

# House Bill 3972

Sponsored by Representatives BOSHART DAVIS, SCHARF; Representative DIEHL

## 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: This Act gives some counties powers over solid waste and lets counties make an agreement to manage solid waste. (Flesch Readability Score: 62.8).

Authorizes Benton County, Linn County and Polk County, in addition to Marion County, to take specified actions with respect to solid waste and solid waste sites or facilities.

Authorizes Benton County, Linn County, Marion County and Polk County to enter into an intergovernmental agreement for the joint management of solid waste.

## A BILL FOR AN ACT

Relating to solid waste; creating new provisions; and amending ORS 459.125 and 459.145.

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

**SECTION 1.** ORS 459.125 is amended to read:

459.125. (1) Subject to ORS 459.145 and the requirements of ORS 459.005 to 459.437 and 459.705 to 459.790, the [*board of county commissioners*] **Boards of County Commissioners** of Marion County, **Benton County, Linn County and Polk County** may:

(a) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the disposal sites of the county.

(b) Require any person or class of persons who generate solid waste to make use of the disposal, transfer or material or energy recovery sites or facilities of the county or disposal, transfer or material or energy recovery sites or facilities designated by the county.

(c) Require any person or class of persons who pick up, collect or transport solid waste to make use of the disposal, transfer or material or energy recovery sites or facilities of the county or disposal, transfer or material or energy recovery sites or facilities designated by the county.

(d) Regulate, license, franchise and certify disposal, transfer and material or energy recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and material or energy recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and material or energy recovery sites or facilities located within the county. Licenses or franchises granted by the board may be exclusive.

(e) Cause solid wastes received and accepted at the disposal sites of the county to be processed, recycled or reused.

(2) Contracts and other agreements authorized under subsection (1) of this section may be for terms not longer than 20 years.

**SECTION 2.** ORS 459.145 is amended to read:

459.145. ORS 459.125 [*and 459.135 do*] **does** not apply to, or grant to Marion County, **Benton**

**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.

**County, Linn County or Polk County any authority over, and ORS 459.135 does not apply to, or grant to Marion County any authority over:**

(1) Material kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste and which is handled separately from waste material.

(2) Material or energy recovery involving the collection, storage, processing or use of materials kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste.

**SECTION 3. Section 4 of this 2025 Act is added to and made a part of ORS 459.005 to 459.437.**

**SECTION 4. (1) The Boards of County Commissioners of Benton County, Linn County, Marion County and Polk County may enter into an intergovernmental agreement under ORS chapter 190 to jointly manage the collection, disposal or material or energy recovery of solid waste generated within those counties.**

**(2) In addition to any provisions required under ORS 190.020, the intergovernmental agreement may include, but need not be limited to:**

**(a) Provisions for the formation of an intergovernmental entity to exercise the authorities granted to the counties under ORS 459.125; and**

**(b) Provisions for designating sites or facilities owned by any county to be used as the disposal, transfer or material or energy recovery sites or facilities of the intergovernmental entity.**