Enrolled
House Bill 2425

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Representative Lane Shetterly for Oregon Law Commission)

CHAPTER .....

AN ACT

Relating to terminology used for public bodies in Oregon Revised Statutes.

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

SECTION 1. Effect of definitions. (1) As used in the statutes of this state, a term defined in sections 1 to 9 of this 2001 Act has the meaning provided by sections 1 to 9 of this 2001 Act only if the statute using the term makes specific reference to the provision of sections 1 to 9 of this 2001 Act that defines the term and indicates that the term has the meaning specified in that provision.

(2) Nothing in sections 1 to 9 of this 2001 Act affects the meaning of any statute that uses one or more of the terms defined in sections 1 to 9 of this 2001 Act and that is in effect on the effective date of this 2001 Act. Nothing in sections 1 to 9 of this 2001 Act affects the meaning of any statute that uses one or more of the terms defined in sections 1 to 9 of this 2001 Act and that is enacted after the effective date of this 2001 Act unless the statute makes specific reference to the provision of sections 1 to 9 of this 2001 Act that defines the term and indicates that the term has the meaning specified in that provision.

(3) None of the terms defined in sections 1 to 9 of this 2001 Act includes the Oregon Health Sciences University, the Oregon State Bar, any intergovernmental entity formed by a public body with another state or with a political subdivision of another state, or any intergovernmental entity formed by a public body with an agency of the federal government.

SECTION 2. "Public body" defined. Subject to section 1 of this 2001 Act, as used in the statutes of this state "public body" means state government bodies, local government bodies and special government bodies.

SECTION 3. "State government" defined. Subject to section 1 of this 2001 Act, as used in the statutes of this state "state government" means the executive department, the judicial department and the legislative department.

SECTION 4. "Executive department" defined. (1) Subject to section 1 of this 2001 Act, as used in the statutes of this state "executive department" means all statewide elected officers other than judges, and all boards, commissions, departments, divisions and other entities, without regard to the designation given to those entities, that are within the executive department of government as described in section 1, Article III of the Oregon Constitution, and that are not:

(a) In the judicial department or the legislative department;

(b) Local governments; or

(c) Special government bodies.

(2) Subject to section 1 of this 2001 Act, as used in the statutes of this state "executive department" includes:

(a) An entity created by statute for the purpose of giving advice only to the executive department and that does not have members who are officers or employees of the judicial department or legislative department;

(b) An entity created by the executive department for the purpose of giving advice to the executive department, if the document creating the entity indicates that the entity is a public body; and

(c) Any entity created by the executive department other than an entity described in paragraph (b) of this subsection, unless the document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by the executive department.

SECTION 5. "Judicial department" defined. (1) Subject to section 1 of this 2001 Act, as used in the statutes of this state "judicial department" means the Supreme Court, the Court of Appeals, the Oregon Tax Court, the circuit courts and all administrative divisions of those courts, whether denominated as boards, commissions, committees or departments or by any other designation.

(2) Subject to section 1 of this 2001 Act, as used in the statutes of this state "judicial department" includes:

(a) An entity created by statute for the purpose of giving advice only to the judicial department and that does not have members who are officers or employees of the executive department or legislative department;

(b) An entity created by the judicial department for the purpose of giving advice to the judicial department, if the document creating the entity indicates that the entity is a public body; and

(c) Any entity created by the judicial department other than an entity described in paragraph (b) of this subsection, unless the document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by the judicial department.

SECTION 6. "Legislative department" defined. (1) Subject to section 1 of this 2001 Act, as used in the statutes of this state "legislative department" means the Legislative Assembly, the committees of the Legislative Assembly and all administrative divisions of the Legislative Assembly and its committees, whether denominated as boards, commissions or departments or by any other designation.

(2) Subject to section 1 of this 2001 Act, as used in the statutes of this state "legislative department" includes:

(a) An entity created by statute for the purpose of giving advice only to the legislative department and that does not have members who are officers or employees of the executive department or judicial department;

(b) An entity created by the legislative department for the purpose of giving advice to the legislative department, but that is not created by statute, if the document creating the entity indicates that the entity is a public body; and

(c) Any entity created by the legislative department by a document other than a statute and that is not an entity described in paragraph (b) of this subsection, unless the document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by the legislative department.

SECTION 7. "Local government" and "district" defined. (1)(a) Subject to section 1 of this 2001 Act, as used in the statutes of this state "local government" means all cities, counties and districts located in this state, and all administrative subdivisions of those cities, counties and districts.

(b) Subject to section 1 of this 2001 Act, 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 section 1 of this 2001 Act, as used in the statutes of this state "district" means:

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

(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 401.807 to 401.857.

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

(ee) A weed control district organized under ORS 570.505 to 570.575.

(ff) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

(gg) The Port of Portland created under ORS 778.010.

SECTION 8. "Special government body" defined. (1) Subject to section 1 of this 2001 Act, as used in the statutes of this state "special government body" means any of the following:

(a) A public corporation created under a statute of this state and specifically designated as a public corporation.

(b) A school district.

(c) A public charter school established under ORS chapter 338.

(d) An education service district.

(e) A community college district or community college service district established under ORS chapter 341.

(f) An intergovernmental body formed by two or more public bodies.

(g) Any entity that is created by statute, ordinance or resolution that is not part of state government or local government.

(h) Any entity that is not otherwise described in this section that is:

(A) Not part of state government or local government;

(B) Created pursuant to authority granted by a statute, ordinance or resolution, but not directly created by that statute, ordinance or resolution; and

(C) Identified as a governmental entity by the statute, ordinance or resolution authorizing the creation of the entity, without regard to the specific terms used by the statute, ordinance or resolution.

(2) Subject to section 1 of this 2001 Act, as used in the statutes of this state "special government body" includes:

(a) An entity created by statute for the purpose of giving advice only to a special government body;

(b) An entity created by a special government body for the purpose of giving advice to the special government body, if the document creating the entity indicates that the entity is a public body; and

(c) Any entity created by a special government body described in subsection (1) of this section, other than an entity described in paragraph (b) of this subsection, unless the document creating the entity indicates that the entity is not a governmental entity or the entity is not subject to any substantial control by the special government body.

SECTION 9. Application of definitions to Act. The definitions provided by sections 1 to 9 of this 2001 Act apply to sections 1 to 9 of this 2001 Act.

SECTION 10. The section captions used in this 2001 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2001 Act.

Passed by House February 8, 2001

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Chief Clerk of House

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Speaker of House

Passed by Senate March 13, 2001

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President of Senate

Received by Governor:

.....M.,....., 2001

Approved:

.....M.,....., 2001

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2001

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Secretary of State