

Senate Bill 437

Sponsored by Senator ANDERSON (Presession filed.)

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: The Act lets people publish some notices in online news. The Act changes some laws about public notices. (Flesch Readability Score: 75.5).

Expands the application of certain statutes requiring publication in a newspaper to allow publication in online news publications.

Modifies the laws relating to publication of public notices.

A BILL FOR AN ACT

1
2 Relating to public notices; amending ORS 18.924, 87.192, 87.306, 167.347, 193.010, 193.020, 193.030,
3 193.070, 193.080, 193.090, 215.401, 223.523, 227.600, 341.695, 457.115, 540.660 and 656.070; and re-
4 pealing ORS 193.040, 193.050 and 193.100.

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

6 **SECTION 1.** ORS 193.010 is amended to read:

7 193.010. [*As used in this section and ORS 193.020:*]

8 [*(1) "Bona fide subscriber" means a person who has been a paid subscriber to a print format or*
9 *a digital newspaper format of a newspaper for an uninterrupted period of 12 months, such subscription*
10 *in no case to be over six months in arrears.*]

11 [*(2) "Digital newspaper" means an online newspaper delivered in an electronic form that is for-*
12 *matted similarly to a printed newspaper and produced in an archivable format.*]

13 [*(3) "Newspaper" means a newspaper of general circulation that meets all of the following re-*
14 *quirements:*]

15 [*(a) Is circulated in a print format or a digital newspaper format.*]

16 [*(b) Conducts consistent, regular coverage of local news and in which at least 25 percent of the total*
17 *news content is locally and originally composed by the newspaper, regardless of whether the newspaper*
18 *is produced or printed in the local area.*]

19 [*(c) Is published in the English language for the dissemination of local or transmitted news or for*
20 *the dissemination of legal news.*]

21 [*(d) Is made up of at least four pages of at least five columns each, with type matter of a depth of*
22 *at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter.*]

23 [*(e)(A) Except as provided in subparagraph (B) of this paragraph, has bona fide subscribers rep-*
24 *resenting more than half of the total distribution of printed newspapers and paid-for digital newspa-*
25 *pers.*]

26 [*(B) Subparagraph (A) of this paragraph does not apply during a period, not to exceed 12 months,*
27 *after a newspaper that has been generally recognized as best suited for publication of public notices in*
28 *a jurisdiction ceases operation and no other suitable newspaper is published which affords a reason-*
29 *able alternative for publication of public notices.*]

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 *[(f)(A) Except as provided in subparagraph (B) of this paragraph, has been established and regu-*
 2 *larly and uninterruptedly published at least once a week during a period of at least 12 consecutive*
 3 *months immediately preceding the first publication of the public notice. Interrupted publication because*
 4 *of labor-management disputes, fire, flood or the elements for a period not to exceed 120 days, either*
 5 *before or after a newspaper is qualified for publication of public notices, shall not affect such quali-*
 6 *fication.]*

7 *[(B) Subparagraph (A) of this paragraph does not apply during a period, not to exceed 12 months,*
 8 *after a newspaper that has been generally recognized as best suited for publication of public notices in*
 9 *a jurisdiction ceases operation and no other suitable newspaper is published which affords a reason-*
 10 *able alternative for publication of public notices.]*

11 **As used in this section and ORS 193.020, “news publication” means a publication that:**

12 **(1) Is circulated in a print format or a digital format;**

13 **(2) Conducts consistent, regular coverage of local news and in which at least 25 percent**
 14 **of the total news content is locally and originally composed by the publisher;**

15 **(3) Is published in the English language for the dissemination of local or transmitted**
 16 **news or for the dissemination of legal news; and**

17 **(4) Has been established and regularly and uninterruptedly published at least once a week**
 18 **during a period of at least 12 consecutive months immediately preceding the first publication**
 19 **of the public notice. Interrupted publication because of labor-management disputes, fire,**
 20 **flood or the elements for a period not to exceed 120 days, either before or after a news pub-**
 21 **lication is qualified for publication of public notices, does not affect qualification under this**
 22 **subsection.**

23 **SECTION 2.** ORS 193.020 is amended to read:

24 193.020. (1) Any public notice of any description, the publication of which is now or hereafter
 25 required by law, shall be published in any [*newspaper*] **news publication**, as defined in ORS 193.010,
 26 which is published within the county, city of which any part lies within that county, city, district
 27 or other jurisdiction where the action, suit or other proceeding is pending, or is to be commenced
 28 or had, or in which the legal publication is required to be given.

29 (2) If publication in only one [*newspaper*] **news publication** is required by law, and if more than
 30 one [*newspaper*] **news publication** fulfills the requirements of subsection (1) of this section, the
 31 public notice shall be published in that [*newspaper*] **news publication** which the moving party con-
 32 siders best suited to give actual notice. However, nothing in this subsection prohibits the publication
 33 in more than one [*newspaper*] **news publication** if desired by the moving party.

34 (3) If no [*newspaper*] **news publication** is published within the county, city, district or jurisdic-
 35 tion where the action, suit or other proceeding is pending, or is to be commenced or had, or in
 36 which the legal publication is required to be given, public notice [*shall*] **may** be published in:

37 (a) The [*newspaper*] **news publication** published nearest to such county, city, district or juris-
 38 diction; or

39 (b) Any publication that is published in such county, city, district or jurisdiction and that sat-
 40 isfies all the requirements for being a [*newspaper*] **news publication** except that it is published less
 41 than once a week but not less than once a month.

42 *[(4) If more than one newspaper or publication fulfills the requirements of subsection (3) of this*
 43 *section, the public notice shall be published in that newspaper or publication which the moving party*
 44 *considers most effective for providing actual notice.]*

45 **SECTION 3.** ORS 193.030 is amended to read:

1 193.030. Legal advertisements and notices for irrigation districts and road districts, the publi-
 2 cation of which is now required by law, shall be published in a newspaper **or news publication**,
 3 **as defined in ORS 193.010**, within the district; and if there is no newspaper **or news publication**
 4 in the district, in the newspaper **or news publication** nearest to the district affected.

5 **SECTION 4.** ORS 193.070 is amended to read:

6 193.070. Proof of publication of a document or notice required by law, or by an order of a court
 7 or judge, to be published in a newspaper **or news publication, as defined in ORS 193.010**, may be
 8 made by the affidavit of the owner, editor, publisher, manager or advertising manager of the news-
 9 paper **or news publication** or the principal clerk of any of them, or the printer or the foreman of
 10 the printer, showing the same. The affidavit may be in substantially the form set forth in ORCP 7
 11 F(2)(b) and shall have annexed a copy of the document or notice.

12 **SECTION 5.** ORS 193.080 is amended to read:

13 193.080. If an affidavit of publication is made in an action, suit or proceeding pending in a court,
 14 it may be filed with the clerk thereof; if not so made, it may be filed with the county clerk of the
 15 county where the newspaper [*is printed*] **or news publication, as defined in ORS 193.010, is pub-**
 16 **lished.** In either case, the original affidavit, or if the same is filed with the clerk, a copy thereof,
 17 duly certified, is primary evidence of the facts stated therein.

18 **SECTION 6.** ORS 193.090 is amended to read:

19 193.090. (1) The compensation for the publication of all public notices which are now or here-
 20 after required by law to be published shall be at a rate not to exceed [*that published by a newspaper*
 21 *as its open display advertising rate, that is, the per column inch*] **the average** rate charged local ad-
 22 vertisers not under contract to a newspaper **or news publication, as defined in ORS 193.010**, for
 23 a fixed rate or minimum quantity of advertising. However, a newspaper **or news publication** shall
 24 grant its customary discounts or contractual rates to the county, city, district or other jurisdiction
 25 which fulfills the requirements necessary to qualify for the discounts or contractual rates.

26 (2) The published size of all public notices shall be determined by the person authorizing publi-
 27 cation of the public notice, but shall be designed to afford the public reasonable ease in reading the
 28 information contained therein. [*Any public notice which must be typeset by the newspaper shall be in*
 29 *a type size no smaller than that used by that newspaper in its regular classified advertising columns,*
 30 *with spacing between lines and copy blocks commensurate with similar type matter.*]

31 **SECTION 7.** ORS 18.924 is amended to read:

32 18.924. (1) Before conducting an execution sale of real property, a sheriff shall:

33 (a) Post notice of the sale on the website established under ORS 18.926 for at least 28 days; and

34 (b) Publish notice of the sale in a [*newspaper*] **news publication**, as defined in ORS 193.010, in
 35 the county where the real property is located once a week for four successive weeks.

36 (2) The notice posted on the website and published in the [*newspaper*] **news publication** under
 37 subsection (1) of this section must include:

38 (a) The names of the parties subject to the writ of execution;

39 (b) The street address of the property or, if there is no street address, the tax lot number of the
 40 property; and

41 (c) The date, time and place of the execution sale.

42 (3) In addition to the information listed in subsection (2) of this section, the notice posted on the
 43 website under subsection (1) of this section must include:

44 (a) The legal description of the property; and

45 (b) The notice to debtor and notice to prospective bidders prescribed in subsections (4) and (5)

1 of this section.

2 (4) The notice to debtor required by subsection (3) of this section must be in substantially the
3 following form:

6 NOTICE TO DEBTOR

7 You should be careful about offers to sell rights to surplus funds.

8 You may have a right to surplus funds remaining after payment of costs and satisfaction of the
9 judgment, as provided in ORS 18.950 (4).

10 If you transfer or sell your right to redemption, you might not have the right to surplus funds.
11

13 (5) The notice to prospective bidders required by subsection (3) of this section must be in sub-
14 stantially the following form:

17 NOTICE TO PROSPECTIVE BIDDERS

18 Before bidding at the sale, a prospective bidder should independently investigate:

- 19 (a) The priority of the lien or interest of the judgment creditor;
- 20 (b) Land use laws and regulations applicable to the property;
- 21 (c) Approved uses for the property;
- 22 (d) Limits on farming or forest practices on the property;
- 23 (e) Rights of neighboring property owners; and
- 24 (f) Environmental laws and regulations that affect the property.

26 (6) In addition to the information listed in subsection (2) of this section, a notice published in
27 the *[newspaper]* **news publication** under subsection (1) of this section must include instructions for
28 locating the information posted on the website under subsection (1) of this section.

29 (7) The sheriff is not required to post or publish the notice of sale of real property under this
30 section until the judgment creditor provides the sheriff with all of the information required under
31 subsections (2) and (3) of this section.

32 (8) Before any execution sale of real property, the sheriff shall:

33 (a) Mail copies of the notice of sale posted on the website under subsection (1) of this section
34 by first class mail and by certified mail, return receipt requested, to the judgment debtor at the
35 address provided in the instructions to the sheriff;

36 (b) Mail a copy of the notice of sale posted on the website under subsection (1) of this section
37 by first class mail to any attorney for the judgment debtor identified in the instructions at the ad-
38 dress provided in the instructions; and

39 (c) Mail a copy of the notice of sale posted on the website under subsection (1) of this section
40 by first class mail to any other person listed in the instructions pursuant to ORS 18.918 at the ad-
41 dress provided in the instructions.

42 (9) The notices required by subsection (8) of this section must be mailed not less than 28 days
43 before an execution sale is conducted.

44 (10) Before any execution sale of real property for which the judgment creditor has provided a
45

1 street address under ORS 18.875 (3), the sheriff shall post the notice of the sale posted on the
2 website under subsection (1) of this section in a conspicuous place on the property. The notice must
3 be posted not more than seven days after the sheriff mails notices as required by subsection (8) of
4 this section.

5 **SECTION 8.** ORS 87.192 is amended to read:

6 87.192. (1)(a) Before a lien claimant forecloses by sale a lien created under ORS 87.152 to 87.162,
7 the lien claimant shall give notice of the foreclosure sale to the lien debtor by first class mail with
8 certificate of mailing, registered mail or certified mail sent to the lien debtor at the lien debtor's
9 last-known address. The lien claimant shall give notice of the foreclosure sale to the lien debtor:

10 (A) Except as otherwise provided in this paragraph, at least 30 days before the foreclosure sale.

11 (B) If the lien is for the cost of removing, towing or storing a vehicle that a person who holds
12 a certificate issued under ORS 819.480 has appraised at a value of \$1,000 or less, at least 15 days
13 before the foreclosure sale.

14 (b) If the chattel to be sold at a foreclosure sale is chattel for which the Department of Trans-
15 portation has issued a certificate of title under ORS 803.045, for which the State Marine Board re-
16 quires a certificate of title under ORS 830.810 or for which the Oregon Department of Aviation
17 requires a certificate of registration under ORS 837.040, the lien claimant shall include with the
18 notice described in paragraph (a) of this subsection a copy of an invoice, work or repair order, au-
19 thorization for towing, official form that authorizes a law enforcement agency to impound the chattel
20 or any other record or document that is evidence of the basis for the lien.

21 (c) If a lien claimant fails to give notice in accordance with this subsection to a lien debtor
22 concerning chattel described in paragraph (b) of this subsection, the lien claimant is liable to the
23 lien debtor for a sum equal to the fair market value of the chattel sold at the foreclosure sale. The
24 lien debtor may bring an action to recover the sum and reasonable attorney fees.

25 (2) The lien claimant shall give public notice of the foreclosure sale by posting notice of the
26 foreclosure sale in a public place at or near the front door of the county courthouse of the county
27 in which the sale is to be held and, except as provided in paragraph (b) of this subsection, in a
28 public place at the location where the lien claimant obtained possession of the chattel to be sold
29 from the lien debtor. The following apply to notice under this subsection:

30 (a) The lien claimant shall give notice under this subsection not later than the time required for
31 notice to a lien debtor under subsection (1) of this section.

32 (b) This subsection does not require the lien claimant to post notice at the location where the
33 lien claimant obtained the chattel if the chattel is a chattel for which the Department of Transpor-
34 tation has issued a certificate of title under ORS 803.045, for which the State Marine Board requires
35 a certificate of title under ORS 830.810 or for which the Oregon Department of Aviation requires
36 a certificate of registration under ORS 837.040.

37 (3) If the chattel to be sold at a foreclosure sale is something other than an abandoned vehicle
38 and has a fair market value of \$1,000 or more, or if the chattel to be sold is an abandoned vehicle
39 and has a fair market value of \$2,500 or more, the lien claimant, in addition to the notice required
40 by subsection (2) of this section, shall have a notice of foreclosure sale [*printed*] **published** once a
41 week for two successive weeks in a daily or weekly [*newspaper*] **news publication**, as defined in
42 ORS 193.010, published in the county in which the sale is held or, if there is none, in a daily or
43 weekly [*newspaper*] **news publication**, as defined in ORS 193.010, generally circulated in the county
44 in which the sale is held.

45 (4) The notice of foreclosure sale required under this section must contain a particular de-

1 description of the property to be sold, the name of the owner or reputed owner of the property, the
 2 amount due on the lien, the time and the place of the sale and the name of the person foreclosing
 3 the lien.

4 **SECTION 9.** ORS 87.306 is amended to read:

5 87.306. (1) A lien claimant desiring to foreclose the lien by advertisement and sale shall deliver
 6 to the sheriff of the county in which the chattel is then located a certified copy of a court's order
 7 issued under ORS 87.282, 87.296 or 87.302 and a copy of the notice of claim of lien, certified by the
 8 recording officer of the county where it was filed.

9 (2) When the lien claimant delivers a certified copy of a court's order and a certified copy of
 10 the notice of claim of lien to a sheriff under subsection (1) of this section, the lien claimant, not later
 11 than the 30th day before the foreclosure sale, shall also send a copy of that order and notice by
 12 registered or certified mail to each person with a lien on the chattel to be sold recorded in the
 13 county of sale or with a security interest in the chattel to be sold who has filed a financing state-
 14 ment perfecting that security interest in the office of the Secretary of State or in the office of the
 15 appropriate county officer of the county in which the sale is held. If the chattel to be sold at the
 16 foreclosure sale is a chattel for which a certificate of title is required by the laws of this state, the
 17 lien claimant shall also so notify those persons whom the certificate of title indicates have a secu-
 18 rity interest or lien in the chattel.

19 (3) The sheriff shall promptly take the chattel described in the notice of claim of lien into the
 20 possession of the sheriff and shall hold it until the foreclosure sale.

21 (4) After taking possession of a chattel under subsection (3) of this section, a sheriff shall have
 22 a notice of foreclosure sale [*printed*] **published** once a week for two successive weeks in a daily or
 23 weekly [*newspaper*] **news publication**, as defined in ORS 193.010, published in the county in which
 24 the sale is held or, if there is none, in a daily or weekly [*newspaper*] **news publication**, as defined
 25 in ORS 193.010, generally circulated in the county in which the sale is held. The notice of foreclo-
 26 sure must contain a particular description of the chattel to be sold, the name of the owner or
 27 reputed owner of the chattel, the amount due on the lien, the time and place of the sale and the
 28 name of the person foreclosing the lien. After that advertisement but not sooner than the 30th day
 29 after the sheriff received a certified copy of the court's order and the certified copy of the notice
 30 of claim of lien under subsection (1) of this section, the sheriff shall sell the chattel, or such part
 31 thereof as may be necessary, at public auction to the highest bidder for cash. The sheriff shall de-
 32 liver the chattel to the highest bidder and shall give the highest bidder a bill of sale containing an
 33 acknowledgment of payment for the chattel.

34 **SECTION 10.** ORS 167.347 is amended to read:

35 167.347. (1)(a) If an animal is impounded pursuant to ORS 167.345 and is being held by a county
 36 animal shelter or other animal care agency pending outcome of a criminal action charging a vio-
 37 lation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428, prior to the final disposition
 38 of the criminal action, the county or other animal care agency or, on behalf of the county or other
 39 animal care agency, the district attorney, may file a petition in the criminal action requesting that
 40 the court issue an order forfeiting the animal to the county or other animal care agency prior to
 41 the final disposition of the criminal action. The petitioner shall serve a true copy of the petition
 42 upon the defendant and, unless the district attorney has filed the petition on behalf of the county
 43 or other animal care agency, the district attorney.

44 (b) A petition may be filed in the criminal action under paragraph (a) of this subsection con-
 45 cerning any animal impounded under ORS 167.345 and held pending the outcome of the criminal

1 action, regardless of whether the specific animal is the subject of a criminal charge, or named in the
2 charging instrument, in the criminal action.

3 (2)(a) Upon receipt of a petition pursuant to subsection (1) of this section, the court shall set a
4 hearing on the petition. The hearing shall be conducted within 14 days after the filing of the peti-
5 tion, or as soon as practicable.

6 (b) To provide notice on any potential claimant who may have an interest in any animals
7 impounded pursuant to ORS 167.345 and as an alternate form of service upon a defendant who can-
8 not be personally served as required in subsection (1) of this section, a petitioner may publish notice
9 of the filing of the petition, [*printed*] **published** twice weekly for up to 14 consecutive days in a daily
10 or weekly [*newspaper*] **news publication**, as defined in ORS 193.010, published in the county in
11 which the hearing is to be held or, if there is none, in a daily or weekly [*newspaper*] **news publi-**
12 **cation**, as defined in ORS 193.010, generally circulated in the county in which the hearing is to be
13 held. The notice of the filing of the petition required under this subsection shall contain a de-
14 scription of the impounded animal or animals, the name of the owner or reputed owner thereof, the
15 location from which the animal or animals were impounded and the time and place of the hearing
16 if the hearing has been set at the time of publication, or otherwise the name, address and phone
17 number for the attorney for the petitioner, who shall upon request provide further details on the
18 hearing date, place and time.

19 (3) At a hearing conducted pursuant to subsection (2) of this section, the petitioner shall have
20 the burden of establishing probable cause to believe that the animal was subjected to a violation
21 of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. The defendant or any other claimant
22 shall have an opportunity to be heard before the court makes its final finding. If the court finds that
23 probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner,
24 unless the defendant or any other claimant, within 72 hours of the hearing, posts a security deposit
25 or bond with the court clerk in an amount determined by the court to be sufficient to repay all
26 reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal
27 from the date of initial impoundment to the date of trial.

28 (4) If a security deposit or bond has been posted in accordance with subsection (3) of this sec-
29 tion, and the trial in the action is continued at a later date, any order of continuance shall require
30 the defendant or any other claimant to post an additional security deposit or bond in an amount
31 determined by the court that shall be sufficient to repay all additional reasonable costs anticipated
32 to be incurred by the petitioner in caring for the animal until the new date of trial.

33 (5) If a security deposit or bond has been posted in accordance with subsection (4) of this sec-
34 tion, the petitioner may draw from that security deposit or bond the actual reasonable costs in-
35 curred by the petitioner in caring for any impounded animal from the date of initial impoundment
36 to the date of final disposition of the animal in the related criminal action.

37 (6) The provisions of this section are in addition to, and not in lieu of, the provisions of ORS
38 167.350 and 167.435 and ORS chapters 87 and 88.

39 **SECTION 11.** ORS 215.401 is amended to read:

40 215.401. (1) As used in this section:

41 (a) "Compost" has the meaning given that term in ORS 459.005.

42 (b) "Disposal site" has the meaning given that term in ORS 459.005.

43 (c) "Local government" has the meaning given that term in ORS 174.116.

44 (2) Before an applicant may submit an application under ORS 215.402 to 215.438 for land use
45 approval to establish or modify a disposal site for composting that requires a permit issued by the

1 Department of Environmental Quality, as provided in subsection (3) of this section, the applicant
2 shall:

3 (a) Request and attend a preapplication conference described in subsections (4) to (6) of this
4 section; and

5 (b) Hold a preapplication community meeting described in subsections (7) to (9) of this section.

6 (3) Subsection (2) of this section applies to an application to:

7 (a) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

8 (b) Allow an existing disposal site for composting that sells, or offers for sale, resulting product
9 to:

10 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy products
11 and mixed food waste; or

12 (B) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount
13 that requires a new land use approval.

14 (4) During the preapplication conference:

15 (a) The applicant shall provide information about the proposed disposal site for composting and
16 proposed operations for composting and respond to questions about the site and operations.

17 (b) The county with land use jurisdiction over the proposed disposal site for composting and the
18 other representatives described in subsection (5) of this section shall inform the applicant of per-
19 mitting requirements to establish and operate the proposed disposal site for composting and provide
20 all application materials to the applicant.

21 (5) The applicant shall submit a written request to the county with land use jurisdiction to re-
22 quest a preapplication conference. A representative of the planning department of the county and
23 a representative of the Department of Environmental Quality shall attend the conference along with
24 representatives, as determined necessary by the county, of the following entities:

25 (a) Any other state agency or local government that has authority to approve or deny a permit,
26 license or other certification required to establish or operate the proposed disposal site for
27 composting.

28 (b) A state agency, a local government or a private entity that provides or would provide to the
29 proposed disposal site for composting one or more of the following:

30 (A) Water systems.

31 (B) Wastewater collection and treatment systems, including storm drainage systems.

32 (C) Transportation systems or transit services.

33 (c) A city or county with territory within its boundaries that may be affected by the proposed
34 disposal site for composting.

35 (d) The Department of Land Conservation and Development.

36 (e) The State Department of Agriculture.

37 (6) The county with land use jurisdiction may use preapplication procedures, if any, in the ac-
38 knowledged land use regulations of the county, consistent with the requirements that the county
39 shall:

40 (a) Provide notice of the preapplication conference to the entities described in subsection (5) of
41 this section by mail and, as appropriate, in any other manner that ensures adequate notice and op-
42 portunity to participate;

43 (b) Hold the preapplication conference at least 20 days and not more than 40 days after receipt
44 of the applicant's written request; and

45 (c) Provide preapplication notes to each attendee of the conference and the other entities de-

1 scribed in subsection (5) of this section for which a representative does not attend the preapplication
2 conference.

3 (7) After the preapplication conference and before submitting the application for land use ap-
4 proval, the applicant shall:

5 (a) Hold a community meeting within 60 days after the preapplication conference:

6 (A) In a public location in the county with land use jurisdiction; and

7 (B) On a business day, or Saturday, that is not a holiday, with a start time between the hours
8 of 6 p.m. and 8 p.m.

9 (b) Provide notice of the community meeting to:

10 (A) The owners of record, on the most recent property tax assessment roll, of real property lo-
11 cated within one-half mile of the real property on which the proposed disposal site for composting
12 would be located;

13 (B) The resident or occupant that receives mail at the mailing address of the real property de-
14 scribed in subparagraph (A) of this paragraph if the mailing address of the owner of record is not
15 the mailing address of the real property;

16 (C) Neighborhood and community organizations recognized by the governing body of the county
17 if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

18 (D) A *[newspaper that meets the requirements of ORS 193.020]* **news publication, as defined in**
19 **ORS 193.010**, for publication;

20 (E) Local media in a press release; and

21 (F) The entities described in subsection (5) of this section.

22 (8) During the community meeting, the applicant shall provide information about the proposed
23 disposal site for composting and proposed operations for composting and respond to questions about
24 the site and operations.

25 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

26 (a) A brief description of the proposed disposal site for composting;

27 (b) The address of the location of the community meeting; and

28 (c) The date and time of the community meeting.

29 **SECTION 12.** ORS 223.523 is amended to read:

30 223.523. (1) Before a sale of real property under ORS 223.505 to 223.590 takes place, the treas-
31 urer shall have notice of the sale *[printed]* **published** once a week for four successive weeks in a
32 daily or weekly *[newspaper]* **news publication**, as defined in ORS 193.010, generally circulated in
33 the county in which the sale will be held. The notice of sale shall set forth the name and address
34 of the treasurer conducting the sale, a particular description of the real property to be sold, in-
35 cluding a street address, if any, the name of the owner of the property, the amount unpaid on the
36 lien or final assessment and the date, time and place of sale, which shall be held in accordance with
37 ORS 86.782.

38 (2) The treasurer shall send a copy of the first of the four published notices by registered or
39 certified mail to both the owner of the real property to be sold at the last-known post-office address
40 of the owner or place of residence and to the occupant, if any, of the real property to be sold. The
41 treasurer shall also send a notice containing the same information required in a published notice
42 under subsection (1) of this section by registered or certified mail at least 60 days prior to the sale
43 to any person requesting notice under ORS 86.806 and to any person having a lien or other interest
44 in the real property to be sold if the lien or interest appears of record. The treasurer shall retain
45 and file the return receipt for the registered or certified mail.

1 **SECTION 13.** ORS 227.600 is amended to read:

2 227.600. (1) As used in this section:

3 (a) “Compost” has the meaning given that term in ORS 459.005.

4 (b) “Disposal site” has the meaning given that term in ORS 459.005.

5 (c) “Local government” has the meaning given that term in ORS 174.116.

6 (2) Before an applicant may submit an application under ORS 227.160 to 227.186 for land use
7 approval to establish or modify a disposal site for composting that requires a permit issued by the
8 Department of Environmental Quality, as provided in subsection (3) of this section, the applicant
9 shall:

10 (a) Request and attend a preapplication conference described in subsections (4) to (6) of this
11 section; and

12 (b) Hold a preapplication community meeting described in subsections (7) to (9) of this section.

13 (3) Subsection (2) of this section applies to an application to:

14 (a) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

15 (b) Allow an existing disposal site for composting that sells, or offers for sale, resulting product
16 to:

17 (A) Accept as feedstock nonvegetative materials, including dead animals, meat, dairy products
18 and mixed food waste; or

19 (B) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount
20 that requires a new land use approval.

21 (4) During the preapplication conference:

22 (a) The applicant shall provide information about the proposed disposal site for composting and
23 proposed operations for composting and respond to questions about the site and operations.

24 (b) The city with land use jurisdiction over the proposed disposal site for composting and the
25 other representatives described in subsection (5) of this section shall inform the applicant of per-
26 mitting requirements to establish and operate the proposed disposal site for composting and provide
27 all application materials to the applicant.

28 (5) The applicant shall submit a written request to the city with land use jurisdiction to request
29 a preapplication conference. A representative of the planning department of the city and a repre-
30 sentative of the Department of Environmental Quality shall attend the conference along with rep-
31 resentatives, as determined necessary by the city, of the following entities:

32 (a) Any other state agency or local government that has authority to approve or deny a permit,
33 license or other certification required to establish or operate the proposed disposal site for
34 composting.

35 (b) A state agency, a local government or a private entity that provides or would provide to the
36 proposed disposal site for composting one or more of the following:

37 (A) Water systems.

38 (B) Wastewater collection and treatment systems, including storm drainage systems.

39 (C) Transportation systems or transit services.

40 (c) A city or county with territory within its boundaries that may be affected by the proposed
41 disposal site for composting.

42 (d) The Department of Land Conservation and Development.

43 (e) The State Department of Agriculture.

44 (6) The city with land use jurisdiction may use preapplication procedures, if any, in the ac-
45 knowledged land use regulations of the city, consistent with the requirements that the city shall:

1 (a) Provide notice of the preapplication conference to the entities described in subsection (5) of
2 this section by mail and, as appropriate, in any other manner that ensures adequate notice and op-
3 portunity to participate;

4 (b) Hold the preapplication conference at least 20 days and not more than 40 days after receipt
5 of the applicant's written request; and

6 (c) Provide preapplication notes to each attendee of the conference and the other entities de-
7 scribed in subsection (5) of this section for which a representative does not attend the preapplication
8 conference.

9 (7) After the preapplication conference and before submitting the application for land use ap-
10 proval, the applicant shall:

11 (a) Hold a community meeting within 60 days after the preapplication conference:

12 (A) In a public location in the city with land use jurisdiction; and

13 (B) On a business day, or Saturday, that is not a holiday, with a start time between the hours
14 of 6 p.m. and 8 p.m.

15 (b) Provide notice of the community meeting to:

16 (A) The owners of record, on the most recent property tax assessment roll, of real property lo-
17 cated within one-half mile of the real property on which the proposed disposal site for composting
18 would be located;

19 (B) The resident or occupant that receives mail at the mailing address of the real property de-
20 scribed in subparagraph (A) of this paragraph if the mailing address of the owner of record is not
21 the mailing address of the real property;

22 (C) Neighborhood and community organizations recognized by the governing body of the city if
23 a boundary of the organization is within one-half mile of the proposed disposal site for composting;

24 (D) A *[newspaper that meets the requirements of ORS 193.020]* **news publication, as defined in**
25 **ORS 193.010**, for publication;

26 (E) Local media in a press release; and

27 (F) The entities described in subsection (5) of this section.

28 (8) During the community meeting, the applicant shall provide information about the proposed
29 disposal site for composting and proposed operations for composting and respond to questions about
30 the site and operations.

31 (9) The applicant's notice provided under subsection (7)(b) of this section must include:

32 (a) A brief description of the proposed disposal site for composting;

33 (b) The address of the location of the community meeting; and

34 (c) The date and time of the community meeting.

35 **SECTION 14.** ORS 341.695 is amended to read:

36 341.695. (1) Whenever the sinking fund mentioned in ORS 341.690 equals the amount, principal
37 and interest, of any bond then due or subject at the option of the district to be paid or redeemed
38 when authorized by the board of the district, the paying agent and registrar shall notify the holder
39 of such bond and publish a notice in *[the newspaper]* **a news publication** published in the district
40 *[in compliance with ORS 193.010 to 193.100]*. The notice shall state that the paying agent and
41 registrar will, within 30 days from the date of the notice, redeem and pay any such bond then
42 redeemable and payable, giving priority according to the date of issuance numerically. Upon pres-
43 entation of any such bond at the place of payment specified therein, the paying agent and registrar
44 shall cause the bond to be paid. If any holder of such bond fails to present it at the time mentioned
45 in the notice, the interest thereon shall cease, and the paying agent and registrar shall thereafter

1 pay only the amount of such bond and the interest accrued thereon up to the last day of the time
2 of redemption mentioned in the notice.

3 (2) When any bonds are so redeemed or paid, the paying agent and registrar shall cause the
4 same to be canceled and write across the face thereof "redeemed" and the date of redemption, and
5 shall deliver it to the board of the district, taking its receipt therefor.

6 **SECTION 15.** ORS 457.115 is amended to read:

7 457.115. Notice of adoption of an urban renewal plan required under ORS 457.095 and notice of
8 filing of an annual financial statement required under ORS 457.460 shall be published in the [*news-*
9 *paper*] **news publication**, as defined in ORS 193.010, having the greatest circulation in the municipi-
10 pality and which is published within the municipality. If no [*newspaper*] **news publication** is
11 published within the municipality, the required notice shall be published in the [*newspaper*] **news**
12 **publication** having greatest circulation within the municipality published nearest to the municipi-
13 pality.

14 **SECTION 16.** ORS 540.660 is amended to read:

15 540.660. (1) If a watermaster has reason to believe that circumstances exist that prevent a water
16 right from being exercised according to the terms and conditions of the water right certificate issued
17 under ORS 537.250 or 539.140, such as the land to which the water right is appurtenant is covered
18 by an impermeable surface, or the diversion mechanism used to appropriate water under a water
19 right is no longer operable, the watermaster shall file an affidavit with the Water Resources Direc-
20 tor. The affidavit shall state that to the best of the watermaster's knowledge, there is no physical
21 way the water may be applied to a beneficial use in accordance with the terms and conditions of
22 the water right certificate.

23 (2) If the watermaster files an affidavit under subsection (1) of this section each year for five
24 consecutive years, the affidavits shall constitute prima facie evidence that the water has not been
25 applied to a beneficial use for five years and the Water Resources Commission shall initiate pro-
26 ceedings under ORS 540.631 to cancel the water right.

27 (3) The Water Resources Department shall provide notice of the affidavit filed with the Water
28 Resources Director under subsection (1) of this section. The department shall provide such notice
29 in the following manner:

30 (a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the
31 affidavit to each record owner.

32 (b) If there are more than 25 record owners, the department shall provide general notice [*by*
33 *publication according to the procedures established in ORS 193.010 to 193.100*] **in a news publication,**
34 **as defined in ORS 193.010, as provided in ORS 193.020.**

35 (c) If the land is within the boundaries of an irrigation district, the department shall mail a copy
36 of the affidavit to the irrigation district.

37 (4) As used in this section, "record owner" means the person shown as the owner of the land
38 in the county deed records established under ORS chapter 93.

39 **SECTION 17.** ORS 656.070 is amended to read:

40 656.070. As used in ORS 656.027, 656.075 and this section[:],

41 [(1) "*Newspaper*" has the meaning for that term provided in ORS 193.010.]

42 [(2)] "newspaper carrier" means an individual age 18 years or younger who contracts with a
43 newspaper publishing company or independent newspaper dealer or contractor to distribute news-
44 papers to the general public and performs or undertakes any necessary or attendant functions re-
45 lated thereto, but receives no salary or wages, other than sales incentives or bonuses, for the

1 performance of those duties from the newspaper publishing company or independent newspaper
2 dealer or contractor. "Newspaper carrier" includes any individual appointed or utilized on a tem-
3 porary basis by a newspaper carrier, a newspaper publishing company or independent newspaper
4 dealer or contractor to perform any or all of the duties of a newspaper carrier.

5 **SECTION 18. ORS 193.040, 193.050 and 193.100 are repealed.**

6
