

Enrolled
Senate Bill 773

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT (at the request of Metro)

CHAPTER

AN ACT

Relating to conflicts between provisions applicable to metropolitan service districts; amending ORS 198.115, 198.210, 198.310, 198.335, 198.510, 198.705, 357.216 and 523.030; and repealing ORS 198.520 and 198.710.

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

SECTION 1. ORS 198.115 is amended to read:

198.115. (1) **As used in this section, “district” has the meaning given that term in ORS 198.010 (1) to (5) and (7) to (24).**

(2) A district, by an ordinance or resolution that takes effect at least one year prior to the date of the regular district election, may provide that any individual who is an employee of the district is not eligible to serve as a member of the governing board of the district by which the individual is employed.

SECTION 2. ORS 198.210 is amended to read:

198.210. As used in ORS 198.220, in addition to the meaning given the term by ORS 198.010 (1) **to (5) and (7) to (24)**, “district” means any one of the following:

- (1) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (2) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.
- (3) A weed control district organized under ORS 570.505 to 570.575.
- (4) A port district organized under ORS chapter 778.

SECTION 3. ORS 198.310 is amended to read:

198.310. As used in ORS 198.320, in addition to the meaning given the term by ORS 198.010 (1) **to (5) and (7) to (24)**, “district” means a soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

SECTION 4. ORS 198.335 is amended to read:

198.335. As used in ORS 198.335 to 198.365, unless the context requires otherwise:

- (1) “County board” means the board of county commissioners or the county court.
- (2) “Special district”:
 - (a) Has the meaning given the term “district” in ORS 198.010 (1) **to (5) and (7) to (24)**; and
 - (b) Also means:
 - (A) A diking district organized under ORS chapter 551.
 - (B) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(C) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

(D) A weed control district organized under ORS 570.505 to 570.575.

(E) A port district organized under ORS chapter 778.

SECTION 5. ORS 198.510 is amended to read:

198.510. As used in ORS 198.510 to 198.600, unless the context requires otherwise:

(1) "County" means the county in which the district, or the greater portion of the assessed value of the district, is located.

(2) "County board" means the board of county commissioners or the county court of the county.

(3) "County clerk" means the county clerk of the county.

(4) "District" has the meaning given that term in ORS 198.010 (2), (4), (5), (11), (12), (14), (17), (19) and (20) to (23). In addition, "district" means any one of the following:

(a) A county service district organized under ORS chapter 451.

(b) The Port of Portland established by ORS 778.010.

[(4)] (5) "District board" means the governing body of a district and the term includes a county board that is in the governing body of a district.

[(5)] (6) "Presiding officer" means the chairperson, president or other person performing the office of presiding officer of the district board.

[(6)] (7) "Principal Act" means the law, other than ORS 198.510 to 198.600, applicable to a district.

SECTION 6. ORS 198.705 is amended to read:

198.705. As used in ORS 198.705 to 198.955, unless the context requires otherwise:

(1) "Affected county" means each county which contains or would contain any territory for which a formation or a change of organization is proposed or ordered or which contains all or any part of a district for which a change of organization is proposed or ordered.

(2) "Affected district" means each district which contains or would contain territory for which a formation or a change of organization is proposed or ordered.

(3) "Annexation" includes the attachment or addition of territory to, or inclusion of territory in, an existing district.

(4) "Change of organization" means the annexation or withdrawal of territory to or from a district, the merger or consolidation of districts or the dissolution of a district.

(5) "Consolidation" means the uniting or joining of two or more districts into a single new successor district.

(6) "County board" means the county court or board of county commissioners of the principal county.

(7) "Dissolution" includes disincorporation, extinguishment or termination of the existence of a district and the cessation of all its corporate powers, except for the purpose of winding up the affairs of the district.

(8) "District" has the meaning given that term in ORS 198.010 (2) to (4), (6) to (14) and (17) to (23). In addition, "district" means any one of the following:

(a) A county road district organized under ORS 371.055 to 371.110.

(b) A county service district organized under ORS chapter 451.

(c) The Port of Portland created by ORS 778.010.

(d) A translator district organized under ORS 354.605 to 354.715.

[(8)] (9) "District board" means the governing board of a district.

[(9)] (10) "Formation" includes incorporation, organization or creation of a district.

[(10)] (11) "Inhabited territory" means territory within which there reside 12 or more persons who have been registered to vote within the territory for at least 30 days prior to the date a proceeding is commenced under ORS 198.705 to 198.955.

[(11)] (12) "Landowner" or "owner of land" means any person shown as the owner of land on the last assessment roll. However, if the person no longer holds the title to the property, then the terms mean any person entitled to be shown as owner of land on the next assessment roll, or, when

land is subject to a written agreement of sale, the terms mean any person shown in the agreement as purchaser to the exclusion of the seller. "Landowner" or "owner of land" includes any public agency owning land.

[(12)] (13) "Legal representative" means:

(a) An officer of a corporation duly authorized, by the bylaws or a resolution of the board of directors of the corporation, to sign for and on behalf of the corporation; and

(b) A guardian, executor, administrator or other person holding property in a trust capacity under appointment of court, when authorized by an order of court, which order may be made without notice.

[(13)] (14) "Merger" means the extinguishment, termination and cessation of the existence of one or more districts by uniting with and being absorbed into another district.

[(14)] (15) "Notice" includes an ordinance, resolution, order or other similar matter providing notice which ORS 198.705 to 198.955 authorize or require to be published, posted or mailed.

[(15)] (16) "Principal Act" means the statutes which describe the powers of a district, including the statutes under which a district is proposed or is operating.

[(16)] (17) "Principal county" or "county" means the county in which the district, or the greater portion of the assessed value of all taxable property in the district, as shown by the most recent assessment roll of the counties, is located at the time proceedings are initiated to form a district, but for any district formed prior to and existing on September 9, 1971, "principal county" or "county" means the county in which the district, or the greater portion of the value of all taxable property in the district, as shown by the most recent assessment roll of the counties, was located on September 9, 1971.

[(17)] (18) "Proceeding" means a proceeding for formation or for change of organization conducted pursuant to ORS 198.705 to 198.955.

[(18)] (19) "Uninhabited territory" means territory within which there reside less than 12 electors who were residents within the territory 30 days prior to the date a proceeding is commenced under ORS 198.705 to 198.955.

[(19)] (20) "Withdrawal" includes the detachment, disconnection or exclusion of territory from an existing district.

SECTION 7. ORS 357.216 is amended to read:

357.216. As used in ORS 357.216 to 357.286, unless the context requires otherwise:

(1) "County governing body" means the county court or board of county commissioners of the county.

(2) "County" means the county in which the administrative office of the district is located.

(3) "District" means a library district formed under ORS 198.010, 198.180, [198.520, 198.710,] **198.510, 198.705**, 255.012, 357.216 to 357.286 and 357.400.

(4) "District board" or "board" means the governing body of a district.

SECTION 8. ORS 523.030 is amended to read:

523.030. A geothermal heating district may be formed for the purpose of supplying inhabitants of the district with geothermal heat as provided by this chapter. In connection with supplying geothermal heat, a district may supply, furnish and sell for any use any surplus geothermal heat over and above the heating needs of its inhabitants to persons outside the district, or to school districts or other local governments as defined in ORS 174.116. All railroad rights of way or improvements thereon or rolling stock moving thereover shall be excluded from districts organized under ORS 198.010, 198.180, [198.520, 198.710,] **198.510, 198.705**, 199.420, 255.012, 366.321, 451.573 and this chapter and for purposes of this chapter shall not be considered as property within the boundaries of such districts, unless the owner of the railroad property expressly consents to its inclusion.

SECTION 9. ORS 198.520 and 198.710 are repealed.

Passed by Senate April 3, 2007

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Secretary of Senate

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President of Senate

Passed by House May 10, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State