

## HOUSE AMENDMENTS TO HOUSE BILL 2277

By COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

April 20

1 On page 1 of the printed bill, line 10, delete “dams, storage reservoirs,”.

2 In line 12, after the semicolon insert “or”.

3 Delete lines 15 through 20 and insert:

4 “(2) ‘Obstruction’ means an encroachment, improvement or trespass that substantially and ad-  
5 versely affects the efficient operation or maintenance of a flood control project or a ditch, lateral,  
6 drain, canal, slough, waterway or conduit.

7 “(3) ‘Repair’ includes replace, remove, relocate and upgrade when, in the discretion of the board  
8 of supervisors of a drainage district, replacement, removal, relocation or upgrade is necessary to  
9 comply with state or federal regulations or to protect and preserve the property of the district.”.

10 In line 23, after “547.265,” insert “547.305,” and restore the bracketed material.

11 In line 24, delete “5 to 7” and insert “4 to 6”.

12 Delete lines 25 through 31.

13 On page 2, delete lines 1 through 35 and insert:

14 **“SECTION 4. (1) Before a drainage district elects to exercise the powers and duties set  
15 forth in section 5 of this 2015 Act, the board of supervisors shall hold a public hearing.**

16 **“(2) At least 14 days before the date of the public hearing, the board shall give notice of  
17 the hearing in a newspaper of general circulation in the district and mail notice of the  
18 hearing to the owners of record, based on the most recent county tax assessment roll, of  
19 property within the district.**

20 **“(3) Notice of the public hearing must:**

21 **“(a) State the date, time and location of the hearing;**

22 **“(b) State that the board is considering whether to elect to exercise the powers and du-  
23 ties set forth in section 5 of this 2015 Act; and**

24 **“(c) Invite all interested parties to attend the hearing and present testimony.**

25 **“(4) After the public hearing, the board may adopt a resolution in which the district  
26 elects to exercise the powers and duties set forth in section 5 of this 2015 Act. Following  
27 adoption of the resolution, the board may exercise the powers and duties as provided in  
28 section 5 of this 2015 Act.**

29 **“SECTION 5. (1) A drainage district may acquire, construct, reconstruct, repair, improve  
30 or extend improvements to carry out the purposes of the Drainage District Act.**

31 **“(2) A drainage district in a county with a population greater than 700,000 persons may  
32 adopt ordinances consistent with sanitary, agricultural, public health or public safety pur-  
33 poses under ORS 198.510 to 198.600 to carry out its powers and duties under the Drainage  
34 District Act, including ordinances related to:**

35 **“(a) Flood protection, drainage control or management, including provisions for enforce-**

1 **ment of the regulations;**

2 **“(b) Rates, fees, fines and charges for the operation of the district and construction,**  
3 **maintenance, repair and improvement of the works of the district;**

4 **“(c) A delegation of authority to the chief executive officer of the district to manage and**  
5 **administer the district; and**

6 **“(d) Other matters determined by the board of supervisors to be necessary or convenient**  
7 **to exercise the authority granted to the district or to comply with the requirements of state**  
8 **and federal law.**

9 **“(3) A drainage district shall provide written notice to any city in which all or a portion**  
10 **of the drainage district is located not more than 21 days and not less than 10 days prior to**  
11 **the first reading of a proposed ordinance described in subsection (2) of this section. The no-**  
12 **tice must include a brief description of the proposed ordinance and a copy of the proposed**  
13 **ordinance and must list the time, date and place of the public meeting at which the drainage**  
14 **district will consider the proposed ordinance. The date of notice shall be the date of mailing.**

15 **“(4)(a) Notwithstanding subsection (2)(b) of this section, a drainage district may not im-**  
16 **pose on a city a rate, fee or charge unless the rate, fee or charge is a provision of an inter-**  
17 **governmental or urban services agreement between the drainage district and the city.**

18 **“(b) A drainage district may levy a city an assessment, rate, fee, fine or charge as a**  
19 **property owner within the drainage district that is not a provision of an intergovernmental**  
20 **or urban services agreement, provided the drainage district levies the assessment, rate, fee,**  
21 **fine or charge against the city pursuant to the same terms and conditions as levied against**  
22 **other property owners within the drainage district.**

23 **“(5) The drainage district shall consult and coordinate with all governmental units with**  
24 **authority to exercise similar powers and duties within the boundaries of the drainage district**  
25 **if the exercise of those powers and duties has the potential to conflict. In the event that**  
26 **an exercise of powers or duties by the drainage district conflicts with the exercise of similar**  
27 **powers by a governmental unit, the drainage district and governmental unit shall execute**  
28 **an intergovernmental or urban services agreement to resolve the conflict.**

29 **“SECTION 6. An activity of a drainage district is deemed to be an urban service, as de-**  
30 **fined in ORS 195.065, if the drainage district:**

31 **“(1) Is located in a county that has a population greater than 700,000; and**

32 **“(2) Operates a flood control project located within the urban growth boundary estab-**  
33 **lished by Metro or within the incorporated boundary of a city.**

34 **“SECTION 7. Section 8 of this 2015 Act is added to and made a part of ORS 554.005 to**  
35 **554.340.**

36 **“SECTION 8. The activity of a corporation for drainage or flood control organized under**  
37 **ORS 554.005 to 554.340 is deemed to be an urban service, as defined in ORS 195.065, if the**  
38 **corporation:**

39 **“(1) Is located in a county that has a population greater than 700,000; and**

40 **“(2) Operates a flood control project located within the urban growth boundary estab-**  
41 **lished by Metro or within the incorporated boundary of a city.”.**

42 In line 36, delete “10” and insert “9”.

43 On page 3, line 6, delete “11” and insert “10”.

44 In line 21, delete “12” and insert “11”.

45 On page 4, line 11, delete “13” and insert “12”.

1 In line 13, delete “, after giving” and insert “. The board shall give”.

2 In line 20, delete “14” and insert “13”.

3 In line 39, delete “15” and insert “14”.

4 On page 5, line 16, delete “16” and insert “15”.

5 In line 30, delete “17” and insert “16”.

6 In line 41, delete “18” and insert “17”.

7 On page 6, line 3, delete “impaired,”.

8 Delete lines 13 through 20 and insert:

9 “**SECTION 18.** ORS 547.415 is amended to read:

10 “547.415. (1) If the owner or occupant of the premises upon which the clogged or obstructed  
11 **flood control project**, ditch, lateral, drain, canal, slough, waterway or conduit is situated fails for  
12 10 days after being notified of the existence of [*such*] **the** clogged or obstructed condition, to **submit**  
13 **to the drainage district a plan and schedule to** repair, clean or grade the **flood control project**,  
14 ditch, lateral, drain, canal, slough, waterway or conduit or remove the obstruction therefrom, the  
15 board of supervisors shall immediately repair, clean or grade the same and cause it to be promptly  
16 placed in a proper and efficient condition.

17 “(2) **The drainage district shall review a plan and schedule submitted by an owner or oc-**  
18 **cupant to determine whether the plan and schedule adequately address the clogged or ob-**  
19 **structed condition in an effective and timely manner. If the drainage district approves the**  
20 **plan and schedule, the owner or occupant shall repair, clean or grade the flood control**  
21 **project, ditch, lateral, drain, canal, slough, waterway or conduit or remove the obstruction**  
22 **therefrom pursuant to the plan and schedule. If the owner or occupant fails to do so pursu-**  
23 **ant to the plan and schedule, the board of supervisors shall immediately repair, clean or**  
24 **grade the same and cause it to be promptly placed in a proper and efficient condition.**

25 “(3) **Nothing in this section precludes the board of supervisors from immediately repair-**  
26 **ing, cleaning or grading the clogged or obstructed flood control project, ditch, lateral, drain,**  
27 **canal, slough, waterway or conduit in cases of emergency.”.**

28 In line 21, delete “20” and insert “19”.

29 In line 40, delete “21” and insert “20”.

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