Requested by Senator PROZANSKI

PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3362

1   On page 1 of the printed A-engrossed bill, line 2, delete "; and declaring
2   an emergency".

3   On page 2, after line 1, insert:

4   "(5) A county must initiate a proceeding under section 5 (1) of this 2023
5   Act if a petition is filed by a party to a proceeding to revoke the approval
6   described in subsection (1)(c) of this section in which the county determines
7   whether any property subject to that revocation proceeding, that is not
8   owned by an innocent purchaser, was determined to be a lawfully established
9   unit of land based on false records."

10   After line 2, insert:

11   **"SECTION 4. Section 5 of this 2023 Act is added to and made a part**
12   **of ORS chapter 197.**

13   **"SECTION 5. (1) Notwithstanding the finality of a land use decision,**
14   **principles of issue or claim preclusion or requirements in ORS 197.830**
15   **for the review of a land use decision, a local government may review**
16   **and revoke a determination made within a previous land use decision**
17   **that the property was a lawfully established unit of land, as defined**
18   **in ORS 92.010, if the determination was based on false records.**

19   **"(2) If, as part of a land use proceeding that requires a local gov-**
20   **ernment to determine whether a property is a lawfully established unit**
21   **of land, the local government determines that its prior determination**

1 **that a property was a lawfully established unit of land was based on**

2 **false records, the local government cannot rely on the prior determi-**

3 **nation and must revoke the determination under subsection (1) of this**

4 **section.**

5 **"(3) A local government's revocation under this section is a land**

6 **use decision.**

7 **"(4) As used in this section, 'false records' means deeds or records**

8 **that are fabricated, fraudulent or inaccurate.**

9 **"<u>SECTION 6.</u> Section 5 of this 2023 Act applies to determinations**

10 **made within land use decisions arising before, on or after the effective**

11 **date of this 2023 Act.".**

12 Delete lines 3 through 5.

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