

## SENATE AMENDMENTS TO SENATE BILL 121

By COMMITTEE ON HEALTH CARE

April 13

1 On page 2 of the printed bill, delete lines 9 through 45.

2 On page 3, delete lines 1 through 24 and insert:

3 “**SECTION 2.** ORS 222.890 is amended to read:

4 “222.890. (1) An alternative plan [*referred*] **proposed pursuant** to [*in*] ORS 222.885 shall be re-  
5 viewed by the Oregon Health Authority in cases where danger to public health is caused by impure  
6 or inadequate domestic water and in all other cases by the Environmental Quality Commission. The  
7 plan shall be approved or rejected by the authority or commission. In reviewing the alternative plan  
8 contained in the petition, the authority or commission shall consider whether, in its judgment, the  
9 plan contains a preferable alternative for the alleviation or removal of the conditions dangerous to  
10 public health.

11 “**(2)(a) With respect to an alternative plan proposed in a petition filed under ORS 222.885**  
12 **(1), if [*it*] the authority or commission** determines that annexation to the city provides the best  
13 and most expeditious method of removing or alleviating the dangerous conditions, the alternative  
14 plan shall be rejected and further proceedings on the finding filed under ORS 222.880 shall resume.

15 “**(b) With respect to an alternative plan proposed in a resolution filed under ORS 222.885**  
16 **(2), if the authority or commission determines that annexation to the city provides the best,**  
17 **most expeditious and most cost-effective method of removing or alleviating the dangerous**  
18 **conditions, the alternative plan shall be rejected and further proceedings on the finding filed**  
19 **under ORS 222.880 shall resume.**

20 “[*2*] **(3)** If the authority or commission finds that the alternative plan provides a preferable  
21 method of alleviating or removing the dangerous conditions, the petitioners or appropriate governing  
22 body shall have six months within which to present to the authority or commission information  
23 showing:

24 “(a) That the territory in which the conditions dangerous to public health exist:

25 “**(A)** Has received approval for the extension of a city’s or district’s sewer or water lines within  
26 the territory or has annexed to a district authorized by law to provide facilities necessary to remove  
27 or alleviate the dangerous conditions, and that financing of the facilities for extension of such fa-  
28 cilities to the territory has been assured; **or**

29 “**(B) Has taken substantial steps to implement the alternative plan.**

30 “(b) Detailed plans and specifications for the construction of [*such*] **any proposed** facilities.

31 “(c) A time schedule for the construction of [*such*] **any proposed** facilities.

32 “(d) That [*such*] **proposed** facilities, if constructed, will remove or alleviate the conditions dan-  
33 gerous to public health in a manner as satisfactory and expeditious as would be accomplished by the  
34 proposed annexation to the city.

35 “[*3*] **(4)(a)** The authority or commission shall review the final plan [*presented to it*] **proposed**

1 by the petitioners, city or district and shall promptly certify whether the requirements of subsection  
2 [(2)] **(3)** of this section have been met.

3 “**(b)** If the requirements have been met, the authority shall certify the alternative plan. Further  
4 annexation proceedings on the findings filed under ORS 222.880 shall be suspended and the city shall  
5 be so notified.

6 “**(c)** If the requirements of subsection [(2)] **(3)** of this section [*are not*] **have not been** met [*by*  
7 *the petitioners, city or district*] or whenever the authority or commission determines that the re-  
8 quirements of the certified plan are not being satisfied, further proceedings on the findings filed  
9 under ORS 222.880 shall resume.

10 “**SECTION 3.** ORS 222.905 is amended to read:

11 “222.905. (1) [*The local board of health or the boundary commission having jurisdiction shall, if*  
12 *it*] **If a local board of health** believes **that** a danger to public health exists within a territory  
13 **within its jurisdiction that is** otherwise eligible for annexation in accordance with ORS 222.111,  
14 **the board shall** proceed in the same manner as a city is authorized to proceed under ORS 222.860.

15 “(2)(a) [*Any 11*] **Forty percent of the** residents of territory otherwise eligible for annexation  
16 in accordance with ORS 222.111 who believe a danger to public health exists within [*such*] **the** ter-  
17 ritory may [*apply to*] **petition** the local board of health to initiate proceedings to annex [*such*] **the**  
18 territory as provided in subsection (1) of this section.

19 “**(b)** The local board of health shall [*within a reasonable time, but not more than 90 days,*] in-  
20 vestigate the matters alleged in the [*application*] **petition within 90 days after receiving the pe-**  
21 **tion** and shall either initiate proceedings **to annex the territory** or certify to the petitioners that  
22 the investigation disclosed insufficient evidence to initiate proceedings.

23 “(3)(a)(A) **At any time before the annexation of territory initiated under subsection (2)**  
24 **of this section is final, the petition shall be withdrawn if a number of petitioners described**  
25 **in subparagraph (B) of this paragraph provides the local board of health with a copy of an**  
26 **alternative plan that meets the requirements of ORS 222.885 (1)(c).**

27 “**(B)** The required number of petitioners under this paragraph is any number that, if  
28 subtracted from the number of petitioners who signed the petition under subsection (2) of  
29 this section, would reduce the total number of petitioners below 40 percent of the residents  
30 of the territory.

31 “**(b)** If a petition is withdrawn under paragraph (a) of this subsection before the Director  
32 of the Oregon Health Authority finds that a danger to public health exists in the territory  
33 under ORS 222.880, the Oregon Health Authority and the local board of health shall termi-  
34 nate all proceedings under ORS 222.840 to 222.915 with respect to the territory that was the  
35 subject of the petition.

36 “**(c)** If a petition is withdrawn under paragraph (a) of this subsection after the director  
37 finds that a danger to public health exists in the territory under ORS 222.880, the alternative  
38 plan provided under paragraph (a) of this subsection shall be evaluated by the authority or  
39 the Environmental Quality Commission pursuant to the standards described in ORS 222.890.

40 “**SECTION 4.** (1) The amendments to ORS 222.885, 222.890 and 222.905 by sections 1 to 3  
41 of this 2015 Act apply to proceedings initiated pursuant to ORS 222.840 to 222.915 in which  
42 the annexation of affected territory to a city or district, or the extraterritorial extension of  
43 city or district services to affected territory, is not final before the effective date of this 2015  
44 Act.

45 “(2) The amendments to ORS 222.905 (2) by section 3 of this 2015 Act apply to petitions

1 filed before, on or after the effective date of this 2015 Act that relate to proceedings de-  
2 scribed in subsection (1) of this section. A petition described in this subsection that does not  
3 meet the 40 percent requirement under ORS 222.905 (2) is not valid for any purpose.

4 “(3) For purposes of this section, annexation or extension is final if all necessary actions  
5 under ORS 222.840 to 222.915 have been completed and judicial review under ORS 222.896 is  
6 no longer available because of lapse of time or issuance of an order from which there is no  
7 further appeal.”.

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