

# Senate Bill 202

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education for Oregon Counties and Special Districts Association of Education)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits city from imposing charge on other public bodies for use of city's rights of way that exceed city's actual, direct costs.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to charges for use of a city's rights of way; creating new provisions; amending ORS 221.415;  
3 and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 221.415 is amended to read:

6 221.415. (1) Recognizing the independent basis of legislative authority granted to cities in this  
7 state by municipal charters, the Legislative Assembly intends by ORS 221.420, 221.450 and 261.305  
8 and this section to reaffirm the authority of cities to regulate use of municipally owned rights of  
9 way and to impose charges upon publicly owned suppliers of electrical energy, as well as privately  
10 owned suppliers for the use of such rights of way.

11 **(2) Notwithstanding subsection (1) of this section, a city may not impose on any public**  
12 **body, as defined in ORS 174.109, or any local government or local service district, as those**  
13 **terms are defined in ORS 174.116, a license fee, privilege tax, rent or any other charge for**  
14 **the use of the city's rights of way in an amount that exceeds the city's actual costs directly**  
15 **related to administering the use for which the license fee, privilege tax, rent or other charge**  
16 **is imposed.**

17 **SECTION 2.** The amendments to ORS 221.415 by section 1 of this 2017 Act apply to license  
18 fees, privilege taxes, rent or other charges that are first imposed on or after the effective  
19 date of this 2017 Act.

20 **SECTION 3.** This 2017 Act takes effect on the 91st day after the date on which the 2017  
21 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.  
22

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.