

HOUSE AMENDMENTS TO HOUSE BILL 3096

By COMMITTEE ON LAND USE

April 18

- 1 On page 1 of the printed bill, line 2, after “554.080,” insert “554.135.”
- 2 In line 3, delete the second “and” and before the period insert “; and declaring an emergency”.
- 3 On page 2, after line 27, insert:
- 4 “**SECTION 3.** ORS 554.135 is amended to read:
- 5 “554.135. (1) In lieu of the method of levy and assessment provided for in ORS 554.130, the board
- 6 of directors may provide in the bylaws or by resolution for the billing and collection of the rates,
- 7 tolls, fees, fines and charges of the corporation in the manner provided in this section. The provision
- 8 in the bylaws or the resolution may apply to rates, tolls, fees, fines and charges for the operation
- 9 and maintenance of the corporation, for the use of water, or for the use of any of the works of the
- 10 corporation, or for violation of any of the bylaws, rules and regulations of the corporation, or for
- 11 principal and interest of maturing indebtedness.
- 12 “(2) The bylaws or the resolution establishing the rates, tolls, fees, fines and charges shall fix
- 13 the time when they shall become due and payable, and shall also fix a time after which they shall
- 14 become delinquent, which time shall be any time within one year from the due date.
- 15 “(3) If any rates, tolls, fees, fines or charges remain unpaid after the delinquency date, **the**
- 16 **corporation may file a notice of lien and collect the delinquent charges in the manner pro-**
- 17 **vided for collection of incurred charges of an irrigation district under ORS 545.494, 545.496,**
- 18 **545.498, 545.502, 545.504 and 545.506.** *[the secretary of the corporation may file a Notice of Claim of*
- 19 *Lien with the recording officers of the county of each county in which land is situated which received*
- 20 *or was entitled to receive the benefit of the water delivery or other benefits from the corporation for*
- 21 *which the rates, tolls, fees, fines or charges have been made. The Notice of Claim of Lien shall be in*
- 22 *writing and must contain:]*
- 23 “[*(a) The name of the person or entity to whom water was delivered or was deliverable or who*
- 24 *received benefits from or was entitled to receive benefits from the works of the corporation;*]
- 25 “[*(b) A statement of the amount claimed past due; and*]
- 26 “[*(c) A description of the land which received or was entitled to receive the benefit of the water*
- 27 *delivery or other benefits of the corporation sufficient for identification. Upon such filing, the rates,*
- 28 *tolls, fees, fines or charges shall become a lien upon all lands therein described in the amounts set forth*
- 29 *opposite each tract of land.]*
- 30 “(4) If rates, tolls, fees, fines or charges, or any installment thereof, are not paid when due, in-
- 31 terest shall be charged and collected on the past due amount at the rate of one and one-half percent
- 32 per month, or fraction of a month, until paid.
- 33 “[*(5) Upon the filing of the Notice of Claim of Lien, the board of directors by resolution may direct*
- 34 *that all delinquent rates, tolls, fees, fines and charges represented thereby shall be foreclosed by the*
- 35 *district. The foreclosure shall follow the procedures and be accomplished in the manner provided in*

1 *ORS 545.502, 545.504 and 545.506.]*.

2 In line 28, delete “3” and insert “4”.

3 On page 3, line 25, delete “4” and insert “5”.

4 In line 26, delete “5” and insert “6”.

5 On page 4, line 15, delete “6” and insert “7”.

6 In line 29, delete “7” and insert “8”.

7 On page 5, line 21, delete “8” and insert “9”.

8 In line 28, delete “9” and insert “10”.

9 On page 6, line 32, delete “10” and insert “11”.

10 On page 7, after line 17, insert:

11 **“SECTION 12. This 2013 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
13 **on its passage.”**.

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