

Senate Bill 1566

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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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Allows a county to charge a permit fee to build, move or change a line, fixture or facility that is in the right of way of a county public road. There are exceptions. Sunsets on January 1, 2031. (Flesch Readability Score: 68.5).

Authorizes a county governing body to charge a fee for the administration and issuance of a permit to construct, alter, relocate, maintain or repair a water, gas, electric or communication service line, fixture or facility within the right of way of a public road under the jurisdiction of the county, subject to specified exceptions.

Sunsets January 1, 2031.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to county permitting; and declaring an emergency.

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

4 **SECTION 1. (1)(a) A county governing body may require a permit for the construction,**
5 **alteration, relocation, maintenance or repair of a water, gas, electric or communication**
6 **service line, fixture or other facility within the right of way of a public road under the ju-**
7 **isdiction of the county.**

8 **(b) A county shall issue or deny a permit required under this section within 15 business**
9 **days after a complete application for the permit is filed with the county. The requirement**
10 **under this paragraph does not apply to an application for a permit for relocation of a line,**
11 **fixture or other facility when the relocation is required by the county.**

12 **(2) Notwithstanding ORS 758.010 (1) and except as provided in subsection (3) of this sec-**
13 **tion, a county governing body may charge a fee, as described in subsection (4) of this section,**
14 **for the administration and issuance of a permit required under this section for the con-**
15 **struction or alteration of a line, fixture or other facility. Any fee charged under this section**
16 **must be carried out on a competitively neutral and nondiscriminatory basis.**

17 **(3) A county governing body may not charge a fee for a permit under this section if:**

18 **(a) The permit is for vegetation management or vegetation clearance maintenance, and**
19 **the vegetation management or vegetation clearance maintenance is required by the Public**
20 **Utility Commission under ORS 757.035;**

21 **(b) The permit is for routine replacement or maintenance of a line, fixture or other fa-**
22 **ility, and the replacement or maintenance is required by the Public Utility Commission un-**
23 **der ORS 757.035;**

24 **(c) The permit is for maintenance of a line, fixture or other facility related to a water**
25 **or wastewater system, including an air relief valve, pressure valve or fire hydrant, and the**

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 maintenance is essential for the safe operation of a pumping facility that is within the right
2 of way;

3 (d) The permit is for relocation of a line, fixture or other facility, and the relocation is
4 required by the county; or

5 (e) The permit is for emergency or urgent work, regardless of the duration of time of the
6 work, to restore or maintain services, and the emergency or urgent work is necessary to
7 protect public health or safety. A county may not delay emergency or urgent work under this
8 paragraph to process an application for a permit under this section.

9 (4)(a) Subject to paragraph (b) of this subsection, the maximum fee that may be charged
10 for the administration and issuance of a permit under this section is \$500.

11 (b) The maximum fee that may be charged shall be increased annually on July 1 by the
12 lesser of:

13 (A) The percentage increase, if any, in the cost of living for the previous calendar year,
14 based on changes in the Consumer Price Index for All Urban Consumers, West Region (All
15 Items), as published by the Bureau of Labor Statistics of the United States Department of
16 Labor.

17 (B) Five percent.

18 (c) An amount determined under paragraph (b) of this subsection shall be rounded up to
19 the nearest dollar.

20 (5) To exercise a power granted by this section, a county governing body must first au-
21 thorize the exercise of that power by county ordinance.

22 **SECTION 2.** (1) This 2024 Act becomes operative on January 1, 2025.

23 (2) A county governing body may take any action before the operative date specified in
24 subsection (1) of this section that is necessary to enable the county governing body to exer-
25 cise, on and after the operative date specified in subsection (1) of this section, the powers
26 of the county governing body under section 1 of this 2024 Act.

27 **SECTION 3.** Section 1 of this 2024 Act is repealed on January 1, 2031.

28 **SECTION 4.** This 2024 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
30 on its passage.