

**PROPOSED AMENDMENTS TO
HOUSE BILL 2277**

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
5 substantially and adversely affects the efficient operation or maintenance of
6 a flood control project or a ditch, lateral, drain, canal, slough, waterway or
7 conduit.

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

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

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

15 Delete lines 25 through 31.

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

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

20 **“(2) At least 14 days before the date of the public hearing, the board
21 shall give notice of the hearing in a newspaper of general circulation
22 in the district and mail notice of the hearing to the owners of record,**

1 based on the most recent county tax assessment roll, of property
2 within the district.

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

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

5 **“(b) State that the board is considering whether to elect to exercise
6 the powers and duties set forth in section 5 of this 2015 Act; and**

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

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

14 **“SECTION 5. (1) A drainage district may acquire, construct, re-
15 construct, repair, improve or extend improvements to carry out the
16 purposes of the Drainage District Act.**

17 **“(2) A drainage district in a county with a population greater than
18 700,000 persons may adopt ordinances consistent with sanitary, agri-
19 cultural, public health or public safety purposes under ORS 198.510 to
20 198.600 to carry out its powers and duties under the Drainage District
21 Act, including ordinances related to:**

22 **“(a) Flood protection, drainage control or management, including
23 provisions for enforcement of the regulations;**

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

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

29 **“(d) Other matters determined by the board of supervisors to be
30 necessary or convenient to exercise the authority granted to the dis-**

1 **trict or to comply with the requirements of state and federal law.**

2 **“(3) A drainage district shall provide written notice to any city in**
3 **which all or a portion of the drainage district is located not more than**
4 **21 days and not less than 10 days prior to the first reading of a pro-**
5 **posed ordinance described in subsection (2) of this section. The notice**
6 **must include a brief description of the proposed ordinance and a copy**
7 **of the proposed ordinance and must list the time, date and place of the**
8 **public meeting at which the drainage district will consider the pro-**
9 **posed ordinance. The date of notice shall be the date of mailing.**

10 **“(4)(a) Notwithstanding subsection (2)(b) of this section, a drainage**
11 **district may not impose on a city a rate, fee or charge unless the rate,**
12 **fee or charge is a provision of an intergovernmental or urban services**
13 **agreement between the drainage district and the city.**

14 **“(b) A drainage district may levy a city an assessment, rate, fee,**
15 **fine or charge as a property owner within the drainage district that**
16 **is not a provision of an intergovernmental or urban services agree-**
17 **ment, provided the drainage district levies the assessment, rate, fee,**
18 **fine or charge against the city pursuant to the same terms and con-**
19 **ditions as levied against other property owners within the drainage**
20 **district.**

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

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

1 “(1) Is located in a county that has a population greater than
2 700,000; and

3 “(2) Operates a flood control project located within the urban
4 growth boundary established by Metro or within the incorporated
5 boundary of a city.

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

8 “SECTION 8. The activity of a corporation for drainage or flood
9 control organized under ORS 554.005 to 554.340 is deemed to be an ur-
10 ban service, as defined in ORS 195.065, if the corporation:

11 “(1) Is located in a county that has a population greater than
12 700,000; and

13 “(2) Operates a flood control project located within the urban
14 growth boundary established by Metro or within the incorporated
15 boundary of a city.”.

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

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

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

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

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

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

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

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

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

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

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

27 Delete lines 13 through 20 and insert:

28 “SECTION 18. ORS 547.415 is amended to read:

29 “547.415. (1) If the owner or occupant of the premises upon which the
30 clogged or obstructed **flood control project**, ditch, lateral, drain, canal,

1 slough, waterway or conduit is situated fails for 10 days after being notified
2 of the existence of [*such*] **the** clogged or obstructed condition, to **submit to**
3 **the drainage district a plan and schedule to** repair, clean or grade the
4 **flood control project,** ditch, lateral, drain, canal, slough, waterway or
5 conduit or remove the obstruction therefrom, the board of supervisors shall
6 immediately repair, clean or grade the same and cause it to be promptly
7 placed in a proper and efficient condition.

8 “(2) **The drainage district shall review a plan and schedule submit-**
9 **ted by an owner or occupant to determine whether the plan and**
10 **schedule adequately address the clogged or obstructed condition in an**
11 **effective and timely manner. If the drainage district approves the plan**
12 **and schedule, the owner or occupant shall repair, clean or grade the**
13 **flood control project, ditch, lateral, drain, canal, slough, waterway or**
14 **conduit or remove the obstruction therefrom pursuant to the plan and**
15 **schedule. If the owner or occupant fails to do so pursuant to the plan**
16 **and schedule, the board of supervisors shall immediately repair, clean**
17 **or grade the same and cause it to be promptly placed in a proper and**
18 **efficient condition.**

19 “(3) **Nothing in this section precludes the board of supervisors from**
20 **immediately repairing, cleaning or grading the clogged or obstructed**
21 **flood control project, ditch, lateral, drain, canal, slough, waterway or**
22 **conduit in cases of emergency.”**

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

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

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