

Senate Bill 128

Sponsored by Senator RILEY (Pre-session 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**.

Creates Hillsboro Airport Authority and Troutdale Airport Authority as divisions of Port of Portland. Provides that airport authorities operate independently of Board of Commissioners of Port of Portland. Provides that airport authorities have exclusive right to exercise all power and authority of Port of Portland with respect to Hillsboro Airport and Troutdale Airport.

Provides that airport authorities are composed of nine members elected from county in which airport is located.

A BILL FOR AN ACT

1
2 Relating to airports administered by the Port of Portland; creating new provisions; and amending
3 ORS 778.205 and 778.990.

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

5 **SECTION 1. Sections 2 through 11 of this 2017 Act are added to and made a part of ORS**
6 **chapter 778.**

7 **SECTION 2. As used in sections 2 to 11 of this 2017 Act:**

8 (1) "Airport authority" means the Hillsboro Airport Authority or the Troutdale Airport
9 Authority created under section 3 of this 2017 Act.

10 (2) "Hillsboro Airport" means all real and personal property that constitute the airport
11 in the City of Hillsboro owned by the Port of Portland and designated as Hillsboro Airport
12 in maps and documents of the Port of Portland.

13 (3) "Troutdale Airport" means all real and personal property that constitute the airport
14 in the City of Troutdale owned by the Port of Portland and designated as Troutdale Airport
15 in maps and documents of the Port of Portland.

16 **SECTION 3. (1) There are created the Hillsboro Airport Authority and the Troutdale**
17 **Airport Authority. The airport authorities are divisions of the Port of Portland but are not**
18 **subject to control or supervision by the Board of Commissioners of the Port of Portland.**

19 (2) All power and authority of the Port of Portland with respect to Hillsboro Airport and
20 Troutdale Airport is exclusively vested in and may be exercised only by the respective airport
21 authorities. Except as provided in sections 2 to 11 of this 2017 Act, the airport authorities
22 may exercise any and all such power and authority.

23 (3) An airport authority may not exercise its power or authority with respect to any
24 property of the Port of Portland not within the jurisdiction of the airport authority.

25 **SECTION 4. (1) Each airport authority consists of nine members elected or appointed as**
26 **provided in this section. Members of the Hillsboro Airport Authority must reside, at the time**
27 **of appointment or election, within Washington County. Members of the Troutdale Airport**
28 **Authority must reside, at the time of appointment or election, within Multnomah County.**

29 (2) The term of a member is four years, except as provided in subsection (5) of this sec-

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 tion. Upon expiration of a term, a member shall continue to hold office until a successor is
2 elected. If a vacancy occurs by death or resignation, the Governor shall appoint a member
3 to serve in the vacant position until the term expires and a successor is elected.

4 (3) Members may serve any number of terms.

5 (4)(a) Except as provided in subsection (5) of this section:

6 (A) Members of the Hillsboro Airport Authority are elected by vote of electors residing
7 in Washington County.

8 (B) Members of the Troutdale Airport Authority are elected by vote of electors residing
9 in Multnomah County.

10 (b) An airport authority shall pay for expenses incurred for elections held to select its
11 members under this section.

12 (5) The Governor shall appoint the initial members of the airport authorities. The Gov-
13 ernor shall appoint five of the initial members to serve an initial term of two years, and four
14 of the initial members to serve an initial term of four years.

15 (6) Members are not entitled to compensation for their services but may be reimbursed
16 for actual and necessary expenses incurred or paid in the performance of their duties as
17 members.

18 SECTION 5. (1) An airport authority shall hold at least one regular meeting each month
19 on a day fixed by the airport authority, and may hold special meetings at the call of the
20 chairperson or as provided in bylaws of the airport authority.

21 (2) A majority of the members of an airport authority constitutes a quorum for the
22 transaction of business.

23 SECTION 6. An airport authority shall select one of its members as president. The
24 president shall appoint a vice president, treasurer and secretary from among the members
25 of the airport authority, for such terms and with such duties and powers as the airport au-
26 thority determines.

27 SECTION 7. (1) An airport authority may adopt ordinances as authorized and in the
28 manner provided in ORS 778.255 and 778.260 with respect to property within the jurisdiction
29 of the airport authority. Rights and obligations assigned to the Board of Commissioners of
30 the Port of Portland under those sections are instead assigned to the airport authority.

31 (2)(a) Ordinances adopted by an airport authority are subject to the powers of initiative
32 and referendum by the electors of Washington County, for the Hillsboro Airport Authority,
33 and the electors of Multnomah County, for the Troutdale Airport Authority, in accordance
34 with ORS 255.135 to 255.205.

35 (b) A referendum petition must be filed no more than 30 days after the date the ordi-
36 nance is adopted.

37 SECTION 8. (1) An airport authority may not independently exercise the taxing power
38 of the Port of Portland.

39 (2) Each year, an airport authority shall certify to the Board of Commissioners of the
40 Port of Portland an amount necessary to pay principal and interest on bonds under (new
41 bond sections) and to pay all other expenses that may be incurred in the exercise of the
42 powers granted to the airport authorities.

43 (3) The Port of Portland shall, in its annual tax levy under ORS 778.065, levy and collect
44 the amount certified by the airport authorities under subsection (2) of this section. If the
45 port is unable to levy the full amount certified due to constitutional or other limitations, the

1 port shall reduce both the levy certified by the airport authorities and any levy proposed by
 2 the port for purposes not related to airport authorities in the same proportion.

3 (4) After collecting the amounts certified under subsection (2) of this section, the Port
 4 of Portland shall hold those moneys in separate accounts for each airport authority. Moneys
 5 in airport authority accounts are dedicated to airport authority purposes and may not be
 6 spent, pledged or otherwise obligated for any other purposes. Each airport authority has full
 7 control over moneys in its account. Airport authorities may create other accounts or sub-
 8 accounts as necessary.

9 (5) Fees, charges, or other revenues deriving from property within the jurisdiction of an
 10 airport district must be deposited in the dedicated account of the airport district.

11 **SECTION 9.** To fund initial operations of airport authorities, the Port of Portland shall
 12 transfer, no later than 60 days after the effective date of this 2017 Act:

13 (1) To the dedicated account described in section 8 of this 2017 Act for the Hillsboro
 14 Airport Authority, the amount of \$_____; and

15 (2) To the dedicated account described in section 8 of this 2017 Act for the Troutdale
 16 Airport Authority, the amount of \$_____.

17 **SECTION 10.** (1) An airport authority may issue revenue bonds as authorized and in the
 18 manner provided by 778.145 to 778.175, except that rights and obligations assigned to the
 19 Board of Commissioners of the Port of Portland under those sections are instead assigned
 20 to the airport authority.

21 (2) A revenue bond of an airport authority may pledge only revenues derived from prop-
 22 erty within the jurisdiction of the airport authority.

23 **SECTION 11.** (1) An airport authority may exercise the power of the Port of Portland to
 24 issue general obligation bonds as authorized and in the manner provided by ORS 778.030,
 25 778.036, 778.040 and 778.045.

26 (2) The limitations of ORS 778.060 do not apply to an airport authority.

27 **SECTION 12.** ORS 778.205 is amended to read:

28 778.205. **Except as provided in sections 2 to 11 of this 2017 Act,** the power and authority
 29 given to the Port of Portland is vested in and shall be exercised by a board of nine commissioners.
 30 The board may exercise such powers, at regular or special meetings, as is usual and customary with
 31 similar bodies.

32 **SECTION 13.** ORS 778.990 is amended to read:

33 778.990. (1) Any person who violates an ordinance adopted by the board of the Port of Portland
 34 under ORS 778.085 or 778.260 commits a Class A misdemeanor.

35 (2) Any person who violates an ordinance adopted by an airport authority under section
 36 7 of this 2017 Act commits a Class A misdemeanor.

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