

House Bill 2768

Sponsored by Representatives GARRARD, OLSON; Representatives BARKER, BERGER, BEYER, BOONE, BOQUIST, BRUUN, BUCKLEY, BURLEY, BUTLER, CAMERON, CLEM, COWAN, DALLUM, GELSER, GILLIAM, GIROD, GREENLICK, JENSON, KRIEGER, MORGAN, READ, RICHARDSON, ROBLAN, SCHAUFLEER, SCOTT, WITT, Senators MONNES ANDERSON, MORSE, NELSON (at the request of Oregon State Sheriffs' Association)

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**.

Adds sheriff services to types of services that can be provided by county service districts. Authorizes sheriff to petition county for formation of county service district to provide sheriff services. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to service districts providing sheriff services; amending ORS 451.010 and 451.435; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 451.010 is amended to read:

6 451.010. (1) Master plans and service districts may be established as provided by this chapter
7 regarding:

8 (a) Sewage works, including all facilities necessary for collecting, pumping, treating and dispos-
9 ing of sanitary or storm sewage.

10 (b) Drainage works, including all facilities necessary for collecting, pumping and disposing of
11 storm and surface water.

12 (c) Street lighting works, including all facilities necessary for the lighting of streets and high-
13 ways.

14 (d) Public parks and recreation facilities, including land, structures, equipment, supplies and
15 personnel necessary to acquire, develop and maintain such public park and recreation facilities and
16 to administer a program of supervised recreation services.

17 (e) Diking and flood control works, including all facilities necessary for diking and control of
18 watercourses.

19 (f) Water supply works and service, including all facilities necessary for tapping natural sources
20 of domestic and industrial water, treating and protecting the quality of the water and transmitting
21 it to the point of sale to any person, city, domestic water supply corporation or other public or
22 private agency for domestic, municipal and industrial water supply service.

23 (g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and
24 Washington Counties.

25 (h) Public transportation, including public depots, public parking and the motor vehicles and
26 other equipment necessary for the transportation of persons together with their personal property.

27 (i) Agricultural educational extension services.

28 (j) Emergency medical services, including ambulance services.

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 (k) Library services.
- 2 (L) Roads.
- 3 (m) Emergency communications services, including a 9-1-1 emergency reporting system estab-
- 4 lished under ORS 401.720.
- 5 (n) Law enforcement services.
- 6 (o) Human services.
- 7 (p) Cemetery maintenance.
- 8 (q) Animal control.
- 9 **(r) Sheriff services.**
- 10 (2) Within the geographical jurisdiction of any local government boundary commission estab-
- 11 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection
- 12 (1) of this section, master plans and service districts may be established as provided by this chapter
- 13 regarding:
 - 14 (a) Fire prevention and protection.
 - 15 (b) Hospital and ambulance services.
 - 16 (c) Vector control.
 - 17 (d) Weather modification.
- 18 (3) Within the boundaries of any subdivision, service districts may be established as provided
- 19 by this chapter regarding:
 - 20 (a) Fire prevention and protection.
 - 21 (b) Security services provided by contract with an association of homeowners whose property
 - 22 is located entirely within the boundaries of the service district, which services may include the
 - 23 enforcement of the rules or regulations of the association dealing with public access to or the use
 - 24 of the property of the association, routine patrolling and inspection of private areas located within
 - 25 the jurisdiction of the association and matters of traffic and safety within such areas.
 - 26 (c) Law enforcement services.
 - 27 (d) Hospital and ambulance services.
 - 28 (e) Vector control.
 - 29 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.
- 30 (4) As used in subsection (3) of this section, “subdivision” means a subdivision as defined by ORS
- 31 92.010 or any contiguous group of such subdivisions that:
 - 32 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such
 - 33 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;
 - 34 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance
 - 35 of five miles or more from an urban growth boundary described in an acknowledged comprehensive
 - 36 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS
 - 37 268.390 (3); and
 - 38 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-
 - 39 nated a subdivision for purposes of this subsection by the governing body of the county in which the
 - 40 subdivision or group of subdivisions is located.
- 41 (5) Within the boundaries of Washington County, master plans and service districts may be es-
- 42 tablished as provided by this chapter regarding water resource management services that affect the
- 43 quality and quantity of water within a single watershed, basin or planning area. As used in this
- 44 subsection, “water resource management services” means:
 - 45 (a) Planning for and provision of two or more services or facilities such as sewage works,

1 drainage works, surface water management, endangered species recovery management, water quality
 2 management, diking and flood control works, river flow management, water supply works,
 3 wastewater reuse and irrigation facilities.

4 (b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection,
 5 including facilities for the production, sale or purchase of energy when such facilities are integrated
 6 in a master plan adopted under ORS 451.120.

7 **SECTION 2.** ORS 451.435 is amended to read:

8 451.435. (1) All district formation and change of organization proceedings shall be initiated,
 9 conducted and completed as provided by ORS 198.705 to 198.955. Except for an order allowing an
 10 existing district established to provide sewage works to also provide drainage works, *[no]* a county
 11 or portion *[thereof shall]* **of a county may not** be included within a district *[which]* **that** is to pro-
 12 vide services in more than one county without the consent of the governing body of the affected
 13 county.

14 (2) In the case of sewage works, upon certification to the county court by the Environmental
 15 Quality Commission or the county health officer that an emergency exists the county court shall
 16 initiate the formation of a district in the manner specified in ORS 198.835, or annexation to an ex-
 17 isting district in the manner specified in ORS 198.850 (3), whichever is most appropriate.

18 (3) A petition or order initiating the formation or change or organization of a district shall, in
 19 addition to the requirement specified by ORS 198.705 to 198.955, state which of the service facilities
 20 specified by ORS 451.010 the district shall be authorized to construct, maintain and operate.

21 **(4) In addition to other methods for initiating proceedings to form a district provided in**
 22 **ORS 198.705 to 198.955, proceedings to form a district to provide sheriff services may be ini-**
 23 **tiated by a petition of the sheriff of the county in which the district is proposed. The pro-**
 24 **visions of ORS 198.748 and 198.750 to 198.775 do not apply to the petition of a sheriff.**
 25 **However, the petition of a sheriff must contain the information required by ORS 198.750**
 26 **(1)(a) to (h).**

27 *[(4)]* (5) A final order in a formation or change of organization proceeding of a district shall, in
 28 addition to the requirements specified by ORS 198.705 to 198.955, state which of the service facilities
 29 specified by ORS 451.010 the district shall be authorized to construct, maintain and operate.

30 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
 31 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
 32 **on its passage.**

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