

**PROPOSED AMENDMENTS TO
SENATE BILL 121**

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*]
5 ORS 222.885 shall be reviewed by the Oregon Health Authority in cases
6 where danger to public health is caused by impure or inadequate domestic
7 water and in all other cases by the Environmental Quality Commission. The
8 plan shall be approved or rejected by the authority or commission. In re-
9 viewing the alternative plan contained in the petition, the authority or
10 commission shall consider whether, in its judgment, the plan contains a
11 preferable alternative for the alleviation or removal of the conditions dan-
12 gerous to public health.

13 **“(2)(a) With respect to an alternative plan proposed in a petition**
14 **filed under ORS 222.885 (1), if [*it*] the authority or commission deter-**
15 **mines that annexation to the city provides the best and most expeditious**
16 **method of removing or alleviating the dangerous conditions, the alternative**
17 **plan shall be rejected and further proceedings on the finding filed under ORS**
18 **222.880 shall resume.**

19 **“(b) With respect to an alternative plan proposed in a resolution**
20 **filed under ORS 222.885 (2), if the authority or commission determines**
21 **that annexation to the city provides the best, most expeditious and**
22 **most cost-effective method of removing or alleviating the dangerous**

1 **conditions, the alternative plan shall be rejected and further pro-**
2 **ceedings on the finding filed under ORS 222.880 shall resume.**

3 “[2] (3) If the authority or commission finds that the alternative plan
4 provides a preferable method of alleviating or removing the dangerous con-
5 ditions, the petitioners or appropriate governing body shall have six months
6 within which to present to the authority or commission information showing:

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

9 “(A) Has received approval for the extension of a city’s or district’s sewer
10 or water lines within the territory or has annexed to a district authorized
11 by law to provide facilities necessary to remove or alleviate the dangerous
12 conditions, and that financing of the facilities for extension of such facilities
13 to the territory has been assured; **or**

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

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

18 “(c) A time schedule for the construction of [*such*] **any proposed** facili-
19 ties.

20 “(d) That [*such*] **proposed** facilities, if constructed, will remove or alle-
21 viate the conditions dangerous to public health in a manner as satisfactory
22 and expeditious as would be accomplished by the proposed annexation to the
23 city.

24 “[3] (4)(a) The authority or commission shall review the final plan
25 [*presented to it*] **proposed** by the petitioners, city or district and shall
26 promptly certify whether the requirements of subsection [(2)] (3) of this sec-
27 tion have been met.

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

1 “(c) If the requirements of subsection [(2)] (3) of this section [are not]
2 **have not been** met [by the petitioners, city or district] or whenever the au-
3 thority or commission determines that the requirements of the certified plan
4 are not being satisfied, further proceedings on the findings filed under ORS
5 222.880 shall resume.

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

7 “222.905. (1) [The local board of health or the boundary commission having
8 jurisdiction shall, if it] **If a local board of health** believes **that** a danger
9 to public health exists within a territory **within its jurisdiction that is**
10 otherwise eligible for annexation in accordance with ORS 222.111, **the board**
11 **shall** proceed in the same manner as a city is authorized to proceed under
12 ORS 222.860.

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

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

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

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

1 number of petitioners below 40 percent of the residents of the terri-
2 tory.

3 “(b) If a petition is withdrawn under paragraph (a) of this sub-
4 section before the Director of the Oregon Health Authority finds that
5 a danger to public health exists in the territory under ORS 222.880, the
6 Oregon Health Authority and the local board of health shall terminate
7 all proceedings under ORS 222.840 to 222.915 with respect to the terri-
8 tory that was the subject of the petition.

9 “(c) If a petition is withdrawn under paragraph (a) of this sub-
10 section after the director finds that a danger to public health exists
11 in the territory under ORS 222.880, the alternative plan provided under
12 paragraph (a) of this subsection shall be evaluated by the authority
13 or the Environmental Quality Commission pursuant to the standards
14 described in ORS 222.890.

15 **“SECTION 4. (1) The amendments to ORS 222.885, 222.890 and 222.905**
16 **by sections 1 to 3 of this 2015 Act apply to proceedings initiated pur-**
17 **suant to ORS 222.840 to 222.915 in which the annexation of affected**
18 **territory to a city or district, or the extraterritorial extension of city**
19 **or district services to affected territory, is not final before the effec-**
20 **tive date of this 2015 Act.**

21 “(2) The amendments to ORS 222.905 (2) by section 3 of this 2015 Act
22 apply to petitions filed before, on or after the effective date of this 2015
23 Act that relate to proceedings described in subsection (1) of this sec-
24 tion. A petition described in this subsection that does not meet the 40
25 percent requirement under ORS 222.905 (2) is not valid for any purpose.

26 “(3) For purposes of this section, annexation or extension is final
27 if all necessary actions under ORS 222.840 to 222.915 have been com-
28 pleted and judicial review under ORS 222.896 is no longer available
29 because of lapse of time or issuance of an order from which there is
30 no further appeal.”.

