

SB 1566-4  
(LC 179)  
2/8/24 (CPA/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Lynn Findley)

**PROPOSED AMENDMENTS TO  
SENATE BILL 1566**

1 On page 1 of the printed bill, after line 3, insert:

2 **“SECTION 1. (1) As used in this section:**

3 **“(a) ‘Occupant’ means a licensee, government entity or other entity**  
4 **that constructs, operates or maintains attachments on poles or struc-**  
5 **tures or within conduits.**

6 **“(b) ‘Operator’ means:**

7 **“(A) Association, cooperative or government entity and their:**

8 **“(i) Agents;**

9 **“(ii) Lessees;**

10 **“(iii) Acting trustees; and**

11 **“(iv) Receivers appointed by a court and engaged in the manage-**  
12 **ment, operation, ownership or control of any facility within Oregon.**

13 **“(B) Cable operator as defined in ORS 30.192.**

14 **“(C) Consumer-owned utility as defined in ORS 757.270.**

15 **“(D) Electricity service supplier as defined in ORS 757.600.**

16 **“(E) Person as defined in ORS 756.010.**

17 **“(F) Public utility as defined in ORS 757.005.**

18 **“(G) Telecommunications carrier as defined in ORS 759.400.**

19 **“(H) Telecommunications utility as defined in ORS 759.005.**

20 **“(c) ‘Owner’ means a public utility, telecommunications utility or**  
21 **consumer-owned utility, that owns or controls a pole, structure, duct,**

1 **conduit, right of way, manhole, handhole or other similar facility.**

2 **“(2) A registered occupant, operator or owner shall be responsible**  
3 **to apply for any right of way permit and pay any permit fee required**  
4 **by a county governing body.”.**

5 In line 4, delete “1” and insert “2” and after the period delete the rest  
6 of the line and lines 5 through 7 and insert “(1) As used in this section,  
7 ‘emergency and urgent work’ includes work required as a result of:

8 “(a) An accident or casualty;

9 “(b) Fire, flood, drought, wind or action of the elements;

10 “(c) Court order;

11 “(d) Litigation;

12 “(e) Breakdown of or damage to a facility of a utility or third party;

13 “(f) Acts of God;

14 “(g) Acts of a civil, military or government authority; or

15 “(h) Acts or omissions of a third party.

16 “(2)(a) A county governing body may require a permit for the con-  
17 struction, alteration, relocation, maintenance or repair of a water, gas,  
18 electric or communication service line, fixture or other facility within the  
19 right of way of a public road under the jurisdiction of the county.”.

20 In line 12, delete “(2)” and insert “(3)” and delete “(3)” and insert “(4)”.

21 In line 13, delete “(4)” and insert “(5)”.

22 In line 17, delete “(3)” and insert “(4)”.

23 Delete lines 21 through 23 and insert:

24 “(b) The permit is for routine replacement or maintenance of a line, fix-  
25 ture or other facility, including, but not limited to pole and equipment re-  
26 placement or maintenance required by ORS 757.035 or 758.280 to 758.286 or  
27 under the National Electric Safety Code;”.

28 In line 25, delete “or wastewater system, including an” and insert “sys-  
29 tem, including a pumping facility;”.

30 On page 2, line 1, after “of” delete the rest of the line and line 2 and in-

1 sert “the water system;”.

2 In line 9, delete “(4)(a)” and insert “(5)(a)”.

3 In line 10, after the period insert “The moneys collected as permit fees  
4 under this section may only be used by a county to cover the expenses in-  
5 curred by the county in the administration and issuance of the permits and  
6 permit compliance enforcement.”.

7 In line 20, delete “(5)” and insert “(6)”.

8 After line 21 insert:

9 **“SECTION 3. (1) Sections 1 and 2 of this 2024 Act do not apply to a  
10 line, fixture or facility that is governed by the terms of an existing  
11 memorialized understanding or franchise agreement.**

12 **“(2) Sections 1 and 2 of this 2024 Act do not prohibit a county from  
13 entering into a memorialized understanding or franchise agreement.**

14 **“(3) Nothing in sections 1 or 2 of this 2024 Act may be construed to  
15 allow a county governing body to assess a franchise fee or privilege  
16 tax on a person for the use of a right of way of a public road under  
17 the jurisdiction of the county.”.**

18 In line 22, delete “2” and insert “4” and after “(1)” insert “Sections 1 and  
19 2 of”.

20 Delete line 27 and insert:

21 **“SECTION 5. Sections 1 to 3 of this 2024 Act are repealed on Janu-  
22 ary 2, 2031.”.**

23 In line 28, delete “4” and insert “6”.

24