

House Bill 2625

Sponsored by Representative HICKS (Presession 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**.

Provides nonexclusive list of law enforcement services that may be subject of master plan or service district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to law enforcement services; amending ORS 271.715, 271.725, 271.735, 271.775 and 451.010;
3 and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

27 (i) Agricultural educational extension services.

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

29 (k) Library services.

30 (L) Roads.

31 (m) Emergency communications services, including a 9-1-1 emergency reporting system estab-

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 lished under ORS 403.115.

2 (n) Law enforcement services. **For purposes of this paragraph, “law enforcement services”**
 3 **includes:**

- 4 **(A) County jail operations;**
- 5 **(B) Law enforcement, investigation and patrol;**
- 6 **(C) Community corrections;**
- 7 **(D) Juvenile justice;**
- 8 **(E) Emergency operations and emergency response;**
- 9 **(F) Search and rescue operations;**
- 10 **(G) Criminal prosecution; and**
- 11 **(H) Court facility operations.**

12 (o) Human services.

13 (p) Cemetery maintenance.

14 (q) Animal control.

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

19 (a) Fire prevention and protection.

20 (b) Hospital and ambulance services.

21 (c) Vector control.

22 (d) Weather modification.

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

25 [(a)] **(A)** Fire prevention and protection.

26 [(b)] **(B)** Security services provided by contract with an association of homeowners whose
 27 property is located entirely within the boundaries of the service district, which services may include
 28 the enforcement of the rules or regulations of the association dealing with public access to or the
 29 use of the property of the association, routine patrolling and inspection of private areas located
 30 within the jurisdiction of the association and matters of traffic and safety within such areas.

31 [(c)] **(C)** Law enforcement services. **For purposes of this subparagraph, “law enforcement**
 32 **services” includes:**

- 33 **(i) County jail operations;**
- 34 **(ii) Law enforcement, investigation and patrol;**
- 35 **(iii) Community corrections;**
- 36 **(iv) Juvenile justice;**
- 37 **(v) Emergency operations and emergency response;**
- 38 **(vi) Search and rescue operations;**
- 39 **(vii) Criminal prosecution; and**
- 40 **(viii) Court facility operations.**

41 [(d)] **(D)** Hospital and ambulance services.

42 [(e)] **(E)** Vector control.

43 [(f)] **(F)** Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

44 [(4)] **(b)** As used in **this** subsection [(3) of this section], “subdivision” means a subdivision as
 45 defined by ORS 92.010 or any contiguous group of such subdivisions that:

1 [(a)] (A) Is a planned community within the meaning of ORS 94.550 without regard to whether
 2 such subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

3 [(b)] (B) Is located entirely within an unincorporated area and is everywhere separated by a
 4 distance of five miles or more from an urban growth boundary described in an acknowledged com-
 5 prehensive plan of a city or the urban growth boundary adopted by a metropolitan service district
 6 under ORS 268.390 (3); and

7 [(c)] (C) Prior to the establishment of a service district under **this** subsection [(3) of this
 8 section], is designated a subdivision for purposes of this subsection by the governing body of the
 9 county in which the subdivision or group of subdivisions is located.

10 [(5)] (4) Within the boundaries of Washington County, master plans and service districts may
 11 be established as provided by this chapter regarding water resource management services that affect
 12 the quality and quantity of water within a single watershed, basin or planning area. As used in this
 13 subsection, “water resource management services” means:

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

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

21 **SECTION 2.** ORS 271.715 is amended to read:

22 271.715. As used in ORS 271.715 to 271.795, unless the context otherwise requires:

23 (1) “Conservation easement” means a nonpossessory interest of a holder in real property im-
 24 posing limitations or affirmative obligations the purposes of which include retaining or protecting
 25 natural, scenic, or open space values of real property, ensuring its availability for agricultural, for-
 26 est, recreational, or open space use, protecting natural resources, maintaining or enhancing air or
 27 water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real
 28 property.

29 (2) “Highway scenic preservation easement” means a nonpossessory interest of a holder in real
 30 property imposing limitations or affirmative obligations the purposes of which include retaining or
 31 protecting natural, scenic or open space values of property.

32 (3) “Holder” means:

33 (a) [The] **This** state, any county, metropolitan service district, soil and water conservation dis-
 34 trict, city or park and recreation district or a county service district established under ORS 451.410
 35 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties
 36 for the purposes specified in ORS 451.010 (1)(a) and (b) [and] **or** in Washington County for the pur-
 37 pose specified in ORS 451.010 [(5)] (4) acting alone or in cooperation with any federal or state
 38 agency, public corporation or political subdivision;

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

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

45 (4) “Third-party right of enforcement” means a right provided in a conservation easement or

1 highway scenic preservation easement to enforce any of its terms granted to a governmental body,
 2 charitable corporation, charitable association or charitable trust, which, although eligible to be a
 3 holder, is not a holder.

4 **SECTION 3.** ORS 271.725 is amended to read:

5 271.725. (1) The state, any county, metropolitan service district, soil and water conservation
 6 district, city or park and recreation district or a county service district established under ORS
 7 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas
 8 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) [*and*] **or** in Washington County for
 9 the purpose specified in ORS 451.010 [(5)] (4) may acquire by purchase, agreement or donation, but
 10 not by exercise of the power of eminent domain, unless specifically authorized by law, conservation
 11 easements in any area within their respective jurisdictions wherever and to the extent that a state
 12 agency or the governing body of the county, metropolitan service district, soil and water conserva-
 13 tion district, city, park and recreation district or county service district established under ORS
 14 451.410 to 451.610 to construct, maintain and operate service facilities in Washington or Clackamas
 15 Counties for the purposes specified in ORS 451.010 (1)(a) and (b) [*and*] **or** in Washington County for
 16 the purpose specified in ORS 451.010 [(5)] (4) determines that the acquisition will be in the public
 17 interest.

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

21 (3) The state, any county, metropolitan service district, soil and water conservation district, city
 22 or park and recreation district or a county service district established under ORS 451.410 to 451.610
 23 to construct, maintain and operate service facilities in Washington or Clackamas Counties for the
 24 purposes specified in ORS 451.010 (1)(a) and (b) [*and*] **or** in Washington County for the purpose
 25 specified in ORS 451.010 [(5)] (4) may acquire by purchase, agreement or donation, but not by exer-
 26 cise of the power of eminent domain unless specifically authorized by law, highway scenic preser-
 27 vation easements in land within 100 yards of state, county or city highway rights of way. These
 28 easements may be acquired only in lands that possess significant scenic value in themselves and
 29 contribute to the overall scenic beauty of the highway.

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

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

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

38 **SECTION 4.** ORS 271.735 is amended to read:

39 271.735. (1) Before the acquisition of a conservation easement or highway scenic preservation
 40 easement, the state agency, county, metropolitan service district, soil and water conservation dis-
 41 trict, city, park and recreation district or county service district established under ORS 451.410 to
 42 451.610 to construct, maintain and operate service facilities in Washington or Clackamas Counties
 43 for the purposes specified in ORS 451.010 (1)(a) and (b) [*and*] **or** in Washington County for the pur-
 44 pose specified in ORS 451.010 [(5)] (4) considering acquisition of such an easement shall hold one
 45 or more public hearings on the proposal and the reasons therefor. The hearings shall be held in the

1 community where the easement would be located and all interested persons, including represen-
2 tatives of other governmental agencies, shall have the right to appear and a reasonable opportunity
3 to be heard.

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

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

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

14 **SECTION 5.** ORS 271.775 is amended to read:

15 271.775. The board or officer administering a state agency or the governing body of any county,
16 metropolitan service district, soil and water conservation district, city or park and recreation dis-
17 trict or of a county service district established under ORS 451.410 to 451.610 to construct, maintain
18 and operate service facilities in Washington or Clackamas Counties for the purposes specified in
19 ORS 451.010 (1)(a) and (b) [*and*] **or** in Washington County for the purpose specified in ORS 451.010
20 [(5)] (4) may make and enforce reasonable rules, regulations, orders or ordinances governing the
21 care, use and management of its conservation easements and highway scenic preservation ease-
22 ments.

23 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
25 **on its passage.**

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