

SB 543-9
(LC 966)
5/10/19 (ASD/ps)

Requested by Senator RILEY

**PROPOSED AMENDMENTS TO
SENATE BILL 543**

1 On page 1 of the printed bill, line 2, before the period insert “, 198.510
2 and 198.705”.

3 On page 2, line 14, delete “claiming” and insert “asserting a valid
4 claim”.

5 Delete lines 21 and 22 and insert:

6 “(3) Notwithstanding ORS 198.705 to 198.955, the petition for formation
7 of a”.

8 After line 24, insert:

9 “(4)(a) Notwithstanding ORS 198.720, a petition for formation of a
10 children’s service district does not need to be accompanied by a certified
11 copy of a resolution approving the petition adopted by the governing body
12 of any city with territory that is subject to the petition for formation of the
13 district.

14 “(b) Notwithstanding ORS 198.835, a county order for formation of a
15 children’s service district does not need to be accompanied by a certified
16 copy of a resolution approving the order adopted by the governing body of
17 any city with territory that is subject to the formation of the district.

18 Delete lines 40 and 41 and insert:

19 “(4)(a) A majority of the district board members shall constitute a quorum
20 for the transaction of the business of the board.

21 “(b) Decisions of the board shall be made by majority vote of the district

1 board members.

2 “(c) The board shall meet at such times and places as the board considers
3 necessary or convenient.

4 “(5)(a) At the first meeting of the board, or as soon as practicable there-
5 after, the district board members shall:

6 “(A) Choose one of the members to serve as president;

7 “(B) Fix the location of the principal office of the district at a convenient
8 location within the district; and

9 “(C) Adopt bylaws and rules for the administration and conduct of the
10 business of the district.

11 “(b) The board shall:

12 “(A) Keep and maintain records of all proceedings, decisions and actions
13 of the board; and

14 “(B) File for recording all documents required to be recorded by law.

15 “(6) The president of the board shall:

16 “(a) Set the agenda for meetings of the board, subject to revision by a
17 majority of the district board members; and

18 “(b) Preside over board meetings.

19 In line 42, delete “(5)” and insert “(7)”.

20 On page 3, delete line 8 and insert:

21 “(5) To establish and maintain funds and accounts for the moneys of the
22 district.

23 “(6) To solicit and accept gifts, grants and donations of property or ser-
24 vices from any source.

25 “(7) To obtain an annual audit of the books of the district.

26 “(8) To employ all necessary employees and agents and prescribe the du-
27 ties and fix the compensation of the employees and agents.”.

28 In line 9, delete “(6)” and insert “(9)”.

29 In line 11, delete “(7)” and insert “(10)”.

30 In line 12, delete “(8)” and insert “(11)”.

1 In line 13, delete “(9)” and insert “(12)”.

2 Delete lines 16 through 18 and insert:

3 **“SECTION 5. (1) The board of a children’s service district may an-**
4 **nually impose, assess and collect operating taxes as defined in ORS**
5 **310.055 on the assessed value of all taxable property located in the**
6 **district. The revenues from the taxes shall be used for the purposes**
7 **for which the district was created.**

8 **“(2) A children’s service district is a municipal corporation for**
9 **purposes of ORS 294.305 to 294.565 and shall file a written notice with**
10 **the county assessor as required under ORS 310.060.**

11 **“SECTION 6. ORS 198.510 is amended to read:**

12 “198.510. As used in ORS 198.510 to 198.600, unless the context requires
13 otherwise:

14 “(1) ‘County’ means the county in which the district, or the greater por-
15 tion of the assessed value of the district, is located.

16 “(2) ‘County board’ means the board of county commissioners or the
17 county court of the county.

18 “(3) ‘County clerk’ means the county clerk of the county.

19 “(4) ‘District’ has the meaning given that term in ORS 198.010 (2), (4), (5),
20 (11), (12), (14), (16), (17), (19), (20) to (23)[, (25), (26) and (27)] **and (25) to**
21 **(28)**. In addition, ‘district’ means any one of the following:

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

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

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

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

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

30 **“SECTION 7. ORS 198.705 is amended to read:**

1 “198.705. As used in ORS 198.705 to 198.955, unless the context requires
2 otherwise:

3 “(1) ‘Affected county’ means each county which contains or would contain
4 any territory for which a formation or a change of organization is proposed
5 or ordered or which contains all or any part of a district for which a change
6 of organization is proposed or ordered.

7 “(2) ‘Affected district’ means each district which contains or would con-
8 tain territory for which a formation or a change of organization is proposed
9 or ordered.

10 “(3) ‘Annexation’ includes the attachment or addition of territory to, or
11 inclusion of territory in, an existing district.

12 “(4) ‘Change of organization’ means the annexation or withdrawal of ter-
13 ritory to or from a district, the merger or consolidation of districts or the
14 dissolution of a district.

15 “(5) ‘Consolidation’ means the uniting or joining of two or more districts
16 into a single new successor district.

17 “(6) ‘County board’ means the county court or board of county commis-
18 sioners of the principal county.

19 “(7) ‘Dissolution’ includes disincorporation, extinguishment or termi-
20 nation of the existence of a district and the cessation of all its corporate
21 powers, except for the purpose of winding up the affairs of the district.

22 “(8) ‘District’ has the meaning given that term in ORS 198.010 (2) to (4),
23 (6) to (14), (17) to (23), [*and*] (25) **and (28)**. In addition, ‘district’ means any
24 one of the following:

25 “(a) A county road district organized under ORS 371.055 to 371.110.

26 “(b) A county service district organized under ORS chapter 451.

27 “(c) The Port of Portland created by ORS 778.010.

28 “(d) A translator district organized under ORS 354.605 to 354.715.

29 “(9) ‘District board’ means the governing board of a district.

30 “(10) ‘Formation’ includes incorporation, organization or creation of a

1 district.

2 “(11) ‘Inhabited territory’ means territory within which there reside 12
3 or more persons who have been registered to vote within the territory for
4 at least 30 days prior to the date a proceeding is commenced under ORS
5 198.705 to 198.955.

6 “(12) ‘Landowner’ or ‘owner of land’ means any person shown as the
7 owner of land on the last assessment roll. However, if the person no longer
8 holds the title to the property, then the terms mean any person entitled to
9 be shown as owner of land on the next assessment roll, or, when land is
10 subject to a written agreement of sale, the terms mean any person shown in
11 the agreement as purchaser to the exclusion of the seller. ‘Landowner’ or
12 ‘owner of land’ includes any public agency owning land.

13 “(13) ‘Legal representative’ means:

14 “(a) An officer of a corporation duly authorized, by the bylaws or a re-
15 solution of the board of directors of the corporation, to sign for and on be-
16 half of the corporation; and

17 “(b) A guardian, executor, administrator or other person holding property
18 in a trust capacity under appointment of court, when authorized by an order
19 of court, which order may be made without notice.

20 “(14) ‘Merger’ means the extinguishment, termination and cessation of the
21 existence of one or more districts by uniting with and being absorbed into
22 another district.

23 “(15) ‘Notice’ includes an ordinance, resolution, order or other similar
24 matter providing notice which ORS 198.705 to 198.955 authorize or require
25 to be published, posted or mailed.

26 “(16) ‘Principal Act’ means the statutes which describe the powers of a
27 district, including the statutes under which a district is proposed or is op-
28 erating.

29 “(17) ‘Principal county’ or ‘county’ means the county in which the dis-
30 trict, or the greater portion of the assessed value of all taxable property in

1 the district, as shown by the most recent assessment roll of the counties, is
2 located at the time proceedings are initiated to form a district, but for any
3 district formed prior to and existing on September 9, 1971, 'principal
4 county' or 'county' means the county in which the district, or the greater
5 portion of the value of all taxable property in the district, as shown by the
6 most recent assessment roll of the counties, was located on September 9,
7 1971.

8 "(18) 'Proceeding' means a proceeding for formation or for change of or-
9 ganization conducted pursuant to ORS 198.705 to 198.955.

10 "(19) 'Uninhabited territory' means territory within which there reside
11 less than 12 electors who were residents within the territory 30 days prior
12 to the date a proceeding is commenced under ORS 198.705 to 198.955.

13 "(20) 'Withdrawal' includes the detachment, disconnection or exclusion
14 of territory from an existing district."

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