

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Rural Communities, Land Use, and Water

MEASURE: HB 2277 A
CARRIER: Rep. Kotek

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/14/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/26, 04/14

Vote:

Yeas: 6 - Clem, Gilliam, Gomberg, Helm, Post, Witt

Exc: 1 - McLane

Prepared By: Ian Davidson, Committee Administrator

WHAT THE MEASURE DOES:

Authorizes drainage districts to acquire, construct, reconstruct, repair, improve, or extend improvements to carry out purposes of Drainage District Act and requires board of supervisors of drainage district to hold public hearing, of which notice must be given 14 days in advance, before electing to engage in such activities. Authorizes drainage district board of supervisors to enact ordinances. Allows districts to charge fees for certain operations within district. Authorizes drainage districts to construct local improvements and form local improvement districts. Defines certain activities of drainage districts and improvement districts in counties with population over 700,000, within urban growth boundary or incorporated boundary as urban services and for purposes of sanitation, agriculture, and public health safety. Requires district to provide 10 to 21 days written notice to cities affected by ordinance. Prohibits district from imposing rates, fees, fines, or charges unless pursuant to intergovernmental or urban services agreement, except those rates, fees, fines, or charges levied against city as landowner. Requires district to consult, coordinate, and create agreements where certain conflicts may or do exist between two or more government units. Requires owner or operator of premises where flood control projects or other infrastructure is failing to submit plan and schedule for remedy to drainage district. Requires district to review plan and authorizes district board of supervisors to immediately take action if necessary to remedy failing infrastructure. Modifies definitions as applicable to Drainage District Act. Authorizes landowner that is not natural person to appoint designee to serve as representative. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- New federal regulations in the aftermath of Hurricane Katrina
- Original intent of the drainage district statute
- Challenges drainage districts face because of current statutes

EFFECT OF COMMITTEE AMENDMENT:

Clarifies that drainage districts authorized to enact ordinances to carry out certain responsibilities are those districts in counties with population greater than 700,000 persons and for purposes of sanitation, agriculture, and public health and safety. Requires district to provide 10 to 21 days written notice to cities affected by ordinance. Prohibits district from imposing rates, fees, fines, or charges unless pursuant to intergovernmental or urban services agreement, except those rates, fees, fines, or charges levied against city as landowner. Requires district to consult, coordinate, and create agreements where certain conflicts may or do exist between two or more government units. Requires owner or operator of premises where flood control projects or other infrastructure is failing to submit plan and schedule for remedy to drainage district. Requires district to review plan and authorizes district board of supervisors to immediately take action if necessary to remedy failing infrastructure. Modifies definitions as applicable to Drainage District Act.

BACKGROUND:

The current drainage district statute (ORS Chapter 547), which dates from 1917, was originally enacted so that property owners could form a special district to construct works to drain agricultural land. Since the 1930s, the four Columbia River drainage entities have been responsible for managing the Columbia River levee system, constructed in part by the United States Army Corps of Engineers. A changing land use landscape, including substantial development on and behind the levees, new federal regulations enacted after Hurricane Katrina, and the commencement of the Federal Emergency Management Agency levee recertification process have made the management of this system more complex. Current drainage district statute makes few mentions of flood control.

House Bill 2277 A would expand the definition of the Drainage District Act and authorize drainage districts to carry out activities for the purposes of the Act, including enacting ordinances and charging fees.