

C-Engrossed House Bill 2734

Ordered by the House June 2
Including House Amendments dated March 19 and April 27 and June 2

Sponsored by Representative READ, Senator HANSELL, Representative FREDERICK; Representative HUFFMAN,
Senator ROBLAN (Presession 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 local government to create by ordinance or resolution Land Bank Authority as municipal corporation.

Authorizes authority to have powers necessary to acquire, rehabilitate, redevelop, reutilize or restore 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.

Provides process for dissolution of authority.

Exempts authority, under certain circumstances, from liability for spill or release of oil or hazardous material existing on property as of date authority becomes owner or operator of property.

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

[Authorizes local government to adopt program granting property tax abatement against taxes imposed on brownfields in amount equal to specified percentage of certain remediation costs. Provides that program becomes effective only upon certain threshold level of concurrence by local taxing districts. Provides that additional abatement may be granted if local government adopts additional requirements in connection with development of brownfields. Provides that amounts of abatement in excess of tax liability may be carried forward for four consecutive property tax years. Provides for clawback of abated amounts if abatement of brownfield revoked for cause.]

A BILL FOR AN ACT

1
2 Relating to remediation of contaminated property; creating new provisions; and amending ORS
3 244.050, 465.255, 466.640 and 468B.310.

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

LAND BANK AUTHORITIES

SECTION 1. As used in sections 1 to 8 of this 2015 Act:

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9 (1) "Authority" means any public land bank authority created pursuant to sections 1 to
10 8 of this 2015 Act.

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

12 (3) "Local government" means a local government as defined in ORS 174.116 or a inter-
13 governmental entity created under an intergovernmental agreement between two units of
14 local government under ORS 190.010.

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

17 **SECTION 2. (1) A local government may, upon its own motion, consider whether it is**
18 **advisable to create an authority for the purpose of acquiring, rehabilitating, redeveloping,**

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 reutilizing or restoring brownfield properties that are located within the geographic bounda-
2 ries over which the local government has jurisdiction.

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

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

9 (b) The number of directors of the authority, which must be an odd number not less than
10 five or more than 11.

11 (c) The names of the initial directors and their initial terms of service, which may not
12 exceed four years.

13 (d) Other provisions that may be appropriate and not inconsistent with sections 1 to 8
14 of this 2015 Act or the laws of Oregon.

15 (3) Upon the adoption of an ordinance or resolution under subsection (2) of this section,
16 the authority shall be deemed established as a municipal corporation of the state and as a
17 body corporate and politic exercising public powers. Notwithstanding any law to the contrary,
18 the authority shall exist as a legal entity separate from the local government that created
19 the authority.

20 (4) An authority organized under this section shall have all the powers and duties con-
21 tained in sections 1 to 8 of this 2015 Act.

22 **SECTION 3.** (1) An authority shall be managed and controlled by a board of directors.
23 The initial board of directors shall be appointed by the local government that created the
24 authority. Subsequent directors shall be appointed as provided in this section and the rules
25 adopted by the authority.

26 (2) The regular term of a member of the board is four years. The board may establish
27 special terms for positions that are shorter than four years for the purpose of staggering the
28 terms of members of the board. Before the expiration of the term of a member, a successor
29 shall be appointed whose term begins on January 1 of the year next following. A member is
30 eligible for reappointment but may serve no more than a total of three terms, including
31 terms shorter than four years. If there is a vacancy for any cause, a new member shall be
32 appointed to complete the unexpired term, subject to the requirements of subsection (3) of
33 this section.

34 (3) The board of directors must include:

35 (a) At least one director who is also a member of the governing body of the local gov-
36 ernment that created the authority;

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

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

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

45 (4) The board shall hold an annual meeting. The board shall select from among them-

1 selves at the annual meeting a chairperson, vice chairperson, secretary, treasurer and other
2 officers as the board determines.

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

8 (6) The board may employ employees and agents as the board deems appropriate and
9 provide for their compensation. The employees and agents of the authority are not employees
10 or agents of the local government that created the authority.

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

12 **SECTION 4.** (1) An authority shall have all powers necessary to accomplish the purposes
13 of acquiring, rehabilitating, redeveloping, reutilizing or restoring brownfield properties, in-
14 cluding without limitation the power to:

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

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

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

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

22 (C) Personal property.

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

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

28 (e) Enter into contracts with any person.

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

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

32 (h) Obtain insurance.

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

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

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

39 (L) Adopt and amend ordinances and resolutions.

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

45 (3) An authority shall give public notice of a proposed disposition of any interest in real

1 property held by the authority. The notice shall allow 30 days for the public to comment on
2 the proposed disposition. The authority shall provide responses to comments prior to final
3 disposition of the property interest.

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

10 **SECTION 5.** (1) Except as provided in subsection (2) of this section, the debts, obligations
11 and other liabilities of an authority are not a general or other obligation or liability of the
12 local government that created the authority.

13 (2) A local government may incur debt, including the issuance of bonds under any bond-
14 ing authority available to the local government, on behalf of an authority created by the local
15 government and, by ordinance or resolution, deem a debt incurred under this subsection to
16 be a general obligation of the local government and a charge upon its tax revenues.

17 **SECTION 6.** (1) Except as provided in subsection (2) of this section, an authority, all as-
18 sets owned by the authority, the income from those assets, and all bonds issued by the au-
19 thority, together with the coupons applicable to those bonds and the income from the bonds,
20 shall be exempt from all taxation in the State of Oregon.

21 (2) The real and personal property owned by the authority and leased to a third party
22 shall be subject to property taxation if the property would be subject to taxation if owned
23 by the lessee.

24 **SECTION 7.** (1) An authority shall keep a record of the authority's remedial action costs.

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

29 (3) In an action brought by an authority to recover remedial action costs under ORS
30 465.255 (1) or damages under ORS 468B.310 (1), the court may allow the authority to recover
31 costs, expert witness fees, reasonable attorney fees and prejudgment or preaward interest
32 if the authority prevails in the action.

33 **SECTION 8.** (1) Dissolution of an authority may be initiated:

34 (a) By resolution of the board of directors of the authority, filed with the local govern-
35 ment that created the authority, if the board determines that dissolution of the authority is
36 in the best interest of the community served by the authority; or

37 (b) By resolution of the local government that created the authority:

38 (A) If, at the time of the annual meeting of the board, board members have not been
39 appointed to fill vacancies on the board as required by section 3 of this 2015 Act; or

40 (B) If the local government determines that dissolution of the authority is in the best
41 interest of residents within the jurisdiction of the local government.

42 (2) Within five days after a resolution of the board is filed or a resolution of the local
43 government is adopted under this section, a copy shall be filed with the secretary of the
44 authority, if any, or with any other officer of the authority who can with reasonable diligence
45 be located.

1 **(3) If there are no members of the board of directors of the authority, the local govern-**
2 **ment shall act as or appoint a board of trustees to act on behalf of the authority to develop**
3 **and implement a plan for dissolution.**

4 **(4) Within 60 days after initiation of the dissolution proceeding, a plan of dissolution shall**
5 **be filed with the office of the clerk of the county in which the authority is located and shall**
6 **be available for inspection by any interested person.**

7 **(5) Upon approval of dissolution by the governing body of the local government that**
8 **created the authority, the authority shall be declared dissolved. If the local government has**
9 **not appointed a board of trustees under subsection (3) of this section:**

10 **(a) The board of directors shall constitute a board of trustees that shall pay the debts**
11 **or procure releases of the debts and dispose of the property of the authority; or**

12 **(b) The board of directors may designate the local government as the board of trustees**
13 **for the purpose of winding up the affairs of the authority.**

14 **(6) After the affairs of the authority have been fully settled, all books and records of the**
15 **authority shall be deposited by the board of trustees in the office of the county clerk of the**
16 **county in which the authority is located. At the same time, the board of trustees shall exe-**
17 **cute under oath, and file with the local government that created the authority, a statement**
18 **that the authority has been dissolved and its affairs liquidated. From the date of the state-**
19 **ment, the corporate existence of the authority is terminated for all purposes.**

20 **SECTION 9.** ORS 465.255 is amended to read:

21 465.255. (1) The following persons shall be strictly liable for those remedial action costs incurred
22 by the state or any other person that are attributable to or associated with a facility and for dam-
23 ages for injury to or destruction of any natural resources caused by a release:

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

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

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

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

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

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

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

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

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

4 (B) An act of war.

5 (C) Acts or omissions of a third party, other than an employee or agent of the person asserting
6 this defense, or other than a person whose acts or omissions occur in connection with a contractual
7 relationship, existing directly or indirectly, with the person asserting this defense. As used in this
8 subparagraph, "contractual relationship" includes but is not limited to land contracts, deeds or other
9 instruments transferring title or possession.

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

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

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

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

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

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

22 **(d) An authority that becomes the owner or operator of the facility as authorized in**
23 **section 4 of this 2015 Act.**

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

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

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

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

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

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

44 (d) Nothing in this section shall restrict any right that the state or any person might have under
45 federal statute, common law or other state statute to recover remedial action costs or to seek any

1 other relief related to a release.

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

6 (7)(a) Except as provided in paragraph (b) of this subsection, no person shall be liable under ORS
7 465.200 to 465.545 and 465.900 for costs or damages as a result of actions taken or omitted in the
8 course of rendering care, assistance or advice in accordance with rules adopted under ORS 465.400
9 or at the direction of the department or its authorized representative, with respect to an incident
10 creating a danger to public health, safety, welfare or the environment as a result of any release of
11 a hazardous substance. This paragraph shall not preclude liability for costs or damages as the result
12 of negligence on the part of such person.

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

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

21 **SECTION 10.** ORS 466.640 is amended to read:

22 466.640. (1) Any person owning or having control over any oil or hazardous material spilled or
23 released or threatening to spill or release shall be strictly liable without regard to fault for the spill
24 or release or threatened spill or release. However, in any action to recover damages, the person
25 shall be relieved from strict liability without regard to fault if the person can prove that the spill
26 or release of oil or hazardous material was caused by:

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

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

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

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

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

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

41 **(c) An authority created under sections 1 to 8 of this 2015 Act is not liable to the State**
42 **of Oregon or any person for any spill or release of oil or hazardous material at a facility that**
43 **is subject to ORS 465.200 to 465.545 existing as of the date of the authority's acquisition of**
44 **ownership or operation of the facility, to the extent provided in ORS 465.327 for a person that**
45 **has entered into, and is in compliance with, an administrative agreement, judicial consent**

1 **judgment or an administrative consent order.**

2 **SECTION 11.** ORS 468B.310 is amended to read:

3 468B.310. (1) Any person owning oil or having control over oil which enters the waters of the
4 state in violation of ORS 468B.305 shall be strictly liable, without regard to fault, for the damages
5 to persons or property, public or private, caused by such entry. However, in any action to recover
6 damages, the person shall be relieved from strict liability without regard to fault if the person can
7 prove that the oil to which the damages relate, entered the waters of the state by causes set forth
8 in ORS 468B.305 (2).

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

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

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

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

24 **(c) An authority created under sections 1 to 8 of this 2015 Act is not liable to the State**
25 **of Oregon or any person for any entry of oil into the waters of this state from a facility that**
26 **is subject to ORS 465.200 to 465.545 and 468B.300 to 468B.500 that occurred before the date**
27 **of the authority's acquisition of ownership or operation of the facility, to the extent provided**
28 **in ORS 465.327 for a person that has entered into, and is in compliance with, an administra-**
29 **tive agreement, judicial consent judgment or an administrative consent.**

30
31 **CONFORMING AMENDMENTS**
32

33 **SECTION 12.** ORS 244.050 is amended to read:

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

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

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

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

42 (d) The Deputy Attorney General.

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

45 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and

- 1 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.
- 2 (g) The following state officers:
- 3 (A) Adjutant General.
- 4 (B) Director of Agriculture.
- 5 (C) Manager of State Accident Insurance Fund Corporation.
- 6 (D) Water Resources Director.
- 7 (E) Director of Department of Environmental Quality.
- 8 (F) Director of Oregon Department of Administrative Services.
- 9 (G) State Fish and Wildlife Director.
- 10 (H) State Forester.
- 11 (I) State Geologist.
- 12 (J) Director of Human Services.
- 13 (K) Director of the Department of Consumer and Business Services.
- 14 (L) Director of the Department of State Lands.
- 15 (M) State Librarian.
- 16 (N) Administrator of Oregon Liquor Control Commission.
- 17 (O) Superintendent of State Police.
- 18 (P) Director of the Public Employees Retirement System.
- 19 (Q) Director of Department of Revenue.
- 20 (R) Director of Transportation.
- 21 (S) Public Utility Commissioner.
- 22 (T) Director of Veterans' Affairs.
- 23 (U) Executive director of Oregon Government Ethics Commission.
- 24 (V) Director of the State Department of Energy.
- 25 (W) Director and each assistant director of the Oregon State Lottery.
- 26 (X) Director of the Department of Corrections.
- 27 (Y) Director of the Oregon Department of Aviation.
- 28 (Z) Executive director of the Oregon Criminal Justice Commission.
- 29 (AA) Director of the Oregon Business Development Department.
- 30 (BB) Director of the Office of Emergency Management.
- 31 (CC) Director of the Employment Department.
- 32 (DD) Chief of staff for the Governor.
- 33 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 34 (FF) Director of the Housing and Community Services Department.
- 35 (GG) State Court Administrator.
- 36 (HH) Director of the Department of Land Conservation and Development.
- 37 (II) Board chairperson of the Land Use Board of Appeals.
- 38 (JJ) State Marine Director.
- 39 (KK) Executive director of the Oregon Racing Commission.
- 40 (LL) State Parks and Recreation Director.
- 41 (MM) Public defense services executive director.
- 42 (NN) Chairperson of the Public Employees' Benefit Board.
- 43 (OO) Director of the Department of Public Safety Standards and Training.
- 44 (PP) Executive director of the Higher Education Coordinating Commission.
- 45 (QQ) Executive director of the Oregon Watershed Enhancement Board.

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

1 (EE) Oregon Growth Board.

2 (FF) Early Learning Council.

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

4 (A) Deputy State Treasurer.

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

6 (C) Director of the Investment Division.

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

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

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

12 **(u) Every member of the board of directors of an authority created under sections 1 to**
13 **8 of this 2015 Act.**

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

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

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

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

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

35
36 **UNIT CAPTIONS**

37
38 **SECTION 13. The unit captions used in this 2015 Act are provided only for the conven-**
39 **ience of the reader and do not become part of the statutory law of this state or express any**
40 **legislative intent in the enactment of this 2015 Act.**