill or release shall be strictly liable without regard to fault for the spill  
18 or release or threatened spill or release. However, in any action to recover damages, the person  
19 shall be relieved from strict liability without regard to fault if the person can prove that the spill  
20 or release of oil or hazardous material was caused by:

21 (a) An act of war or sabotage or an act of God.

22 (b) Negligence on the part of the United States Government or the State of Oregon.

23 (c) An act or omission of a third party without regard to whether any such act or omission was  
24 or was not negligent.

25 (2) Notwithstanding the provisions of subsection (1) of this section:

26 (a) A person who has entered into, and is in compliance with, an administrative agreement under  
27 ORS 465.327 is not liable to the State of Oregon for any spill or release of oil or hazardous material  
28 at a facility that is subject to ORS 465.200 to 465.545 existing as of the date of the person's acqui-  
29 sition of ownership or operation of the facility, to the extent provided in ORS 465.327.

30 (b) A person who has entered into, and is in compliance with, a judicial consent judgment or  
31 an administrative consent order under ORS 465.327 is not liable to the State of Oregon or any per-  
32 son for any spill or release of oil or hazardous material at a facility that is subject to ORS 465.200  
33 to 465.545 existing as of the date of the person's acquisition of ownership or operation of the facility,  
34 to the extent provided in ORS 465.327.

35 (c) **An authority created under sections 1 to 6 of this 2015 Act is not liable to the State**  
36 **of Oregon or any person for any spill or release of oil or hazardous material at a facility that**  
37 **is subject to ORS 465.200 to 465.545 existing as of the date of the authority's acquisition of**  
38 **ownership or operation of the facility, to the extent provided in ORS 465.327 for a person that**  
39 **has entered into, and is in compliance with, an administrative agreement, judicial consent**  
40 **judgment or an administrative consent order.**

41 **SECTION 9.** ORS 468B.310 is amended to read:

42 468B.310. (1) Any person owning oil or having control over oil which enters the waters of the  
43 state in violation of ORS 468B.305 shall be strictly liable, without regard to fault, for the damages  
44 to persons or property, public or private, caused by such entry. However, in any action to recover  
45 damages, the person shall be relieved from strict liability without regard to fault if the person can

1 prove that the oil to which the damages relate, entered the waters of the state by causes set forth  
2 in ORS 468B.305 (2).

3 (2) Nothing in this section shall be construed as limiting the right of a person owning or having  
4 control of oil to maintain an action for the recovery of damages against another person for an act  
5 or omission of such other person resulting in the entry of oil into the waters of the state for which  
6 the person owning or having control of such oil is liable under subsection (1) of this section.

7 (3) Notwithstanding the provisions of subsections (1) and (2) of this section:

8 (a) A person who has entered into, and is in compliance with, an administrative agreement under  
9 ORS 465.327 is not liable to the State of Oregon for any entry of oil into the waters of the state from  
10 a facility that is subject to ORS 465.200 to 465.545 and 468B.300 to 468B.500 that occurred before  
11 the date of the person's acquisition of ownership or operation of the facility, to the extent provided  
12 in ORS 465.327.

13 (b) A person who has entered into, and is in compliance with, a judicial consent judgment or  
14 an administrative consent order under ORS 465.327 is not liable to the State of Oregon or any per-  
15 son for any entry of oil into the waters of the state from a facility that is subject to ORS 465.200  
16 to 465.545 and 468B.300 to 468B.500 that occurred before the date of the person's acquisition of  
17 ownership or operation of the facility, to the extent provided in ORS 465.327.

18 (c) **An authority created under sections 1 to 6 of this 2015 Act is not liable to the State**  
19 **of Oregon or any person for any entry of oil into the waters of this state from a facility that**  
20 **is subject to ORS 465.200 to 465.545 and 468B.300 to 468B.500 that occurred before the date**  
21 **of the authority's acquisition of ownership or operation of the facility, to the extent provided**  
22 **in ORS 465.327 for a person that has entered into, and is in compliance with, an administra-**  
23 **tive agreement, judicial consent judgment or an administrative consent.**

24  
25 **PROPERTY TAX ABATEMENT**

26  
27 **SECTION 10.** (1)(a) **The governing body of a city or county may elect by ordinance or**  
28 **resolution to grant a property tax abatement against the taxes imposed on a brownfield as**  
29 **defined in ORS 285A.185.**

30 (b) **The governing body shall specify eligibility requirements in the ordinance or resol-**  
31 **ution, including, but not limited to, a showing by the owner of the brownfield in the appli-**  
32 **cation filed under section 11 of this 2015 Act:**

33 (A) **That the owner or authorized representative of the owner has obtained an environ-**  
34 **mental site assessment of the brownfield prepared by a geologist registered under ORS**  
35 **672.505 to 672.705 or a professional engineer as defined in ORS 672.002.**

36 (B) **If the environmental site assessment required under subparagraph (A) of this para-**  
37 **graph concludes that a remedial action, as defined in ORS 465.200, is required in response to**  
38 **the release of a hazardous substance at the brownfield, that the remedial action shall be**  
39 **conducted pursuant to an agreement with, an order of or a program or process authorized**  
40 **by the Department of Environmental Quality. An agreement, order, program or process in-**  
41 **cludes, but is not limited to, the Voluntary Cleanup Program, the Independent Cleanup**  
42 **Pathway, a consent or unilateral order or another process that the department may establish**  
43 **by rule or policy, pursuant to which the owner or operator is required to perform the re-**  
44 **medial action at the brownfield.**

45 (C) **That the owner is in compliance with the agreement, order, program or process re-**

1 **quired under subparagraph (B) of this paragraph.**

2 **(D) That the environmental site assessment report required under subparagraph (A) of**  
3 **this paragraph, and a final report prepared by a geologist or professional engineer showing**  
4 **that the remedial action has complied with applicable state law administered by the depart-**  
5 **ment, have been submitted to the department.**

6 **(c) The department shall maintain reports submitted under paragraph (b)(D) of this**  
7 **subsection as public records and make the reports available for inspection in the manner**  
8 **provided in ORS 192.410 to 192.505.**

9 **(2) The ordinance or resolution adopted under subsection (1) of this section may allow**  
10 **an additional abatement in an amount stated in the ordinance or resolution for one or more**  
11 **of the following purposes in connection with development of the brownfield:**

12 **(a) Providing low income residential housing, as defined in ORS 307.841.**

13 **(b) Providing public park or open space land, as defined in ORS 308A.300, pursuant to a**  
14 **legally binding agreement with a local government that requires that at least 50 percent of**  
15 **the land provided as public park or open space land shall be permanently provided as public**  
16 **park or open space land.**

17 **(c) Adding improvements that generate renewable energy.**

18 **(d) At least 50 percent of remedial actions being performed by minority or women busi-**  
19 **ness enterprises or disadvantaged business enterprises, as those terms are defined in ORS**  
20 **200.100.**

21 **(e) Creating permanent jobs that pay at least the county or state average in annual per**  
22 **employee compensation or making a substantial investment in a business on the brownfield.**

23 **(f) Performing removal or remedial action at a brownfield on which hospital buildings or**  
24 **community health care facilities are to be constructed, in an area designated as having un-**  
25 **met health care needs in the most recent areas of unmet health care need in rural Oregon**  
26 **report issued by the Office of Rural Health.**

27 **(3) Within 60 days after an ordinance or resolution is adopted under subsection (1) of this**  
28 **section, a district listed in ORS 198.010 or 198.180 that is located within a city or county that**  
29 **elects to grant the property tax abatement may elect not to grant the property tax abate-**  
30 **ment. A district that elects not to grant the property tax abatement shall receive the prop-**  
31 **erty taxes imposed by the district unabated.**

32 **(4) An ordinance or resolution adopted under subsection (1) of this section may provide**  
33 **for abatements to be granted for a period of not less than three or more than five consec-**  
34 **utive property tax years.**

35 **(5) The owner of a brownfield that has filed an application that meets the requirements**  
36 **of section 11 of this 2015 Act with the taxing jurisdictions that have made the election under**  
37 **subsection (1) of this section shall be granted an abatement for the brownfield in an amount**  
38 **determined under section 12 of this 2015 Act.**

39 **SECTION 11. (1) The owner of a brownfield seeking an abatement under section 10 of this**  
40 **2015 Act against the taxes imposed on a brownfield for a property tax year must file an ap-**  
41 **plication that meets the requirements of this section, with the county assessor of the county**  
42 **in which the brownfield is located and with the city if the city grants the abatement, on or**  
43 **before April 15 preceding the beginning of the property tax year for which the abatement is**  
44 **claimed.**

45 **(2) An application filed under this section must include:**



1 (a) The address of the brownfield.

2 (b) Evidence of the ownership of the brownfield by the person filing the application.

3 (c) An affidavit signed by the owner of the brownfield under penalty of perjury that the  
4 owner has not, by any acts or omissions, caused, contributed to or exacerbated the release  
5 of a hazardous substance at the brownfield for which the eligible costs described in sub-  
6 section (3) of this section are incurred, unless the acts or omissions were in material com-  
7 pliance with applicable laws, standards, regulations, licenses or permits, or any  
8 contamination at the brownfield.

9 (d) Documentation of eligible costs incurred with respect to the brownfield for the  
10 12-month period ending on March 31 of the year of application.

11 (3)(a) For purposes of this section, "eligible costs" means:

12 (A) Remedial action costs as defined in ORS 465.200, including costs incurred for envi-  
13 ronmental site assessment or investigation performed by a licensed professional without the  
14 oversight or approval of the Department of Environmental Quality.

15 (B) The costs of demolishing site improvements as necessary for removal or remedial  
16 action, as those terms are defined in ORS 465.200.

17 (C) The costs of abating the release of hazardous substances within existing site im-  
18 provements.

19 (D) The costs of new improvements constructed at the brownfield for the purpose of  
20 containing hazardous substances or limiting exposure to the release of hazardous substances.

21 (E) The costs of managing, handling, removing, treating and disposing of solid waste,  
22 environmental media or building materials containing hazardous substances in the course  
23 of redeveloping the brownfield.

24 (b) Eligible costs shall be reduced by the amount of any state or federal grant moneys  
25 received by the owner of the brownfield for environmental site assessment or investigation,  
26 or removal or remedial action, at the brownfield in the property tax year to which an appli-  
27 cation filed under this section applies.

28 (4) For purposes of subsection (2) of this section, documentation of eligible costs may  
29 include, but is not limited to, copies of contracts, notes and minutes of contract negotiations,  
30 accounts, invoices, sales receipts or other payment records of purchases, sales, leases or  
31 other transactions relating to the eligible costs, as required by the governing body that  
32 grants the exemption under section 10 of this 2015 Act.

33 (5) The application shall be reviewed by the county or by the city if the city is located in  
34 a county that has not granted the abatement under section 10 of this 2015 Act. Upon request,  
35 the Department of Environmental Quality may consult with the county or city with respect  
36 to remedial action costs included in the application as eligible costs. The county or city may  
37 consult with the applicant about the application, and the applicant may amend the applica-  
38 tion.

39 (6)(a) If the governing body of the county or city, as applicable, determines that the ap-  
40 plication does not meet the requirements of this section, the governing body shall promptly  
41 notify the applicant in writing that the application is not approved, stating the reasons for  
42 the determination. A determination under this paragraph is not reviewable, but the owner  
43 of the brownfield may file an application under this section for any subsequent year.

44 (b) If the governing body determines that the application meets the requirements of this  
45 section, the governing body shall promptly notify the applicant and the assessor of the

1 county in which the brownfield is located in writing that the application is approved and of  
2 the amount of the eligible costs that may be applied to the abatement. The county assessor  
3 shall notify each city and district located in the county or city, as applicable, that has  
4 granted the abatement in writing of the amount of the abatement granted.

5 (c) If the governing body has not notified the owner or county assessor under this sub-  
6 section within 60 days after the application is filed, the application shall be considered ap-  
7 proved and the amount of eligible costs claimed on the application shall be considered  
8 approved for purposes of section 12 (1) of this 2015 Act.

9 **SECTION 12.** (1) The amount of an abatement granted under section 10 of this 2015 Act  
10 for a property tax year shall equal the lesser of:

11 (a) The amount of eligible costs listed in subsection (2) of this section incurred with re-  
12 spect to a brownfield by the owner of the brownfield during the 12-month period ending on  
13 March 31 before the beginning of the property tax year and approved by the county or city  
14 that reviews the application filed under section 11 of this 2015 Act; or

15 (b) 100 percent of the property taxes imposed on the brownfield for the property tax year,  
16 less the property taxes imposed by districts that elect not to grant the abatement under  
17 section 10 (3) of this 2015 Act.

18 (2) For purposes of subsection (1)(b) of this section, the amount of the property taxes  
19 imposed by districts that elect not to grant the abatement shall be computed by multiplying  
20 the amount of property taxes imposed by all taxing jurisdictions by the ratio of the cumula-  
21 tive tax rates imposed by districts that elect not to grant the abatement to the cumulative  
22 tax rates imposed by all taxing jurisdictions.

23 (3)(a) If the governing body of a county or city has adopted an ordinance or resolution  
24 under section 10 (2) of this 2015 Act, the amount of the additional abatement, when added  
25 to the amount allowed under subsection (1) of this section, may exceed the amount described  
26 in subsection (1)(b) of this section for the property tax year.

27 (b) Amounts of additional abatement in excess of 100 percent of the property taxes im-  
28 posed on the brownfield for the property tax year may be carried forward for the five fol-  
29 lowing property tax years. After the fifth following property tax year, the amounts of  
30 additional abatement expire.

31 (4) The abatement shall be granted for the first property tax year that begins on or after  
32 the date on which an approved application was filed under section 11 of this 2015 Act.

33 (5)(a) The amount of an abatement granted under this section shall be deducted from the  
34 property taxes that would otherwise be payable with respect to the brownfield for the prop-  
35 erty tax year.

36 (b) The amount of the abatement may not be deducted from property taxes assessed  
37 against any other property or, except as provided in subsection (3) of this section, for any  
38 other property tax year.

39 (6) The amount of the property taxes imposed, the amount of the abatement, the amount  
40 of property taxes due after subtraction of the abatement and any amounts allowed under  
41 subsection (3) of this section that carry forward shall be shown on the written statement of  
42 property taxes payable delivered to the owner for the property tax year under ORS 311.250.

43 (7) The county assessor shall note the amount of the abatement as a potential additional  
44 tax liability on the assessment and tax rolls of the county.

45 **SECTION 13.** (1)(a) In addition to any other remedy the governing body may have at law,

1 the governing body of a county or city may modify an abatement granted under section 10  
2 of this 2015 Act on reliable documentary evidence that any statement or representation in  
3 any documentation filed pursuant to section 11 of this 2015 Act is inaccurate.

4 (b) The governing body of a county or city may revoke an abatement granted under  
5 section 10 of this 2015 Act on reliable documentary evidence that the owner of the brownfield  
6 made any false statement or representation in any documentation filed pursuant to section  
7 11 of this 2015 Act.

8 (2) The governing body shall promptly notify the county assessor of any modification or  
9 revocation with respect to a property tax abatement granted under section 10 this 2015 Act.

10 (3) If the governing body makes a modification that results in an increase in property  
11 taxes for a prior property tax year, the amount of the increase shall be added to the property  
12 taxes imposed on the brownfield:

13 (a) If the modification occurs on or after January 1 and before July 1, for the current  
14 property tax year.

15 (b) If the modification occurs on or after July 1 and before January 1, for the next fol-  
16 lowing property tax year.

17 (4) If the governing body revokes the abatement:

18 (a) There shall be added to the property tax roll for the next following property tax year,  
19 an amount equal to the potential additional tax liability noted on the tax rolls under section  
20 12 (7) of this 2015 Act for all of the previous property tax years for which the abatement was  
21 granted.

22 (b) Any amounts of additional abatement eligible to be carried forward under section 12  
23 (3)(b) of this 2015 Act shall be canceled.

24 (5) Additional property taxes imposed on a brownfield under this section shall be collected  
25 and distributed in the same manner as other ad valorem property taxes.

26 (6) Additional property taxes collected under this section shall be deemed to have been  
27 imposed in the year to which the additional taxes relate.

28  
29 **CONFORMING AMENDMENTS**

30  
31 **SECTION 14.** ORS 244.050 is amended to read:

32 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
33 Government Ethics Commission a verified statement of economic interest as required under this  
34 chapter:

35 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
36 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

37 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
38 judicial officer who does not otherwise serve as a judicial officer.

39 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

40 (d) The Deputy Attorney General.

41 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
42 Secretary of the Senate and the Chief Clerk of the House of Representatives.

43 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and  
44 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

45 (g) The following state officers:

- 1 (A) Adjutant General.
- 2 (B) Director of Agriculture.
- 3 (C) Manager of State Accident Insurance Fund Corporation.
- 4 (D) Water Resources Director.
- 5 (E) Director of Department of Environmental Quality.
- 6 (F) Director of Oregon Department of Administrative Services.
- 7 (G) State Fish and Wildlife Director.
- 8 (H) State Forester.
- 9 (I) State Geologist.
- 10 (J) Director of Human Services.
- 11 (K) Director of the Department of Consumer and Business Services.
- 12 (L) Director of the Department of State Lands.
- 13 (M) State Librarian.
- 14 (N) Administrator of Oregon Liquor Control Commission.
- 15 (O) Superintendent of State Police.
- 16 (P) Director of the Public Employees Retirement System.
- 17 (Q) Director of Department of Revenue.
- 18 (R) Director of Transportation.
- 19 (S) Public Utility Commissioner.
- 20 (T) Director of Veterans' Affairs.
- 21 (U) Executive director of Oregon Government Ethics Commission.
- 22 (V) Director of the State Department of Energy.
- 23 (W) Director and each assistant director of the Oregon State Lottery.
- 24 (X) Director of the Department of Corrections.
- 25 (Y) Director of the Oregon Department of Aviation.
- 26 (Z) Executive director of the Oregon Criminal Justice Commission.
- 27 (AA) Director of the Oregon Business Development Department.
- 28 (BB) Director of the Office of Emergency Management.
- 29 (CC) Director of the Employment Department.
- 30 (DD) Chief of staff for the Governor.
- 31 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 32 (FF) Director of the Housing and Community Services Department.
- 33 (GG) State Court Administrator.
- 34 (HH) Director of the Department of Land Conservation and Development.
- 35 (II) Board chairperson of the Land Use Board of Appeals.
- 36 (JJ) State Marine Director.
- 37 (KK) Executive director of the Oregon Racing Commission.
- 38 (LL) State Parks and Recreation Director.
- 39 (MM) Public defense services executive director.
- 40 (NN) Chairperson of the Public Employees' Benefit Board.
- 41 (OO) Director of the Department of Public Safety Standards and Training.
- 42 (PP) Executive director of the Higher Education Coordinating Commission.
- 43 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 44 (RR) Director of the Oregon Youth Authority.
- 45 (SS) Director of the Oregon Health Authority.

- 1 (TT) Deputy Superintendent of Public Instruction.
- 2 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 3 (i) Every elected city or county official.
- 4 (j) Every member of a city or county planning, zoning or development commission.
- 5 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 6 cipal administrator of the city or county.
- 7 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 8 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 9 ficer thereof.
- 10 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 11 (o) The chief administrative officer and the financial officer of each common and union high
- 12 school district, education service district and community college district.
- 13 (p) Every member of the following state boards and commissions:
- 14 (A) Board of Geologic and Mineral Industries.
- 15 (B) Oregon Business Development Commission.
- 16 (C) State Board of Education.
- 17 (D) Environmental Quality Commission.
- 18 (E) Fish and Wildlife Commission of the State of Oregon.
- 19 (F) State Board of Forestry.
- 20 (G) Oregon Government Ethics Commission.
- 21 (H) Oregon Health Policy Board.
- 22 (I) State Board of Higher Education.
- 23 (J) Oregon Investment Council.
- 24 (K) Land Conservation and Development Commission.
- 25 (L) Oregon Liquor Control Commission.
- 26 (M) Oregon Short Term Fund Board.
- 27 (N) State Marine Board.
- 28 (O) Mass transit district boards.
- 29 (P) Energy Facility Siting Council.
- 30 (Q) Board of Commissioners of the Port of Portland.
- 31 (R) Employment Relations Board.
- 32 (S) Public Employees Retirement Board.
- 33 (T) Oregon Racing Commission.
- 34 (U) Oregon Transportation Commission.
- 35 (V) Water Resources Commission.
- 36 (W) Workers' Compensation Board.
- 37 (X) Oregon Facilities Authority.
- 38 (Y) Oregon State Lottery Commission.
- 39 (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- 40 (AA) Columbia River Gorge Commission.
- 41 (BB) Oregon Health and Science University Board of Directors.
- 42 (CC) Capitol Planning Commission.
- 43 (DD) Higher Education Coordinating Commission.
- 44 (EE) Oregon Growth Board.
- 45 (FF) Early Learning Council.

1 (q) The following officers of the State Treasurer:

2 (A) Deputy State Treasurer.

3 (B) Chief of staff for the office of the State Treasurer.

4 (C) Director of the Investment Division.

5 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
6 or 777.915 to 777.953.

7 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

8 (t) Every member of a governing board of a public university with a governing board listed in  
9 ORS 352.054.

10 **(u) Every member of the board of directors of an authority created under sections 1 to**  
11 **6 of this 2015 Act.**

12 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
13 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
14 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
15 and 244.090.

16 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
17 in subsection (1) of this section shall file with the commission a statement of economic interest as  
18 required under ORS 244.060, 244.070 and 244.090.

19 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
20 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
21 was nominated for public office described in subsection (1) of this section at the preceding primary  
22 election by write-in votes, shall file with the commission a statement of economic interest as re-  
23 quired under ORS 244.060, 244.070 and 244.090.

24 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
25 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
26 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
27 filing deadline for the statewide general election.

28 (6) If a statement required to be filed under this section has not been received by the commis-  
29 sion within five days after the date the statement is due, the commission shall notify the public of-  
30 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
31 requirements of this section. If the public official or candidate fails to comply by the date set by the  
32 commission, the commission may impose a civil penalty as provided in ORS 244.350.

33  
34 **UNIT CAPTIONS**  
35

36 **SECTION 15. The unit captions used in this 2015 Act are provided only for the conven-**  
37 **ience of the reader and do not become part of the statutory law of this state or express any**  
38 **legislative intent in the enactment of this 2015 Act.**  
39