

Senate Bill 859

Sponsored by Senator JAMA

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**.

Allows local governments, and during emergency period allows Governor or certain agencies, to abate waste, graffiti and vandalism associated with homelessness and other factors. Allows costs to be passed to solid waste collection ratepayers.

Requires Oregon Department of Emergency Management to report to interim committee of Legislative Assembly on state expenses under program on or before September 15, 2024.

Sunsets January 2, 2026.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homelessness; and declaring an emergency.

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

4 **SECTION 1. (1) The Legislative Assembly finds the abatement of solid waste, vandalism**
5 **and graffiti caused by individuals experiencing homelessness, and other factors, to be a**
6 **matter of statewide concern.**

7 **(2) With the consent of any private landowner, a local government may undertake any**
8 **action reasonably necessary to remove or remedy solid waste, vandalism or graffiti on public**
9 **or private property. The local government may contract with any person to carry out any**
10 **action allowed under this subsection.**

11 **(3) During a state of emergency relating to homelessness, including as declared under**
12 **Executive Order 23-02 or any continuation thereof or under any similar order, the Governor**
13 **or any agency under the direction of the Governor or the Oregon Department of Emergency**
14 **Management, may take or direct any action authorized by a local government under sub-**
15 **section (2) of this section after first giving not less than three days' written notice to the**
16 **local government of the Governor's or agency's intended actions.**

17 **(4) The Governor or an agency taking action under subsection (3) of this section by order**
18 **may require that the local government reimburse the state or agency for its costs incurred**
19 **under subsection (3) of this section. An order under this subsection is appealable only as an**
20 **order other than a contested case hearing under ORS 183.484.**

21 **(5) Nothing in this section is intended to interfere with, limit, abridge or modify the au-**
22 **thority of:**

23 **(a) The State Fire Marshal or any other state agency or local unit of government relating**
24 **to an emergency that presents a combustion or explosion hazard;**

25 **(b) The Department of Environmental Quality or any other person in abating hazardous**
26 **waste under ORS 465.200 to 465.545; or**

27 **(c) Any public body, as defined in ORS 174.109, to remove individuals, campsites or**
28 **abandoned personal property or to assess civil or criminal penalties against any person re-**

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.

1 sponsible for waste, vandalism or graffiti.

2 **SECTION 2.** Section 3 of this 2023 Act is added to and made a part of ORS 459.005 to
3 459.437.

4 **SECTION 3.** (1) A local government unit responsible for conducting removal, remedy or
5 related activities under section 1 (2) of this 2023 Act, or a local government unit liable under
6 an order issued under section 1 (4) of this 2023 Act, shall impose a charge to be added to all
7 billings for collection services rendered within the boundaries of that local government unit
8 unless the local government unit provides an equivalent amount of funding through another
9 source.

10 (2) Solid waste collectors who are subject to franchising, licensing or permitting re-
11 quirements adopted by the local government unit shall collect the charge. Notwithstanding
12 any restriction on rates contained in a franchise or other local regulations, a solid waste
13 collector may add the charge to billings for solid waste collection. The local government unit
14 may enter into an intergovernmental agreement with any other local government unit to
15 provide for imposition and collection of the charge on behalf of the local government unit.

16 (3) The amount charged by a solid waste collector under subsection (2) of this section
17 may include only:

18 (a) The amount necessary to fund the local government unit's costs under section 1 of
19 this 2023 Act;

20 (b) Amounts estimated to cover any delinquencies in collections; and

21 (c) A surcharge of no more than five percent to defray the costs of collecting and ac-
22 counting for the charge.

23 (4) A solid waste collector shall account for and, less the collected surcharge under sub-
24 section (3)(c) of this section, remit the proceeds of the charge to the local government unit.
25 Solid waste collectors are not responsible for covering any shortage caused by failure of a
26 customer to pay charges for solid waste collection.

27 (5) Any local government unit located within the boundaries of a metropolitan service
28 district may enter into an intergovernmental agreement with the district to transfer to the
29 district the funding authority under this section and the responsibility for performing actions
30 which the local government unit may be responsible for under section 1 of this 2023 Act.

31 **SECTION 4.** On or before September 15, 2024, the Oregon Department of Emergency
32 Management shall provide a report to an appropriate interim committee of the Legislative
33 Assembly in the manner provided in ORS 192.245 on the actions taken by the Governor and
34 state agencies under section 1 of this 2023 Act.

35 **SECTION 5.** Sections 2 to 4 of this 2023 Act are repealed on January 2, 2026.

36 **SECTION 6.** This 2023 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
38 on its passage.