

**PROPOSED AMENDMENTS TO
HOUSE BILL 2734**

1 On page 1 of the printed bill, line 2, after “property” insert “; creating
2 new provisions; and amending ORS 244.050, 465.255, 466.640 and 468B.310”.

3 Delete lines 4 through 29 and delete pages 2 and 3 and insert:
4

5 **“LAND BANK AUTHORITIES**

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

8 **“(1) ‘Authority’ means any public land bank authority created pur-**
9 **suant to sections 1 to 6 of this 2015 Act.**

10 **“(2) ‘Brownfield’ has the meaning given that term in ORS 285A.185.**

11 **“(3) ‘Governing body’ means the county court, board of county**
12 **commissioners, council or other legislative body of any local govern-**
13 **ment.**

14 **“(4) ‘Local government’ has the meaning given that term in ORS**
15 **174.116.**

16 **“(5) ‘Remedial action,’ ‘remedial action costs’ and ‘removal’ have**
17 **the meanings given those terms in ORS 465.200.**

18 **“SECTION 2. (1) A governing body of a local government may, upon**
19 **its own motion, consider whether it is advisable to create an authority**
20 **for the purpose of acquiring, rehabilitating, redeveloping or reutilizing**
21 **brownfield properties that are located within the geographic bounda-**
22 **ries over which the local government has jurisdiction.**

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

6 “(a) The name of the authority, which shall be ‘The Land Bank
7 Authority of (local government), Oregon’ or other similar distinctive
8 name.

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

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

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

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

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

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

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

1 **“(b) At least one director who represents the largest municipal**
2 **corporation within the geographic jurisdiction of the local government**
3 **that is not a school district;**

4 **“(c) At least one director who represents the largest school district**
5 **within the geographic jurisdiction of the local government; and**

6 **“(d) Subject to the maximum number of directors allowed by the**
7 **ordinance or resolution establishing the authority, one or more direc-**
8 **tors who are also members of civic organizations that serve the same**
9 **jurisdiction as the authority and that have a purpose or mission that**
10 **aligns with that of the authority.**

11 **“(2) The directors shall select annually from among themselves a**
12 **chairperson, vice chairperson, secretary, treasurer and other officers**
13 **as the board determines.**

14 **“(3) The board shall adopt and may amend rules for calling and**
15 **conducting its meetings and carrying out its business and may adopt**
16 **an official seal. All decisions of the board shall be by motion or re-**
17 **solution and shall be recorded in the board’s minute book, which shall**
18 **be a public record. A majority of the directors of the board constitutes**
19 **a quorum for the transaction of business, and a majority is sufficient**
20 **to pass a motion or resolution.**

21 **“(4) The board may employ employees and agents as the board**
22 **deems appropriate and provide for their compensation.**

23 **“(5) A director is not entitled to compensation for service on the**
24 **board of an authority.**

25 **“SECTION 4. (1) An authority shall have all powers necessary to**
26 **accomplish the purposes of acquiring, rehabilitating, redeveloping or**
27 **reutilizing brownfield properties, including without limitation the**
28 **power to:**

29 **“(a) Sue and be sued, plead and be impleaded in all actions, suits**
30 **or proceedings brought by or against the authority.**

1 **“(b) Acquire, hold, use, enjoy and convey, lease or otherwise dispose**
2 **of any interest in:**

3 **“(A) Brownfield properties within the authority’s geographic juris-**
4 **isdiction;**

5 **“(B) Properties undergoing removal or remedial action under the**
6 **supervision or approval of the Department of Environmental Quality**
7 **that are within the authority’s geographic jurisdiction; and**

8 **“(C) Personal property.**

9 **“(c) Conduct removal or remedial action on real property in which**
10 **the authority has a property interest under an agreement with the**
11 **Department of Environmental Quality.**

12 **“(d) Assist parties that are interested in acquiring a property in-**
13 **terest in real property held by the authority with entering into an**
14 **agreement with the Department of Environmental Quality under ORS**
15 **465.327.**

16 **“(e) Enter into contracts with any person.**

17 **“(f) Borrow moneys and issue notes and revenue bonds for the**
18 **purpose of carrying out the authority’s powers.**

19 **“(g) Invest moneys into property, securities or other instruments.**

20 **“(h) Obtain insurance.**

21 **“(i) Solicit and accept grants, gifts or other assistance from a public**
22 **or private source.**

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

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

29 **“(L) Adopt and amend ordinances and resolutions.**

30 **“(2) An authority may establish an advisory committee to advise**

1 the board of directors of the authority on the interests of the com-
2 munity in the actions of the board and the authority. If a committee
3 is established, a member of the committee shall serve as a liaison be-
4 tween the board of the authority and a community of interest affected
5 by a decision or proposed decision of the board.

6 “(3) An authority shall give public notice of a proposed disposition
7 of any interest in real property held by the authority. The notice shall
8 allow 30 days for the public to comment on the proposed disposition.
9 The authority shall provide responses to comments prior to final dis-
10 position of the property interest.

11 “(4) An authority shall annually prepare and submit a report to the
12 Governor and, in the manner described in ORS 192.245, submit the re-
13 port to the Legislative Assembly. The report must summarize the ac-
14 tivity of the authority, including a list of real properties in which the
15 authority has acquired or disposed of a property interest, the method
16 of acquisition or disposition, the price paid or received for each prop-
17 erty and additional information as requested by the Governor, the
18 President of the Senate or the Speaker of the House of Represen-
19 tatives.

20 “SECTION 5. The revenue bonds and other obligations of an au-
21 thority shall not be a general obligation of the local government and
22 shall not be a charge upon the tax revenues of the local government.

23 “SECTION 6. (1) An authority established under sections 1 to 6 of
24 this 2015 Act shall keep a record of the authority’s remedial action
25 costs.

26 “(2) Notwithstanding any law to the contrary, an authority may,
27 based on the record compiled by the authority under subsection (1) of
28 this section, bring an action to recover from a person liable under ORS
29 465.255 or 465.260 the amount of the authority’s remedial action costs.

30 “(3) In an action brought by an authority established under sections

1 **1 to 6 of this 2015 Act to recover remedial action costs under ORS**
2 **465.255 (1) or damages under ORS 468B.310 (1), the court may allow the**
3 **authority to recover costs, expert witness fees, reasonable attorney**
4 **fees and prejudgment or preaward interest if the authority prevails in**
5 **the action.**

6 **“SECTION 7.** ORS 465.255 is amended to read:

7 “465.255. (1) The following persons shall be strictly liable for those re-
8 medial action costs incurred by the state or any other person that are at-
9 tributable to or associated with a facility and for damages for injury to or
10 destruction of any natural resources caused by a release:

11 “(a) Any owner or operator at or during the time of the acts or omissions
12 that resulted in the release.

13 “(b) Any owner or operator who became the owner or operator after the
14 time of the acts or omissions that resulted in the release, and who knew or
15 reasonably should have known of the release when the person first became
16 the owner or operator.

17 “(c) Any owner or operator who obtained actual knowledge of the release
18 at the facility during the time the person was the owner or operator of the
19 facility and then subsequently transferred ownership or operation of the fa-
20 cility to another person without disclosing such knowledge.

21 “(d) Any person who, by any acts or omissions, caused, contributed to or
22 exacerbated the release, unless the acts or omissions were in material com-
23 pliance with applicable laws, standards, regulations, licenses or permits.

24 “(e) Any person who unlawfully hinders or delays entry to, investigation
25 of or removal or remedial action at a facility.

26 “(2) Except as provided in subsection (1)(c) to (e) of this section and
27 subsection (4) of this section, the following persons shall not be liable for
28 remedial action costs incurred by the state or any other person that are at-
29 tributable to or associated with a facility, or for damages for injury to or
30 destruction of any natural resources caused by a release:

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

5 “(b) Any owner or operator if the release at the facility was caused solely
6 by one or a combination of the following:

7 “(A) An act of God. ‘Act of God’ means an unanticipated grave natural
8 disaster or other natural phenomenon of an exceptional, inevitable and irre-
9 sistible character, the effects of which could not have been prevented or
10 avoided by the exercise of due care or foresight.

11 “(B) An act of war.

12 “(C) Acts or omissions of a third party, other than an employee or agent
13 of the person asserting this defense, or other than a person whose acts or
14 omissions occur in connection with a contractual relationship, existing di-
15 rectly or indirectly, with the person asserting this defense. As used in this
16 subparagraph, ‘contractual relationship’ includes but is not limited to land
17 contracts, deeds or other instruments transferring title or possession.

18 “(3) Except as provided in subsection (1)(c) to (e) of this section or sub-
19 section (4) of this section, the following persons shall not be liable for re-
20 medial action costs incurred by the state or any other person that are
21 attributable to or associated with a facility, or for damages for injury to or
22 destruction of any natural resources caused by a release:

23 “(a) A unit of state or local government that acquired ownership or con-
24 trol of a facility in the following ways:

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

27 “(B) Through the exercise of eminent domain authority by purchase or
28 condemnation.

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

30 “(c) Any fiduciary exempted from liability in accordance with rules

1 adopted by the Environmental Quality Commission under ORS 465.440.

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

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

11 “(a) Obtained actual knowledge of the release and then failed to promptly
12 notify the Department of Environmental Quality and exercise due care with
13 respect to the hazardous substance concerned, taking into consideration the
14 characteristics of the hazardous substance in light of all relevant facts and
15 circumstances; or

16 “(b) Failed to take reasonable precautions against the reasonably fore-
17 seeable acts or omissions of a third party and the reasonably foreseeable
18 consequences of such acts or omissions.

19 “(5)(a) No indemnification, hold harmless, or similar agreement or
20 conveyance shall be effective to transfer from any person who may be liable
21 under this section, to any other person, the liability imposed under this
22 section. Nothing in this section shall bar any agreement to insure, hold
23 harmless or indemnify a party to such agreement for any liability under this
24 section.

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

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

1 “(d) Nothing in this section shall restrict any right that the state or any
2 person might have under federal statute, common law or other state statute
3 to recover remedial action costs or to seek any other relief related to a re-
4 lease.

5 “(6) To establish, for purposes of subsection (1)(b) of this section or sub-
6 section (2)(a) of this section, that the person did or did not have reason to
7 know, the person must have undertaken, at the time of acquisition, all ap-
8 propriate inquiry into the previous ownership and uses of the property con-
9 sistent with good commercial or customary practice in an effort to minimize
10 liability.

11 “(7)(a) Except as provided in paragraph (b) of this subsection, no person
12 shall be liable under ORS 465.200 to 465.545 and 465.900 for costs or damages
13 as a result of actions taken or omitted in the course of rendering care, as-
14 sistance or advice in accordance with rules adopted under ORS 465.400 or
15 at the direction of the department or its authorized representative, with re-
16 spect to an incident creating a danger to public health, safety, welfare or the
17 environment as a result of any release of a hazardous substance. This para-
18 graph shall not preclude liability for costs or damages as the result of
19 negligence on the part of such person.

20 “(b) No state or local government shall be liable under ORS 465.200 to
21 465.545 and 465.900 for costs or damages as a result of actions taken in re-
22 sponse to an emergency created by the release of a hazardous substance
23 generated by or from a facility owned by another person. This paragraph
24 shall not preclude liability for costs or damages as a result of gross
25 negligence or intentional misconduct by the state or local government. For
26 the purpose of this paragraph, reckless, willful or wanton misconduct shall
27 constitute gross negligence.

28 “(c) This subsection shall not alter the liability of any person covered by
29 subsection (1) of this section.

30 “**SECTION 8.** ORS 466.640 is amended to read:

1 “466.640. (1) Any person owning or having control over any oil or haz-
2 ardous material spilled or released or threatening to spill or release shall
3 be strictly liable without regard to fault for the spill or release or threatened
4 spill or release. However, in any action to recover damages, the person shall
5 be relieved from strict liability without regard to fault if the person can
6 prove that the spill or release of oil or hazardous material was caused by:

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

8 “(b) Negligence on the part of the United States Government or the State
9 of Oregon.

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

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

13 “(a) A person who has entered into, and is in compliance with, an ad-
14 ministrative agreement under ORS 465.327 is not liable to the State of
15 Oregon for any spill or release of oil or hazardous material at a facility that
16 is subject to ORS 465.200 to 465.545 existing as of the date of the person’s
17 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
20 consent judgment or an administrative consent order under ORS 465.327 is
21 not liable to the State of Oregon or any person for any spill or release of
22 oil or hazardous material at a facility that is subject to ORS 465.200 to
23 465.545 existing as of the date of the person’s acquisition of ownership or
24 operation of the facility, to the extent provided in ORS 465.327.

25 **“(c) An authority created under sections 1 to 6 of this 2015 Act is**
26 **not liable to the State of Oregon or any person for any spill or release**
27 **of oil or hazardous material at a facility that is subject to ORS 465.200**
28 **to 465.545 existing as of the date of the authority’s acquisition of**
29 **ownership or operation of the facility, to the extent provided in ORS**
30 **465.327 for a person that has entered into, and is in compliance with,**

1 **an administrative agreement, judicial consent judgment or an admin-**
2 **istrative consent order.**

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

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

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

17 “(3) Notwithstanding the provisions of subsections (1) and (2) of this sec-
18 tion:

19 “(a) A person who has entered into, and is in compliance with, an ad-
20 ministrative agreement under ORS 465.327 is not liable to the State of
21 Oregon for any entry of oil into the waters of the state from a facility that
22 is subject to ORS 465.200 to 465.545 and 468B.300 to 468B.500 that occurred
23 before the date of the person’s acquisition of ownership or operation of the
24 facility, to the extent provided in ORS 465.327.

25 “(b) A person who has entered into, and is in compliance with, a judicial
26 consent judgment or an administrative consent order under ORS 465.327 is
27 not liable to the State of Oregon or any person for any entry of oil into the
28 waters of the state from a facility that is subject to ORS 465.200 to 465.545
29 and 468B.300 to 468B.500 that occurred before the date of the person’s ac-
30 quisition of ownership or operation of the facility, to the extent provided in

1 ORS 465.327.

2 **“(c) An authority created under sections 1 to 6 of this 2015 Act is**
3 **not liable to the State of Oregon or any person for any entry of oil into**
4 **the waters of this state from a facility that is subject to ORS 465.200**
5 **to 465.545 and 468B.300 to 468B.500 that occurred before the date of the**
6 **authority’s acquisition of ownership or operation of the facility, to the**
7 **extent provided in ORS 465.327 for a person that has entered into, and**
8 **is in compliance with, an administrative agreement, judicial consent**
9 **judgment or an administrative consent.**

10

11 **“PROPERTY TAX ABATEMENT**

12

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

16 **“(b) The governing body shall specify eligibility requirements in the**
17 **ordinance or resolution, including, but not limited to, a showing by**
18 **the owner of the brownfield in the application filed under section 11**
19 **of this 2015 Act:**

20 **“(A) That the owner or authorized representative of the owner has**
21 **obtained an environmental site assessment of the brownfield prepared**
22 **by a geologist registered under ORS 672.505 to 672.705 or a professional**
23 **engineer as defined in ORS 672.002.**

24 **“(B) If the environmental site assessment required under subpara-**
25 **graph (A) of this paragraph concludes that a remedial action, as de-**
26 **fined in ORS 465.200, is required in response to the release of a**
27 **hazardous substance at the brownfield, that the remedial action shall**
28 **be conducted pursuant to an agreement with, an order of or a program**
29 **or process authorized by the Department of Environmental Quality.**
30 **An agreement, order, program or process includes, but is not limited**

1 to, the Voluntary Cleanup Program, the Independent Cleanup Path-
2 way, a consent or unilateral order or another process that the de-
3 partment may establish by rule or policy, pursuant to which the owner
4 or operator is required to perform the remedial action at the
5 brownfield.

6 “(C) That the owner is in compliance with the agreement, order,
7 program or process required under subparagraph (B) of this paragraph.

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

13 “(c) The department shall maintain reports submitted under para-
14 graph (b)(D) of this subsection as public records and make the reports
15 available for inspection in the manner provided in ORS 192.410 to
16 192.505.

17 “(2) The ordinance or resolution adopted under subsection (1) of this
18 section may allow an additional abatement in an amount stated in the
19 ordinance or resolution for one or more of the following purposes in
20 connection with development of the brownfield:

21 “(a) Providing low income residential housing, as defined in ORS
22 307.841.

23 “(b) Providing public park or open space land, as defined in ORS
24 308A.300, pursuant to a legally binding agreement with a local gov-
25 ernment that requires that at least 50 percent of the land provided as
26 public park or open space land shall be permanently provided as public
27 park or open space land.

28 “(c) Adding improvements that generate renewable energy.

29 “(d) At least 50 percent of remedial actions being performed by mi-
30 nority or women business enterprises or disadvantaged business en-

1 **terprises, as those terms are defined in ORS 200.100.**

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

5 **“(f) Performing removal or remedial action at a brownfield on**
6 **which hospital buildings or community health care facilities are to be**
7 **constructed, in an area designated as having unmet health care needs**
8 **in the most recent areas of unmet health care need in rural Oregon**
9 **report issued by the Office of Rural Health.**

10 **“(3) Within 60 days after an ordinance or resolution is adopted un-**
11 **der subsection (1) of this section, a district listed in ORS 198.010 or**
12 **198.180 that is located within a city or county that elects to grant the**
13 **property tax abatement may elect not to grant the property tax**
14 **abatement. A district that elects not to grant the property tax abate-**
15 **ment shall receive the property taxes imposed by the district unabated.**

16 **“(4) An ordinance or resolution adopted under subsection (1) of this**
17 **section may provide for abatements to be granted for a period of not**
18 **less than three or more than five consecutive property tax years.**

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

24 **“SECTION 11. (1) The owner of a brownfield seeking an abatement**
25 **under section 10 of this 2015 Act against the taxes imposed on a**
26 **brownfield for a property tax year must file an application that meets**
27 **the requirements of this section, with the county assessor of the**
28 **county in which the brownfield is located and with the city if the city**
29 **grants the abatement, on or before April 15 preceding the beginning**
30 **of the property tax year for which the abatement is claimed.**

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

2 **“(a) The address of the brownfield.**

3 **“(b) Evidence of the ownership of the brownfield by the person fil-**
4 **ing the application.**

5 **“(c) An affidavit signed by the owner of the brownfield under pen-**
6 **alty of perjury that the owner has not, by any acts or omissions,**
7 **caused, contributed to or exacerbated the release of a hazardous sub-**
8 **stance at the brownfield for which the eligible costs described in sub-**
9 **section (3) of this section are incurred, unless the acts or omissions**
10 **were in material compliance with applicable laws, standards, regu-**
11 **lations, licenses or permits, or any contamination at the brownfield.**

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

15 **“(3)(a) For purposes of this section, ‘eligible costs’ means:**

16 **“(A) Remedial action costs as defined in ORS 465.200, including**
17 **costs incurred for environmental site assessment or investigation**
18 **performed by a licensed professional without the oversight or approval**
19 **of the Department of Environmental Quality.**

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

22 **“(C) The costs of abating the release of hazardous substances within**
23 **existing site improvements.**

24 **“(D) The costs of new improvements constructed at the brownfield**
25 **for the purpose of containing hazardous substances or limiting expo-**
26 **sure to the release of hazardous substances.**

27 **“(E) The costs of managing, handling, removing, treating and dis-**
28 **posing of solid waste, environmental media or building materials con-**
29 **taining hazardous substances in the course of redeveloping the**
30 **brownfield.**

1 “(b) Eligible costs shall be reduced by the amount of any state or
2 federal grant moneys received by the owner of the brownfield for en-
3 vironmental site assessment or investigation, or removal or remedial
4 action, at the brownfield in the property tax year to which an appli-
5 cation filed under this section applies.

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

12 “(5) The application shall be reviewed by the county or by the city
13 if the city is located in a county that has not granted the abatement
14 under section 10 of this 2015 Act. Upon request, the Department of
15 Environmental Quality may consult with the county or city with re-
16 spect to remedial action costs included in the application as eligible
17 costs. The county or city may consult with the applicant about the
18 application, and the applicant may amend the application.

19 “(6)(a) If the governing body of the county or city, as applicable,
20 determines that the application does not meet the requirements of this
21 section, the governing body shall promptly notify the applicant in
22 writing that the application is not approved, stating the reasons for
23 the determination. A determination under this paragraph is not re-
24 viewable, but the owner of the brownfield may file an application un-
25 der this section for any subsequent year.

26 “(b) If the governing body determines that the application meets
27 the requirements of this section, the governing body shall promptly
28 notify the applicant and the assessor of the county in which the
29 brownfield is located in writing that the application is approved and
30 of the amount of the eligible costs that may be applied to the abate-

1 **ment. The county assessor shall notify each city and district located**
2 **in the county or city, as applicable, that has granted the abatement**
3 **in writing of the amount of the abatement granted.**

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

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

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

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

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

26 **“(3)(a) If the governing body of a county or city has adopted an**
27 **ordinance or resolution under section 10 (2) of this 2015 Act, the**
28 **amount of the additional abatement, when added to the amount al-**
29 **lowed under subsection (1) of this section, may exceed the amount**
30 **described in subsection (1)(b) of this section for the property tax year.**

1 “(b) Amounts of additional abatement in excess of 100 percent of the
2 property taxes imposed on the brownfield for the property tax year
3 may be carried forward for the five following property tax years. After
4 the fifth following property tax year, the amounts of additional
5 abatement expire.

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

9 “(5)(a) The amount of an abatement granted under this section
10 shall be deducted from the property taxes that would otherwise be
11 payable with respect to the brownfield for the property tax year.

12 “(b) The amount of the abatement may not be deducted from
13 property taxes assessed against any other property or, except as pro-
14 vided in subsection (3) of this section, for any other property tax year.

15 “(6) The amount of the property taxes imposed, the amount of the
16 abatement, the amount of property taxes due after subtraction of the
17 abatement and any amounts allowed under subsection (3) of this sec-
18 tion that carry forward shall be shown on the written statement of
19 property taxes payable delivered to the owner for the property tax year
20 under ORS 311.250.

21 “(7) The county assessor shall note the amount of the abatement
22 as a potential additional tax liability on the assessment and tax rolls
23 of the county.

24 “SECTION 13. (1)(a) In addition to any other remedy the governing
25 body may have at law, the governing body of a county or city may
26 modify an abatement granted under section 10 of this 2015 Act on re-
27 liable documentary evidence that any statement or representation in
28 any documentation filed pursuant to section 11 of this 2015 Act is in-
29 accurate.

30 “(b) The governing body of a county or city may revoke an abate-

1 **ment granted under section 10 of this 2015 Act on reliable documentary**
2 **evidence that the owner of the brownfield made any false statement**
3 **or representation in any documentation filed pursuant to section 11**
4 **of this 2015 Act.**

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

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

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

14 **“(b) If the modification occurs on or after July 1 and before January**
15 **1, for the next following property tax year.**

16 **“(4) If the governing body revokes the abatement:**

17 **“(a) There shall be added to the property tax roll for the next fol-**
18 **lowing property tax year, an amount equal to the potential additional**
19 **tax liability noted on the tax rolls under section 12 (7) of this 2015 Act**
20 **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**
23 **forward under section 12 (3)(b) of this 2015 Act shall be canceled.**

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

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

30

- 1 “(I) State Geologist.
- 2 “(J) Director of Human Services.
- 3 “(K) Director of the Department of Consumer and Business Services.
- 4 “(L) Director of the Department of State Lands.
- 5 “(M) State Librarian.
- 6 “(N) Administrator of Oregon Liquor Control Commission.
- 7 “(O) Superintendent of State Police.
- 8 “(P) Director of the Public Employees Retirement System.
- 9 “(Q) Director of Department of Revenue.
- 10 “(R) Director of Transportation.
- 11 “(S) Public Utility Commissioner.
- 12 “(T) Director of Veterans’ Affairs.
- 13 “(U) Executive director of Oregon Government Ethics Commission.
- 14 “(V) Director of the State Department of Energy.
- 15 “(W) Director and each assistant director of the Oregon State Lottery.
- 16 “(X) Director of the Department of Corrections.
- 17 “(Y) Director of the Oregon Department of Aviation.
- 18 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 19 “(AA) Director of the Oregon Business Development Department.
- 20 “(BB) Director of the Office of Emergency Management.
- 21 “(CC) Director of the Employment Department.
- 22 “(DD) Chief of staff for the Governor.
- 23 “(EE) Administrator of the Office for Oregon Health Policy and Research.
- 24 “(FF) Director of the Housing and Community Services Department.
- 25 “(GG) State Court Administrator.
- 26 “(HH) Director of the Department of Land Conservation and Develop-
- 27 ment.
- 28 “(II) Board chairperson of the Land Use Board of Appeals.
- 29 “(JJ) State Marine Director.
- 30 “(KK) Executive director of the Oregon Racing Commission.

1 “(LL) State Parks and Recreation Director.
2 “(MM) Public defense services executive director.
3 “(NN) Chairperson of the Public Employees’ Benefit Board.
4 “(OO) Director of the Department of Public Safety Standards and Train-
5 ing.
6 “(PP) Executive director of the Higher Education Coordinating Commis-
7 sion.
8 “(QQ) Executive director of the Oregon Watershed Enhancement Board.
9 “(RR) Director of the Oregon Youth Authority.
10 “(SS) Director of the Oregon Health Authority.
11 “(TT) Deputy Superintendent of Public Instruction.
12 “(h) Any assistant in the Governor’s office other than personal secretaries
13 and clerical personnel.
14 “(i) Every elected city or county official.
15 “(j) Every member of a city or county planning, zoning or development
16 commission.
17 “(k) The chief executive officer of a city or county who performs the du-
18 ties of manager or principal administrator of the city or county.
19 “(L) Members of local government boundary commissions formed under
20 ORS 199.410 to 199.519.
21 “(m) Every member of a governing body of a metropolitan service district
22 and the executive officer thereof.
23 “(n) Each member of the board of directors of the State Accident Insur-
24 ance Fund Corporation.
25 “(o) The chief administrative officer and the financial officer of each
26 common and union high school district, education service district and com-
27 munity college district.
28 “(p) Every member of the following state boards and commissions:
29 “(A) Board of Geologic and Mineral Industries.
30 “(B) Oregon Business Development Commission.

- 1 “(C) State Board of Education.
- 2 “(D) Environmental Quality Commission.
- 3 “(E) Fish and Wildlife Commission of the State of Oregon.
- 4 “(F) State Board of Forestry.
- 5 “(G) Oregon Government Ethics Commission.
- 6 “(H) Oregon Health Policy Board.
- 7 “(I) State Board of Higher Education.
- 8 “(J) Oregon Investment Council.
- 9 “(K) Land Conservation and Development Commission.
- 10 “(L) Oregon Liquor Control Commission.
- 11 “(M) Oregon Short Term Fund Board.
- 12 “(N) State Marine Board.
- 13 “(O) Mass transit district boards.
- 14 “(P) Energy Facility Siting Council.
- 15 “(Q) Board of Commissioners of the Port of Portland.
- 16 “(R) Employment Relations Board.
- 17 “(S) Public Employees Retirement Board.
- 18 “(T) Oregon Racing Commission.
- 19 “(U) Oregon Transportation Commission.
- 20 “(V) Water Resources Commission.
- 21 “(W) Workers’ Compensation Board.
- 22 “(X) Oregon Facilities Authority.
- 23 “(Y) Oregon State Lottery Commission.
- 24 “(Z) Pacific Northwest Electric Power and Conservation Planning Coun-
25 cil.
- 26 “(AA) Columbia River Gorge Commission.
- 27 “(BB) Oregon Health and Science University Board of Directors.
- 28 “(CC) Capitol Planning Commission.
- 29 “(DD) Higher Education Coordinating Commission.
- 30 “(EE) Oregon Growth Board.

1 “(FF) Early Learning Council.

2 “(q) The following officers of the State Treasurer:

3 “(A) Deputy State Treasurer.

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

5 “(C) Director of the Investment Division.

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

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

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

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

14 “(2) By April 15 next after the date an appointment takes effect, every
15 appointed public official on a board or commission listed in subsection (1)
16 of this section shall file with the Oregon Government Ethics Commission a
17 statement of economic interest as required under ORS 244.060, 244.070 and
18 244.090.

19 “(3) By April 15 next after the filing deadline for the primary election,
20 each candidate described in subsection (1) of this section shall file with the
21 commission a statement of economic interest as required under ORS 244.060,
22 244.070 and 244.090.

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

29 “(5) Subsections (1) to (4) of this section apply only to persons who are
30 incumbent, elected or appointed public officials as of April 15 and to persons

1 who are candidates on April 15. Subsections (1) to (4) of this section also
2 apply to persons who do not become candidates until 30 days after the filing
3 deadline for the statewide general election.

4 “(6) If a statement required to be filed under this section has not been
5 received by the commission within five days after the date the statement is
6 due, the commission shall notify the public official or candidate and give the
7 public official or candidate not less than 15 days to comply with the re-
8 quirements of this section. If the public official or candidate fails to comply
9 by the date set by the commission, the commission may impose a civil pen-
10 alty as provided in ORS 244.350.

11

12

“UNIT CAPTIONS

13

14 **“SECTION 15. The unit captions used in this 2015 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2015 Act.”.**

18
