

Senate Committee on Local Government

February 18, 1969

8:30 a.m.

300 State Capitol

Members Present: Husband, Chairman
Flegel, Vice Chairman
Bateson
Fadeley
Jernstedt

Witnesses: Harold Henigson, Oregon Reclamation Congress

SB 35, 35, 37, 38, 39, and 41

Mr. Harold Henigson, Attorney, Nyssa, Oregon, representing the Oregon Reclamation Congress appeared before the committee to answer questions and present suggested amendments to the above group of substantive revision bills (SB 35-44) as recommended by the Interim Committee on Local Government which propose to change the statutes regarding irrigation and drainage districts.

Mr. Henigson stated that he felt problems confronted by irrigation districts are non uniform in nature with regard to other districts and that the proposed legislation is a vast undertaking in an effort to achieve uniformity in special district law.

Mr. Henigson agreed that the language of the irrigation law could be modernized and streamlined, but felt that the present statutes contain a wealth of information and guidelines permitting the districts which he said are limited in budgetary funds to operate without too much litigation.

Mr. Henigson suggested that proposed changes may overthrow past decisions of the Supreme Court which have interpreted problem areas of the irrigation laws as they now stand and tend to create lawsuits.

SB 35

Mr. Henigson stated that SB 35 as written is not applicable to irrigation or drainage districts and went on to cite for comparison sections of irrigation district law i.e., elected director need not be a resident of precinct or district itself, need not be a registered voter within the bounds of an irrigation district, need not reside in area of farm in order to vote for director of district, multiple ownership of farm with multiple qualified voters, case of district officer refusing to set up recall election and county clerk being designated to verify signatures on petition.

The following amendments were suggested:

- ...definition of a qualified voter
- ...provision providing for cost of recall
- ...who conducts election when district officer refuses

SB 36

No objection

SB 37

Mr. Henigson stated that he felt irrigation and drainage districts were designed as a service to the farmer and that the reference made to bonding of employees and agents (which would include the U.S. Government) would increase overhead and suggested the following changes:

...on page 3, line 7, after "district," delete the rest of the sentence

...on page 3, line 3, delete the word "adequate"

SB 38

Mr. Henigson told members of the committee that the Oregon Reclamation Congress was in opposition to SB 38 in so far as it eliminates the compensation for directors and officers of drainage and irrigation districts.

Mr. Henigson stated that directors of these districts are farmers and land-owners with the thought of the land and production in mind; none of them consider their positions as money making ventures.

SB 39

Mr. Henigson suggested clarification of language on page 3, lines 3-5 concerning vacancy on the governing body.

SB 41

Mr. Henigson stated that provisions of SB 41 would destroy irrigation districts completely. The following amendments were suggested:

...on page 5, line 31, definition of withdrawal of territory from a district

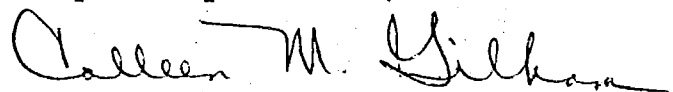
...on page 8, line 3, annexation or detachment of territory; the word detachment is not applicable in irrigation law

...on page 18, line 23, holding election for exclusion of land

...on page 99, line 17, holding election for inclusion of land

The meeting adjourned at 10:00 a.m. with continued hearings scheduled for SB 35-44.

Respectfully submitted,



Colleen M. Gilham, Clerk

Senate Local Government Committee

February 21, 1969

8:30 a.m.

300 State Capitol

Members Present: Husband, Chairman
Flegel, Vice Chairman
Bateson
Fadeley
Jernstedt

Witnesses: Robert L. Myers, representing Sauvie Island, Multnomah
No. 1, and Peninsula No. 2 Drainage Districts, Multnomah
County
Chris L. Wheeler, State Engineer
James W. Van Galder, State Tax Commission
Bill Fitzpatrick, Secretary-Treasurer, Santiam Water
Control District

SB 35, 36, 37, 38, 39 and 41

SB 35

With no testimony being heard, Senator Flegel moved that SB 35 be sent to the floor with a Do Pass recommendation as amended. The clerk called the roll. The motion carried with Senator Fadeley voting no. Senator Husband will carry the bill.

SB 36

Senator Bateson suggested that SB 36 as amended be further amended to more clearly define conflicts concerning purchases between governing boards and board members.

Senator Bateson's proposed amendment was as follows ... in subsection 3, after the word "apply" insert "to the purchase of a service by a member of the governing body".

Senator Jernstedt moved the adoption of proposed amendments to SB 36 as amended. The clerk called the roll. The motion carried unanimously.

Senator Bateson then moved that SB 36 as amended be sent to the floor with a Do Pass as amended recommendation. The clerk called the roll. The motion carried unanimously. Senator Bateson will carry the bill.

SB 37

Amendments proposed by Mr. Harold Henigson on February 18, 1969 were discussed and Senator Flegel moved that they be adopted by the committee and incorporated into the bill. The clerk called the roll. The motion carried unanimously.

Senator Flegel then moved that SB 37 as amended be sent to the floor with a Do Pass as amended recommendation. The clerk called the roll. The motion carried unanimously. Senator Fadeley will carry the bill.

SB 39

Senator Jernstedt then moved that SB 39 be sent to the floor with a Do Pass recommendation. The clerk called the roll. The motion carried

SB 39

unanimously. Senator Jernstedt will carry the bill.

SB 38

Senator Flegel next moved that SB 38 be Tabled. Senator Bateson seconded the motion. Senator Husband stated that except in a couple of districts there should be no problem with the bill. Senator Flegel suggested that it be left up to the governing body to determine whether or not per diem is paid to board members.

The clerk called the roll. The motion carried with Senator Husband voting no.

SB 67

Senator Flegel then moved that SB 67 be Tabled. The clerk called the roll. The motion carried unanimously.

SB 172

Senator Husband, sponsor of SB 172, stated that the bill would eliminate the present requirement that the tax levy for special road districts be stated in the petition upon formation of a district, but stressed that the annual levy presently permitted in accordance with ORS 208.207 of .0025 of true cash value would remain the same.

Senator Flegel moved that SB 172 be sent to the floor with a Do Pass recommendation. The clerk called the roll. The motion carried unanimously. Senator Husband will carry the bill.

SB 41

Mr. Robert Myers, representing drainage districts in the Portland Metropolitan area, suggested Section 12 of SB 41 be amended to read: "elections required by Section 1-51 of this act be called within a district shall be conducted as provided by the principal act of the district for the members of the district board."

Mr. Myers stated that landowners in drainage districts presently hold landowner meetings and vote their acreage when an election is held; under SB 41 elections regarding either the change of boundaries, formation or dissolution of drainage districts would be voted on by registered voters only. Mr. Myers felt this provision was unfair since some districts are almost entirely owned by people not living in the district who pay for and operate the district.

Mr. Chris L. Wheeler, State Engineer, appeared before the committee and discussed proposed amendments to SB 41. (See attached Exhibit "A")

Mr. James W. Van Galder, State Tax Commission, called to the attention of the committee page 17, section 31, subsection 2, lines 25 and 26 which he said would make annexation effective upon approval of voters and would

HOUSE COMMITTEE ON LOCAL GOVERNMENT

May 7, 1969

8:00 A.M.

Room 420 Capitol Building

Members present: Gwinn, Chairman; Anunsen; Coffin; Ingalls; Roberts; Wingard

Members absent: Frost; Kennedy

Delayed: Howe (8:40 A.M.)

Witnesses: B. H. Spence, Oregon Fire Services

The meeting was called to order by Chairman Gwinn.

SB 30: - Sen. Husband and Jane Gearhart, Legislative Counsel appeared jointly before the committee to go through the bill, explain the changes made and answer questions. The bill basically contains topical revisions. There was a substantive change on Page 14, Section 26, Subsection 4, which brought considerable discussion from the committee. Sen. Husband told the committee this was added to assist Multnomah County in a situation whereby they would be able to charge for the extension on the lighting system, in connection with the water supply system. In response to a question relating to the deletion, Sen. Husband said he had no strong feeling about it. There was a feeling by some of the committee members of an ambiguous connotation in that particular subsection.

SB 31: - Sen. Husband and Jane Gearhart took the committee through the bill, with explanation of the substantive changes. The change in Section 26, page 17, was to take care of a situation in Multnomah County relating to fire districts by increasing the limit on allowing the district to levy. It involves a combination of levies of .0015% and .0025%, making a total of .004%. At this point, Mr. Spence testified in favor of the change. He cited what had happened in Multnomah County relating to being over the legal limitation of 6% in the over 300,000 population category, and where the counties overlapped. To review the law, Sen. Husband explained that under the law any special district must comply not only with Article XI, Section XI, which is the 6% limitation in the constitution, but must also comply with the statutory limitation. In the situation cited, they were well within the 6% limitation but were in violation of the statutory limitation, which is a flat millage of .0015% in counties of 300,000 and .0025% in counties under 300,000. The change in the bill would make it uniform to .004% in any fire district.

Jane Gearhart brought to the attention of the committee a problem arising as a result of a letter received from an attorney who is interested in water and fire districts. She referred to SB 427, half of which applies to water districts and half to fire districts, and which provides a new section that covers annexation procedures. Jane advised the committee that SB 30 can correct the problem by amending in the bill Section 3 of SB 427. This would also apply to SB 31, relating to amending the bill to take care of Section 6 of SB 427. Jane further advised there were some housekeeping changes necessary to integrate the new language in SB 427 with the topical revision changes in SB 30 and SB 31.

SB 37: - Sen. Husband went through the bill with the committee and pointed out that the "key" to the bill is on Page 3, Section 2.

SB 39: - Sen. Husband pointed out to the committee the "key" to this bill is also on Page 3, Section 2.

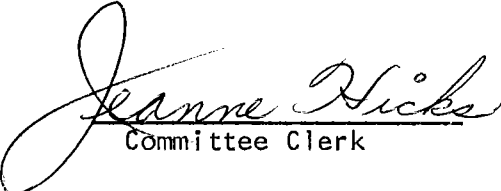
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At the conclusion of review of the bills, it was requested and concurred by the committee, the bills be held until Jane has had an opportunity to check out the conflicts and then meet with the committee before action is taken.

SB 383:- Chairman Gwinn told the committee Rep. Young had requested to appear to testify on the bill and Rep. Davis has been contacted by someone in a rural fire district that would like to offer some testimony on the same bill. He said the chair would entertain a motion the bill be recalled to the committee so the testimony could be heard. Rep. Ingalls moved that SB 383 be recalled to the committee. By roll call vote, the motion carried.

The meeting was adjourned at 9:20 A.M.

Respectfully submitted,


Committee Clerk

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SB 383:- Rep. Anunsen moved the bill be sent to the floor with a "Do Pass As Amended" recommendation. By roll call vote, the motion carried with Reps. Coffin, Frost and Ingalls voting "no".

SB 32:- Rep. Anunsen moved the bill be sent to the floor with a "Do Pass" recommendation. Following discussion, Rep. Anunsen withdrew his motion.

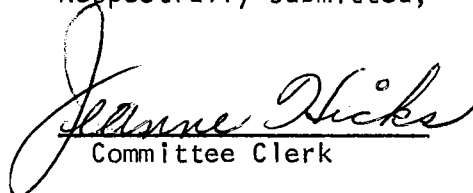
SB 37:- Rep. Roberts moved the bill be sent to the floor with a "Do Pass" recommendation. By roll call vote, the motion carried unanimously. Rep. Roberts will carry the bill.

SB 39:- Rep. Roberts moved the bill be sent to the floor with a "Do Pass" recommendation. By roll call vote, the motion carried unanimously. Rep. Kennedy will carry the bill.

HB 1456:- Rep. Kennedy presented and explained amendments to the bill. Following discussion by the committee, Rep. Kennedy moved the adoption of the amendments. Motion carried. Rep. Wingard then moved the bill be sent to the floor with a "Do Pass As Amended" recommendation. By roll call vote, the motion carried with Rep. Frost voting "no".

The meeting was adjourned at 9:25 A.M.

Respectfully submitted,


Committee Clerk