

HB 4020 -1 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/3, 2/10

WHAT THE MEASURE DOES:

The measure requires the Department of Environmental Quality, Department of Transportation, Department of State Lands, State Department of Energy, and State Department of Geology and Mineral Industries to provide the statutory or regulatory authority for denying an application for a permit and to provide guidance on how to contest the denial. It also requires these agencies to develop a performance measure on the timeliness of permit processing and issuance and provide with that measure a description of what slows the processing and issuance of permits and what steps take the most time. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Process to develop the measure and engagement of listed agencies
- Collaboration between Legislative Assembly and state agencies

EFFECT OF AMENDMENT:

-1 The amendment adds whereas clauses, requires the specified agencies to provide the applicable time limitations for contesting a denial, sets a deadline of July 1, 2029, for the agencies to develop the performance measure, and includes permit renewals in the performance measure requirement. The amendment allows an agency to reevaluate the usefulness of the performance measure on or after July 1, 2039, and then to discontinue using the measure. It also repeals the performance measure requirement on January 2, 2040.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

BACKGROUND:

Oregon Revised Statute (ORS) 183.700 (2025), originally established in 2001, defines “permit” as a license, permit, certificate, approval, registration, or similar form of permission required by law to pursue specified activities at the Department of Environmental Quality, Department of State Lands, Water Resources Department, State Department of Agriculture, State Department of Fish and Wildlife, and the Department of Transportation. The statute further states that these permits require an agency to weigh information, make specific findings, and make determinations on a case-by-case basis for each applicant.

ORS 183.702 (2025) also requires these agencies to offer applicants a document specifying the permit application criteria and procedures and to provide written documentation about the basis for a decision to deny the permit, including citing the applied criteria and how agency standards were used in applying the criteria.

In 1993, the Legislative Assembly required agencies to include benchmark-based planning in performance measurement and budget policy. In 2001, the Legislative Assembly added specific requirements for how performance measures should be developed and reported. ORS 291.110 requires DAS, in consultation with the Legislative Fiscal Office, to develop a statewide system of performance measures designed to improve the efficiency and effectiveness of state programs and services. State agencies are expected to continue to track and report annually on a set of Legislatively Approved Key Performance Measures (KPMs), and request changes to improve their KPMs as part of the budget development process.