

Senate Bill 824

Sponsored by Senator MONNES ANDERSON (at the request of City of Gresham)

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**.

Authorizes city to establish service district in manner that county may establish service district.

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A BILL FOR AN ACT

Relating to service districts; amending ORS 174.116, 181.610, 195.060, 198.180, 198.360, 198.520, 198.710, 198.792, 198.805, 198.810, 198.813, 198.815, 198.835, 198.885, 198.890, 198.930, 198.940, 199.420, 199.457, 199.476, 199.480, 199.512, 222.510, 222.850, 255.012, 271.715, 271.725, 271.735, 271.775, 280.055, 285B.410, 294.326, 357.465, 372.460, 372.480, 401.710, 431.705, 447.091, 450.675, 451.010, 451.110, 451.120, 451.130, 451.140, 451.410, 451.435, 451.440, 451.445, 451.472, 451.485, 451.510, 451.540, 451.555, 451.568, 451.573, 451.580, 451.590, 451.600, 451.620, 454.105, 454.205, 454.275, 454.430, 454.805, 459.005, 468.423, 811.720 and 824.040.

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

SECTION 1. ORS 451.010 is amended to read:

451.010. (1) **The governing body of a city or county may establish** master plans and service districts [*may be established*] as provided by this chapter regarding:

(a) Sewage works, including all facilities necessary for collecting, pumping, treating and disposing of sanitary or storm sewage.

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

(c) Street lighting works, including all facilities necessary for the lighting of streets and highways.

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

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

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

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

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

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

1 services” means:

2 (a) Planning for and provision of two or more services or facilities such as sewage works,
3 drainage works, surface water management, endangered species recovery management, water quality
4 management, diking and flood control works, river flow management, water supply works,
5 wastewater reuse and irrigation facilities.

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

9 **SECTION 2.** ORS 451.110 is amended to read:

10 451.110. As used in ORS 451.110 to 451.140, unless the context indicates otherwise[:],

11 [(1) “County court” includes the board of county commissioners.]

12 [(2)] “service facilities” means public service installations, works or services provided within a
13 **city or a county** for any or all of the purposes specified in ORS 451.010.

14 **SECTION 3.** ORS 451.120 is amended to read:

15 451.120. (1) The [county court of any] **governing body of a county** may, for the protection of the
16 health, safety and general welfare, prepare and adopt coordinated master plans for the development
17 of service facilities[:]

18 [(a)] to serve unincorporated areas in the county[; and].

19 [(b)] (2) **The governing body of a city or a county may, for the protection of the health,**
20 **safety and general welfare, prepare and adopt coordinated master plans for the development**
21 **of service facilities** for a service district established under ORS 451.410 to 451.600 and for which
22 the [county court] **governing body of the city or the county** serves as **the governing body of the**
23 **district**, to serve all areas within or served by the district.

24 [(2)] (3) **The governing body of the district shall coordinate** master plans adopted under this
25 section [shall be coordinated] with the comprehensive plans of the affected cities and counties.

26 **SECTION 4.** ORS 451.130 is amended to read:

27 451.130. After a coordinated master plan has been adopted under ORS 451.120, the [county
28 court] **governing body of a service district** may enforce [such] **the master** plan by requiring that
29 plans for the installation or operation of service facilities in areas [under county jurisdiction outside
30 the boundaries of cities or in areas] within or served by [a] **the** service district be submitted to the
31 [county court] **governing body of the district** for approval[,], and that [such] **the** installation or
32 operation [shall conform] **conforms** to the master plan.

33 **SECTION 5.** ORS 451.140 is amended to read:

34 451.140. In carrying out the powers granted to the [county court] **governing body of a city or**
35 **a county** under ORS 451.110 to 451.140, the [county court] **governing body** may:

36 (1) Conduct [such] surveys and investigations as may be necessary to develop coordinated master
37 plans as provided in ORS 451.120.

38 (2) Provide for the administration and enforcement of [such] master plans by engineering analy-
39 sis, inspection or other appropriate means.

40 (3) Enter into contracts or agreements with cities, [other] counties or [county] service districts
41 for public transportation, the federal government, state agencies, the special districts enumerated
42 in ORS 451.573 or any person [or private corporation] for a period not to exceed 30 years for the
43 cooperative financing of the preparation and enforcement of coordinated master plans as provided
44 in ORS 451.120 and 451.130.

45 (4) Levy and collect taxes for the purpose of providing funds to prepare and enforce coordinated

1 master plans as provided in ORS 451.120 and 451.130.

2 (5) Expend funds for such surveys, investigations and studies as may be necessary for the prep-
 3 aration and enforcement of such master plans.

4 **SECTION 6.** ORS 451.410 is amended to read:

5 451.410. As used in ORS 451.410 to 451.610, unless the context indicates otherwise:

6 (1) **“Affected county” has the meaning given that term in ORS 198.705.**

7 [(1)] (2) “Change of organization” has the meaning given that term in ORS 198.705.

8 [(2)] “County” has the meaning given that term in ORS 198.705.]

9 [(3)] “County court” includes the board of county commissioners.]

10 [(4)] (3) “District” means:

11 (a) **A city service district established to under ORS 451.410 to 451.610 to provide service**
 12 **facilities in a city; or**

13 (b) A county service district established under ORS 451.410 to 451.610 to provide service facili-
 14 ties in **all or part of** a county or counties.

15 [(5)] (4) “Formation” has the meaning given that term in ORS 198.705.

16 [(6)] (5) “Owner” means the record owner of real property or the holder of a duly recorded
 17 contract for purchase of real property within the district.

18 [(7)] (6) “Service facilities” means public service installations, works or services provided within
 19 a [county or counties for any or all of the purposes] **district for a purpose** specified in ORS 451.010.

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

21 451.435. (1) All district formation and change of organization proceedings [shall] **must** be initi-
 22 ated, conducted and completed as provided by ORS 198.705 to 198.955. Except for an order allowing
 23 an existing district established to provide sewage works to also provide drainage works, [no county
 24 or portion thereof shall] **an affected county, or a portion of an affected county, may not** be in-
 25 cluded within a district [which] **that** is to provide services in more than one county without the
 26 consent of the governing body of the affected county.

27 (2) In the case of sewage works, upon certification to the [county court] **governing body of a**
 28 **city or a county** by the Environmental Quality Commission or the county health officer that an
 29 emergency exists the [county court] **governing body** shall initiate the formation of a district in the
 30 manner specified in ORS 198.835, or annexation to an existing district in the manner specified in
 31 ORS 198.850 (3), whichever is most appropriate.

32 (3) A petition or order initiating the formation or change or organization of a district shall, in
 33 addition to the requirement specified by ORS 198.705 to 198.955, state which of the service facilities
 34 specified by ORS 451.010 the district [shall be] **is** authorized to construct, maintain and operate.

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

39 **SECTION 8.** ORS 451.440 is amended to read:

40 451.440. (1) Prior to initiation of the formation of a district, the [county court] **governing body**
 41 **of a city or a county** may cause engineering and program plans to be prepared. The plans may
 42 include:

43 (a) Preliminary plans for the service facilities to be constructed or provided.

44 (b) Estimated costs of construction, maintenance and operation.

45 (c) Recommendations as to boundaries of the district.

1 (d) Recommendations as to use of any portion of the proposed service facilities for areas in the
 2 county outside the district at some future date and the portion of the cost of [*such works which*] **the**
 3 **service facilities that** should be borne by [*such*] **the** areas when use is made of any portion of the
 4 **service** facilities.

5 (e) Recommendations as to the extent to which the proposed service facilities may be integrated
 6 into other service facilities constructed or being constructed by other districts under ORS 451.410
 7 to 451.610 or by other public agencies and the fair and equitable amount of the cost of construction
 8 of [*such*] **the** other **service** facilities the district should bear.

9 (2) If a district is formed or granted authority to provide additional types of service facilities,
 10 the [*county court*] **governing body of the city or the county** may require the district to reimburse
 11 the **city or the** county for the cost of engineering and program plans prepared in accordance with
 12 this section.

13 **SECTION 9.** ORS 451.445 is amended to read:

14 451.445. (1) When certified copy of the findings of the Director of Human Services is filed with
 15 the county court as provided by ORS 431.740 or 431.750, the county court shall, subject to ORS
 16 198.792, proceed to form the district to provide the **service** facilities described in the findings and
 17 shall enter an order in accordance with ORS 451.485.

18 (2) The county court shall, within one year after making its order under ORS 451.485, prepare
 19 plans and specifications for the service facilities proposed to be provided within the district and
 20 proceed in accordance with the time schedule to construct or install the facilities.

21 (3) Notwithstanding the provisions of ORS 451.487, the order of the county court under ORS
 22 451.485 is not subject to referendum if it is adopted in accordance with subsection (1) of this section
 23 and as a result of proceedings conducted under ORS 431.705 to 431.760.

24 (4) Notwithstanding ORS 451.495, when service facilities are to be constructed for the purpose
 25 of removing or alleviating a danger to public health and as a result of proceedings conducted by
 26 ORS 431.705 to 431.760, if any portion of the cost of the service facilities is to be assessed against
 27 the property directly benefited, ORS 451.495 (1)(c) does not apply to the general ordinance providing
 28 for the method of assessment which must be adopted under ORS 451.495.

29 **SECTION 10.** ORS 451.472 is amended to read:

30 451.472. (1) A district may construct, maintain and operate only those service facilities specified
 31 by ORS 451.010 that were authorized upon formation of the district. However, additional authority
 32 regarding service facilities may be given to a district by a proceeding initiated, conducted and
 33 completed in the same manner as is provided for in the original formation of a district or as other-
 34 wise provided by law.

35 (2) A district may be formed, as provided in ORS 451.410 to 451.610, that contains territory that
 36 is also included in another district formed under ORS 451.410 to 451.610 if the district is formed to
 37 construct, maintain and operate service facilities that the existing district is not authorized to con-
 38 struct, maintain and operate.

39 (3) The consent of not less than 70 percent of the cities located within the boundaries of the
 40 **county service** district is required to authorize a **county service** district established to provide
 41 sewage works to also provide drainage works.

42 **SECTION 11.** ORS 451.485 is amended to read:

43 451.485. The [*county court shall be*] **governing body of the city or the county that establishes**
 44 **a service district under ORS 451.410 to 451.610 shall serve as** the governing body of [*a county*]
 45 **the** service district [*established under ORS 451.410 to 451.610*]. [*A*] **The** district shall be known by

1 the name or number specified in the order declaring its formation and by that name shall exercise
 2 and carry out the powers and duties conferred and declared in this chapter. Before proceeding to
 3 construct or provide any service facilities authorized by this chapter, the governing body of the
 4 district shall make an order:

5 (1) Determining the service facilities to be constructed, maintained and operated and the part
 6 of the work to be undertaken immediately.

7 (2) Determining the manner of financing the construction, maintenance and operation of the
 8 service facilities.

9 (3) Determining the method by which the district shall bear the share of the cost of construction
 10 of the service facilities that is to be apportioned to the district.

11 (4) *[Where]* **If** it appears that any service facilities to be constructed will provide service to
 12 areas outside the district at some future date, determining the equitable and fair share of the cost
 13 of construction of *[such]* **the service** facilities that should be borne by *[such]* **the** areas, *[which share*
 14 *shall be borne by]* **either by:**

15 (a) The revolving fund established under ORS 451.540*[, by]*;

16 (b) Funds obtained by the county under ORS 280.055; or *[by any other]*

17 (c) **Another** method of financing described by ORS 451.490 until *[such]* **the** areas are served by
 18 the **service** facilities.

19 (5) *[Where]* **If** the service facilities of the district are to be integrated into other service facilities
 20 constructed or being constructed by another district or by other public bodies as defined in ORS
 21 174.109, determining the fair and equitable amount the district should *[assume]* **pay the other dis-**
 22 **trict or public body** as its share of the construction of *[such]* **the** other service facilities*[, which*
 23 *amount shall be paid to the other district or public body upon]* **and describing the** terms and condi-
 24 tions *[to]* **upon** which the governing body of the district has agreed **to pay the amounts.**

25 (6) In the case of sewage works, *[where]* **if** trunk or interceptor sewers, treatment plants and
 26 similar facilities are to be charged to all property within the district while lateral sewers, street
 27 mains and similar facilities are to be charged only to property to be served immediately by the
 28 system, determining the fair and equitable share of the total cost to be charged to areas within the
 29 district.

30 (7) If any of the cost of the work is to be assessed against benefited property, describing portions
 31 of the district, if any, within which service facilities will not be financed by assessment.

32 **SECTION 12.** ORS 451.510 is amended to read:

33 451.510. (1) The district may contract with any city, *[or]* water **district** or other district serving
 34 water in the **service** district to collect service or user charges with the water bills, and the serving
 35 agency may cut off water for nonpayment of *[such]* **the** service or user charges. The district may
 36 pay the water-serving agency a reasonable charge for such collection services.

37 (2) Assessments of less than \$25 and service or user charges may also be collected and enforced
 38 as provided in ORS 454.225.

39 **SECTION 13.** ORS 451.540 is amended to read:

40 451.540. (1) The *[county court]* **governing body of a district** may, for the purpose of establishing
 41 a revolving fund to provide money to finance the construction under ORS 451.410 to 451.585 of those
 42 service facilities in the *[county]* **district** that may be necessary and in implementation of the master
 43 plans provided for in ORS 451.120, levy an ad valorem tax of not to exceed 50 cents per year, for
 44 a period not to exceed five years, for each \$1,000 of real market value of taxable property within
 45 all areas of the *[county]* **district**, to be served by the facilities included in the master plan.

1 **(2) The governing body of the district shall deposit the** revenues derived from the taxes
 2 *[shall be deposited]* with the **city treasurer or the** county treasurer and credited to the revolving
 3 fund. **The city treasurer or the county treasurer shall disburse** moneys in the revolving fund
 4 *[shall be disbursed by the county treasurer]* on order of the *[county court and used]* **governing body**
 5 **of the district and the district may use the moneys** solely for the purposes authorized in ORS
 6 451.410 to 451.610.

7 **[(2)] (3) The governing body of the city or the county shall determine the** boundaries of the
 8 territory within which the tax authorized by subsection (1) of this section may be levied *[shall be*
 9 *determined by the county court]* after a public hearing. The **city or the** county *[court]* shall *[direct*
 10 *the county clerk to]* publish notice of *[such]* **the** hearing once a week for two successive weeks prior
 11 to the hearing in a newspaper of general circulation published within the proposed boundaries of the
 12 territory or, if there is no such newspaper, in a newspaper of general circulation in the **city or the**
 13 county.

14 **(4) Any elector or any owner of property within the territory may appear at the hearing to**
 15 protest inclusion of the property of the voter within the territory, but the *[county court]* **governing**
 16 **body of the city or the county** shall not exclude land *[which]* **that**, in its judgment, will be served
 17 by the facilities included in the master plan.

18 **SECTION 14.** ORS 451.555 is amended to read:

19 451.555. (1) *[County]* Service districts for the purpose of providing comprehensive planning for
 20 land use and public facilities for a district in the **city or the** county may be formed in the manner
 21 provided by ORS 451.410 to 451.610 for establishing *[county]* service districts for other purposes.

22 (2) A **service** district formed to provide comprehensive planning may, in accordance with ORS
 23 chapter 215, adopt comprehensive plans for land use and public facilities within the district. The
 24 district *[shall be]* **is** subject to ORS 451.120 to 451.140, 451.485 and 451.550 to 451.560. The activities
 25 of the district may be financed by any method authorized by ORS 451.490 and 451.520 to 451.547.
 26 Plans adopted by the district may be enforced as provided by ORS 451.130.

27 (3) The district governing body shall appoint an advisory committee of not less than 11 members
 28 who are electors resident in the district or owners of land in the district. The committee shall:

29 **(a)** Advise the governing body in carrying out the provisions of this section*[. It shall]; and*

30 **(b)** Meet with the governing body at the times and places determined by the committee and
 31 governing body jointly.

32 **SECTION 15.** ORS 451.568 is amended to read:

33 451.568. Public transportation facilities and services provided by, or pursuant to a contract with,
 34 a *[county]* service district created for the purpose of public transportation are exempt from the
 35 provisions of ORS chapter 825.

36 **SECTION 16.** ORS 451.573 is amended to read:

37 451.573. As used in ORS 451.573 to 451.577:

38 (1) "District" means, in addition to the meaning given that term in ORS 451.410, a *[county]* ser-
 39 vice district organized under the authority of a **city charter or a** county charter.

40 (2) "Special district" means any one of the following districts:

41 (a) A drainage district organized under ORS chapter 547.

42 (b) A park and recreation district organized under ORS chapter 266.

43 (c) A highway lighting district organized under ORS chapter 372.

44 (d) A sanitary district organized under ORS chapter 450.

45 (e) A diking district organized under ORS chapter 551.

(f) A special road district organized under ORS 371.305 to 371.360.

(g) A road assessment district organized under ORS 371.405 to 371.535.

(3) “Special district” also means one of the following, if the special district is within the geographical jurisdiction of a local government boundary commission formed by or pursuant to ORS 199.410 to 199.519:

(a) A domestic water supply district organized under ORS chapter 264.

(b) A cemetery maintenance district organized under ORS chapter 265.

(c) A health district organized under ORS 440.305 to 440.410.

(d) A vector control district organized under ORS 452.020 to 452.170.

(e) A rural fire protection district organized under ORS chapter 478.

(f) A weather modification district organized under ORS 558.200 to 558.440.

(g) A geothermal heating district organized under ORS chapter 523.

SECTION 17. ORS 451.580 is amended to read:

451.580. (1) Except as otherwise provided in ORS 451.410 to 451.610, **a service district shall pay** all moneys received by [a] **the service** district [shall be paid] to **the city treasurer or** the county treasurer [and deposited] **for deposit** by the **city treasurer or the** county treasurer in an appropriate district fund.

(2) The **city treasurer or the** county treasurer, when ordered by a district governing body, shall establish separate accounts in the district fund or separate funds in the **city treasury or the** county treasury for the segregation of sinking or reserve funds or accounts, of operating funds or accounts or of any other funds or accounts found necessary or expedient by the district. However, [no] **the district may not use** moneys received by [a] **the** district [shall be used] for any purpose other than for carrying out the purposes of ORS 451.410 to 451.610. [and all funds,] **The city or county shall charge moneys expended and the costs of** facilities, personnel or supplies of the **city or** county used for those purposes [shall be charged] to the appropriate district fund or account.

[(2)] (3) Notwithstanding the requirement for a district to pay district moneys to the **city treasurer or the** county treasurer for deposit in an appropriate district fund in the **city treasury or the** county treasury under subsection (1) of this section, the governing body of a **city or a** county, with the consent of the **city treasurer or the** county treasurer if the [county] treasurer is an elected [county] officer, may order a service district established under ORS 451.410 to 451.610 to hold and manage its own moneys in one or more district funds or accounts deposited in a financial institution as defined in ORS 706.008. The order must provide for transfer of any moneys of the district then held or later received by the **city treasurer or the** county treasurer for the district. Thereafter, the district [shall be] **is** solely responsible for management of moneys of the district and shall designate a district officer or employee to assume the duties and responsibilities otherwise imposed upon the **city or the** county treasurer.

[(3)] (4) Moneys deposited by the district in a district fund or account may be withdrawn or paid out only upon a proper order and warrant or upon a check signed by the district officer or employee designated to assume the duties and responsibilities otherwise imposed upon the **city treasurer or the** county treasurer. The order must:

(a) Specify the name of the person to whom the moneys are to be paid;

(b) Specify the fund or account from which the moneys are to be paid;

(c) State generally the purpose for which the moneys are to be paid; and

(d) Be entered in the record of proceedings of the district.

SECTION 18. ORS 451.590 is amended to read:

1 451.590. Officers and employees of a **city, a county** or [of] a district may enter upon privately
 2 owned lands to survey or lay out service facilities by direction of the [county court or] governing
 3 body of the district. However, the [county court or] governing body of the district shall cause no-
 4 tification to be given to each occupant of the lands, either by registered or certified mail or by other
 5 lawful means. This notice [shall] **must** be given at least five days before the **city, county** or district
 6 officers or employees enter upon the lands. [No] **An** officer or employee of **a city, a county** or **a**
 7 district entering privately owned lands pursuant to this section [shall] **may not** damage or destroy
 8 trees, shrubs, buildings or other items of value on that land without first obtaining the consent of
 9 the owner.

10 **SECTION 19.** ORS 451.600 is amended to read:

11 451.600. [No] **A** person [shall] **may not** alter, repair or make a connection with any service fa-
 12 cility maintained by a district, unless that person:

13 (1) Obtains permission from the district that maintains the facility, and pays all deposits,
 14 charges or fees required by the district for granting [such] permission[,] before undertaking the
 15 work; and

16 (2) When appropriate, complies with ORS 447.010 to 447.160 in performing the work.

17 **SECTION 20.** ORS 451.620 is amended to read:

18 451.620. (1) If a [county] service district is formed subject to a provision specifying a fiscal year
 19 for dissolution of the district, the [board of directors] **governing body of the district** shall, no later
 20 than 45 days after the start of that fiscal year, make the findings required by ORS 198.925 and adopt
 21 a plan of liquidation and dissolution providing for payment of nonassenting creditors, unless the
 22 [board] **governing body** adopts an order as specified in subsection (2) of this section. Dissolution
 23 [shall be] **is:**

24 (a) Effective as of the end of the fiscal year. [Dissolution shall be]

25 (b) Governed by ORS 198.945 to 198.955.

26 (2) The **governing body of the** district [board] may order that the district continue only if, after
 27 a public hearing, it determines that there is a public need for continued existence of the district
 28 because:

29 (a) Liquidation and dissolution cannot be accomplished in a manner that would protect the
 30 rights of nonassenting creditors; or

31 (b) The services provided continue to be needed by the public, the district is providing the ser-
 32 vices in an efficient and effective manner and continuation will not significantly discourage future
 33 boundary change proposals.

34 (3) A public hearing on continuation [shall] **must** be preceded by notice published at least 14
 35 days before the hearing in a newspaper of general circulation within the district. Notice of the
 36 hearing [shall] also **must** be mailed to all incorporated cities within the district and to the boundary
 37 commission, if any.

38 (4) An order continuing the district [shall] **must** specify a fiscal year, not later than the 10th
 39 fiscal year after the date of the order, in which the district [shall] **will** dissolve unless another de-
 40 termination of public need for continued existence occurs.

41 (5) An order continuing the district [shall] **must** be forwarded to the boundary commission, if
 42 any, within 10 days. If the district is not within the jurisdiction of a boundary commission the order
 43 may be contested as provided in ORS 198.785 (2).

44 **SECTION 21.** ORS 174.116 is amended to read:

45 174.116. (1)(a) Subject to ORS 174.108, as used in the statutes of this state "local government"

1 means all cities, counties and local service districts located in this state, and all administrative
2 subdivisions of those cities, counties and local service districts.

3 (b) Subject to ORS 174.108, as used in the statutes of this state “local government” includes:

4 (A) An entity created by statute, ordinance or resolution for the purpose of giving advice only
5 to a local government;

6 (B) An entity created by local government for the purpose of giving advice to local government
7 and that is not created by ordinance or resolution, if the document creating the entity indicates that
8 the entity is a public body; and

9 (C) Any entity created by local government other than an entity described in subparagraph (B)
10 of this paragraph, unless the ordinance, resolution or other document creating the entity indicates
11 that the entity is not a governmental entity or the entity is not subject to any substantial control
12 by local government.

13 (2) Subject to ORS 174.108, as used in the statutes of this state “local service district” means:

14 (a) An economic improvement district created under ORS 223.112 to 223.132 or 223.141 to
15 223.161.

16 (b) A people’s utility district organized under ORS chapter 261.

17 (c) A domestic water supply district organized under ORS chapter 264.

18 (d) A cemetery maintenance district organized under ORS chapter 265.

19 (e) A park and recreation district organized under ORS chapter 266.

20 (f) A mass transit district organized under ORS 267.010 to 267.390.

21 (g) A transportation district organized under ORS 267.510 to 267.650.

22 (h) A metropolitan service district organized under ORS chapter 268.

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

24 (j) A library district organized under ORS 357.216 to 357.286.

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

26 (L) A special road district organized under ORS 371.305 to 371.360.

27 (m) A road assessment district organized under ORS 371.405 to 371.535.

28 (n) A highway lighting district organized under ORS chapter 372.

29 (o) A 9-1-1 communications district organized under ORS 401.818 to 401.857.

30 (p) A health district organized under ORS 440.305 to 440.410.

31 (q) A sanitary district organized under ORS 450.005 to 450.245.

32 (r) A sanitary authority, water authority or joint water and sanitary authority organized under
33 ORS 450.600 to 450.989.

34 (s) A [county] service district organized under ORS chapter 451.

35 (t) A vector control district organized under ORS 452.020 to 452.170.

36 (u) A rural fire protection district organized under ORS chapter 478.

37 (v) A geothermal heating district organized under ORS chapter 523.

38 (w) An irrigation district organized under ORS chapter 545.

39 (x) A drainage district organized under ORS chapter 547.

40 (y) A diking district organized under ORS chapter 551.

41 (z) A water improvement district organized under ORS chapter 552.

42 (aa) A water control district organized under ORS chapter 553.

43 (bb) A district improvement company or a district improvement corporation organized under
44 ORS chapter 554.

45 (cc) A weather modification district organized under ORS 558.200 to 558.440.

1 (dd) A fair district formed under ORS chapter 565.

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

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

5 (gg) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

6 (hh) The Port of Portland created under ORS 778.010.

7 (ii) An airport district established under ORS chapter 838.

8 **SECTION 22.** ORS 181.610 is amended to read:

9 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

10 (1) "Abuse" has the meaning given the term in ORS 107.705.

11 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
12 ORS 181.620.

13 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
14 enforcement unit, has received training necessary for certification and has met the minimum stan-
15 dards and training requirements established under ORS 181.640.

16 (4) "Commissioned" means an authorization granting the power to perform various acts or duties
17 of a police officer or certified reserve officer and acting under the supervision and responsibility of
18 a county sheriff or as otherwise provided by law.

19 (5) "Corrections officer" means an officer or member of a law enforcement unit who is employed
20 full-time thereby and is charged with and primarily performs the duty of custody, control or super-
21 vision of individuals convicted of or arrested for a criminal offense and confined in a place of
22 incarceration or detention other than a place used exclusively for incarceration or detention of ju-
23 veniles.

24 (6) "Department" means the Department of Public Safety Standards and Training.

25 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

26 (8) "Domestic violence" means abuse between family or household members.

27 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
28 for medical assistance from the public or to dispatch medical care providers.

29 (10) "Family or household members" has the meaning given that term in ORS 107.705.

30 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
31 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
32 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
33 and heavy rescue services, search and rescue services or hazardous materials incident response.
34 "Fire service professional" does not include forest fire protection agency personnel.

35 (12)(a) "Law enforcement unit" means a police force or organization of the state, a city, port,
36 school district, mass transit district, county, [county] service district authorized to provide law
37 enforcement services under ORS 451.010, Indian reservation, Criminal Justice Division of the De-
38 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission or com-
39 mon carrier railroad whose primary duty, as prescribed by law, ordinance or directive, is any one
40 or more of the following:

41 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
42 to airport security;

43 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
44 offense and confined to a place of incarceration or detention other than a place used exclusively for
45 incarceration or detention of juveniles; or

1 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
2 to probation and investigation of adult offenders on parole or probation or being considered for
3 parole or probation.

4 (b) "Law enforcement unit" also means:

5 (A) A police force or organization of a private entity with a population of more than 1,000 res-
6 idents in an unincorporated area whose employees are commissioned by a county sheriff; and

7 (B) A district attorney's office.

8 (13) "Parole and probation officer" means:

9 (a) Any officer who is employed full-time by the Department of Corrections, a county or a court
10 and who is charged with and performs the duty of:

11 (A) Community protection by controlling, investigating, supervising and providing or making
12 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
13 supervision; or

14 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
15 bation.

16 (b) Any officer who:

17 (A) Is certified and has been employed as a full-time parole and probation officer for more than
18 one year;

19 (B) Is employed part-time by the Department of Corrections, a county or a court; and

20 (C) Is charged with and performs the duty of:

21 (i) Community protection by controlling, investigating, supervising and providing or making re-
22 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
23 vision; or

24 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
25 bation.

26 (14) "Police officer" means an officer, member or employee of a law enforcement unit who is
27 employed full-time as a peace officer commissioned by a city, port, school district, mass transit dis-
28 trict, county, [county] service district authorized to provide law enforcement services under ORS
29 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon
30 State Lottery Commission or the Governor or who is a member of the Department of State Police
31 and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating
32 to airport security or is an investigator of a district attorney's office if the investigator is or has
33 been certified as a peace officer in this or any other state.

34 (15) "Public or private safety agency" means any unit of state or local government, a special
35 purpose district or a private firm which provides, or has authority to provide, fire fighting, police,
36 ambulance or emergency medical services.

37 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
38 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
39 certified reserve officers, telecommunicators and fire service professionals.

40 (17) "Reserve officer" means an officer or member of a law enforcement unit:

41 (a) Who is a volunteer or who is employed less than full-time as a peace officer commissioned
42 by a city, port, school district, mass transit district, county, [county] service district authorized to
43 provide law enforcement services under ORS 451.010, Indian reservation, the Criminal Justice Divi-
44 sion of the Department of Justice, the Oregon State Lottery Commission or the Governor or who is
45 a member of the Department of State Police;

1 (b) Who is armed with a firearm; and

2 (c) Who is responsible for enforcing the criminal laws and traffic laws of this state or laws or
3 ordinances relating to airport security.

4 (18) "Telecommunicator" means any person employed as an emergency telephone worker as de-
5 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
6 and transmitting public safety information received through a 9-1-1 emergency reporting system as
7 defined in ORS 401.710.

8 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is
9 charged with and primarily performs the duty of custody, control or supervision of youth offenders
10 confined in a youth correction facility.

11 **SECTION 23.** ORS 195.060 is amended to read:

12 195.060. As used in ORS 195.020, 195.065 to 195.085 and 197.005, unless the context requires
13 otherwise:

14 (1) "District" has the meaning given that term in ORS 198.010. In addition, the term includes a
15 [county] service district organized under ORS chapter 451.

16 (2) "Urban growth boundary" means an acknowledged urban growth boundary contained in a
17 city or county comprehensive plan or an acknowledged urban growth boundary that has been
18 adopted by a metropolitan service district council under ORS 268.390 (3).

19 (3) "Urban service" has the meaning given that term in ORS 195.065.

20 **SECTION 24.** ORS 198.180 is amended to read:

21 198.180. As used in ORS 198.190, unless the context requires otherwise, "district" has the
22 meaning given that term by ORS 198.010 (2) to (5) and (7) to (23). In addition, "district" means any
23 one of the following:

24 (1) A [county] service district organized under ORS chapter 451.

25 (2) A diking district organized under ORS chapter 551.

26 (3) A corporation for irrigation, drainage, water supply or flood control organized under ORS
27 chapter 554.

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

30 (5) The Port of Portland created by ORS 778.010.

31 **SECTION 25.** ORS 198.360 is amended to read:

32 198.360. (1) After the hearing, if the county board finds that the district is in fact operating as
33 an active district, or that there is need for the district, the board shall continue the hearing until
34 the reports required under ORS 294.555 and 297.405 to 297.555 are properly filed. When the county
35 board finds that the reports have been filed, it may:

36 (a) Enter an order terminating all further proceedings under ORS 198.345 to 198.365; or

37 (b) If the functions of the district could be performed by a [county] service district, it may con-
38 tinue the hearing and initiate proceedings to incorporate or annex the area within the district in a
39 [county] service district organized under ORS 451.410 to 451.610.

40 (2) If the county board proceeds as provided by subsection (1)(b) of this section and the district
41 is terminated as provided by ORS 451.577, the county board shall thereafter enter an order termi-
42 nating all further proceedings under ORS 198.345 to 198.365.

43 **SECTION 26.** ORS 198.520 is amended to read:

44 198.520. As used in ORS 198.510 to 198.600, unless the context requires otherwise, district has
45 the meaning given that term by ORS 198.010 (2), (4), (5), (6), (11), (12), (14), (17), (19) and (20) to (23).

1 In addition, “district” means any one of the following:

2 (1) A [county] service district organized under ORS chapter 451.

3 (2) The Port of Portland established by ORS 778.010.

4 **SECTION 27.** ORS 198.710 is amended to read:

5 198.710. As used in ORS 198.705 to 198.955, unless the context requires otherwise, “district” has
6 the meaning given that term by ORS 198.010 (2) to (4), (6) to (14) and (17) to (23). In addition, the
7 term also means any one of the following:

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

9 (2) A [county] service district organized under ORS chapter 451.

10 (3) The Port of Portland created by ORS 778.010.

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

12 **SECTION 28.** ORS 198.792 is amended to read:

13 198.792. (1) Proceedings may be initiated by the county board or any other public agency in
14 accordance with ORS 431.705 to 431.760:

15 (a) To annex the affected territory to a district, as defined by ORS 431.705; or

16 (b) To form a metropolitan service district as authorized by ORS chapter 268, or a [county] ser-
17 vice district as authorized by ORS chapter 451, to include the affected territory.

18 (2) The findings of the Director of Human Services when filed with the county board in ac-
19 cordance with ORS 431.735 or 431.750 shall be considered a petition for the purposes of ORS 198.705
20 to 198.955. The county board of the principal county shall conduct proceedings in accordance with
21 the findings and order of the director and with ORS 198.705 to 198.955.

22 (3) In proceedings described by subsection (1) of this section, the county board shall determine
23 whether the affected territory shall be included in a new district or annexed to an existing district.
24 The county board shall not inquire into the need for the proposed service facilities or adjust the
25 boundaries of the affected territory. ORS 198.805 (2), and the provisions of ORS 198.810 and 198.815
26 providing for an election on the formation of or annexation to a district, do not apply to proceedings
27 under this section.

28 **SECTION 29.** ORS 198.805 is amended to read:

29 198.805. (1) At the time stated in the notice, the county board shall hear the petition and de-
30 termine, in accordance with the criteria prescribed by ORS 199.462, whether the area could be
31 benefited by the formation of the district. The county board may adjourn the hearing from time to
32 time, but not exceeding four weeks in all unless additional notice is given. The county board may
33 alter the boundaries set forth in the petition to either include or exclude territory. The board may
34 not modify the boundaries to:

35 (a) Exclude from the proposed district land that, in the judgment of the board, could be benefited
36 by inclusion in the proposed district; or

37 (b) Include in the proposed district land that, in the judgment of the board, could not be bene-
38 fited by inclusion in the proposed district.

39 (2) If the county board determines that any land has been improperly omitted from the proposed
40 district and that the owner has not appeared at the hearing, the board shall continue the hearing
41 and shall order notice given to the nonappearing owner requiring the owner to appear before it and
42 show cause, if any, why the land of the owner should not be included in the proposed district. The
43 notice shall be given either by posting and publication, in the same manner as notice of the original
44 hearing and for the same period, or by personal service on each nonappearing owner. If notice is
45 given by personal service, service shall be made at least 10 days prior to the date fixed for the

1 further hearing.

2 (3) If the county board finds that a proposed [county] service district may not be needed in the
3 future or that indefinite existence may significantly discourage future boundary changes, it may re-
4 quire dissolution as provided in ORS 451.620. The order for such dissolution shall specify the fiscal
5 year, not later than the 10th fiscal year after the date of the order, in which dissolution shall occur.

6 **SECTION 30.** ORS 198.810 is amended to read:

7 198.810. (1) The county board shall approve, modify or reject a petition for formation using only
8 the criteria set forth in ORS 198.805.

9 (2) If the county board approves the petition for formation, as presented or as modified, or if the
10 boundary commission considers the petition for formation pursuant to ORS 198.800 (1)(a), approves
11 the petition, as presented or as modified, and transmits its approval to the county board in accord-
12 ance with ORS 199.480, the county board shall enter an order so declaring. The order shall set forth
13 the name of the district and the boundaries as determined by the board or by the boundary com-
14 mission. The order shall also fix a place, and a time not less than 20 nor more than 50 days after
15 the date of the order, for a final hearing on the petition. The order shall declare that if written re-
16 quests for an election are not filed as provided by subsection (3) of this section, the board, at the
17 time of the final hearing, will enter its order creating the district. The board shall cause notice of
18 the hearing to be given by publication.

19 (3) An election may not be held unless written requests for an election are filed at or before the
20 hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number,
21 registered in the proposed district.

22 (4) Notwithstanding subsections (2) and (3) of this section, if the petition for formation includes:

23 (a) A permanent rate limit for operating taxes for the proposed district and the petition is ap-
24 proved by the county board or boundary commission, as presented or as modified, the county shall
25 hold an election on the question of forming the district.

26 (b) In addition to the permanent rate limit for operating taxes, a separate ad valorem tax for
27 bonded indebtedness for capital construction within the proposed district and the petition is ap-
28 proved by the county board, as presented or as modified, the county shall hold an election on the
29 question of incurring the bonded indebtedness when the election on the question of formation of the
30 district is held. The question on incurring bonded indebtedness may be approved only if electors
31 approve formation of the district, and the ballot measure must clearly state that the bonded
32 indebtedness may be approved only if electors approve formation of the district.

33 (5) Notwithstanding subsection (3) of this section and ORS 198.815, an order of a boundary
34 commission authorizing a [county] service district established to provide sewage works to also pro-
35 vide drainage works shall be effective upon the filing of the order with the county board. The order
36 of the boundary commission is subject to referendum by the electors of the [county] service district
37 in the manner provided for district measures under ORS 255.135 to 255.205. If the order of a
38 boundary commission is referred to the electors, the order does not take effect until the order is
39 approved by a majority of the votes cast on the question and the results of the election are certified.
40 The question in the ballot title for a measure referred under this subsection shall be worded so that
41 an affirmative response to the question corresponds to a vote in favor of authorizing the [county]
42 service district to provide drainage works.

43 **SECTION 31.** ORS 198.813 is amended to read:

44 198.813. (1) Notwithstanding ORS 198.810 (3), an order of the county board that approves a pe-
45 tition for formation of a [county] service district within Washington County to provide water re-

1 source management services or ancillary activities may be referred to the electors in the proposed
 2 district. An election on the question of forming the district shall be held as provided in ORS 198.815.
 3 If an election is called, the order shall not become effective until the order is approved by a majority
 4 of the votes cast on the question and the results of the election are certified. The question in the
 5 ballot title for a measure referred under this subsection shall be worded so that an affirmative re-
 6 sponse to the question corresponds to a vote in favor of authorizing the formation of a [county]
 7 service district to provide water resource management services and ancillary activities.

8 (2) Notwithstanding ORS 198.705 to 198.955 or 451.620, an order of the county board that ap-
 9 proves a petition for formation of a [county] service district within Washington County to provide
 10 water resource management services may also provide for the dissolution of any existing [county]
 11 service district that is situated within the newly established district and that provides any water
 12 resource management service that will be provided by the newly established district. Upon the ef-
 13 fective date of the order, the existing [county] service district shall be dissolved and the newly es-
 14 tablished district shall succeed to all the assets and become charged with all the liabilities,
 15 obligations and functions of the former district.

16 **SECTION 32.** ORS 198.815 is amended to read:

17 198.815. (1) If the required number of written requests for an election are filed with the county
 18 board on or before the date of the final hearing or if the petition for formation includes a permanent
 19 rate limit for operating taxes for the proposed district, the board shall provide by order for the
 20 holding of an election to submit to the electors the question of forming the district. The board shall
 21 cause notice of the election to be published by two insertions. If requests for an election are filed
 22 by less than the required number of persons and no permanent rate limit for operating taxes is in-
 23 cluded in the petition, the county board shall dismiss the requests and enter an order creating the
 24 district.

25 (2) The order calling an election shall fix the date of the election on the next available election
 26 date in ORS 255.345 for which the filing deadline can be met. However, when the proposal for for-
 27 mation includes a permanent rate limit for operating taxes for the proposed district, the election
 28 shall be held on the date of the next primary election or general election for which the filing
 29 deadline can be met. The order shall also state that at such election members of the district board
 30 will be voted for. Candidates to be voted for as members of the first board of a district shall be
 31 nominated as provided by ORS chapter 255 and the principal Act of a district.

32 (3) The order calling the election shall require the county official in charge of elections to in-
 33 clude with the ballot for the election a map or other description of the boundaries of the proposed
 34 district using streets and other generally recognized features and a statement of the permanent rate,
 35 if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such state-
 36 ment shall comply with the requirements of ORS 250.035. The map or other description and state-
 37 ment required by this subsection shall be supplied by the county board.

38 (4)(a) When the proposal for formation includes a permanent rate limit for operating taxes for
 39 the proposed district, the ballot title shall clearly indicate that a single question is being proposed
 40 which is:

41 (A) Whether the proposed district shall be formed; and

42 (B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maxi-
 43 mum rate of operating taxes for that district.

44 (b) The ballot title for the election shall be in compliance with ORS 250.036.

45 (5) When the proposal for formation includes a permanent rate limit for the proposed district,

1 the district shall be authorized to impose operating taxes not in excess of the permanent rate limit
2 if the proposal is approved by a majority of the votes cast and:

3 (a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or

4 (b) The election is a general election in an even-numbered year.

5 (6) If a proposed [*county*] service district is subject to dissolution unless a determination of
6 public need for continued existence is made, the ballot title shall include the fiscal year in which
7 dissolution will occur and statement that the district will dissolve unless the board of directors de-
8 termines that there is a public need for continued existence.

9 **SECTION 33.** ORS 198.835 is amended to read:

10 198.835. (1) The county board may initiate the formation of a district, to be located entirely
11 within the county, by an order setting forth:

12 (a) The intention of the county board to initiate the formation of a district and citing the prin-
13 cipal Act.

14 (b) The name and boundaries of the proposed district.

15 (c) The date, time and place of a public hearing on the proposal.

16 (2) An order initiating the formation of a [*county*] service district may require dissolution, sub-
17 ject to a determination of public need for continued existence of the [*county*] service district as
18 provided in ORS 451.620. The fiscal year in which dissolution will occur, not later than the 10th
19 fiscal year after the date of the order, shall be specified.

20 (3) Except as otherwise provided by the principal Act, if any part of the territory subject to
21 formation of a district under this section is within a city, the order shall be accompanied by a cer-
22 tified copy of a resolution of the governing body of the city approving the order.

23 (4) A **governing body of a city or a county** [*board*] that also serves as the governing body of
24 a [*county*] service district established to provide sewage works may initiate a proceeding to author-
25 ize that [*county*] service district to also provide drainage works by adopting an order setting forth
26 the information specified in subsection (1) of this section. The order must be accompanied by resol-
27 utions consenting to the additional function that are adopted by the governing bodies of not less
28 than 70 percent of the cities located within the boundaries of the [*county*] service district.

29 **SECTION 34.** ORS 198.885 is amended to read:

30 198.885. (1) One district or more may merge with another district if the merger is approved by
31 the electors as provided by ORS 198.895 to 198.915 or if it is approved by a local government
32 boundary commission as provided by ORS 199.480 (1)(c). The districts included in the merger shall
33 be considered annexed by and absorbed into the surviving district.

34 (2) If the merger is approved, the district boards and officers of the merging districts shall turn
35 over to the board of the surviving district all funds, property, contracts and records of the merging
36 districts. Upon the effective date of the merger, the surviving district shall:

37 (a) Succeed to all the property, contracts, rights and powers of the merging districts, and shall
38 constitute and be a regularly organized district as if originally organized in the manner provided
39 by the principal Act and ORS 198.705 to 198.955;

40 (b) Uncollected taxes, assessments or charges levied by the merging districts shall become the
41 property of the surviving district and upon collection shall be credited to the account of the sur-
42 viving district; and

43 (c) Subject to any debt distribution plan adopted under ORS 198.900, the surviving district shall
44 become liable for all the obligations, legal or contractual, of the merging districts.

45 (3) Districts providing potable water for domestic consumption, sanitary sewer or surface water

1 quality and quantity purposes under separate principal Acts may merge as provided in this section.
 2 The district designated as the surviving district shall have all powers held by the other district
 3 under the principal Act of the other district.

4 (4) A [county] service district may merge with another district providing different or similar
 5 services as provided in subsection (3) of this section. When the [county] service district is not the
 6 surviving district, the merging entities shall enter into an agreement concerning elected represen-
 7 tation on the board of the surviving district. The agreement shall provide that no fewer than two
 8 members of the board of the surviving district shall be appointed by the [board of county commis-
 9 sioners] **governing body of the city or the county**, acting as the governing body of the [county]
 10 service district, to serve until replaced by individuals elected to the office at the next regular dis-
 11 trict election.

12 (5) Subsections (3) and (4) of this section do not apply to water authorities or sanitary authori-
 13 ties seeking to provide a different water-related service if the entities that seek to merge with the
 14 existing water authorities or sanitary authorities are within the urban growth boundary of a city
 15 and the city provides water supply, wastewater treatment or surface water management and treat-
 16 ment. When such entities are within the urban growth boundary of a city, the merging entities must:

17 (a) Obtain consent for the merger from the city prior to calling an election; or

18 (b) Comply with the formation process set forth in ORS 450.600.

19 **SECTION 35.** ORS 198.890 is amended to read:

20 198.890. (1) Two or more districts may consolidate and form a new district if the consolidation
 21 is approved by the electors as provided by ORS 198.895 to 198.915 or if it is approved by a local
 22 government boundary commission as provided by ORS 199.480 (1)(c). The districts included in the
 23 consolidation shall be considered joined into a single new district.

24 (2) If the consolidation is approved, the district boards and officers of the consolidating districts
 25 shall turn over to the board of the successor district all funds, property, contracts and records of
 26 the consolidating districts. Upon the effective date of the consolidation, the successor district shall:

27 (a) Succeed to all the property, contracts, rights and powers of the consolidating districts, and
 28 shall constitute and be a regularly organized district as if originally organized in the manner pro-
 29 vided by the principal Act and ORS 198.705 to 198.955;

30 (b) Uncollected taxes, assessments or charges levied by the consolidating districts shall become
 31 the property of the successor district and upon collection shall be credited to the account of the
 32 successor district; and

33 (c) Subject to any debt distribution plan adopted under ORS 198.900, the successor district shall
 34 become liable for all the obligations, legal or contractual, of the consolidating districts.

35 (3) Districts providing potable water for domestic consumption, sanitary sewer or surface water
 36 quality and quantity purposes under separate principal Acts may consolidate as provided in this
 37 section. Upon the effective date of the consolidation, the district designated as the successor district
 38 shall have all powers held by the consolidating districts under the principal Acts of all of the dis-
 39 tricts.

40 (4) A [county] service district may consolidate with another district providing different or similar
 41 services as provided in subsection (3) of this section. The consolidating entities shall enter into an
 42 agreement that shall be binding on the successor district concerning elected representation on the
 43 board of the successor district. The agreement shall provide that no fewer than two members of the
 44 board of the successor district shall be appointed by the [board of county commissioners] **governing**
 45 **body of the city or the county**, acting as the governing body of the [county] service district, to

1 serve until replaced by individuals elected to the office at the next regular district election.

2 (5) Subsections (3) and (4) of this section do not apply to water authorities or sanitary authori-
3 ties seeking to provide a different water-related service if the entities that seek to consolidate with
4 the existing water authorities or sanitary authorities are within the urban growth boundary of a city
5 and the city provides water supply, wastewater treatment or surface water management and treat-
6 ment. When such entities are within the urban growth boundary of a city, the consolidating entities
7 must:

8 (a) Obtain consent for the consolidation from the city prior to calling an election; or

9 (b) Comply with the formation procedures set forth in ORS 450.600.

10 **SECTION 36.** ORS 198.930 is amended to read:

11 198.930. The plan of dissolution and liquidation may include provision for transfer and
12 conveyance of all assets of the district to any other district or, in the case of a [*county*] service
13 district, to the **city or the** county in which the district is located, which has the authority to and
14 agrees to assume the outstanding indebtedness of the dissolving district, if any, and to continue to
15 furnish similar services to the inhabitants of the district.

16 **SECTION 37.** ORS 198.940 is amended to read:

17 198.940. The election required by ORS 198.935 shall be dispensed with and the county board
18 shall declare the district dissolved and proceed in accordance with ORS 198.945, if the county board
19 finds that:

20 (1) Dissolution is in the interest of the people of the county; and

21 (2) The territory within the affected district is uninhabited;

22 (3) The district has failed regularly to elect district board members in accordance with the
23 principal Act of the district; or

24 (4) For a [*county*] service district, dissolution is required due to an absence of public need for
25 continuation of the district, as provided in ORS 451.620.

26 **SECTION 38.** ORS 199.420 is amended to read:

27 199.420. As used in ORS 199.410 to 199.534, unless the context requires otherwise, "district"
28 means one of the following:

29 (1) Domestic water supply district organized under ORS chapter 264.

30 (2) Park and recreation district organized under ORS chapter 266.

31 (3) Metropolitan service district organized under ORS chapter 268.

32 (4) Highway lighting district organized under ORS chapter 372.

33 (5) Sanitary district organized under ORS 450.005 to 450.245.

34 (6) Sanitary authority, water authority or joint water and sanitary authority organized under
35 ORS 450.600 to 450.989.

36 (7) [*County*] service district organized under ORS chapter 451.

37 (8) Vector control district organized under ORS 452.020 to 452.170.

38 (9) Rural fire protection district organized under ORS chapter 478.

39 (10) Geothermal heating district organized under ORS chapter 523.

40 (11) Corporations organized under ORS chapter 554 for the purpose of supplying water for do-
41 mestic use or any other district supplying or seeking to supply domestic water.

42 (12) Library district organized under ORS 357.216 to 357.286.

43 (13) Special road district organized under ORS 371.305 to 371.360.

44 **SECTION 39.** ORS 199.457 is amended to read:

45 199.457. (1) Any county located within the jurisdiction of a boundary commission may levy taxes

1 and expend funds for the purposes of ORS 199.410 to 199.534.

2 (2) A boundary commission may accept any funds, property or services, or the use of any prop-
3 erty donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to
4 199.534.

5 (3) A boundary commission, with the approval of the advisory committee appointed under ORS
6 199.450, may establish and collect reasonable service charges from persons, cities, the county or
7 counties and special districts within its jurisdiction to defray the costs of operating the commission
8 and carrying out the purposes of ORS 199.410 to 199.534. Such charges shall include, but not be
9 limited to, fees for filing a petition or resolution for a boundary change with the commission.

10 (4) In addition to any service charges established under subsection (3) of this section, a bound-
11 ary commission may determine it is necessary to charge cities and counties within its jurisdiction
12 for services and activities carried out under ORS 199.410 to 199.534. If the commission determines
13 that it is necessary to charge cities and counties within its jurisdiction for any fiscal year, the
14 commission shall determine, with the approval of the advisory committee appointed under ORS
15 199.450, the total amount to be charged and shall assess each city and county with the portion of
16 the total amount as the population of the portion of the city or county within the jurisdiction of the
17 commission bears to the total population of the area within the jurisdiction of the commission. For
18 the purposes of this subsection, the population of a county does not include the population of any
19 city situated within the boundaries of that county. An assessment made under this subsection shall
20 not exceed 21 cents per capita per year for a boundary commission created pursuant to ORS 199.425.

21 (5) In addition to any service charges, established under subsection (3) of this section, a bound-
22 ary commission may determine it is necessary to charge districts within its jurisdiction for services
23 and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is
24 necessary to charge districts within its jurisdiction for any fiscal year, the commission shall deter-
25 mine, with the approval of the advisory committee appointed under ORS 199.450, the total amount
26 to be charged and shall assess each district with the portion of the total amount as the assessed
27 valuation of the district within the jurisdiction of the commission bears to the total assessed valu-
28 ation of all districts within the jurisdiction of the commission. For purposes of this subsection, the
29 assessed valuation of inactive or nonfunctioning districts shall not be included in the total assessed
30 valuation of all districts and such districts shall not be assessed. For a boundary commission created
31 pursuant to ORS 199.425 any district with an assessed valuation over \$1 billion shall be assessed a
32 flat rate of \$2,500 per year and such district's assessed valuation shall not be included in the total
33 assessed valuation of all districts within the jurisdiction of the commission. An assessment made
34 under this subsection shall not exceed 0.00878 dollars per thousand dollars of assessed valuation per
35 year for a boundary commission created pursuant to ORS 199.425. However, assessments shall not
36 be made by a boundary commission under this subsection against a highway lighting district or-
37 ganized under ORS chapter 372, a vector control district organized under ORS chapter 452 or a
38 [county] service district organized under ORS chapter 451 for the purpose of providing street lighting
39 works or vector control.

40 (6) For each fiscal year beginning on or after July 1, 1982, the commission shall notify each city,
41 county or district governing body of its intent to levy an assessment under this section and the
42 amount of the assessment for each city, county and district at least 120 days before the beginning
43 of the fiscal year for which the assessment will be made.

44 (7) The decision of the commission to assess the cities, counties and districts within its juris-
45 diction, and the amount of the assessment upon each, shall be binding upon those governmental

1 bodies. Cities, counties and districts shall pay their assessment in equal quarterly payments as the
 2 commission may require except that any city or district with a total annual assessment of less than
 3 \$100 shall pay the total assessment in one installment at the time specified for the second quarterly
 4 payment.

5 (8) When a city or district located in a county outside the jurisdiction of a boundary commission
 6 annexes or otherwise incorporates territory located within the jurisdiction of a boundary commis-
 7 sion, the boundary commission shall assess the city or district with the portion of the total amount
 8 determined under subsection (4) or (5) of this section as the assessed valuation of the territory of
 9 the city or district within the jurisdiction of the boundary commission bears to the total assessed
 10 valuation of the entire city or district.

11 **SECTION 40.** ORS 199.476 is amended to read:

12 199.476. (1) When a major boundary change is initiated by a legally sufficient petition as pro-
 13 vided by the principal Act, if the territory subject to the petition is within the jurisdiction of a
 14 boundary commission, the filing agency notwithstanding the principal Act, shall file, within 10 days
 15 after the petition is filed, a certified copy of the petition with the boundary commission having ju-
 16 risdiction of the change. If the petition proposes formation, consolidation or merger of a city or
 17 district it shall be accompanied by the economic feasibility analysis and an estimate of the tax rate
 18 derived from the feasibility analysis that will be required to provide the services or functions of the
 19 proposed city or district. The analysis and estimate of the tax rate shall be prepared in cooperation
 20 with the county assessor and the Department of Revenue. The analysis shall include among other
 21 items a description of the services or functions to be performed or provided by the new unit and an
 22 analysis of their relationship to other existing or needed government services. The analysis shall
 23 also include a first year line item operating budget and a projected third year line item operating
 24 budget.

25 (2) The proceeding under the principal Act shall be suspended from the date the petition is filed
 26 with the filing agency until the date the commission files a certified copy of its final order with the
 27 filing agency. Suspension of the proceeding under this section shall not continue for more than 120
 28 days after the date the commission receives the petition.

29 (3) If a final order is not adopted within the 120 days, the petition shall be considered approved
 30 by the commission.

31 (4) Notwithstanding subsection (3) of this section, if a final order of a commission is appealed
 32 for review by the Court of Appeals and a copy of the petition for judicial review is filed with the
 33 filing agency within 60 days after the date on which the final order is issued, the suspension period
 34 shall be extended and continue until the petition for judicial review is determined and the results
 35 thereof certified to the filing agency.

36 (5) A determination by the [*board of directors of a county*] **governing body of a** service district
 37 that there is a public need for the continued existence of the district shall be reviewed as provided
 38 in this section.

39 **SECTION 41.** ORS 199.480 is amended to read:

40 199.480. In a proceeding for a major boundary change, a certified copy of the final order of the
 41 boundary commission shall be filed with the filing agency from which the commission received the
 42 petition. If the copy is so filed and:

43 (1) If the commission approved the petition as presented or as modified, the proceeding shall
 44 continue as provided by the principal Act; except that when a commission considers and enters a
 45 final order on a petition:

1 (a) The city council or county or district board need not call or hold a hearing on the petition
2 and shall not change boundaries as described by the final order of the commission.

3 (b) An election on the proposed change, if required under the principal Act, shall be held on the
4 next appropriate election date authorized under the principal Act or under ORS 203.085, 221.230 or
5 255.345.

6 (c) The final order, in a proceeding to merge or to consolidate districts or to dissolve a district
7 and transfer its functions, assets and liabilities to a [county] service district, shall conclude the
8 proceeding for all purposes; and the merger, consolidation or dissolution and transfer shall take ef-
9 fect on the date the order is adopted or at whatever date the commission specifies in its order which
10 shall not be more than one year after the date the final order is adopted. A merger or consolidation
11 to which this paragraph applies includes but is not limited to a merger or consolidation under ORS
12 198.705 to 198.955 that provides for joining a city to the surviving or successor district.

13 (2) If the commission disapproved the petition, the proceeding shall terminate.

14 (3) If the commission determines that a [county] service district subject to a determination of
15 public need for continued existence shall be dissolved, it shall enter an order so providing and dis-
16 solution shall take effect at the end of the fiscal year in which the order of the commission is en-
17 tered.

18 **SECTION 42.** ORS 199.512 is amended to read:

19 199.512. (1) The findings of the Director of Human Services filed with a boundary commission
20 in accordance with ORS 431.740 or 431.750 shall be considered a petition for the purposes of ORS
21 199.410 to 199.534. When the findings of the director are filed with a commission, it shall proceed
22 in accordance with the findings and with ORS 199.410 to 199.534, but the commission shall not in-
23 quire into the need for the proposed facilities or adjust the boundaries of the affected territory.

24 (2) In proceedings described by subsection (1) of this section, the boundary commission shall
25 determine whether the affected territory shall be included in a new city, new metropolitan service
26 district or new [county] service district or annexed to an existing district. The final order of the
27 commission shall conclude the proceedings for all purposes; and the formation or annexation ap-
28 proved and ordered by the commission shall take effect 45 days after the date the commission adopts
29 the final order in the proceeding.

30 **SECTION 43.** ORS 222.510 is amended to read:

31 222.510. Whenever the entire area of a rural fire protection district, a water district, including
32 a domestic water supply corporation or a water control district, a park and recreation district, a
33 highway lighting district, a [county] service district, a special road district, road assessment district
34 or a sanitary district or authority, lawfully organized and existing, becomes incorporated in or an-
35 nexed to a city in accordance with law, the district shall be extinguished and the city shall, upon
36 the effective date of such incorporation or annexation, succeed to all the assets and become charged
37 with all the liabilities, obligations and functions of the district. The district officers shall forthwith
38 deliver to the city officers the district assets and records. Uncollected taxes theretofore levied by
39 such district shall become the property of the city and be delivered to it by the county treasurer
40 upon collection.

41 **SECTION 44.** ORS 222.850 is amended to read:

42 222.850. As used in ORS 222.840 to 222.915, unless the context requires otherwise:

43 (1) "Affected territory" means an area within the urban growth boundary of a city and which
44 is otherwise eligible for annexation to that city and in which there exists an actual or alleged dan-
45 ger to public health.

- 1 (2) “City council” means the legislative body of a city.
- 2 (3) “Commission” means the Environmental Quality Commission.
- 3 (4) “Danger to public health” means a condition which is conducive to the propagation of
 4 communicable or contagious disease-producing organisms and which presents a reasonably clear
 5 possibility that the public generally is being exposed to disease-caused physical suffering or illness,
 6 including a condition such as:
- 7 (a) Impure or inadequate domestic water.
- 8 (b) Inadequate installations for the disposal or treatment of sewage, garbage or other contam-
 9 inated or putrefying waste.
- 10 (c) Inadequate improvements for drainage of surface water and other fluid substances.
- 11 (5) “Department” means the Department of Human Services.
- 12 (6) “Director” means the Director of Human Services.
- 13 (7) “District” means any one of the following:
- 14 (a) A metropolitan service district formed under ORS chapter 268.
- 15 (b) A [county] service district formed under ORS chapter 451.
- 16 (c) A sanitary district formed under ORS 450.005 to 450.245.
- 17 (d) A sanitary authority, water authority or joint water and sanitary authority formed under
 18 ORS 450.600 to 450.989.
- 19 (e) A domestic water supply district formed under ORS chapter 264.
- 20 **SECTION 45.** ORS 255.012 is amended to read:
- 21 255.012. As used in this chapter, “district” means:
- 22 (1) A domestic water supply district organized under ORS chapter 264.
- 23 (2) A cemetery maintenance district organized under ORS chapter 265.
- 24 (3) A park and recreation district organized under ORS chapter 266.
- 25 (4) A mass transit district organized under ORS 267.010 to 267.390.
- 26 (5) A transportation district organized under ORS 267.510 to 267.650.
- 27 (6) A metropolitan service district organized under ORS chapter 268.
- 28 (7) A translator district organized under ORS 354.605 to 354.715.
- 29 (8) A library district organized under ORS 357.216 to 357.286.
- 30 (9) A county road district organized under ORS 371.055 to 371.110.
- 31 (10) A special road district organized under ORS 371.305 to 371.360.
- 32 (11) A road assessment district organized under ORS 371.405 to 371.535.
- 33 (12) A highway lighting district organized under ORS chapter 372.
- 34 (13) A health district organized under ORS 440.305 to 440.410.
- 35 (14) A sanitary district organized under ORS 450.005 to 450.245.
- 36 (15) A sanitary authority, water authority or joint water and sanitary authority organized under
 37 ORS 450.600 to 450.989.
- 38 (16) A [county] service district organized under ORS chapter 451.
- 39 (17) A vector control district organized under ORS 452.020 to 452.170.
- 40 (18) A rural fire protection district organized under ORS chapter 478.
- 41 (19) An airport district organized under ORS chapter 838.
- 42 (20) A geothermal heating district organized under ORS chapter 523.
- 43 (21) A water improvement district organized under ORS chapter 552.
- 44 (22) A water control district organized under ORS chapter 553.
- 45 (23) A weather modification district organized under ORS 558.200 to 558.440.

1 (24) A livestock district organized under ORS 607.005 to 607.051.

2 (25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

3 (26) The Port of Portland established by ORS 778.010.

4 (27) A school district.

5 (28) Territory, other than territory within a city, proposed to be created, formed or incorporated
6 into a district or to be annexed or otherwise added to a district.

7 (29) A soil and water conservation district organized under ORS 568.210 to 568.810 and 568.900
8 to 568.933.

9 **SECTION 46.** ORS 271.715 is amended to read:

10 271.715. As used in ORS 271.715 to 271.795, unless the context otherwise requires:

11 (1) "Conservation easement" means a nonpossessory interest of a holder in real property im-
12 posing limitations or affirmative obligations the purposes of which include retaining or protecting
13 natural, scenic, or open space values of real property, ensuring its availability for agricultural, for-
14 est, recreational, or open space use, protecting natural resources, maintaining or enhancing air or
15 water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real
16 property.

17 (2) "Highway scenic preservation easement" means a nonpossessory interest of a holder in real
18 property imposing limitations or affirmative obligations the purposes of which include retaining or
19 protecting natural, scenic or open space values of property.

20 (3) "Holder" means:

21 (a) The state, any county, metropolitan service district, soil and water conservation district, city
22 or park and recreation district or a [county] service district established under ORS 451.410 to
23 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties
24 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose
25 specified in ORS 451.010 (5) acting alone or in cooperation with any federal or state agency, public
26 corporation or political subdivision;

27 (b) A charitable corporation, charitable association, charitable trust, the purposes or powers of
28 which include retaining or protecting the natural, scenic, or open space values of real property,
29 assuring the availability of real property for agricultural, forest, recreational, or open space use,
30 protecting natural resources, maintaining or enhancing air or water quality, or preserving the his-
31 torical, architectural, archaeological, or cultural aspects of real property; or

32 (c) An Indian tribe as defined in ORS 97.740.

33 (4) "Third-party right of enforcement" means a right provided in a conservation easement or
34 highway scenic preservation easement to enforce any of its terms granted to a governmental body,
35 charitable corporation, charitable association or charitable trust, which, although eligible to be a
36 holder, is not a holder.

37 **SECTION 47.** ORS 271.725 is amended to read:

38 271.725. (1) The state, any county, metropolitan service district, soil and water conservation
39 district, city or park and recreation district or a [county] service district established under ORS
40 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas
41 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the
42 purpose specified in ORS 451.010 (5) may acquire by purchase, agreement or donation, but not by
43 exercise of the power of eminent domain, unless specifically authorized by law, conservation ease-
44 ments in any area within their respective jurisdictions wherever and to the extent that a state
45 agency or the governing body of the county, metropolitan service district, soil and water conserva-

1 tion district, city, park and recreation district or [county] service district established under ORS
 2 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas
 3 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the
 4 purpose specified in ORS 451.010 (5) determines that the acquisition will be in the public interest.

5 (2) Except as otherwise provided in ORS 271.715 to 271.795, a conservation easement or highway
 6 scenic preservation easement may be created, conveyed, recorded, assigned, released, modified, ter-
 7 minated, or otherwise altered or affected in the same manner as other easements.

8 (3) The state, any county, metropolitan service district, soil and water conservation district, city
 9 or park and recreation district or a [county] service district established under ORS 451.410 to
 10 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties
 11 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose
 12 specified in ORS 451.010 (5) may acquire by purchase, agreement or donation, but not by exercise
 13 of the power of eminent domain unless specifically authorized by law, highway scenic preservation
 14 easements in land within 100 yards of state, county or city highway rights of way. These easements
 15 may be acquired only in lands that possess significant scenic value in themselves and contribute to
 16 the overall scenic beauty of the highway.

17 (4) No right or duty in favor of or against a holder and no right in favor of a person having a
 18 third-party right of enforcement arises under a conservation easement or highway scenic preserva-
 19 tion easement before its acceptance by the holder and recordation of the acceptance.

20 (5) Except as provided in ORS 271.755 (2) a conservation easement or highway scenic preserva-
 21 tion easement is unlimited in duration unless the instrument creating it otherwise provides.

22 (6) An interest in real property in existence at the time a conservation easement or highway
 23 scenic preservation easement is created is not impaired by it unless the owner of the interest is a
 24 party to or consents to the conservation easement or highway scenic preservation easement.

25 **SECTION 48.** ORS 271.735 is amended to read:

26 271.735. (1) Before the acquisition of a conservation easement or highway scenic preservation
 27 easement, the state agency, county, metropolitan service district, soil and water conservation dis-
 28 trict, city, park and recreation district or [county] service district established under ORS 451.410 to
 29 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties
 30 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose
 31 specified in ORS 451.010 (5) considering acquisition of such an easement shall hold one or more
 32 public hearings on the proposal and the reasons therefor. The hearings shall be held in the com-
 33 munity where the easement would be located and all interested persons, including representatives
 34 of other governmental agencies, shall have the right to appear and a reasonable opportunity to be
 35 heard.

36 (2) Notice of the hearing shall be published at least twice, once not less than 12 days and once
 37 not less than five days, prior to the hearing in a newspaper of general circulation in the community.
 38 The notice may also be published by broadcasting or telecasting generally in the community.

39 (3) At least 30 days prior to the hearing, the state agency shall mail notice of the hearing to the
 40 governing body of each county, city and other governmental agency having jurisdiction in the area
 41 of the proposed easements.

42 (4) This section does not apply to conservation easements or highway scenic preservation ease-
 43 ments acquired pursuant to ORS 390.121, 390.310 to 390.338 and 390.805 to 390.925 or acquired pur-
 44 suant to a metropolitan service district bond measure authorizing the acquisition of open spaces
 45 within specific areas.

1 **SECTION 49.** ORS 271.775 is amended to read:

2 271.775. The board or officer administering a state agency or the governing body of any county,
3 metropolitan service district, soil and water conservation district, city or park and recreation dis-
4 trict or of a [county] service district established under ORS 451.410 to 451.610 to construct, maintain
5 and operate service facilities in Washington or Clackamas Counties for the purposes specified in
6 ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5)
7 may make and enforce reasonable rules, regulations, orders or ordinances governing the care, use
8 and management of its conservation easements and highway scenic preservation easements.

9 **SECTION 50.** ORS 280.055 is amended to read:

10 280.055. Funds may be obtained by a **city or a** county as prescribed by ORS 280.040 to 280.145
11 for the purpose of advancing funds to a **service** district established under ORS 451.410 to 451.610
12 to finance the cost of any service facility which the district is authorized to construct, maintain and
13 operate.

14 **SECTION 51.** ORS 285B.410 is amended to read:

15 285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

16 (1) "Airport" means:

17 (a) A runway, taxiway, aircraft parking apron, ramp, auto parking area, access road, safety area
18 or runway protection zone;

19 (b) An airport-related facility, including a hangar, terminal, air traffic control tower or other
20 building;

21 (c) A signal, navigational aid or traffic control system; or

22 (d) A fuel tank or other physical airport improvement.

23 (2) "Development project" means a project for the acquisition, improvement, construction, dem-
24 olition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities or
25 other facilities that assist the economic and community development of the municipality, including
26 planning project activities that are necessary or useful as determined by the Economic and Com-
27 munity Development Department.

28 (3) "Direct project management costs" means expenses directly related to a project that are in-
29 curred by a municipality solely to support or manage a project eligible for assistance under ORS
30 285B.410 to 285B.482. "Direct project management costs" does not include routine or ongoing ex-
31 penses of the municipality.

32 (4) "Emergency project" means a development project resulting from an emergency as defined
33 in ORS 401.025, to which federal disaster relief has been committed.

34 (5) "Energy system" means a facility necessary for the distribution, transmission or generation
35 of energy, including but not limited to facilities powered by wind, solar energy or biofuel and facil-
36 ities for the collection, storage, transmission or distribution of a fuel, including natural gas, methane
37 or hydrogen.

38 (6) "Marine facility" means:

39 (a) A wharf, dock, freight handling or passenger facility;

40 (b) A navigation channel or structure, including a project funded under ORS 777.267; or

41 (c) Any other physical marine facility improvement.

42 (7) "Municipality" means an Oregon city or county, the Port of Portland created by ORS 778.010,
43 a [county] service district organized under ORS chapter 451, a district as defined in ORS 198.010, a
44 tribal council of a federally recognized Indian tribe in this state or an airport district organized
45 under ORS chapter 838.

- 1 (8) "Planning project" means:
- 2 (a) A project related to a potential development project for preliminary, final or construction
- 3 engineering;
- 4 (b) A survey, site investigation or environmental action;
- 5 (c) A financial, technical or other feasibility report, study or plan; or
- 6 (d) An activity that the department determines to be necessary or useful in planning for a po-
- 7 tential development project.
- 8 (9) "Project" means a development, planning or emergency project.
- 9 (10) "Railroad" means:
- 10 (a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;
- 11 (b) An industrial spur or related facility, including a depot, shop, maintenance building or other
- 12 building;
- 13 (c) A signal or traffic control system;
- 14 (d) A bridge or tunnel;
- 15 (e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or
- 16 transfer of freight, trailers or containers; or
- 17 (f) Any other physical railroad improvement.
- 18 (11) "Road" means a street, highway or thruway or a road-related structure that provides for
- 19 continuity of a right of way, including a bridge, tunnel, culvert or similar structure or other physical
- 20 road-related improvement.
- 21 (12) "Rural area" has the meaning given that term in ORS 285A.010.
- 22 (13) "Sewage system" means a facility necessary for collecting, pumping, treating or disposing
- 23 of sanitary sewage.
- 24 (14) "Solid waste disposal site" has the meaning given the term "disposal site" in ORS 459.005.
- 25 (15) "Storm water drainage system" means a facility necessary for collecting, controlling, con-
- 26 veying, treating or disposing of storm water runoff.
- 27 (16) "Telecommunications system" means equipment or a facility for the electronic transmission
- 28 of voice, data, text, image or video.
- 29 (17) "Transportation" means a system for movement of freight or passengers.
- 30 (18) "Utilities" means a solid waste disposal site or a water, sewage, storm water drainage, en-
- 31 ergy or telecommunications system.
- 32 (19) "Water system" means a facility for supplying, treating or protecting the quality of water
- 33 and transmitting water to a point of sale or to any public or private agency for domestic, municipal,
- 34 commercial or industrial use.

35 **SECTION 52.** ORS 294.326 is amended to read:

36 294.326. (1) Except as provided in subsections (3) to (11) of this section, it is unlawful for any

37 municipal corporation to expend money or to certify to the assessor an ad valorem tax rate or es-

38 timated amount of ad valorem taxes to be imposed in any year unless the municipal corporation has

39 complied with ORS 294.305 to 294.565.

40 (2) To the extent that any of subsections (3) to (11) of this section apply in a given case, the

41 municipal corporation need not comply with ORS 294.305 to 294.565.

42 (3) Subsection (1) of this section does not apply to the expenditure in the year of receipt of

43 grants, gifts, bequests or devises transferred to a municipal corporation in trust for specific purposes

44 or to other special purpose trust funds at the disposal of municipal corporations. However, sub-

45 section (1) of this section does apply to the expenditure of grants, gifts, bequests or devises trans-

1 ferred to a municipal corporation for undesignated general purposes or to the expenditure of grants,
2 gifts, bequests or devises transferred to a municipal corporation in trust for specific purposes which
3 were received in a prior year. Expenditure of grants, gifts, bequests and devises exempt from sub-
4 section (1) of this section by this subsection is lawful only after enactment by the governing body
5 of the municipal corporation of appropriation ordinances or resolutions authorizing the expenditure.

6 (4) Subsection (1) of this section does not apply whenever the governing body of a municipal
7 corporation has declared the existence of an unforeseen occurrence or condition which could not
8 have been foreseen at the time of the preparation of the budget for the current year or current
9 budget period or could not have foreseen a pressing necessity for the expenditure or has received
10 a request for services or facilities, the cost of which is supplied by a private individual, corporation
11 or company or by another governmental unit necessitating a greater expenditure of public money
12 for any specific purpose or purposes than the amount budgeted in order to provide the services for
13 which the governing body of the municipal corporation was responsible. The governing body may
14 make excess expenditures for the specific purpose or purposes beyond the amount budgeted and
15 appropriated to the extent that maintenance, repair or self-insurance reserves authorized by ORS
16 294.366 or nontax funds are available or may be made available. The expenditures are lawful only
17 after the enactment of appropriate appropriation ordinances or resolutions authorizing the expen-
18 ditures. The ordinance or resolution must state the need for the expenditure, the purpose for the
19 expenditure and the amount appropriated.

20 (5) Subsection (1) of this section does not apply to the expenditure during the current year or
21 current budget period of the proceeds of the sale of the following bonds or other obligations, or to
22 the expenditure during the current year or current budget period of other funds to pay debt service
23 on the following bonds or other obligations:

24 (a) Bonds that are issued under the Uniform Revenue Bond Act, ORS 288.805 to 288.945, for
25 which the referral period described in ORS 288.815 ended after the preparation of the budget of the
26 current year or current budget period;

27 (b) Bonds or other obligations that were approved by the electors during the current year or
28 current budget period; or

29 (c) Bonds or other obligations issued during the current year or current budget period to refund
30 previously issued bonds or obligations.

31 (6) Subsection (1) of this section does not apply to:

32 (a) Expenditures of funds received from the sale of conduit revenue bonds or other borrowings
33 issued for private business entities or nonprofit corporations by cities, counties, [county] service
34 districts, port districts, special districts, the Port of Portland or the State of Oregon or to pay debt
35 service on the bonds;

36 (b) Expenditures of funds that have been irrevocably placed in escrow for the purpose of
37 defeasing and paying bonds or other borrowings;

38 (c) Expenditures of assessments or other revenues to redeem bonds or other obligations that are
39 payable from the assessments or other revenues, when the assessments or other revenues are re-
40 ceived as a result of prepayments or other unforeseen circumstances; or

41 (d) Expenditures of funds that are held as debt service reserves for bonds or other borrowings
42 if the expenditures are made to:

43 (A) Pay debt service on the bonds or other borrowings;

44 (B) Redeem the bonds or other borrowings; or

45 (C) Fund an escrow or trust account to defease or pay the bonds or other borrowings.

1 (7) Subsection (1) of this section does not apply to expenditures of funds received from assess-
 2 ments against benefited property for local improvements as defined in ORS 223.001 to the extent that
 3 the cost of the improvements is to be paid by owners of benefited property.

4 (8) Subsection (1) of this section does not apply to the expenditure of funds accumulated to pay
 5 deferred employee compensation.

6 (9) Subsection (1) of this section does not apply to refunds or the interest on refunds granted
 7 by counties under ORS 311.806.

8 (10) Subsection (1) of this section does not apply to refunds received by a municipal corporation
 9 when purchased items are returned after an expenditure has been made. Expenditure of refunded
 10 amounts to which this subsection applies is lawful only after the governing body of the municipal
 11 corporation has enacted, after public hearing, appropriate appropriation ordinances or resolutions
 12 authorizing the expenditure.

13 (11) Subsection (1) of this section does not apply to a newly formed municipal corporation during
 14 the fiscal year in which it was formed. If a new municipal corporation is formed between March 1
 15 and June 30, subsection (1) of this section does not apply to the municipal corporation during the
 16 fiscal year immediately following the fiscal year in which it was formed.

17 **SECTION 53.** ORS 357.465 is amended to read:

18 357.465. (1) Each public library established under ORS 357.417 shall be governed by a library
 19 board unless some other method is specified in the charter, ordinance or resolution establishing the
 20 library.

21 (2) Upon resolution, ordinance or election pursuant to ORS 357.417, the governing body may
 22 appoint a library board. The library board of a city, county or [county] service district, as deter-
 23 mined by the governing body, shall consist of not less than five members nor more than 15 members.
 24 In the case of a school district or community college district, such board shall consist of five, seven
 25 or more members at the discretion of the governing body.

26 (3) If the board will consist of five members, one member shall initially hold office for one year,
 27 one for two years, one for three years and two for four years, from July 1 in the year of their ap-
 28 pointment. If the board will consist of seven members, one member shall initially hold office for one
 29 year, two for two years, two for three years, and two for four years, from July 1 in the year of their
 30 appointment. If the board will consist of six members or more than seven members, the members first
 31 appointed shall hold office for such terms as will achieve the staggered term base established for
 32 smaller boards by this section. Succeeding appointees shall hold office for a term of four years from
 33 July 1 in the year of their appointment. At the expiration of the term of any member of such board,
 34 the governing body shall appoint a new member or may reappoint a member for a term of four years.
 35 If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No
 36 person shall hold appointment as a member for more than two full consecutive terms, but any person
 37 may be appointed again to the board after an interval of one year.

38 **SECTION 54.** ORS 372.460 is amended to read:

39 372.460. (1) When the dissolution of a district is proposed, the board shall make findings of fact
 40 which shall include:

41 (a) The amount of each outstanding indebtedness, together with a general description thereof
 42 and the holders thereof, so far as known.

43 (b) The estimated cost of dissolution.

44 (c) The assets of the district.

45 (d) A detailed statement of all lands acquired by the district for delinquent taxes or delinquent

1 assessments and the amount of the taxes and assessments on each parcel of land sold.

2 (e) All taxes or assessments unpaid and the amount upon each lot or tract of land and all other
3 assets of the district.

4 (2) The board shall propose a plan of dissolution and liquidation which may include provision
5 for transfer and conveyance of all assets of the district to any [county] service district organized
6 under ORS chapter 451 which will assume all its outstanding indebtedness and undertake to con-
7 tinue to furnish service to the inhabitants of the district.

8 (3) The findings of fact and proposed plan of dissolution and liquidation shall be filed in the of-
9 fice of the county clerk of the county.

10 **SECTION 55.** ORS 372.480 is amended to read:

11 372.480. (1) After the hearing, if the county board determines it is in the best interest of the
12 district to dissolve, it shall grant the petition and enter an order dissolving the district or the
13 county board may deny the petition. If an order is entered dissolving the district, the district board
14 shall thereupon constitute a board of trustees to dispose of the property of the district and pay its
15 debts and obligations or procure releases thereof.

16 (2) If a [county] service district assumes all indebtedness of the highway lighting district and
17 undertakes to continue to furnish service to the inhabitants pursuant to the plan of dissolution and
18 liquidation, and if the consent of all the known holders of valid indebtedness against the district has
19 been obtained or provision has been made in the plan for payment of the nonassenting holders, the
20 board of trustees may convey to the [county] service district all assets of the highway lighting dis-
21 trict as described by the district board under ORS 372.460 after paying and discharging the debts
22 to, or procuring releases from, the nonassenting holders.

23 (3) Except as provided by subsection (2) of this section, any surplus funds remaining to the
24 credit of the district, after payment of the indebtedness of the district, shall be turned over to the
25 county treasurer to become a part of the general fund of the county. If the assets of the district are
26 insufficient to pay the indebtedness, the board of trustees shall levy taxes, within the limits of the
27 authority of the district, for the liquidation of such indebtedness.

28 (4) Upon completing liquidation of the highway lighting district, the board of trustees shall ex-
29 ecute, under oath, a signed statement that the district has been dissolved and its affairs liquidated,
30 which statement shall be filed in the office of the county clerk of the county.

31 **SECTION 56.** ORS 401.710 is amended to read:

32 401.710. As used in ORS 305.823 and 401.710 to 401.816, unless the context requires otherwise:

33 (1) "Account" means the Emergency Communications Account.

34 (2) "Central office" means a utility that houses the switching and trunking equipment serving
35 telephones in a defined area.

36 (3) "Department" means the Department of Revenue.

37 (4) "Emergency call" means a telephone request that results from a situation where prompt
38 service is essential to preserve human life or property.

39 (5) "Enhanced 9-1-1 telephone service" means 9-1-1 telephone service consisting of a network,
40 database and on-premises equipment that provides automatic display at the designated public safety
41 answering point of the address and telephone number at the time of receiving an incoming 9-1-1 call.

42 (6) "Exchange access services" means:

43 (a) Telephone exchange access lines or channels that provide local access by a subscriber in this
44 state to the local telecommunications network to effect the transfer of information; and

45 (b) Unless a separate tariff rate is charged therefor, any facility or service provided in con-

1 nection with the services described in paragraph (a) of this subsection.

2 (7) "Governing body" means the board of county commissioners of a county, city council of a
3 city, other governing body of a city or county, board of directors of a special district or a 9-1-1 ju-
4 risdiction.

5 (8) "Local government" has the meaning given that term in ORS 190.710.

6 (9) "Office" means the Office of Emergency Management of the Department of State Police.

7 (10) "Provider" means a utility or other vendor or supplier of telecommunications service or
8 equipment that provides telecommunications with access to the 9-1-1 emergency reporting system
9 through local exchange service, cellular service or other wired or wireless means.

10 (11) "Public or private safety agency" means any unit of state or local government, a special-
11 purpose district or a private firm that provides or has authority to provide fire-fighting, police, am-
12 bulance or emergency medical services.

13 (12) "Public safety answering point" means a 24-hour communications facility established as an
14 answering location for 9-1-1 calls originating within a given service area. A "primary public safety
15 answering point" receives all calls directly from the public. A "secondary public safety answering
16 point" only receives calls from a primary public safety answering point on a transfer or relay basis.

17 (13) "Subscriber" means a person who has telecommunication access to the 9-1-1 emergency re-
18 porting system through local exchange service, cellular service or other wired or wireless means.

19 (14) "TTY" means a telephone-typewriter used by a hearing or speech impaired person to com-
20 municate with another device or individual.

21 (15) "Utility" means a utility as defined in ORS 759.005, a telecommunications carrier as defined
22 in ORS 133.721 or a municipality or any provider of exchange access services.

23 (16) "Vendor" means any corporation, company, individual or association, providing telephone
24 customer premises equipment or equipment specific to the operation of enhanced 9-1-1 telephone
25 service.

26 (17) "9-1-1 emergency reporting system" means a telephone service that provides the users of a
27 public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.

28 (18) "9-1-1 jurisdiction" means an entity created under ORS chapter 190, a [county] service dis-
29 trict established under ORS chapter 451 to provide an emergency communications system, an emer-
30 gency communications district created under ORS 401.818 to 401.857 or a group of public or private
31 safety agencies who have agreed in writing to jointly plan the installation, maintenance, operation
32 or improvement of a 9-1-1 emergency reporting system.

33 (19) "9-1-1 service area" means the geographical area that contains the entire central office
34 serving area from which the primary public safety answering point will have the capability to an-
35 swer calls placed to 9-1-1.

36 **SECTION 57.** ORS 431.705 is amended to read:

37 431.705. As used in ORS 431.705 to 431.760, unless the context requires otherwise:

38 (1) "Affected territory" means an area that is the subject of a proceedings under ORS 431.705
39 to 431.760 where there is a danger to public health or an alleged danger to public health.

40 (2) "Boundary commission" means a local government boundary commission created under ORS
41 199.410 to 199.430, 199.435 to 199.464, 199.480 to 199.505 and 199.510.

42 (3) "Commission" means the Environmental Quality Commission.

43 (4) "Danger to public health" means a condition which is conducive to the propagation of
44 communicable or contagious disease-producing organisms and which presents a reasonably clear
45 possibility that the public generally is being exposed to disease-caused physical suffering or illness,

1 including a condition such as:

2 (a) Impure or inadequate domestic water.

3 (b) Inadequate installations for the disposal or treatment of sewage, garbage or other contam-
4 inated or putrefying waste.

5 (c) Inadequate improvements for drainage of surface water and other fluid substances.

6 (5) "Department" means the Department of Human Services.

7 (6) "Director" means the Director of Human Services.

8 (7) "District" means any one of the following:

9 (a) A metropolitan service district formed under ORS chapter 268.

10 (b) A [county] service district formed under ORS chapter 451.

11 (c) A sanitary district formed under ORS 450.005 to 450.245.

12 (d) A sanitary authority, water authority or joint water and sanitary authority formed under
13 ORS 450.600 to 450.989.

14 (e) A domestic water supply district formed under ORS chapter 264.

15 (8) "Requesting body" means the county court, or local or district board of health that makes
16 a request under ORS 431.715.

17 (9) "Service facilities" means water or sewer installations or works.

18 **SECTION 58.** ORS 447.091 is amended to read:

19 447.091. The Department of Consumer and Business Services or local government administering
20 the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary dis-
21 trict formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.600
22 to 450.989, or [county] service district established under ORS 451.410 to 451.610, contract for the
23 inspection of building sewers constructed to connect a district sewage system if inspectors employed
24 by such district are certified for sewer inspections under ORS 455.715 to 455.740.

25 **SECTION 59.** ORS 450.675 is amended to read:

26 450.675. Any portion of one or more counties, including both incorporated and unincorporated
27 areas as well as areas within domestic water supply districts, [county] service districts for water
28 supply works and other districts may be formed into a water authority under ORS 450.600 to 450.989.
29 Such areas need not be contiguous.

30 **SECTION 60.** ORS 454.105 is amended to read:

31 454.105. As used in ORS 454.105 to 454.175, unless the context requires otherwise:

32 (1) "Disposal system" means that term as defined in ORS 468B.005.

33 (2) "Municipality" means a city, county, [county] service district, sanitary authority or sanitary
34 district.

35 **SECTION 61.** ORS 454.205 is amended to read:

36 454.205. As used in ORS 454.205 to 454.255, "municipality" includes an incorporated city, a
37 metropolitan service district, a sanitary district, a sanitary authority, a [county] service district, or
38 any other special district authorized to treat and dispose of sewage.

39 **SECTION 62.** ORS 454.275 is amended to read:

40 454.275. As used in ORS 454.275 to 454.380:

41 (1) "Affected area" means an area subject to an order of the commission issued under ORS
42 454.305.

43 (2) "Commission" means the Environmental Quality Commission.

44 (3) "Governing body" means a board of commissioners, county court or other managing board
45 of a municipality.

1 (4) "Municipality" means a city, county, [county] service district, sanitary district, metropolitan
 2 service district or other special district authorized to treat or dispose of sewage in any county with
 3 a population exceeding 400,000 according to the latest federal decennial census.

4 (5) "Subsurface sewage disposal system" has the meaning given that term in ORS 454.605.

5 (6) "Threat to drinking water" means the existence in any area of any three of the following
 6 conditions:

7 (a) More than 50 percent of the affected area consists of rapidly draining soils;

8 (b) The ground water underlying the affected area is used or can be used for drinking water;

9 (c) More than 50 percent of the sewage in the affected area is discharged into cesspools, septic
 10 tanks or seepage pits and the sewage contains biological, chemical, physical or radiological agents
 11 that can make water unfit for human consumption; or

12 (d) Analysis of samples of ground water from wells producing water that may be used for human
 13 consumption in the affected area contains levels of one or more biological, chemical, physical or
 14 radiological contaminants which, if allowed to increase at historical rates, would produce a risk to
 15 human health as determined by the local health officer. Such contaminant levels must be in excess
 16 of 50 percent of the maximum allowable limits set in accordance with the Federal Safe Drinking
 17 Water Act.

18 (7) "Treatment works" has the meaning given that term in ORS 454.010.

19 **SECTION 63.** ORS 454.430 is amended to read:

20 454.430. As used in ORS 454.430 to 454.445:

21 (1) "Assessment" includes all costs, fees or other charges for the construction of or connection
 22 to sewage treatment works that are eligible for installment payments under ORS 223.205 to 223.775.

23 (2) "Commission" means the Environmental Quality Commission.

24 (3) "Department" means the Department of Environmental Quality.

25 (4) "Extreme financial hardship" has the meaning given within the assessment deferral programs
 26 adopted by public agencies and approved by the Department of Environmental Quality.

27 (5) "Public agency" means any state agency, incorporated city, county, sanitary authority,
 28 [county] service district, sanitary district, metropolitan service district or other special district au-
 29 thorized to construct water pollution control facilities.

30 (6) "Treatment works" means a sewage collection system.

31 **SECTION 64.** ORS 454.805 is amended to read:

32 454.805. (1) When a municipality requires property owners to connect their homes and multi-
 33 family dwellings to the sewer system of the municipality, the municipality may assess the installa-
 34 tion costs for which the municipality provides financing against the affected properties in the same
 35 manner that costs of local improvements are assessed against benefited properties. Such assessments
 36 shall have the same lien status and be foreclosable in the same manner as other assessments levied
 37 under ORS 223.005 to 223.105 and 223.205 to 223.930 or the charter of the municipality. If installa-
 38 tion costs are so assessed:

39 (a) The municipality shall make financing for the installation costs available to affected property
 40 owners;

41 (b) Affected property owners may apply to pay the assessments in installments as provided in
 42 ORS 223.205 to 223.314, but the municipality may impose a reasonable penalty for prepayment of
 43 assessment installments;

44 (c) The municipality may issue special assessment bonds to finance the installation costs pur-
 45 suant to ORS 223.235, but may sell such bonds at public or private sale in the same manner as port

1 district revenue bonds may be sold pursuant to ORS 777.575 (4); and

2 (d) The municipality may issue Bancroft bonds pursuant to ORS 223.205 to 223.314, but only for
3 installation costs for property within an area affected by an order of the Environmental Quality
4 Commission or any court.

5 (2) As used in this section:

6 (a) "Installation costs" means the costs of placing, installing and connecting sewer lines and
7 mains between a home or multifamily dwelling and the adjacent street sewer lines, drains or other
8 storm or sanitary sewer facilities of the municipality, and costs of providing financing for such
9 placement, installation and connection.

10 (b) "Municipality" means a city, county, [county] service district, sanitary authority or sanitary
11 district.

12 **SECTION 65.** ORS 468.423 is amended to read:

13 468.423. As used in ORS 468.423 to 468.440:

14 (1) "Fund" means the Water Pollution Control Revolving Fund established under ORS 468.427.

15 (2) "Public agency" means any state agency, incorporated city, county, sanitary authority,
16 federally recognized Indian tribal government, [county] service district, sanitary district, metropol-
17 itan service district or other special district authorized or required to construct water pollution
18 control facilities.

19 (3) "Treatment works" means:

20 (a) The devices and systems used in the storage, treatment, recycling and reclamation of mu-
21 nicipal sewage or industrial wastes of a liquid nature, necessary to recycle or reuse water at the
22 most economical cost over the estimated life of the works. "Treatment works" includes:

23 (A) Intercepting sewers, outfall sewers, sewage collection systems, pumping power and other
24 equipment, and any appurtenance, extension, improvement, remodeling, addition or alteration to the
25 equipment;

26 (B) Elements essential to provide a reliable recycled water supply including standby treatment
27 units and clear well facilities; and

28 (C) Any other acquisitions that will be an integral part of the treatment process or used for
29 ultimate disposal of residues resulting from such treatment, including but not limited to land used
30 to store treated waste water in land treatment systems prior to land application.

31 (b) Any other method or system for preventing, abating, reducing, storing, treating, separating
32 or disposing of municipal waste, storm water runoff, industrial waste or waste in combined storm
33 water and sanitary sewer systems.

34 (c) Any other facility that the Environmental Quality Commission determines a public agency
35 must construct or replace in order to abate or prevent surface or ground water pollution.

36 **SECTION 66.** ORS 811.720 is amended to read:

37 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
38 highway or upon premises open to the public resulting in injury or death to any person is subject
39 to the reporting requirements under the following sections:

40 (a) The reporting requirements for drivers under ORS 811.725.

41 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

42 (c) The reporting requirements for owners of vehicles under ORS 811.730.

43 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
44 upon premises open to the public resulting in damage to the property of any person in excess of
45 \$1,500 is subject to the following reporting requirements:

1 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
 2 manner specified under ORS 811.725.

3 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
 4 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

5 (c) If the property damage is to property other than a vehicle involved in the accident, each
 6 driver involved in the accident must report the accident in the manner specified under ORS 811.725
 7 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
 8 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

9 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 10 from the scene of the accident, each driver involved in the accident must report the accident in the
 11 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
 12 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
 13 ORS 811.730.

14 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 15 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 16 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 17 of the United States Department of Labor or its successor during the preceding 12-month period.
 18 The amount determined under this subsection shall be rounded to the nearest \$100.

19 (4) The following are exempt from the reporting requirements of this section:

20 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

21 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 22 enforcement official performing a lawful intervention technique or a law enforcement official and a
 23 person acting during the commission of a criminal offense. As used in this paragraph:

24 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
 25 laws of this state or a political subdivision of this state and who is employed or volunteers:

26 (i) As a peace officer commissioned by a city, port, school district, mass transit district, county
 27 or [county] service district authorized to provide law enforcement services under ORS 451.010;

28 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 29 Justice; or

30 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
 31 officer in this state.

32 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 33 tempts to cause, another motor vehicle to stop.

34 **SECTION 67.** ORS 824.040 is amended to read:

35 824.040. (1) The State of Oregon, a city, county, [county] service district, mass transit district
 36 organized under ORS 267.010 to 267.390, a transportation district organized under ORS 267.510 to
 37 267.650 or a port may acquire, own, reconstruct, rehabilitate, operate or maintain a railroad line for
 38 the benefit and use of its inhabitants and for profit.

39 (2) In the exercise of the power granted under subsection (1) of this section, this state, a city,
 40 county, [county] service district, mass transit district, transportation district or port may:

41 (a) Acquire, by purchase or otherwise, own, reconstruct, rehabilitate or operate a railroad as
 42 described in subsection (1) of this section within and outside its boundaries and the boundaries of
 43 this state and running from the city, county, district or port to other points within and outside its
 44 boundaries and the boundaries of this state.

45 (b) Acquire rights of way, easements or real property within and outside its boundaries and the

1 boundaries of this state when necessary or convenient for the acquisition and operation of the rail-
2 road line.

3 (c) Enter into contracts with any person for the reconstruction, rehabilitation, operation or
4 maintenance of the railroad line by such person for the city, county, district or port.

5 (3) Nothing in this section shall be construed as expanding or diminishing the power of eminent
6 domain conferred upon public bodies, designated in subsection (1) of this section, by ORS 368.116
7 or any other provision of law.

8 **SECTION 68.** ORS 459.005 is amended to read:

9 459.005. As used in ORS 459.005 to 459.437, 459.705 to 459.790 and 459A.005 to 459A.665:

10 (1) "Affected person" means a person or entity involved in the solid waste collection service
11 process including but not limited to a recycling collection service, disposal site permittee or owner,
12 city, county and metropolitan service district.

13 (2) "Board of county commissioners" or "board" includes a county court.

14 (3) "Collection service" means a service that provides for collection of solid waste or recyclable
15 material or both but does not include that part of a business operated under a certificate issued
16 under ORS 822.110.

17 (4) "Commercial" means stores, offices including manufacturing and industry offices, restaurants,
18 warehouses, schools, colleges, universities, hospitals and other nonmanufacturing entities, but does
19 not include other manufacturing activities or business, manufacturing or processing activities in
20 residential dwellings.

21 (5) "Commission" means the Environmental Quality Commission.

22 (6) "Compost" means the controlled biological decomposition of organic material or the product
23 resulting from such a process.

24 (7) "Department" means the Department of Environmental Quality.

25 (8)(a) "Disposal site" means land and facilities used for the disposal, handling or transfer of, or
26 energy recovery, material recovery and recycling from solid wastes, including but not limited to
27 dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping
28 or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste
29 delivered by the public or by a collection service, composting plants and land and facilities previ-
30 ously used for solid waste disposal at a land disposal site.

31 (b) "Disposal site" does not include:

32 (A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or
33 dispose of both hazardous waste and solid waste;

34 (B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

35 (C) A site used by the owner or person in control of the premises to dispose of soil, rock, con-
36 crete or other similar nondecomposable material, unless the site is used by the public either directly
37 or through a collection service; or

38 (D) A site operated by a dismantler issued a certificate under ORS 822.110.

39 (9) "Energy recovery" means recovery in which all or a part of the solid waste materials are
40 processed to use the heat content, or other forms of energy, of or from the material.

41 (10) "Franchise" includes a franchise, certificate, contract or license issued by a local govern-
42 ment unit authorizing a person to provide solid waste management services.

43 (11) "Hazardous waste" has the meaning given that term in ORS 466.005.

44 (12) "Household hazardous waste" means any discarded, useless or unwanted chemical, material,
45 substance or product that is or may be hazardous or toxic to the public or the environment and is

1 commonly used in or around households and is generated by the household. “Household hazardous
2 waste” may include but is not limited to some cleaners, solvents, pesticides and automotive and
3 paint products.

4 (13) “Land disposal site” means a disposal site in which the method of disposing of solid waste
5 is by landfill, dump, pit, pond or lagoon.

6 (14) “Landfill” means a facility for the disposal of solid waste involving the placement of solid
7 waste on or beneath the land surface.

8 (15) “Local government unit” means a city, county, metropolitan service district formed under
9 ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, [county]
10 service district formed under ORS chapter 451, regional air quality control authority formed under
11 ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible
12 for solid waste management.

13 (16) “Material recovery” means any process of obtaining from solid waste, by presegregation or
14 otherwise, materials that still have useful physical or chemical properties and can be reused or re-
15 cycled for some purpose.

16 (17) “Metropolitan service district” means a district organized under ORS chapter 268 and ex-
17 exercising solid waste authority granted to such district under this chapter and ORS chapters 268 and
18 459A.

19 (18) “Person” means the United States, the state or a public or private corporation, local gov-
20 ernment unit, public agency, individual, partnership, association, firm, trust, estate or any other le-
21 gal entity.

22 (19) “Recyclable material” means any material or group of materials that can be collected and
23 sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same
24 material.

25 (20) “Recycling” means any process by which solid waste materials are transformed into new
26 products in a manner that the original products may lose their identity.

27 (21) “Region” means the states of Idaho, Oregon and Washington and those counties in
28 California and Nevada that share a common border with Oregon.

29 (22) “Regional disposal site” means a disposal site that receives, or a proposed disposal site that
30 is designed to receive more than 75,000 tons of solid waste a year from outside the immediate ser-
31 vice area in which the disposal site is located. As used in this subsection, “immediate service
32 area” means the county boundary of all counties except a county that is within the boundary of the
33 metropolitan service district. For a county within the metropolitan service district, “immediate ser-
34 vice area” means the metropolitan service district boundary.

35 (23) “Reuse” means the return of a commodity into the economic stream for use in the same kind
36 of application as before without change in its identity.

37 (24) “Solid waste” means all useless or discarded putrescible and nonputrescible materials, in-
38 cluding but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, sep-
39 tic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial,
40 demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded
41 home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead
42 animals and infectious waste as defined in ORS 459.386. “Solid waste” does not include:

43 (a) Hazardous waste as defined in ORS 466.005.

44 (b) Materials used for fertilizer or for other productive purposes or which are salvageable as
45 such materials are used on land in agricultural operations and the growing or harvesting of crops

1 and the raising of animals.

2 (25) "Solid waste management" means prevention or reduction of solid waste, management of the
3 storage, collection, transportation, treatment, utilization, processing and final disposal of solid
4 waste, recycling, reuse and material or energy recovery from solid waste and facilities necessary
5 or convenient to such activities.

6 (26) "Source separate" means that the person who last uses recyclable material separates the
7 recyclable material from solid waste.

8 (27) "Transfer station" means a fixed or mobile facility other than a collection vehicle where
9 solid waste is deposited temporarily after being removed from the site of generation but before being
10 transported to a final disposal location.

11 (28) "Waste prevention" means to reduce the amount of solid waste generated or resources used,
12 without increasing toxicity, in the design, manufacture, purchase or use of products or packaging.
13 "Waste prevention" does not include reuse, recycling or composting.

14 (29) "Wasteshed" means an area of the state having a common solid waste disposal system or
15 designated by the commission as an appropriate area of the state within which to develop a common
16 recycling program.

17 (30) "Yard debris" includes grass clippings, leaves, hedge trimmings and similar vegetative waste
18 generated from residential property or landscaping activities, but does not include stumps or similar
19 bulky wood materials.

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