

# House Bill 2808

Sponsored by Representative THATCHER (at the request of Special Districts Association of Oregon) (Pre-session filed.)

## 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 organization of service district with elected board of directors in urbanized areas of unincorporated territory of counties. Requires service district to establish master plans to provide urban services unless service already provided to contiguous or overlapping territory by existing local service district. Authorizes service district, by majority vote of directors, to establish optional master plans and services.

## A BILL FOR AN ACT

1  
2 Relating to multipurpose service districts; creating new provisions; and amending ORS 174.116,  
3 181.610, 195.060, 198.180, 198.360, 198.510, 198.705, 198.792, 198.805, 198.810, 198.813, 198.815,  
4 198.835, 198.885, 198.890, 198.930, 198.940, 199.420, 199.457, 199.476, 199.480, 199.512, 221.031,  
5 222.510, 222.850, 255.012, 271.715, 271.725, 271.735, 271.775, 285A.010, 285B.410, 357.465, 372.460,  
6 372.480, 403.105, 431.705, 447.091, 450.675, 451.010, 451.140, 451.410, 451.485, 451.555, 451.568,  
7 451.573, 451.620, 454.105, 454.205, 454.275, 454.430, 454.805, 459.005, 468.423, 811.720 and 824.040.

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

9 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS 451.410**  
10 **to 451.610.**

11 **SECTION 2. (1) A service district may be organized under ORS 451.410 to 451.610 to serve**  
12 **urbanized areas in the unincorporated territory of counties, including but not limited to:**

13 (a) **Urban unincorporated communities;**

14 (b) **Rural unincorporated communities; or**

15 (c) **Unincorporated areas within an acknowledged urban growth boundary.**

16 (2) **Subject to section 3 of this 2011 Act, a service district organized under this section**  
17 **shall establish master plans under ORS 451.010 (6) for the purpose of providing urban ser-**  
18 **vices in the urbanized areas described in subsection (1) of this section.**

19 (3) **A board of directors elected within the territory of the service district shall serve as**  
20 **the governing body of a service district organized under this section and ORS chapter 198.**

21 (4) **A proposal to establish an elected board of directors for a service district described**  
22 **in subsection (1) of this section may be initiated:**

23 (a) **By a petition to form or change the organization of the service district; or**

24 (b) **For an existing service district, on the motion of the governing body of the county**  
25 **that is serving as the governing body of the service district.**

26 (5) **If a proposal to establish an elected board of directors is contained in a petition**  
27 **seeking formation of a service district described in subsection (1) of this section, the gov-**  
28 **erning body of a county may not:**

29 (a) **Modify the petition except on the basis of criteria set forth in ORS 198.805, as pro-**

**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 **vided in ORS 198.810; or**

2 **(b) Reject the petition except on the basis of criteria set forth in ORS 198.805, as provided**  
 3 **in ORS 198.810.**

4 **(6) If a proposal to establish an elected board of directors is contained in a petition**  
 5 **seeking a change of organization of a service district, the governing body of a county may**  
 6 **not modify or reject the proposal, except on the basis of criteria set forth in ORS 198.705 to**  
 7 **198.955. However, if the governing body does not reject the petition based on criteria set**  
 8 **forth in ORS 198.705 to 198.955, the governing body of a county shall either:**

9 **(a) Approve the proposal and order an election of the service district board of directors;**  
 10 **or**

11 **(b) Submit the question of whether to establish an elected board of directors to the**  
 12 **electors of the service district for a vote.**

13 **(7) The governing body of a service district elected pursuant to this section must be**  
 14 **composed of either five or seven directors, based upon the number of directors specified in**  
 15 **the petition for formation or change of organization of the service district or in the motion**  
 16 **of the governing body of the county.**

17 **(8) A director elected pursuant to this section shall hold office from July 1 next following**  
 18 **election.**

19 **(9) The term of office of a director elected pursuant to this section is four years. How-**  
 20 **ever, a director shall hold office until the election and qualification of a successor.**

21 **(10) The board of directors of a service district shall fill a vacancy on the board as pro-**  
 22 **vided in ORS 198.320.**

23 **(11) An elector residing within the service district is qualified to be a member of the**  
 24 **board of directors of the service district unless the elector is an employee of the service**  
 25 **district.**

26 **SECTION 3. (1) A service district organized under section 2 of this 2011 Act may not es-**  
 27 **tablish a master plan to provide services that are provided by a local service district, as de-**  
 28 **defined in ORS 174.116, within territory that is contiguous to or overlaps the territorial**  
 29 **jurisdiction of the service district.**

30 **(2) Notwithstanding ORS 451.435 (1) and 451.472 (1), a service district may establish op-**  
 31 **tional master plans described in ORS 451.010 (6)(b) by a majority vote of the governing body**  
 32 **of the service district.**

33 **SECTION 4. ORS 451.010 is amended to read:**

34 **451.010. (1) Master plans and service districts may be established as provided by this chapter**  
 35 **regarding:**

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

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

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

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

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

1 watercourses.

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

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

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

10 (i) Agricultural educational extension services.

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

12 (k) Library services.

13 (L) Roads.

14 (m) Emergency communications services, including a 9-1-1 emergency reporting system estab-  
 15 lished under ORS 403.115.

16 (n) Law enforcement services.

17 (o) Human services.

18 (p) Cemetery maintenance.

19 (q) Animal control.

20 (2) Within the geographical jurisdiction of any local government boundary commission estab-  
 21 lished by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection  
 22 (1) of this section, master plans and service districts may be established as provided by this chapter  
 23 regarding:

24 (a) Fire prevention and protection.

25 (b) Hospital and ambulance services.

26 (c) Vector control.

27 (d) Weather modification.

28 (3) Within the boundaries of any subdivision, service districts may be established as provided  
 29 by this chapter regarding:

30 (a) Fire prevention and protection.

31 (b) Security services provided by contract with an association of homeowners whose property  
 32 is located entirely within the boundaries of the service district, which services may include the  
 33 enforcement of the rules or regulations of the association dealing with public access to or the use  
 34 of the property of the association, routine patrolling and inspection of private areas located within  
 35 the jurisdiction of the association and matters of traffic and safety within such areas.

36 (c) Law enforcement services.

37 (d) Hospital and ambulance services.

38 (e) Vector control.

39 (f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

40 (4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS  
 41 92.010 or any contiguous group of such subdivisions that:

42 (a) Is a planned community within the meaning of ORS 94.550 without regard to whether such  
 43 subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

44 (b) Is located entirely within an unincorporated area and is everywhere separated by a distance  
 45 of five miles or more from an urban growth boundary described in an acknowledged comprehensive

1 plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS  
2 268.390 (3); and

3 (c) Prior to the establishment of a service district under subsection (3) of this section, is desig-  
4 nated a subdivision for purposes of this subsection by the governing body of the county in which the  
5 subdivision or group of subdivisions is located.

6 (5) Within the boundaries of Washington County, master plans and service districts may be es-  
7 tablished as provided by this chapter regarding water resource management services that affect the  
8 quality and quantity of water within a single watershed, basin or planning area. As used in this  
9 subsection, “water resource management services” means:

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

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

17 **(6) Within the territorial jurisdiction of a service district organized under section 2 of  
18 this 2011 Act, the service district:**

19 **(a) Shall establish, except as provided in section 3 of this 2011 Act, a master plan to  
20 provide the following urban services:**

21 **(A) Sanitary sewers;**

22 **(B) Water;**

23 **(C) Fire protection;**

24 **(D) Parks;**

25 **(E) Open space;**

26 **(F) Recreation; and**

27 **(G) Streets, roads and mass transit.**

28 **(b) May establish, as provided in section 3 of this 2011 Act, optional master plans de-  
29 scribed in subsection (1) of this section.**

30 **SECTION 5.** ORS 451.410 is amended to read:

31 451.410. As used in ORS 451.410 to 451.610, unless the context indicates otherwise:

32 (1) “Change of organization” [*has*] **means, in addition to the meaning given that term in ORS  
33 198.705, a change in the services that the service district is authorized to construct, maintain  
34 and operate under ORS 451.472 or a change in the governance structure of an existing service  
35 district pursuant to section 2 of this 2011 Act.**

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

37 (3) “County court” includes the board of county commissioners.

38 (4) “District” means a [*county*] service district established under ORS 451.410 to 451.610 to pro-  
39 vide service facilities in a county or counties.

40 (5) “Formation” has the meaning given that term in ORS 198.705.

41 (6) “Owner” means the record owner of real property or the holder of a duly recorded contract  
42 for purchase of real property within the district.

43 **(7) “Rural unincorporated community” has the meaning given that term in ORS 221.034.**

44 **[(7)] (8) “Service facilities” means public [service installations, works or services provided within  
45 a county or counties for any or all of the purposes specified in ORS 451.010.**

1       **(9) “Urban unincorporated community” means an unincorporated community that:**

2       **(a) Includes at least 150 permanent residential dwelling units;**

3       **(b) Contains a mixture of land uses, including three or more public, commercial or in-**  
 4 **dustrial land uses;**

5       **(c) Includes areas served by a community sewer system; and**

6       **(d) Includes areas served by a community water system.**

7       **SECTION 6.** ORS 451.485 is amended to read:

8       451.485. **(1) Except as provided in section 2 of this 2011 Act,** the county court shall be the  
 9 governing body of a [*county*] service district established under ORS 451.410 to 451.610.

10       **(2)** A district shall be known by the name or number specified in the order declaring its for-  
 11 mation and by that name shall exercise and carry out the powers and duties conferred and declared  
 12 in this chapter.

13       **(3)** Before proceeding to construct or provide any service facilities authorized by this chapter,  
 14 the governing body of the district shall make an order:

15       **[(1)] (a)** Determining the service facilities to be constructed, maintained and operated and the  
 16 part of the work to be undertaken immediately.

17       **[(2)] (b)** Determining the manner of financing the construction, maintenance and operation of the  
 18 service facilities.

19       **[(3)] (c)** Determining the method by which the district shall bear the share of the cost of con-  
 20 struction of the service facilities that is to be apportioned to the district.

21       **[(4)] (d)** Where it appears that any service facilities to be constructed will provide service to  
 22 areas outside the district at some future date, determining the equitable and fair share of the cost  
 23 of construction of such facilities that should be borne by such areas, which share shall be borne by  
 24 the revolving fund established under ORS 451.540, by funds obtained by the county under ORS  
 25 280.055 or by any other method of financing described by ORS 451.490 until such areas are served  
 26 by the facilities.

27       **[(5)] (e)** [*Where*] **If** the service facilities of the district are to be integrated into other service  
 28 facilities constructed or being constructed by another district or by other public bodies as defined  
 29 in ORS 174.109, determining the fair and equitable amount the district should assume as its share  
 30 of the construction of such other service facilities, which amount shall be paid to the other district  
 31 or public body upon terms and conditions to which the governing body of the district has agreed.

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

37       **[(7)] (g)** If any of the cost of the work is to be assessed against benefited property, describing  
 38 portions of the district, if any, within which service facilities will not be financed by assessment.

39       **SECTION 7.** ORS 451.140 is amended to read:

40       451.140. In carrying out the powers granted to the county court under ORS 451.110 to 451.140,  
 41 the county court may:

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

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

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

6 (4) Levy and collect taxes for the purpose of providing funds to prepare and enforce coordinated  
 7 master plans as provided in ORS 451.120 and 451.130.

8 (5) Expend funds for [such] surveys, investigations and studies [as may be] necessary for the  
 9 preparation and enforcement of [such] master plans.

10 **SECTION 8.** ORS 451.555 is amended to read:

11 451.555. (1) [County] Service districts for the purpose of providing comprehensive planning for  
 12 land use and public facilities for a district in the county may be formed in the manner provided by  
 13 ORS 451.410 to 451.610 for establishing [county] service districts for other purposes.

14 (2) A district formed to provide comprehensive planning may, in accordance with ORS chapter  
 15 215, adopt comprehensive plans for land use and public facilities within the district. The district  
 16 [shall be] is subject to ORS 451.120 to 451.140, 451.485 and 451.550 to 451.560. The activities of the  
 17 district may be financed by any method authorized by ORS 451.490 and 451.520 to 451.547. Plans  
 18 adopted by the district may be enforced as provided by ORS 451.130.

19 (3) The district governing body shall appoint an advisory committee of not less than 11 members  
 20 who are electors resident in the district or owners of land in the district. The committee shall advise  
 21 the governing body in carrying out the provisions of this section. It shall meet with the governing  
 22 body at the times and places determined by the committee and governing body jointly.

23 **SECTION 9.** ORS 451.568 is amended to read:

24 451.568. Public transportation facilities and services provided by, or pursuant to a contract with,  
 25 a [county] service district created for the purpose of public transportation are exempt from the  
 26 provisions of ORS chapter 825.

27 **SECTION 10.** ORS 451.573 is amended to read:

28 451.573. As used in ORS 451.573 to 451.577:

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

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

- 32 (a) A drainage district organized under ORS chapter 547.
- 33 (b) A park and recreation district organized under ORS chapter 266.
- 34 (c) A highway lighting district organized under ORS chapter 372.
- 35 (d) A sanitary district organized under ORS chapter 450.
- 36 (e) A diking district organized under ORS chapter 551.
- 37 (f) A special road district organized under ORS 371.305 to 371.360.
- 38 (g) A road assessment district organized under ORS 371.405 to 371.535.

39 (3) "Special district" also means one of the following, if the special district is within the ge-  
 40 ographical jurisdiction of a local government boundary commission formed by or pursuant to ORS  
 41 199.410 to 199.519:

- 42 (a) A domestic water supply district organized under ORS chapter 264.
- 43 (b) A cemetery maintenance district organized under ORS chapter 265.
- 44 (c) A health district organized under ORS 440.305 to 440.410.
- 45 (d) A vector control district organized under ORS 452.020 to 452.170.

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

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

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

4 **SECTION 11.** ORS 451.620 is amended to read:

5 451.620. (1) If a [county] service district is formed subject to a provision specifying a fiscal year  
6 for dissolution of the district, the board of directors shall, no later than 45 days after the start of  
7 that fiscal year, make the findings required by ORS 198.925 and adopt a plan of liquidation and  
8 dissolution providing for payment of nonassenting creditors, unless the board adopts an order as  
9 specified in subsection (2) of this section. Dissolution [shall be] **is** effective as of the end of the fiscal  
10 year. Dissolution [shall be] **is** governed by ORS 198.945 to 198.955.

11 (2) The district board may order that the district continue only if, after a public hearing, it de-  
12 termines that there is a public need for continued existence of the district because:

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

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

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

22 (4) An order continuing the district [shall] **must** specify a fiscal year, not later than the 10th  
23 fiscal year after the date of the order, in which the district [shall] **must** dissolve unless another  
24 determination of public need for continued existence occurs.

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

28 **SECTION 12.** ORS 174.116 is amended to read:

29 174.116. (1)(a) Subject to ORS 174.108, as used in the statutes of this state “local government”  
30 means all cities, counties and local service districts located in this state, and all administrative  
31 subdivisions of those cities, counties and local service districts.

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

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

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

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

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

43 (a) An economic improvement district created under ORS 223.112 to 223.132 or 223.141 to  
44 223.161.

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

- 1 (c) A domestic water supply district organized under ORS chapter 264.
- 2 (d) A cemetery maintenance district organized under ORS chapter 265.
- 3 (e) A park and recreation district organized under ORS chapter 266.
- 4 (f) A mass transit district organized under ORS 267.010 to 267.390.
- 5 (g) A transportation district organized under ORS 267.510 to 267.650.
- 6 (h) A metropolitan service district organized under ORS chapter 268.
- 7 (i) A translator district organized under ORS 354.605 to 354.715.
- 8 (j) A library district organized under ORS 357.216 to 357.286.
- 9 (k) A county road district organized under ORS 371.055 to 371.110.
- 10 (L) A special road district organized under ORS 371.305 to 371.360.
- 11 (m) A road assessment district organized under ORS 371.405 to 371.535.
- 12 (n) A highway lighting district organized under ORS chapter 372.
- 13 (o) A 9-1-1 communications district organized under ORS 403.300 to 403.380.
- 14 (p) A health district organized under ORS 440.305 to 440.410.
- 15 (q) A sanitary district organized under ORS 450.005 to 450.245.
- 16 (r) A sanitary authority, water authority or joint water and sanitary authority organized under
- 17 ORS 450.600 to 450.989.
- 18 (s) A [county] service district organized under ORS chapter 451.
- 19 (t) A vector control district organized under ORS 452.020 to 452.170.
- 20 (u) A rural fire protection district organized under ORS chapter 478.
- 21 (v) A geothermal heating district organized under ORS chapter 523.
- 22 (w) An irrigation district organized under ORS chapter 545.
- 23 (x) A drainage district organized under ORS chapter 547.
- 24 (y) A diking district organized under ORS chapter 551.
- 25 (z) A water improvement district organized under ORS chapter 552.
- 26 (aa) A water control district organized under ORS chapter 553.
- 27 (bb) A district improvement company or a district improvement corporation organized under
- 28 ORS chapter 554.
- 29 (cc) A weather modification district organized under ORS 558.200 to 558.440.
- 30 (dd) A fair district formed under ORS chapter 565.
- 31 (ee) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900
- 32 to 568.933.
- 33 (ff) A weed control district organized under ORS 569.350 to 569.450.
- 34 (gg) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- 35 (hh) The Port of Portland created under ORS 778.010.
- 36 (ii) An airport district established under ORS chapter 838.
- 37 (jj) A heritage district organized under ORS 358.442 to 358.474.
- 38 (kk) A radio and data district organized under ORS 403.500 to 403.542.
- 39 **SECTION 13.** ORS 181.610 is amended to read:
- 40 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:
- 41 (1) "Abuse" has the meaning given the term in ORS 107.705.
- 42 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
- 43 ORS 181.620.
- 44 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
- 45 enforcement unit, has received training necessary for certification and has met the minimum stan-



1 dards and training requirements established under ORS 181.640.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (B) A district attorney's office; and

39 (C) A private, nonprofit animal care agency that has maintained an animal welfare investigation  
 40 department for at least five years and has had officers commissioned as special agents by the Gov-  
 41 ernor.

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

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

45 (A) Community protection by controlling, investigating, supervising and providing or making

1 referrals to reformative services for adult parolees or probationers or offenders on post-prison  
 2 supervision; or

3 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-  
 4 bation; or

5 (b) Any officer who:

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

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

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

10 (i) Community protection by controlling, investigating, supervising and providing or making re-  
 11 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-  
 12 vision; or

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

15 (14) "Police officer" means an officer, member or employee of a law enforcement unit who is  
 16 employed full-time as a peace officer commissioned by a city, port, school district, mass transit dis-  
 17 trict, county, [county] service district authorized to provide law enforcement services under ORS  
 18 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon  
 19 State Lottery Commission or the Governor or who is a member of the Department of State Police  
 20 and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating  
 21 to airport security or is an investigator of a district attorney's office if the investigator is or has  
 22 been certified as a peace officer in this or any other state.

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

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

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

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

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

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

38 (18) "Telecommunicator" means any person employed as an emergency telephone worker as de-  
 39 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
 40 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
 41 defined in ORS 403.105.

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

45 **SECTION 14.** ORS 195.060 is amended to read:

1 195.060. As used in ORS 195.020, 195.065 to 195.085 and 197.005, unless the context requires  
2 otherwise:

3 (1) “District” [has] **means, in addition to** the meaning given that term in ORS 198.010[. *In ad-*  
4 *dition, the term includes a county*], **a** service district organized under ORS chapter 451.

5 (2) “Urban growth boundary” means an acknowledged urban growth boundary contained in a  
6 city or county comprehensive plan or an acknowledged urban growth boundary that has been  
7 adopted by a metropolitan service district council under ORS 268.390 (3).

8 (3) “Urban service” has the meaning given that term in ORS 195.065.

9 **SECTION 15.** ORS 198.180 is amended to read:

10 198.180. As used in ORS 198.190, unless the context requires otherwise, “district” [has] **means,**  
11 **in addition to** the meaning given that term by ORS 198.010 (2) to (5), (7) to (23) and (25)[. *In ad-*  
12 *dition, “district” means any*], one of the following:

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

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

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

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

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

20 **SECTION 16.** ORS 198.360 is amended to read:

21 198.360. (1) After the hearing, if the county board finds that the district is in fact operating as  
22 an active district, or that there is need for the district, the board shall continue the hearing until  
23 the reports required under ORS 294.555 and 297.405 to 297.555 are properly filed. When the county  
24 board finds that the reports have been filed, it may:

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

26 (b) If the functions of the district could be performed by a [county] service district, continue the  
27 hearing and initiate proceedings to incorporate or annex the area within the district in a [county]  
28 service district organized under ORS 451.410 to 451.610.

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

32 **SECTION 17.** ORS 198.510 is amended to read:

33 198.510. As used in ORS 198.510 to 198.600, unless the context requires otherwise:

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

36 (2) “County board” means the board of county commissioners or the county court of the county.

37 (3) “County clerk” means the county clerk of the county.

38 (4) “District” [has] **means, in addition to** the meaning given that term in ORS 198.010 (2), (4),  
39 (5), (11), (12), (14), (17), (19), (20) to (23), (25) and (26)[. *In addition, “district” means any*], one of the  
40 following:

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

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

43 (5) “District board” means the governing body of a district and the term includes a county board  
44 that is in the governing body of a district.

45 (6) “Presiding officer” means the chairperson, president or other person performing the office

1 of presiding officer of the district board.

2 (7) “Principal Act” means the law, other than ORS 198.510 to 198.600, applicable to a district.

3 **SECTION 18.** ORS 198.705 is amended to read:

4 198.705. As used in ORS 198.705 to 198.955, unless the context requires otherwise:

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

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

10 (3) “Annexation” includes the attachment or addition of territory to, or inclusion of territory in,  
11 an existing district.

12 (4) “Change of organization” means the annexation or withdrawal of territory to or from a dis-  
13 trict, the merger or consolidation of districts or the dissolution of a district.

14 (5) “Consolidation” means the uniting or joining of two or more districts into a single new suc-  
15 cessor district.

16 (6) “County board” means the county court or board of county commissioners of the principal  
17 county.

18 (7) “Dissolution” includes disincorporation, extinguishment or termination of the existence of a  
19 district and the cessation of all its corporate powers, except for the purpose of winding up the af-  
20 fairs of the district.

21 (8) “District” [*has*] **means, in addition to** the meaning given that term in ORS 198.010 (2) to (4),  
22 (6) to (14), (17) to (23) and (25)[. *In addition, “district” means any*], one of the following:

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

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

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

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

27 (9) “District board” means the governing board of a district.

28 (10) “Formation” includes incorporation, organization or creation of a district.

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

32 (12) “Landowner” or “owner of land” means any person shown as the owner of land on the last  
33 assessment roll. However, if the person no longer holds the title to the property, then the terms  
34 mean any person entitled to be shown as owner of land on the next assessment roll, or, when land  
35 is subject to a written agreement of sale, the terms mean any person shown in the agreement as  
36 purchaser to the exclusion of the seller. “Landowner” or “owner of land” includes any public  
37 agency owning land.

38 (13) “Legal representative” means:

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

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

44 (14) “Merger” means the extinguishment, termination and cessation of the existence of one or  
45 more districts by uniting with and being absorbed into another district.

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

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

5 (17) "Principal county" or "county" means the county in which the district, or the greater por-  
6 tion of the assessed value of all taxable property in the district, as shown by the most recent as-  
7 sessment roll of the counties, is located at the time proceedings are initiated to form a district, but  
8 for any district formed prior to and existing on September 9, 1971, "principal county" or "county"  
9 means the county in which the district, or the greater portion of the value of all taxable property  
10 in the district, as shown by the most recent assessment roll of the counties, was located on Sep-  
11 tember 9, 1971.

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

14 (19) "Uninhabited territory" means territory within which there reside less than 12 electors who  
15 were residents within the territory 30 days prior to the date a proceeding is commenced under ORS  
16 198.705 to 198.955.

17 (20) "Withdrawal" includes the detachment, disconnection or exclusion of territory from an ex-  
18 isting district.

19 **SECTION 19.** ORS 198.792 is amended to read:

20 198.792. (1) Proceedings may be initiated by the county board or any other public agency in  
21 accordance with ORS 431.705 to 431.760:

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

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

25 (2) The findings of the Director of the Oregon Health Authority when filed with the county  
26 board in accordance with ORS 431.735 or 431.750 shall be considered a petition for the purposes of  
27 ORS 198.705 to 198.955. The county board of the principal county shall conduct proceedings in ac-  
28 cordance with the findings and order of the director and with ORS 198.705 to 198.955.

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

35 **SECTION 20.** ORS 198.805 is amended to read:

36 198.805. (1) At the time stated in the notice, the county board shall hear the petition and de-  
37 termine, in accordance with the criteria prescribed by ORS 199.462, whether the area could be  
38 benefited by the formation of the district. The county board may adjourn the hearing from time to  
39 time, but not exceeding four weeks in all unless additional notice is given. The county board may  
40 alter the boundaries set forth in the petition to either include or exclude territory. The board may  
41 not modify the boundaries to:

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

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

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

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

13 **SECTION 21.** ORS 198.810 is amended to read:

14 198.810. (1) The county board shall approve, modify or reject a petition for formation using only  
 15 the criteria set forth in ORS 198.805.

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

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

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

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

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

40 (5) Notwithstanding subsection (3) of this section and ORS 198.815, an order of a boundary  
 41 commission authorizing a [county] service district established to provide sewage works to also pro-  
 42 vide drainage works shall be effective upon the filing of the order with the county board. The order  
 43 of the boundary commission is subject to referendum by the electors of the [county] service district  
 44 in the manner provided for district measures under ORS 255.135 to 255.205. If the order of a  
 45 boundary commission is referred to the electors, the order does not take effect until the order is

1 approved by a majority of the votes cast on the question and the results of the election are certified.  
2 The question in the ballot title for a measure referred under this subsection shall be worded so that  
3 an affirmative response to the question corresponds to a vote in favor of authorizing the [county]  
4 service district to provide drainage works.

5 **SECTION 22.** ORS 198.813 is amended to read:

6 198.813. (1) Notwithstanding ORS 198.810 (3), an order of the county board that approves a pe-  
7 tition for formation of a [county] service district within Washington County to provide water re-  
8 source management services or ancillary activities may be referred to the electors in the proposed  
9 district. An election on the question of forming the district shall be held as provided in ORS 198.815.  
10 If an election is called, the order shall not become effective until the order is approved by a majority  
11 of the votes cast on the question and the results of the election are certified. The question in the  
12 ballot title for a measure referred under this subsection shall be worded so that an affirmative re-  
13 sponse to the question corresponds to a vote in favor of authorizing the formation of a [county]  
14 service district to provide water resource management services and ancillary activities.

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

23 **SECTION 23.** ORS 198.815, as amended by section 11, chapter 29, Oregon Laws 2010, is  
24 amended to read:

25 198.815. (1) If the required number of written requests for an election are filed with the county  
26 board on or before the date of the final hearing or if the petition for formation includes a permanent  
27 rate limit for operating taxes for the proposed district, the board shall provide by order for the  
28 holding of an election to submit to the electors the question of forming the district. The board shall  
29 cause notice of the election to be published by two insertions. If requests for an election are filed  
30 by less than the required number of persons and no permanent rate limit for operating taxes is in-  
31 cluded in the petition, the county board shall dismiss the requests and enter an order creating the  
32 district.

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

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

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

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

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

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

8 (5) When the proposal for formation includes a permanent rate limit for the proposed district,  
 9 the district shall be authorized to impose operating taxes not in excess of the permanent rate limit  
 10 if the proposal is approved by a majority of the votes cast and:

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

12 (b) The election is held in May or November of any year.

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

17 **SECTION 24.** ORS 198.835 is amended to read:

18 198.835. (1) The county board may initiate the formation of a district, to be located entirely  
 19 within the county, by an order setting forth:

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

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

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

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

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

31 (4) A county board that also serves as the governing body of a [county] service district estab-  
 32 lished to provide sewage works may initiate a proceeding to authorize that [county] service district  
 33 to also provide drainage works by adopting an order setting forth the information specified in sub-  
 34 section (1) of this section. The order must be accompanied by resolutions consenting to the addi-  
 35 tional function that are adopted by the governing bodies of not less than 70 percent of the cities  
 36 located within the boundaries of the [county] service district.

37 **SECTION 25.** ORS 198.885 is amended to read:

38 198.885. (1) One district or more may merge with another district if the merger is approved by  
 39 the electors as provided by ORS 198.895 to 198.915 or if it is approved by a local government  
 40 boundary commission as provided by ORS 199.480 (1)(c). The districts included in the merger shall  
 41 be considered annexed by and absorbed into the surviving district.

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

45 (a) Succeed to all the property, contracts, rights and powers of the merging districts, and shall



1 constitute and be a regularly organized district as if originally organized in the manner provided  
 2 by the principal Act and ORS 198.705 to 198.955;

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

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

8 (3) Districts providing potable water for domestic consumption, sanitary sewer or surface water  
 9 quality and quantity purposes under separate principal Acts may merge as provided in this section.  
 10 The district designated as the surviving district shall have all powers held by the other district  
 11 under the principal Act of the other district.

12 (4) A [county] service district may merge with another district providing different or similar  
 13 services as provided in subsection (3) of this section. When the [county] service district is not the  
 14 surviving district, the merging entities shall enter into an agreement concerning elected represen-  
 15 tation on the board of the surviving district. The agreement shall provide that no fewer than two  
 16 members of the board of the surviving district shall be appointed by the board of county commis-  
 17 sioners, acting as the governing body of the [county] service district, to serve until replaced by in-  
 18 dividuals elected to the office at the next regular district election.

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

- 24 (a) Obtain consent for the merger from the city prior to calling an election; or
- 25 (b) Comply with the formation process set forth in ORS 450.600.

26 **SECTION 26.** ORS 198.890 is amended to read:

27 198.890. (1) Two or more districts may consolidate and form a new district if the consolidation  
 28 is approved by the electors as provided by ORS 198.895 to 198.915 or if it is approved by a local  
 29 government boundary commission as provided by ORS 199.480 (1)(c). The districts included in the  
 30 consolidation shall be considered joined into a single new district.

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

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

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

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

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

1 tricts.

2 (4) A [county] service district may consolidate with another district providing different or similar  
 3 services as provided in subsection (3) of this section. The consolidating entities shall enter into an  
 4 agreement that shall be binding on the successor district concerning elected representation on the  
 5 board of the successor district. The agreement shall provide that no fewer than two members of the  
 6 board of the successor district shall be appointed by the board of county commissioners, acting as  
 7 the governing body of the [county] service district, to serve until replaced by individuals elected to  
 8 the office at the next regular district election.

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

- 15 (a) Obtain consent for the consolidation from the city prior to calling an election; or
- 16 (b) Comply with the formation procedures set forth in ORS 450.600.

17 **SECTION 27.** ORS 198.930 is amended to read:

18 198.930. The plan of dissolution and liquidation may include provision for transfer and  
 19 conveyance of all assets of the district to any other district or, in the case of a [county] service  
 20 district, to the county in which the district is located, which has the authority to and agrees to  
 21 assume the outstanding indebtedness of the dissolving district, if any, and to continue to furnish  
 22 similar services to the inhabitants of the district.

23 **SECTION 28.** ORS 198.940 is amended to read:

24 198.940. The election required by ORS 198.935 shall be dispensed with and the county board  
 25 shall declare the district dissolved and proceed in accordance with ORS 198.945, if the county board  
 26 finds that dissolution is in the interest of the people of the county and:

- 27 (1) The territory within the affected district is uninhabited;
- 28 (2) The district has failed regularly to elect district board members in accordance with the  
 29 principal Act of the district;
- 30 (3) For a [county] service district, dissolution is required due to an absence of public need for  
 31 continuation of the district, as provided in ORS 451.620; or
- 32 (4) For a [county] service district, the district is no longer necessary for the purpose for which  
 33 it was formed.

34 **SECTION 29.** ORS 199.420 is amended to read:

35 199.420. As used in ORS 199.410 to 199.534, unless the context requires otherwise, “district”  
 36 means one of the following:

- 37 (1) Domestic water supply district organized under ORS chapter 264.
- 38 (2) Park and recreation district organized under ORS chapter 266.
- 39 (3) Metropolitan service district organized under ORS chapter 268.
- 40 (4) Highway lighting district organized under ORS chapter 372.
- 41 (5) Sanitary district organized under ORS 450.005 to 450.245.
- 42 (6) Sanitary authority, water authority or joint water and sanitary authority organized under  
 43 ORS 450.600 to 450.989.
- 44 (7) [County] Service district organized under ORS chapter 451.
- 45 (8) Vector control district organized under ORS 452.020 to 452.170.

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

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

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

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

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

7 (14) Heritage district organized under ORS 358.442 to 358.474.

8 **SECTION 30.** ORS 199.457 is amended to read:

9 199.457. (1) Any county located within the jurisdiction of a boundary commission may levy taxes  
10 and expend funds for the purposes of ORS 199.410 to 199.534.

11 (2) A boundary commission may accept any funds, property or services, or the use of any prop-  
12 erty donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to  
13 199.534.

14 (3) A boundary commission, with the approval of the advisory committee appointed under ORS  
15 199.450, may establish and collect reasonable service charges from persons, cities, the county or  
16 counties and special districts within its jurisdiction to defray the costs of operating the commission  
17 and carrying out the purposes of ORS 199.410 to 199.534. Such charges shall include, but not be  
18 limited to, fees for filing a petition or resolution for a boundary change with the commission.

19 (4) In addition to any service charges established under subsection (3) of this section, a bound-  
20 ary commission may determine it is necessary to charge cities and counties within its jurisdiction  
21 for services and activities carried out under ORS 199.410 to 199.534. If the commission determines  
22 that it is necessary to charge cities and counties within its jurisdiction for any fiscal year, the  
23 commission shall determine, with the approval of the advisory committee appointed under ORS  
24 199.450, the total amount to be charged and shall assess each city and county with the portion of  
25 the total amount as the population of the portion of the city or county within the jurisdiction of the  
26 commission bears to the total population of the area within the jurisdiction of the commission. For  
27 the purposes of this subsection, the population of a county does not include the population of any  
28 city situated within the boundaries of that county.

29 (5) In addition to any service charges, established under subsection (3) of this section, a bound-  
30 ary commission may determine it is necessary to charge districts within its jurisdiction for services  
31 and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is  
32 necessary to charge districts within its jurisdiction for any fiscal year, the commission shall deter-  
33 mine, with the approval of the advisory committee appointed under ORS 199.450, the total amount  
34 to be charged and shall assess each district with the portion of the total amount as the assessed  
35 valuation of the district within the jurisdiction of the commission bears to the total assessed valu-  
36 ation of all districts within the jurisdiction of the commission. However, assessments shall not be  
37 made by a boundary commission under this subsection against a highway lighting district organized  
38 under ORS chapter 372, a vector control district organized under ORS chapter 452 or a [county]  
39 service district organized under ORS chapter 451 for the purpose of providing street lighting works  
40 or vector control.

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

45 (7) The decision of the commission to assess the cities, counties and districts within its juris-

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

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

12 **SECTION 31.** ORS 199.476 is amended to read:

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

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

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

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

37 (5) A determination by the board of directors of a [county] service district **organized under**  
 38 **ORS 451.410 to 451.610** that there is a public need for the continued existence of the district shall  
 39 be reviewed as provided in this section.

40 **SECTION 32.** ORS 199.480 is amended to read:

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

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

1 final order on a petition:

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

4 (b) An election on the proposed change, if required under the principal Act, shall be held on the  
5 next appropriate election date authorized under the principal Act or under ORS 203.085, 221.230 or  
6 255.345.

7 (c) The final order, in a proceeding to merge or to consolidate districts or to dissolve a district  
8 and transfer its functions, assets and liabilities to a [county] service district **organized under ORS**  
9 **451.410 to 451.610**, shall conclude the proceeding for all purposes; and the merger, consolidation or  
10 dissolution and transfer shall take effect on the date the order is adopted or at whatever date the  
11 commission specifies in its order which shall not be more than one year after the date the final or-  
12 der is adopted. A merger or consolidation to which this paragraph applies includes but is not limited  
13 to a merger or consolidation under ORS 198.705 to 198.955 that provides for joining a city to the  
14 surviving or successor district.

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

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

20 **SECTION 33.** ORS 199.512 is amended to read:

21 199.512. (1) The findings of the Director of the Oregon Health Authority filed with a boundary  
22 commission in accordance with ORS 431.740 or 431.750 shall be considered a petition for the pur-  
23 poses of ORS 199.410 to 199.534. When the findings of the director are filed with a commission, it  
24 shall proceed in accordance with the findings and with ORS 199.410 to 199.534, but the commission  
25 shall not inquire into the need for the proposed facilities or adjust the boundaries of the affected  
26 territory.

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

33 **SECTION 34.** ORS 221.031, as amended by section 2, chapter 41, Oregon Laws 2010, is amended  
34 to read:

35 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the  
36 petitioners shall file a petition for incorporation in a form prescribed by rule of the Secretary of  
37 State with:

38 (a) The county clerk of the county in which the proposed city lies; or

39 (b) If the proposed city lies in more than one county, the county clerk of the county in which  
40 the largest part of its territory lies.

41 (2) The county clerk shall immediately date and time stamp the prospective petition and shall  
42 authorize the circulation of the petition when the economic feasibility statement required by ORS  
43 221.035 is filed with the county clerk. The county clerk shall retain the prospective petition and  
44 economic feasibility statement and shall immediately send two copies of the prospective petition to  
45 the appropriate county court.

1 (3)(a) A petition for incorporation filed with the county clerk under subsection (1) of this section  
 2 shall designate the name and residence address of not more than three persons as chief petitioners,  
 3 who shall be electors registered within the boundaries of the proposed city.

4 (b) The petition shall contain the name of the proposed city.

5 (c) The petition shall include a proposed permanent rate limit for operating taxes that would  
 6 generate operating tax revenues sufficient to support an adequate level of municipal services. The  
 7 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit  
 8 shall be calculated for the latest tax year for which the assessed value of the proposed city is  
 9 available.

10 (d) There shall be attached to the cover sheet of the petition a map indicating the exterior  
 11 boundaries of the proposed city. The map shall not exceed 14 inches by 17 inches in size and shall  
 12 be used in lieu of a metes and bounds or legal description of the proposed city.

13 (e) If the territory proposed to be incorporated is within the jurisdiction of a local government  
 14 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-  
 15 quired under ORS 199.476 (1). Notwithstanding subsection (2) of this section, unless the economic  
 16 feasibility analysis is approved by the local government boundary commission as provided in ORS  
 17 199.522, the county clerk shall not authorize the circulation of the petition.

18 (f) If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (2) or  
 19 a [county] service district pursuant to ORS 451.585 (1), the petition shall include a statement of this  
 20 proposal.

21 (4) Each sheet of signatures shall be attached to a full and correct copy of the petition for in-  
 22 corporation. Not more than 20 signatures on each sheet of the petition for incorporation shall be  
 23 counted. The circulator shall certify on each signature sheet that the circulator witnessed the  
 24 signing of the signature sheet by each individual whose signature appears on the signature sheet  
 25 and that the circulator believes each individual is an elector registered in the county. If the terri-  
 26 tory proposed to be incorporated is within the jurisdiction of a local government boundary commis-  
 27 sion, each signature sheet shall contain a statement that the economic feasibility analysis for the  
 28 proposed city was approved by the boundary commission, that the analysis is available for inspection  
 29 at the offices of the boundary commission and that subsequent to the gathering of the petitions the  
 30 boundary commission must review and finally approve the proposal prior to submission at an  
 31 election.

32 **SECTION 35.** ORS 222.510, as amended by section 1, chapter 41, Oregon Laws 2010, is amended  
 33 to read:

34 222.510. (1) Whenever the entire area of a rural fire protection district, a water district, in-  
 35 cluding a domestic water supply corporation, a park and recreation district, a highway lighting  
 36 district, a [county] service district, a special road district, a road assessment district or a sanitary  
 37 district or authority, lawfully organized and existing, becomes incorporated in or annexed to a city  
 38 in accordance with law, the district is extinguished and the city shall, upon the effective date of the  
 39 incorporation or annexation, succeed to all the assets and become charged with all the liabilities,  
 40 obligations and functions of the district. The district officers shall forthwith deliver to the city of-  
 41 ficers the district assets and records. Uncollected taxes theretofore levied by the district become the  
 42 property of the city and must be delivered to it by the county treasurer upon collection.

43 (2) Notwithstanding subsection (1) of this section, a rural fire protection district, a water dis-  
 44 trict, including a domestic water supply corporation, a park and recreation district, a highway  
 45 lighting district, a [county] service district, a special road district, a road assessment district or a

1 sanitary district or authority, lawfully organized and existing, the entire area of which becomes in-  
 2 corporated in a city, may continue to provide services if the continuation is proposed by petitioners  
 3 in a petition for incorporation that is subsequently approved by voters in an incorporation election.  
 4 At any time after incorporation, a city may cause a district to be extinguished and succeed to all  
 5 the assets and become charged with all the liabilities, obligations and functions of the district if:

6 (a) The governing body of the city holds a public hearing on the question of the extinguishment,  
 7 hears objections to the extinguishment at the hearing, determines that the extinguishment is in the  
 8 best interest of the city and adopts an ordinance extinguishing the district;

9 (b) After the hearing, the governing body of the city refers the ordinance extinguishing the  
 10 district to the electors of the city; and

11 (c) The majority of all votes cast favors that the district be extinguished.

12 (3) For the public hearing required in subsection (2)(a) of this section, the governing body shall  
 13 fix a date, time and place for the hearing and cause notice of the date, time, place and purpose of  
 14 the hearing to be published once each week for two successive weeks prior to the date of the  
 15 hearing in a newspaper of general circulation in the city, and shall cause notices of the hearing to  
 16 be posted in four public places in the city for a like period.

17 **SECTION 36.** ORS 222.850 is amended to read:

18 222.850. As used in ORS 222.840 to 222.915, unless the context requires otherwise:

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

22 (2) "Authority" means the Oregon Health Authority.

23 (3) "City council" means the legislative body of a city.

24 (4) "Commission" means the Environmental Quality Commission.

25 (5) "Danger to public health" means a condition which is conducive to the propagation of  
 26 communicable or contagious disease-producing organisms and which presents a reasonably clear  
 27 possibility that the public generally is being exposed to disease-caused physical suffering or illness,  
 28 including a condition such as:

29 (a) Impure or inadequate domestic water.

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

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

33 (6) "Director" means the Director of the Oregon Health Authority.

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

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

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

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

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

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

41 **SECTION 37.** ORS 255.012 is amended to read:

42 255.012. As used in this chapter, "district" means:

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

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

45 (3) A park and recreation district organized under ORS chapter 266.

- 1 (4) A mass transit district organized under ORS 267.010 to 267.390.
- 2 (5) A transportation district organized under ORS 267.510 to 267.650.
- 3 (6) A metropolitan service district organized under ORS chapter 268.
- 4 (7) A translator district organized under ORS 354.605 to 354.715.
- 5 (8) A library district organized under ORS 357.216 to 357.286.
- 6 (9) A county road district organized under ORS 371.055 to 371.110.
- 7 (10) A special road district organized under ORS 371.305 to 371.360.
- 8 (11) A road assessment district organized under ORS 371.405 to 371.535.
- 9 (12) A highway lighting district organized under ORS chapter 372.
- 10 (13) A health district organized under ORS 440.305 to 440.410.
- 11 (14) A sanitary district organized under ORS 450.005 to 450.245.
- 12 (15) A sanitary authority, water authority or joint water and sanitary authority organized under
- 13 ORS 450.600 to 450.989.
- 14 (16) A [county] service district organized under ORS chapter 451.
- 15 (17) A vector control district organized under ORS 452.020 to 452.170.
- 16 (18) A rural fire protection district organized under ORS chapter 478.
- 17 (19) An airport district organized under ORS chapter 838.
- 18 (20) A geothermal heating district organized under ORS chapter 523.
- 19 (21) A water improvement district organized under ORS chapter 552.
- 20 (22) A water control district organized under ORS chapter 553.
- 21 (23) A weather modification district organized under ORS 558.200 to 558.440.
- 22 (24) A livestock district organized under ORS 607.005 to 607.051.
- 23 (25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- 24 (26) The Port of Portland established by ORS 778.010.
- 25 (27) A school district.
- 26 (28) Territory, other than territory within a city, proposed to be created, formed or incorporated
- 27 into a district or to be annexed or otherwise added to a district.
- 28 (29) A soil and water conservation district organized under ORS 568.210 to 568.810 and 568.900
- 29 to 568.933.
- 30 (30) A heritage district organized under ORS 358.442 to 358.474.
- 31 (31) A radio and data district organized under ORS 403.500 to 403.542.
- 32 **SECTION 38.** ORS 271.715 is amended to read:
- 33 271.715. As used in ORS 271.715 to 271.795, unless the context otherwise requires:
- 34 (1) "Conservation easement" means a nonpossessory interest of a holder in real property im-
- 35 posing limitations or affirmative obligations the purposes of which include retaining or protecting
- 36 natural, scenic, or open space values of real property, ensuring its availability for agricultural, for-
- 37 est, recreational, or open space use, protecting natural resources, maintaining or enhancing air or
- 38 water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real
- 39 property.
- 40 (2) "Highway scenic preservation easement" means a nonpossessory interest of a holder in real
- 41 property imposing limitations or affirmative obligations the purposes of which include retaining or
- 42 protecting natural, scenic or open space values of property.
- 43 (3) "Holder" means:
- 44 (a) The state, any county, metropolitan service district, soil and water conservation district, city
- 45 or park and recreation district or a [county] service district established under ORS 451.410 to



1 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties  
2 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose  
3 specified in ORS 451.010 (5) acting alone or in cooperation with any federal or state agency, public  
4 corporation or political subdivision;

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

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

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

15 **SECTION 39.** ORS 271.725 is amended to read:

16 271.725. (1) The state, any county, metropolitan service district, soil and water conservation  
17 district, city or park and recreation district or a [county] service district established under ORS  
18 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas  
19 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the  
20 purpose specified in ORS 451.010 (5) may acquire by purchase, agreement or donation, but not by  
21 exercise of the power of eminent domain, unless specifically authorized by law, conservation ease-  
22 ments in any area within their respective jurisdictions wherever and to the extent that a state  
23 agency or the governing body of the county, metropolitan service district, soil and water conserva-  
24 tion district, city, park and recreation district or [county] service district established under ORS  
25 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas  
26 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the  
27 purpose specified in ORS 451.010 (5) determines that the acquisition will be in the public interest.

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

31 (3) The state, any county, metropolitan service district, soil and water conservation district, city  
32 or park and recreation district or a [county] service district established under ORS 451.410 to  
33 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties  
34 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose  
35 specified in ORS 451.010 (5) may acquire by purchase, agreement or donation, but not by exercise  
36 of the power of eminent domain unless specifically authorized by law, highway scenic preservation  
37 easements in land within 100 yards of state, county or city highway rights of way. These easements  
38 may be acquired only in lands that possess significant scenic value in themselves and contribute to  
39 the overall scenic beauty of the highway.

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

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

45 (6) An interest in real property in existence at the time a conservation easement or highway

1 scenic preservation easement is created is not impaired by it unless the owner of the interest is a  
 2 party to or consents to the conservation easement or highway scenic preservation easement.

3 **SECTION 40.** ORS 271.735 is amended to read:

4 271.735. (1) Before the acquisition of a conservation easement or highway scenic preservation  
 5 easement, the state agency, county, metropolitan service district, soil and water conservation dis-  
 6 trict, city, park and recreation district or [county] service district established under ORS 451.410 to  
 7 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties  
 8 for the purposes specified in ORS 451.010 (1)(a) and (b) and in Washington County for the purpose  
 9 specified in ORS 451.010 (5) considering acquisition of such an easement shall hold one or more  
 10 public hearings on the proposal and the reasons therefor. The hearings shall be held in the com-  
 11 munity where the easement would be located and all interested persons, including representatives  
 12 of other governmental agencies, shall have the right to appear and a reasonable opportunity to be  
 13 heard.

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

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

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

24 **SECTION 41.** ORS 271.775 is amended to read:

25 271.775. The board or officer administering a state agency or the governing body of any county,  
 26 metropolitan service district, soil and water conservation district, city or park and recreation dis-  
 27 trict or of a [county] service district established under ORS 451.410 to 451.610 to construct, maintain  
 28 and operate service facilities in Washington or Clackamas Counties for the purposes specified in  
 29 ORS 451.010 (1)(a) and (b) and in Washington County for the purpose specified in ORS 451.010 (5)  
 30 may make and enforce reasonable rules, regulations, orders or ordinances governing the care, use  
 31 and management of its conservation easements and highway scenic preservation easements.

32 **SECTION 42.** ORS 285A.010 is amended to read:

33 285A.010. As used in ORS 284.101 to 284.146 and ORS chapters 285A, 285B and 285C, unless the  
 34 context requires otherwise:

35 (1) "Administrator" means the administrator of the Oregon Infrastructure Finance Authority.

36 (2) "Association" means a nonprofit, private, incorporated or unincorporated institution, foun-  
 37 dation, organization, entity or group, whether local, state, regional or national, that is operating or  
 38 doing business in Oregon.

39 (3) "Authority" means the Oregon Infrastructure Finance Authority.

40 (4) "Board" means the Oregon Infrastructure Finance Authority Board.

41 (5) "Commission" means the Oregon Business Development Commission.

42 (6) "Community" means an area or locality in which the body of inhabitants has common eco-  
 43 nomic or employment interests. The term is not limited to a city, county or other political subdivi-  
 44 sion and need not, but may be, limited by political boundaries.

45 (7) "Department" means the Oregon Business Development Department.

1 (8) "Director" means the Director of the Oregon Business Development Department.

2 (9) "Distressed area" means a county, city, community or other geographic area that is desig-  
 3 nated as a distressed area by the department, based on indicators of economic distress or dislo-  
 4 cation, including but not limited to unemployment, poverty and job loss.

5 (10) "International trade" means the export and import of products and services and the move-  
 6 ment of capital for the purpose of investment.

7 (11) "Local government" has the meaning given that term in ORS 174.116.

8 (12) "Municipality" means an Oregon city or county, the Port of Portland created by ORS  
 9 778.010, a [county] service district organized under ORS chapter 451, a district as defined in ORS  
 10 198.010, a tribal council of a federally recognized Indian tribe in this state or an airport district  
 11 organized under ORS chapter 838.

12 (13) "Public body" has the meaning given that term in ORS 174.109.

13 (14) "Rural area" means an area located entirely outside of the acknowledged Portland Metro-  
 14 politan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of  
 15 cities with populations of 30,000 or more.

16 (15) "Small business" means a business having 100 or fewer employees.

17 (16) "State agency" includes state officers, departments, boards and commissions.

18 (17) "Traded sector" means industries in which member firms sell their goods or services into  
 19 markets for which national or international competition exists.

20 **SECTION 43.** ORS 285B.410 is amended to read:

21 285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

22 (1) "Airport" means:

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

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

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

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

29 (2)(a) "Community development project" means a project that involves strategic planning,  
 30 training or other technical assistance as defined by the Oregon Business Development Department  
 31 by rule, and that is aimed at strengthening the economic development, community development or  
 32 infrastructure priority setting of a municipality or region.

33 (b) "Community development project" includes the following activities:

34 (A) Developing and managing short-term and long-term projects;

35 (B) Developing priorities for infrastructure projects;

36 (C) Strategic planning related to furthering economic or community development; or

37 (D) Training related to economic or community development, including training to improve  
 38 leadership skills, technical skills or analytical skills, particularly in rural and distressed areas.

39 (c) "Community development project" includes projects that may encompass a municipality or  
 40 any part of a municipality and may be undertaken in cooperation with another municipality.

41 (3) "Development project" means a project for the acquisition, improvement, construction, dem-  
 42 olition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities or  
 43 other facilities that assist the economic and community development of the municipality, including  
 44 planning project activities that are necessary or useful as determined by the Oregon Infrastructure  
 45 Finance Authority.

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

5 (5) “Emergency project” means a development project resulting from an emergency as defined  
 6 in ORS 401.025, to which federal disaster relief has been committed.

7 (6) “Energy system” means a facility necessary for the distribution, transmission or generation  
 8 of energy, including but not limited to facilities powered by wind, solar energy or biofuel and facil-  
 9 ities for the collection, storage, transmission or distribution of a fuel, including natural gas, methane  
 10 or hydrogen.

11 (7) “Marine facility” means:

- 12 (a) A wharf, dock, freight handling or passenger facility;
- 13 (b) A navigation channel or structure, including a project funded under ORS 777.267; or
- 14 (c) Any other physical marine facility improvement.

15 (8) “Municipality” means an Oregon city or county, the Port of Portland created by ORS 778.010,  
 16 a [county] service district organized under ORS chapter 451, a district as defined in ORS 198.010, a  
 17 tribal council of a federally recognized Indian tribe in this state or an airport district organized  
 18 under ORS chapter 838.

19 (9) “Planning project” means:

- 20 (a) A project related to a potential development project for preliminary, final or construction  
 21 engineering;
- 22 (b) A survey, site investigation or environmental action;
- 23 (c) A financial, technical or other feasibility report, study or plan; or
- 24 (d) An activity that the authority determines to be necessary or useful in planning for a poten-  
 25 tial development project.

26 (10) “Project” means a development, community development, planning or emergency project.

27 (11) “Railroad” means:

- 28 (a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;
- 29 (b) An industrial spur or related facility, including a depot, shop, maintenance building or other  
 30 building;
- 31 (c) A signal or traffic control system;
- 32 (d) A bridge or tunnel;
- 33 (e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or  
 34 transfer of freight, trailers or containers; or
- 35 (f) Any other physical railroad improvement.

36 (12) “Road” means a street, highway or thruway or a road-related structure that provides for  
 37 continuity of a right of way, including a bridge, tunnel, culvert or similar structure or other physical  
 38 road-related improvement.

39 (13) “Rural area” has the meaning given that term in ORS 285A.010.

40 (14) “Solid waste disposal site” has the meaning given the term “disposal site” in ORS 459.005.

41 (15) “Telecommunications system” means equipment or a facility for the electronic transmission  
 42 of voice, data, text, image or video.

43 (16) “Transportation” means a system for movement of freight or passengers.

44 (17) “Utilities” means a solid waste disposal site or a water, sewage, storm water drainage, en-  
 45 ergy or telecommunications system.

**SECTION 44.** ORS 357.465 is amended to read:

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

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

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

**SECTION 45.** ORS 372.460 is amended to read:

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

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

(b) The estimated cost of dissolution.

(c) The assets of the district.

(d) A detailed statement of all lands acquired by the district for delinquent taxes or delinquent assessments and the amount of the taxes and assessments on each parcel of land sold.

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

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

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

**SECTION 46.** ORS 372.480 is amended to read:

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

(2) If a [county] service district **organized under ORS 451.410 to 451.610** assumes all indebt-

1 edness of the highway lighting district and undertakes to continue to furnish service to the inhab-  
 2 itants pursuant to the plan of dissolution and liquidation, and if the consent of all the known holders  
 3 of valid indebtedness against the district has been obtained or provision has been made in the plan  
 4 for payment of the nonassenting holders, the board of trustees may convey to the [county] service  
 5 district all assets of the highway lighting district as described by the district board under ORS  
 6 372.460 after paying and discharging the debts to, or procuring releases from, the nonassenting  
 7 holders.

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

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

16 **SECTION 47.** ORS 403.105 is amended to read:

17 403.105. As used in ORS 305.823 and 403.105 to 403.250, unless the context requires otherwise:

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

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

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

22 (4) "Emergency call" means a telephone request that results from a situation in which prompt  
 23 service is essential to preserve human life or property.

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

28 (6) "Exchange access services" means:

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

31 (b) Unless a separate tariff rate is charged therefor, any facility or service provided in con-  
 32 nection with the services described in paragraph (a) of this subsection.

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

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

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

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

43 (11) "Public safety answering point" means a 24-hour communications facility established as an  
 44 answering location for 9-1-1 calls originating within a given service area. A "primary public safety  
 45 answering point" receives all calls directly from the public. A "secondary public safety answering

1 point” only receives calls from a primary public safety answering point on a transfer or relay basis.

2 (12) “Subscriber” means a person who has telecommunication access to the 9-1-1 emergency re-  
3 porting system through local exchange service, cellular service or other wired or wireless means.

4 (13) “TTY” means a telephone-typewriter used by an individual with a hearing or speech  
5 impairment to communicate with another device or individual.

6 (14) “Utility” means a utility, as defined in ORS 759.005, a telecommunications carrier, as de-  
7 fined in ORS 133.721, a municipality or any provider of exchange access services.

8 (15) “Vendor” means a person providing telephone customer premises equipment or equipment  
9 specific to the operation of enhanced 9-1-1 telephone service.

10 (16) “9-1-1 emergency reporting system” means a telephone service that provides the users of a  
11 public telephone system the ability to reach a primary public safety answering point by calling 9-1-1.

12 (17) “9-1-1 jurisdiction” means:

13 (a) An entity created under ORS chapter 190;

14 (b) A [county] service district established under ORS chapter 451 to provide an emergency  
15 communications system;

16 (c) An emergency communications district created under ORS 403.300 to 403.380; or

17 (d) A group of public or private safety agencies who have agreed in writing to jointly plan the  
18 installation, maintenance, operation or improvement of a 9-1-1 emergency reporting system.

19 (18) “9-1-1 service area” means the geographical area that contains the entire central office  
20 serving area from which the primary public safety answering point will have the capability to an-  
21 swer calls placed to 9-1-1.

22 **SECTION 48.** ORS 431.705 is amended to read:

23 431.705. As used in ORS 431.705 to 431.760, unless the context requires otherwise:

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

26 (2) “Boundary commission” means a local government boundary commission created under ORS  
27 199.410 to 199.430, 199.435 to 199.464, 199.480 to 199.505 and 199.510.

28 (3) “Commission” means the Environmental Quality Commission.

29 (4) “Danger to public health” means a condition which is conducive to the propagation of  
30 communicable or contagious disease-producing organisms and which presents a reasonably clear  
31 possibility that the public generally is being exposed to disease-caused physical suffering or illness,  
32 including a condition such as:

33 (a) Impure or inadequate domestic water.

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

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

37 (5) “District” means any one of the following:

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

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

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

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

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

44 (6) “Requesting body” means the county court, or local or district board of health that makes  
45 a request under ORS 431.715.

1 (7) "Service facilities" means water or sewer installations or works.

2 **SECTION 49.** ORS 447.091 is amended to read:

3 447.091. The Department of Consumer and Business Services or local government administering  
 4 the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary dis-  
 5 trict formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.600  
 6 to 450.989, or [county] service district established under ORS 451.410 to 451.610, contract for the  
 7 inspection of building sewers constructed to connect a district sewage system if inspectors employed  
 8 by such district are certified for sewer inspections under ORS 455.715 to 455.740.

9 **SECTION 50.** ORS 450.675 is amended to read:

10 450.675. Any portion of one or more counties, including both incorporated and unincorporated  
 11 areas as well as areas within domestic water supply districts, [county] service districts for water  
 12 supply works and other districts may be formed into a water authority under ORS 450.600 to 450.989.  
 13 Such areas need not be contiguous.

14 **SECTION 51.** ORS 454.105 is amended to read:

15 454.105. As used in ORS 454.105 to 454.175, unless the context requires otherwise:

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

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

19 **SECTION 52.** ORS 454.205 is amended to read:

20 454.205. As used in ORS 454.205 to 454.255, "municipality" includes an incorporated city, a  
 21 metropolitan service district, a sanitary district, a sanitary authority, a [county] service district, or  
 22 any other special district authorized to treat and dispose of sewage.

23 **SECTION 53.** ORS 454.275 is amended to read:

24 454.275. As used in ORS 454.275 to 454.380:

25 (1) "Affected area" means an area subject to an order of the commission issued under ORS  
 26 454.305.

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

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

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

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

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

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

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

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

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



1 Water Act.

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

3 **SECTION 54.** ORS 454.430 is amended to read:

4 454.430. As used in ORS 454.430 to 454.445:

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

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

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

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

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

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

15 **SECTION 55.** ORS 454.805 is amended to read:

16 454.805. (1) When a municipality requires property owners to connect their homes and multi-  
17 family dwellings to the sewer system of the municipality, the municipality may assess the installa-  
18 tion costs for which the municipality provides financing against the affected properties in the same  
19 manner that costs of local improvements are assessed against benefited properties. Such assessments  
20 shall have the same lien status and be foreclosable in the same manner as other assessments levied  
21 under ORS 223.005 to 223.105 and 223.205 to 223.930 or the charter of the municipality. If installa-  
22 tion costs are so assessed:

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

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

28 (c) The municipality may issue special assessment bonds to finance the installation costs pur-  
29 suant to ORS 223.235, but may sell such bonds at public or private sale in the same manner as port  
30 district revenue bonds may be sold pursuant to ORS 777.575 (4); and

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

34 (2) As used in this section:

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

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

41 **SECTION 56.** ORS 459.005 is amended to read:

42 459.005. As used in ORS 459.005 to 459.437, 459.705 to 459.790 and 459A.005 to 459A.665:

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

- 1 (2) “Board of county commissioners” or “board” includes a county court.
- 2 (3) “Collection service” means a service that provides for collection of solid waste or recyclable  
 3 material or both but does not include that part of a business operated under a certificate issued  
 4 under ORS 822.110.
- 5 (4) “Commercial” means stores, offices including manufacturing and industry offices, restaurants,  
 6 warehouses, schools, colleges, universities, hospitals and other nonmanufacturing entities, but does  
 7 not include other manufacturing activities or business, manufacturing or processing activities in  
 8 residential dwellings.
- 9 (5) “Commission” means the Environmental Quality Commission.
- 10 (6) “Compost” means the controlled biological decomposition of organic material or the product  
 11 resulting from such a process.
- 12 (7) “Department” means the Department of Environmental Quality.
- 13 (8)(a) “Disposal site” means land and facilities used for the disposal, handling or transfer of, or  
 14 energy recovery, material recovery and recycling from solid wastes, including but not limited to  
 15 dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping  
 16 or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste  
 17 delivered by the public or by a collection service, composting plants and land and facilities previ-  
 18 ously used for solid waste disposal at a land disposal site.
- 19 (b) “Disposal site” does not include:
- 20 (A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or  
 21 dispose of both hazardous waste and solid waste;
- 22 (B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;
- 23 (C) A site used by the owner or person in control of the premises to dispose of soil, rock, con-  
 24 crete or other similar nondecomposable material, unless the site is used by the public either directly  
 25 or through a collection service; or
- 26 (D) A site operated by a dismantler issued a certificate under ORS 822.110.
- 27 (9) “Energy recovery” means recovery in which all or a part of the solid waste materials are  
 28 processed to use the heat content, or other forms of energy, of or from the material.
- 29 (10) “Franchise” includes a franchise, certificate, contract or license issued by a local govern-  
 30 ment unit authorizing a person to provide solid waste management services.
- 31 (11) “Hazardous waste” has the meaning given that term in ORS 466.005.
- 32 (12) “Household hazardous waste” means any discarded, useless or unwanted chemical, material,  
 33 substance or product that is or may be hazardous or toxic to the public or the environment and is  
 34 commonly used in or around households and is generated by the household. “Household hazardous  
 35 waste” may include but is not limited to some cleaners, solvents, pesticides and automotive and  
 36 paint products.
- 37 (13) “Land disposal site” means a disposal site in which the method of disposing of solid waste  
 38 is by landfill, dump, pit, pond or lagoon.
- 39 (14) “Landfill” means a facility for the disposal of solid waste involving the placement of solid  
 40 waste on or beneath the land surface.
- 41 (15) “Local government unit” means a city, county, metropolitan service district formed under  
 42 ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, [county]  
 43 service district formed under ORS chapter 451, regional air quality control authority formed under  
 44 ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible  
 45 for solid waste management.

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

4 (17) "Metropolitan service district" means a district organized under ORS chapter 268 and ex-  
 5 exercising solid waste authority granted to such district under this chapter and ORS chapters 268 and  
 6 459A.

7 (18) "Person" means the United States, the state or a public or private corporation, local gov-  
 8 ernment unit, public agency, individual, partnership, association, firm, trust, estate or any other le-  
 9 gal entity.

10 (19) "Recyclable material" means any material or group of materials that can be collected and  
 11 sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same  
 12 material.

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

15 (21) "Region" means the states of Idaho, Oregon and Washington and those counties in  
 16 California and Nevada that share a common border with Oregon.

17 (22) "Regional disposal site" means a disposal site that receives, or a proposed disposal site that  
 18 is designed to receive more than 75,000 tons of solid waste a year from outside the immediate ser-  
 19 vice area in which the disposal site is located. As used in this subsection, "immediate service  
 20 area" means the county boundary of all counties except a county that is within the boundary of the  
 21 metropolitan service district. For a county within the metropolitan service district, "immediate ser-  
 22 vice area" means the metropolitan service district boundary.

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

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

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

32 (b) Materials used for fertilizer or for other productive purposes or which are salvageable as  
 33 such materials are used on land in agricultural operations and the growing or harvesting of crops  
 34 and the raising of animals.

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

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

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

44 (28) "Waste prevention" means to reduce the amount of solid waste generated or resources used,  
 45 without increasing toxicity, in the design, manufacture, purchase or use of products or packaging.

1 “Waste prevention” does not include reuse, recycling or composting.

2 (29) “Washed” means an area of the state having a common solid waste disposal system or  
 3 designated by the commission as an appropriate area of the state within which to develop a common  
 4 recycling program.

5 (30) “Yard debris” includes grass clippings, leaves, hedge trimmings and similar vegetative waste  
 6 generated from residential property or landscaping activities, but does not include stumps or similar  
 7 bulky wood materials.

8 **SECTION 57.** ORS 468.423, as amended by section 5, chapter 21, Oregon Laws 2010, is amended  
 9 to read:

10 468.423. As used in ORS 468.423 to 468.440:

11 (1) “Fund” means the Water Pollution Control Revolving Fund established under ORS 468.427.

12 (2) “Public agency” means:

13 (a) A state agency, incorporated city, county, sanitary authority, federally recognized Indian  
 14 tribal government, school district, [county] service district, sanitary district, metropolitan service  
 15 district or other special district authorized or required to construct water pollution control facili-  
 16 ties; or

17 (b) An intergovernmental entity created by units of local government under ORS 190.003 to  
 18 190.130.

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 58.** 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 59.** 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.

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