

HB 4020 A STAFF MEASURE SUMMARY

House Committee On Rules

Action Date: 02/12/26

Action: Do pass with amendments and be referred to
Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yea: 7 - Bowman, Elmer, Grayber, Kropf, Pham H, Skarlatos, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/3, 2/12

WHAT THE MEASURE DOES:

The measure requires the Oregon Department of Environmental Quality, Department of Transportation, Department of State Lands, Department of Energy, and Department of Geology and Mineral Industries to provide the statutory or regulatory authority for denying an application for a permit, provide guidance on how to contest the denial, and provide time limitations for a contest. It requires these agencies to develop a performance measure by July 1, 2029, on the timeliness of permit and permit renewal processing and issuance, and to provide a description of what slows permit processing and issuance and what steps take the most time. It allows an agency to reevaluate the usefulness of the performance measure on or after July 1, 2039, and ends the performance measure requirement on January 2, 2040. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

The amendment adds introductory policy statements, requires the specified agencies to provide 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 discontinue using the measure. It also repeals the performance measure requirement on January 2, 2040.

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 Oregon Department of Environmental Quality, Department of State Lands, Water Resources Department, Department of Agriculture, Department of Fish and Wildlife, and 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) requires these agencies to offer applicants a document specifying the permit application criteria and procedures and provide written documentation of 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 legislature required agencies to include benchmark-based planning in performance measurement and budget policy. In 2001, the legislature added specific requirements for developing and reporting performance measures. ORS 291.110 requires the Department of Administrative Services, in consultation with the Legislative

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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 track and annually report on a set of legislatively approved Key Performance Measures (KPMs) and request changes to improve their KPMs as part of the budget development process.