

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO
SENATE BILL 977**

1 In line 2 of the printed bill, after “courts” insert “; creating new pro-
2 visions; amending ORS 536.075; and declaring an emergency”.

3 Delete lines 4 through 6 and insert:

4 **“SECTION 1.** ORS 536.075 is amended to read:

5 “536.075. (1) Any party affected by a final order other than contested case
6 issued by the Water Resources Commission or Water Resources Department
7 may appeal the order to the Circuit Court of Marion County or to the circuit
8 court of the county in which all or part of the property affected by the order
9 is situated. The review shall be conducted according to the provisions of ORS
10 183.484, 183.486, 183.497 and 183.500. A final order other than contested case
11 issued by the Water Resources Commission or the Water Resources Depart-
12 ment must state on the first page of the order that the order is a final order
13 other than contested case, that the order is subject to judicial review under
14 ORS 183.484 and that any petition for judicial review of the order must be
15 filed within the time specified by ORS 183.484 (2). Any order other than
16 contested case issued by the Water Resources Commission or by the Water
17 Resources Department that does not comply with the requirements of this
18 section is not a final order.

19 “(2) Any party affected by a final order in a contested case issued by the
20 Water Resources Commission or the Water Resources Department may ap-
21 peal the order to the Court of Appeals.

1 “(3) An appeal under subsection (2) of this section shall be conducted as
2 provided in ORS 183.482 except as specifically provided in subsections (4),
3 (5) and (6)] **and (5)** of this section.

4 “(4) The petition [*shall*] **for judicial review must** state the facts showing
5 how the petitioner is adversely affected by the order and the ground or
6 grounds upon which the petitioner contends the order should be reversed or
7 remanded.

8 “[*(5) The filing of a petition in either the circuit court or the Court of Ap-*
9 *peals shall stay enforcement of the order of the commission or the department*
10 *unless the commission or the department determines that substantial public*
11 *harm will result if the order is stayed. If the commission or the department*
12 *denies the stay, the denial shall be in writing and shall specifically state the*
13 *substantial public harm that will result from allowing the stay.*]

14 “[*(6)*] **(5)** The review by the Court of Appeals under subsection (2) of this
15 section shall be on the entire record forwarded by the commission or de-
16 partment. The court may remand the case for further evidence taking, cor-
17 rection or other necessary action. The court may affirm, reverse, modify or
18 supplement the order appealed from, and make such disposition of the case
19 as the court determines to be appropriate.

20 “[*(7)*] **(6)** The provisions of this section [*shall*] **do** not apply to any pro-
21 ceeding under ORS 537.670 to 537.695 or ORS chapter 539.

22 “[*(8)*] **(7)** For the purposes of this section, ‘final order’ and ‘contested
23 case’ have the meanings given those terms in ORS 183.310.

24 **“SECTION 2. The amendments to ORS 536.075 by section 1 of this**
25 **2019 Act operate to vacate any stay in place under ORS 536.075 on the**
26 **effective date of this 2019 Act.**

27 **“SECTION 3. This 2019 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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