

Enrolled
House Bill 3030

Sponsored by Representative GOMBERG, Senator ROBLAN, Representative MCKEOWN (at the request of Lincoln County Board of Commissioners)

CHAPTER

AN ACT

Relating to a principal Act for sand control districts; creating new provisions; amending ORS 174.116, 198.010, 198.115, 198.210, 198.310, 198.335, 198.510 and 255.012; and declaring an emergency.

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

SECTION 1. (1) Contiguous territory that is not within the corporate boundaries of a city may be formed into, or included in, a sand control district as provided by sections 1 to 6 of this 2015 Act and provisions of ORS 198.705 to 198.955 that are not inconsistent with sections 1 to 6 of this 2015 Act.

(2) A sand control district may be created for the purpose of controlling or moving drifting sand within the district or removing drifting sand from within the district. The sand control district may:

- (a) Make contracts.**
- (b) Acquire, hold, receive and dispose of real and personal property.**
- (c) Sue and be sued.**
- (d) Exercise the power of eminent domain.**
- (e) Raise revenue by levying, assessing and collecting taxes on taxable real property within the district under ordinances adopted, amended or repealed under ORS 198.510 to 198.600.**

(f) Take action necessary to carry out the purposes and perform the duties of the district.

(3) Plans and actions of the district must comply with the requirements of county ordinances.

SECTION 2. (1) The authority of a sand control district is vested in a district board consisting of three members. Upon taking office, a board member shall take, and subscribe to, an oath of office to support the Constitution and laws of the United States and of the State of Oregon and to honestly and faithfully perform the duties imposed upon the member under the laws of Oregon.

(2) The district board:

(a) Shall hold at least one regular meeting in each calendar month, on a day fixed by the board, and may hold special meetings as the board determines.

(b) Shall hold meetings at times and places within the district as the board determines.

(c) Shall, at the time of its organization, choose from the members a president, a secretary and a treasurer, who hold those offices until the first regular meeting in January, or until their successors are chosen and qualified.

(d) May call a special election at any regular meeting of the district.

(3) A majority of the members constitutes a quorum to conduct business and, in the absence of the member serving as president, another member may preside at a meeting.

(4) The secretary of the district shall:

(a) Assign position numbers one to three to the offices of board members;

(b) Certify the assigned position numbers to the member holding the office; and

(c) File a copy of the certification with the district elections officer.

(5) Except as provided in section 3 of this 2015 Act, the term of office of a board member is four years.

(6) The district board shall fill a vacancy on the board as provided in ORS 198.320.

SECTION 3. (1) If a sand control district contains 100 or more electors residing within its boundaries, electors of the district are qualified to serve as board members. Otherwise, an individual who owns taxable real property within the district and is an elector registered in this state is qualified to serve as a member.

(2) Within 10 days after the creation of the district or the election of the first board members, whichever occurs later, the district board shall:

(a) Meet and organize; and

(b) Determine by lot the length of term of each board member.

(3) The term of one of the members determined under subsection (2) of this section expires June 30 next following the first regular district election. The term of two members determined under subsection (2) of this section expires June 30 next following the second regular district election.

SECTION 4. (1) A sand control district shall deposit moneys of the district in a depository, as defined in ORS 295.001, designated by the district board.

(2) The moneys may be withdrawn or paid out pursuant to an order of the board upon a check signed by the treasurer or by a person authorized to serve as custodian of district funds by a resolution of the board.

(3) The district board shall keep on file receipts or vouchers that show the nature and items covered by each check drawn.

(4) The district board shall:

(a) Cause all proceedings of the board to be entered at large in a record book.

(b) Preserve, and make available for inspection, public records pertaining to the authority and duties of the district, as required by ORS 192.410 to 192.505.

SECTION 5. (1) Upon approval of the electors of a sand control district, the district may issue general obligation bonds, as prescribed in ORS 287A.300 to 287A.380, from time to time to finance purposes and duties of the district.

(2) The district may not issue, or have outstanding at any time, general obligation bonds in a principal amount that exceeds:

(a) Five percent of the real market value of the taxable property in the district, calculated as provided in ORS 308.207, if the district has a population of less than 100 individuals within its boundaries; or

(b) 10 percent of the real market value of the taxable property in the district, calculated as provided in ORS 308.207, if the district has a population of 100 or more individuals within its boundaries.

(3) Bonds issued under this section must mature within 30 years from the date of issuance.

SECTION 6. (1) ORS chapter 255 governs:

(a) The nomination and election of district board members of a sand control district.

(b) The conduct of sand control district elections.

(2) The electors of the district may exercise the initiative and referendum powers for a district measure as provided in ORS 255.135 to 255.205.

SECTION 7. ORS 198.010 is amended to read:

198.010. As used in this chapter, except as otherwise specifically provided, “district” means any one of the following:

- (1) A people’s utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.
- (12) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (13) A vector control district organized under ORS 452.020 to 452.170.
- (14) A rural fire protection district organized under ORS chapter 478.
- (15) An irrigation district organized under ORS chapter 545.
- (16) A drainage district organized under ORS chapter 547.
- (17) A water improvement district organized under ORS chapter 552.
- (18) A water control district organized under ORS chapter 553.
- (19) A weather modification district organized under ORS 558.200 to 558.440.
- (20) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (21) A geothermal heating district organized under ORS chapter 523.
- (22) A transportation district organized under ORS 267.510 to 267.650.
- (23) A library district organized under ORS 357.216 to 357.286.
- (24) A 9-1-1 communications district organized under ORS 403.300 to 403.380.
- (25) A heritage district organized under ORS 358.442 to 358.474.
- (26) A radio and data district organized under ORS 403.500 to 403.542.

(27) A sand control district organized under sections 1 to 6 of this 2015 Act.

SECTION 8. ORS 198.115 is amended to read:

198.115. (1) As used in this section, “district” has the meaning given that term in ORS 198.010 (1) to (5), [and] (7) to (24) **and (27)**.

(2) A district, by an ordinance or resolution that takes effect at least one year prior to the date of the regular district election, may provide that any individual who is an employee of the district is not eligible to serve as a member of the governing board of the district by which the individual is employed.

SECTION 9. ORS 198.210 is amended to read:

198.210. As used in ORS 198.220, in addition to the meaning given the term by ORS 198.010 (1) to (5), [and] (7) to (24) **and (27)**, “district” means any one of the following:

- (1) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.
- (2) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.
- (3) A weed control district organized under ORS 569.350 to 569.445.
- (4) A port district organized under ORS chapter 778.

SECTION 10. ORS 198.310 is amended to read:

198.310. As used in ORS 198.320, in addition to the meaning given the term by ORS 198.010 (1) to (5), (7) to (24), [and] (26) **and (27)**, “district” means a soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

SECTION 11. ORS 198.335 is amended to read:

198.335. As used in ORS 198.335 to 198.365, unless the context requires otherwise:

(1) “County board” means the board of county commissioners or the county court.

(2) “Special district”:

(a) Has the meaning given the term “district” in ORS 198.010 (1) to (5), [and] (7) to (24) **and (27)**; and

(b) Also means:

(A) A diking district organized under ORS chapter 551.

(B) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(C) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

(D) A weed control district organized under ORS 569.350 to 569.445.

(E) A port district organized under ORS chapter 778.

SECTION 12. ORS 198.510 is amended to read:

198.510. As used in ORS 198.510 to 198.600, unless the context requires otherwise:

(1) “County” means the county in which the district, or the greater portion of the assessed value of the district, is located.

(2) “County board” means the board of county commissioners or the county court of the county.

(3) “County clerk” means the county clerk of the county.

(4) “District” has the meaning given that term in ORS 198.010 (2), (4), (5), (11), (12), (14), (17), (19), (20) to (23), (25), [and] (26) **and (27)**. In addition, “district” means any one of the following:

(a) A county service district organized under ORS chapter 451.

(b) The Port of Portland established by ORS 778.010.

(5) “District board” means the governing body of a district and the term includes a county board that is in the governing body of a district.

(6) “Presiding officer” means the chairperson, president or other person performing the office of presiding officer of the district board.

(7) “Principal Act” means the law, other than ORS 198.510 to 198.600, applicable to a district.

SECTION 13. ORS 174.116 is amended to read:

174.116. (1)(a) Subject to ORS 174.108, as used in the statutes of this state “local government” means all cities, counties and local service districts located in this state, and all administrative subdivisions of those cities, counties and local service districts.

(b) Subject to ORS 174.108, as used in the statutes of this state “local government” includes:

(A) An entity created by statute, ordinance or resolution for the purpose of giving advice only to a local government;

(B) An entity created by local government for the purpose of giving advice to local government and that is not created by ordinance or resolution, if the document creating the entity indicates that the entity is a public body; and

(C) Any entity created by local government other than an entity described in subparagraph (B) of this paragraph, unless the ordinance, resolution or other document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by local government.

(2) Subject to ORS 174.108, as used in the statutes of this state “local service district” means:

(a) An economic improvement district created under ORS 223.112 to 223.132 or 223.141 to 223.161.

(b) A people’s utility district organized under ORS chapter 261.

(c) A domestic water supply district organized under ORS chapter 264.

(d) A cemetery maintenance district organized under ORS chapter 265.

- (e) A park and recreation district organized under ORS chapter 266.
- (f) A mass transit district organized under ORS 267.010 to 267.390.
- (g) A transportation district organized under ORS 267.510 to 267.650.
- (h) A metropolitan service district organized under ORS chapter 268.
- (i) A translator district organized under ORS 354.605 to 354.715.
- (j) A library district organized under ORS 357.216 to 357.286.
- (k) A county road district organized under ORS 371.055 to 371.110.
- (L) A special road district organized under ORS 371.305 to 371.360.
- (m) A road assessment district organized under ORS 371.405 to 371.535.
- (n) A highway lighting district organized under ORS chapter 372.
- (o) A 9-1-1 communications district organized under ORS 403.300 to 403.380.
- (p) A health district organized under ORS 440.305 to 440.410.
- (q) A sanitary district organized under ORS 450.005 to 450.245.
- (r) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (s) A county service district organized under ORS chapter 451.
- (t) A vector control district organized under ORS 452.020 to 452.170.
- (u) A rural fire protection district organized under ORS chapter 478.
- (v) A geothermal heating district organized under ORS chapter 523.
- (w) An irrigation district organized under ORS chapter 545.
- (x) A drainage district organized under ORS chapter 547.
- (y) A diking district organized under ORS chapter 551.
- (z) A water improvement district organized under ORS chapter 552.
- (aa) A water control district organized under ORS chapter 553.
- (bb) A district improvement company or a district improvement corporation organized under ORS chapter 554.
- (cc) A weather modification district organized under ORS 558.200 to 558.440.
- (dd) A fair district formed under ORS chapter 565.
- (ee) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.
- (ff) A weed control district organized under ORS 569.350 to 569.445.
- (gg) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (hh) The Port of Portland created under ORS 778.010.
- (ii) An airport district established under ORS chapter 838.
- (jj) A heritage district organized under ORS 358.442 to 358.474.
- (kk) A radio and data district organized under ORS 403.500 to 403.542.

(LL) A sand control district organized under sections 1 to 6 of this 2015 Act.

SECTION 14. ORS 255.012 is amended to read:

255.012. As used in this chapter, "district" means:

- (1) A domestic water supply district organized under ORS chapter 264.
- (2) A cemetery maintenance district organized under ORS chapter 265.
- (3) A park and recreation district organized under ORS chapter 266.
- (4) A mass transit district organized under ORS 267.010 to 267.390.
- (5) A transportation district organized under ORS 267.510 to 267.650.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A translator district organized under ORS 354.605 to 354.715.
- (8) A library district organized under ORS 357.216 to 357.286.
- (9) A county road district organized under ORS 371.055 to 371.110.
- (10) A special road district organized under ORS 371.305 to 371.360.
- (11) A road assessment district organized under ORS 371.405 to 371.535.
- (12) A highway lighting district organized under ORS chapter 372.
- (13) A health district organized under ORS 440.305 to 440.410.

- (14) A sanitary district organized under ORS 450.005 to 450.245.
- (15) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (16) A county service district organized under ORS chapter 451.
- (17) A vector control district organized under ORS 452.020 to 452.170.
- (18) A rural fire protection district organized under ORS chapter 478.
- (19) An airport district organized under ORS chapter 838.
- (20) A geothermal heating district organized under ORS chapter 523.
- (21) A water improvement district organized under ORS chapter 552.
- (22) A water control district organized under ORS chapter 553.
- (23) A weather modification district organized under ORS 558.200 to 558.440.
- (24) A livestock district organized under ORS 607.005 to 607.051.
- (25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- (26) The Port of Portland established by ORS 778.010.
- (27) A school district.
- (28) Territory, other than territory within a city, proposed to be created, formed or incorporated into a district or to be annexed or otherwise added to a district.
- (29) A soil and water conservation district organized under ORS 568.210 to 568.810 and 568.900 to 568.933.
- (30) A heritage district organized under ORS 358.442 to 358.474.
- (31) A radio and data district organized under ORS 403.500 to 403.542.
- (32) A sand control district organized under sections 1 to 6 of this 2015 Act.**

SECTION 15. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House March 23, 2015

Received by Governor:

Repassed by House June 16, 2015

.....M.,....., 2015

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 10, 2015

Filed in Office of Secretary of State:

.....M.,....., 2015

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State