

Enrolled
House Bill 3596

Sponsored by Representatives ROBLAN, COWAN, HOLVEY, HOYLE, KRIEGER, Senators KRUSE, PROZANSKI, VERGER; Senator EDWARDS

CHAPTER

AN ACT

Relating to rail line serving Oregon International Port of Coos Bay; amending ORS 777.915, 777.920 and 777.953.

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

SECTION 1. ORS 777.915 is amended to read:

777.915. As used in ORS 777.915 to 777.953, unless the context requires otherwise:

(1) "Board" means the board of commissioners of the Oregon International Port of Coos Bay.

(2) **"Coos Bay rail link" means a railroad right-of-way, including spur lines, appurtenances, facilities and related property within the railroad right-of-way, that connects the station of Danebo in Lane County with the station of Coquille in Coos County.**

[(2)] (3) "Port" means the Oregon International Port of Coos Bay.

SECTION 2. ORS 777.920 is amended to read:

777.920. (1) The power and authority given to the **Oregon International Port of Coos Bay** is vested in and shall be exercised by a board of five commissioners. The board may exercise such powers, at regular or special meetings, as is usual and customary with similar bodies.

(2) The port may own, operate, repair and maintain the Coos Bay rail link.

SECTION 3. ORS 777.953 is amended to read:

777.953. (1) The board, on its own motion, may initiate a proposal for annexation to the **Oregon International Port of Coos Bay** of territory that is not within **the boundaries of** another port organized under this chapter. [*Such*] **Annexed** territory may be either wholly or partially within or outside the same county in which the **Oregon International Port of Coos Bay** is located. However, if the territory proposed to be annexed is outside Coos County, [*then*] the territory must be situated entirely within the watershed of the Coos River and its tributaries. The proposal for annexation shall be made in a resolution adopted by the board.

(2) After adoption of a resolution proposing annexation of the territory described in subsection (1) of this section to the port, the board shall fix a day for a public hearing before the board at which time the electors of the port and of the affected territory may appear and be heard on the question of annexation.

(3) The board shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the county and shall cause notices of the hearing to be posted in four public places in the port for the same period.

(4) After the public hearing, the board shall file the resolution proposing annexation with the governing body of the county in which the territory proposed to be annexed is situated. The county governing body shall order an election to be held in the territory. The county governing body shall

also order the board to hold an election within the boundaries of the port on the same day, both elections to be held for the purpose of submitting the proposed annexation to the electors. The board shall certify the results of the election to the county governing body. The order of annexation shall be entered by the county governing body when a majority of all the votes cast in the territory and the port are in favor of the annexation.

(5) After the date of entry of an order by the county governing body annexing territory to the port, the territory annexed shall become subject to the outstanding indebtedness, bonded or otherwise, of the port in like manner as the territory within the port.

(6) **Except as necessary to implement the provisions of subsection (7) of this section**, ORS 198.705 to 198.955 and 777.326 do not apply to an annexation proceeding conducted under this section.

(7)(a) Notwithstanding subsection (1) of this section, the board may annex territory within the area constituting the Coos Bay rail link or land planned and zoned for industrial uses that is contiguous to the Coos Bay rail link. In lieu of the procedures described in subsections (2) to (5) of this section, annexation of territory within the area of the Coos Bay rail link or land planned and zoned for industrial uses that is contiguous to the Coos Bay rail link shall proceed only at the request of the landowner, in accordance with the annexation procedures set forth in ORS 198.857.

(b) Notwithstanding ORS 198.720 (2), the Oregon International Port of Coos Bay may annex territory described in paragraph (a) of this subsection that is within the boundaries of another port. Annexation under this subsection does not withdraw the territory from the other port.

Passed by House April 14, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 11, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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Kate Brown, Secretary of State