

Requested by Representative MCKEOWN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4084**

1 On page 1 of the printed bill, delete lines 11 through 22.

2 On page 2, delete lines 1 through 9 and insert:

3 “(2)(a) An ordinance or resolution adopted under this section shall specify
4 the eligibility requirements for the programs, including, but not limited to,
5 a showing by the owner of a brownfield in an application filed under section
6 2 of this 2016 Act:

7 “(A) That the owner or authorized representative of the owner has ob-
8 tained, as applicable, a site evaluation, preliminary assessment, confirmation
9 of release or remedial investigation of the brownfield prepared by a geologist
10 registered under ORS 672.505 to 672.705 or a professional engineer as defined
11 in ORS 672.002.

12 “(B) If the site evaluation, preliminary assessment, confirmation of re-
13 lease or remedial investigation required under subparagraph (A) of this par-
14 agraph concludes that a remedial action, as defined in ORS 465.200, is
15 required in response to the release of a hazardous substance at the
16 brownfield, that the remedial action shall be conducted pursuant to an
17 agreement with, an order of or a program or process authorized by the De-
18 partment of Environmental Quality under ORS 465.200 to 465.455 and 465.900.

19 “(C) That the owner is in compliance with any agreement, order, program
20 or process governing the conduct of the remedial action under subparagraph
21 (B) of this paragraph.

1 “(D) That the report of the site evaluation, preliminary assessment, con-
2 firmation of release or remedial investigation required under subparagraph
3 (A) of this paragraph, and a report prepared by a geologist or professional
4 engineer showing that any remedial action has complied with any applicable
5 agreement, order, program or process authorized by the department and with
6 any other applicable state law administered by the department, have been
7 submitted to the department.”.

8 In line 15, delete “described in ORS 468.531”.

9 In line 24, before the colon insert “the earlier of”.

10 Delete line 27 and insert:

11 “(B) The date on which the dollar amount of the benefit”.

12 In line 45, delete “51” and insert “75”.

13 On page 3, delete lines 21 through 25 and insert:

14 “(c) An affidavit signed by the owner of the brownfield under penalty of
15 perjury affirming that the owner has not, by any acts, or omissions where
16 there is a duty to act, caused, contributed to or exacerbated the release of
17 a hazardous substance at the brownfield for which the eligible costs as de-
18 termined under section 3 of this 2016 Act are to be incurred.”.

19 On page 4, after line 1, insert:

20 “(5) The assessor of the county in which the property granted a property
21 tax incentive program benefit is located may charge the owner a fee of up
22 to \$200 for the first year and up to \$100 for each subsequent year for which
23 the benefit is granted to compensate the assessor for duties imposed under
24 sections 1 to 7 of this 2016 Act.

25 “(6) The transfer of the brownfield in an arm’s-length transaction shall
26 not disqualify the property from the property tax incentive program benefits
27 granted to the property under the ownership of the transferor provided the
28 transferee:

29 “(a) Notifies the city, county or port and the county assessor as soon as
30 practicable of the transfer;

1 “(b) Files an affidavit described in subsection (2)(c) of this section; and
2 “(c) Complies with all requirements under sections 1 to 7 of this 2016
3 Act.”.

4 Delete lines 6 through 8 and insert:

5 “(a) Remedial action costs as defined in ORS 465.200, including costs for
6 a site evaluation, preliminary assessment, confirmation of release or remedial
7 investigation performed by a geologist or professional engineer without the
8 oversight or approval of the Department of Environmental Quality.”.

9 On page 5, line 30, delete “remaining”.

10 Delete lines 32 through 37 and insert:

11 “(2)(a) If the updated estimate of the eligible costs is greater or less than
12 the original estimate by 10 percent or more, the city, county or port shall
13 submit the documentation and updated estimate to the assessor of the county
14 in which the land is located.

15 “(b) Upon receipt, the county assessor shall recompute the specially as-
16 sessed value and maximum assessed value of the land under section 4 of this
17 2016 Act, beginning with the first year for which the land was granted spe-
18 cial assessment.

19 “(c) The values as recomputed under this section shall apply to the re-
20 maining period for which the land has been granted the special assessment.
21 Delinquent taxes may not be assessed or collected, and refunds may not be
22 paid, as a consequence of the recomputation under this section for property
23 tax years preceding the remaining period.”.

24 After line 42, insert:

25 “(b) The date on which the dollar amount of the benefit equals the eligi-
26 ble costs for the property as determined under section 3 of this 2016 Act.”.

27 In line 43, delete “(b)” and insert “(c)”.

28 On page 6, line 4, delete “(c)” and insert “(d)”.

29 Delete lines 6 and 7 and insert:

30 “(2) The city, county or port may provide an owner with the opportunity

1 to cure the grounds for disqualification under subsection (1) of this section.

2 “(3) The city, county or port shall notify the county assessor of the dis-
3 qualification of property from special assessment or exemption or partial
4 exemption under this section, and upon disqualification the property shall
5 be assessed and taxed under ORS 308.146.”.

6 In line 8, delete “(3)” and insert “(4)”.

7 In line 9, delete “(1)(b) or (c)” and insert “(1)(c) or (d)”.

8 In line 14, delete “(4)” and insert “(5)”.

9 In line 15, delete “(1)(b) or (c)” and insert “(1)(c) or (d)”.

10 In line 22, delete “(5)” and insert “(6)”.

11 In line 24, delete “(6)” and insert “(7)”.

12 In line 27, delete “2037” and insert “2027”.

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