

## Chapter 267

### Mass Transit Districts

#### Chapter 267

##### NOTES OF DECISIONS

The legislature has the power to pass a general Act for the creation of municipalities and this chapter is such an Act. *Horner's Market v. Tri-County Metropolitan Transp. Dist.*, (1970) 2 Or App 288, 467 P2d 671, Sup Ct. **review denied** (with opinion), 256 Or 124, 471 P2d 798.

This chapter was not unconstitutional as a denial of home rule powers or due process, and not an unconstitutional delegation of legislative authority. *Id.*

A vote in the area is not required either to form a district or for a district to levy a tax. *Id.*

Issues regarding the validity of the formation of the district and the tax which was levied by the district did not present questions "arising under the tax laws of this state" and therefore within the jurisdiction of the Tax Court. *Girt v. Tri-County Metropolitan Trans. Dist.*, (1970) 4 OTR 92.

**FURTHER CITATIONS:** *Oregon AFL-CIO v. Weldon*, (1970) 256 Or 307, 473 P2d 664.

**ATTY. GEN. OPINIONS:** Boundaries after takeover by metropolitan service district, (1970) Vol 34, p 959; levy of employer tax by metropolitan service district, (1970) Vol 35, p 190.

#### 267.010

**ATTY. GEN. OPINIONS:** Fuel tax refunds to district, (1969) Vol 34, p 911; use of highway funds for mass transit, (1970) Vol 35, p 198; authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

#### 267.020

**ATTY. GEN. OPINIONS:** Levy of employer tax by metropolitan service district, (1970) Vol 35, p 190.

#### 267.100

##### NOTES OF DECISIONS

Reference to standard metropolitan statistical areas in existence at the time of passage of this Act was not an unconstitutional delegation of legislative power contrary to Ore. Const. Art. I, §21. *Horner's Market v. Tri-County Metropolitan Trans. Dist.*, (1970) 2 Or App 288, 467 P2d 671, Sup Ct **review denied** (with opinion), 256 Or 124, 471 P2d 798.

**ATTY. GEN. OPINIONS:** Authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

#### 267.105 to 267.115

##### NOTES OF DECISIONS

These sections were patterned after the Act which created the Port of Portland. *Horner's Market v. Tri-County Metropolitan Transp. Dist.*, (1970) 2 Or App 288, 467 P2d 671, Sup Ct **review denied** (with opinion), 256 Or 124, 471 P2d 798.

It was not unconstitutional under the Home Rule amendments to provide for an appointive board. *Id.*

It was not unconstitutional under the due process and equal protection provisions of the Oregon and United States Constitutions to give an appointive board, rather than an elective board, the power to levy taxes. *Id.*

#### 267.105

##### NOTES OF DECISIONS

The guidelines for formation of a district are sufficient to meet constitutional requirements. *Horner's Market v. Tri-County Metropolitan Transp. Dist.*, (1970) 2 Or App 488, 467 P2d 671, Sup Ct **review denied** (with opinion), 256 Or 124, 471 P2d 798.

A law is not invalid because power is given to some local officials to determine the existence of a fact upon which a law takes effect in a given locality. *Id.*

#### 267.110

##### NOTES OF DECISIONS

Levy of a tax by an appointive and unapportioned board was not invalid as a denial of equal protection under the U. S. Const., Am. 14. *Horner's Market v. Tri-County Metropolitan Transp. Dist.*, (1970) 2 Or App 288, 467 P2d 671, Sup Ct **review denied** (with opinion), 256 Or 124, 471 P2d 798.

#### 267.135

**ATTY. GEN. OPINIONS:** Consistency between this and metropolitan service district law, (1970) Vol 35, p 190.

#### 267.150

**CASE CITATIONS:** *Horner's Market v. Tri-County Metropolitan Transp. Dist.*, (1970) 2 Or App 288, 467 P2d 671, Sup Ct **review denied** (with opinion), 256 Or 124, 471 P2d 798.

#### 267.170

##### NOTES OF DECISIONS

Jurisdiction to review a proposed ballot title for an initiative measure in a multi-county district is vested in the Supreme Court. *Oregon AFL-CIO v. Weldon*, (1970) 256 Or 307, 473 P2d 664.

**FURTHER CITATIONS:** *Horner's Market, Inc. v. Tri-County Metropolitan Transp. Dist.*, (1970) 256 Or 124, 471 P2d 798, 467 P2d 671.

**267.200**

ATTY. GEN. OPINIONS: Fuel tax refunds to district, (1969) Vol 34, p 911; authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

**267.205**

ATTY. GEN. OPINIONS: Authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

**267.210**

ATTY. GEN. OPINIONS: Authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

**267.225**

ATTY. GEN. OPINIONS: Authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383.

**267.230**

ATTY. GEN. OPINIONS: Authority to transport passengers outside the district, and property for hire inside or outside, (1970) Vol 35, p 383; applicability of highway use tax imposed by ORS 767.325, (1971) Vol 35, p 672.

**267.300**

CASE CITATIONS: Horner's Market v. Tri-County Metropolitan Transp. Dist., (1970) 2 Or App 288, 467 P2d 671, Sup Ct review denied (with opinion), 256 Or 124, 471 P2d 798.

ATTY. GEN. OPINIONS: Levy of employer tax by metropolitan service district, (1970) Vol 35, p 190; use of sales tax on vehicle fuels for mass transit, (1970) Vol 35, p 198.

**267.305**

ATTY. GEN. OPINIONS: Consistency between this and metropolitan service district law, (1970) Vol 35, p 190.

**267.320**

ATTY. GEN. OPINIONS: Levy of employer tax by metropolitan service district, (1970) Vol 35, p 190; use of highway funds for mass transit, (1970) Vol 35, p 198.

**267.330**

ATTY. GEN. OPINIONS: Consistency between this and metropolitan service district law, (1970) Vol 35, p 190.

**267.360**

ATTY. GEN. OPINIONS: Authority to tax insurance businesses, (1970) Vol 34, p 1066; city license fee imposed on state licensed occupations, (1970) Vol 34, p 1089; use of highway funds for mass transit, (1970) Vol 35, p 198.

**267.370**

ATTY. GEN. OPINIONS: Use of sales tax on vehicle fuels for mass transit, (1970) Vol 35, p 198.

**267.385****NOTES OF DECISIONS**

The guidelines for levying the tax are sufficient. Horner's Market v. Tri-County Metropolitan Transp. Dist., (1970) 2 Or App 288, 467 P2d 671, Sup Ct review denied (with opinion), 256 Or 124, 471 P2d 798.

The mere fact that only one group, employers, is taxed does not necessarily mean that the burden of the tax is upon those alone who are singled out by it. Id.

Imposition of a tax without first submitting it to the voters was not unconstitutional under Ore. Const. Art. I, §32. Id.

The tax was not discriminatory or a violation of the equal protection provisions of the U.S. Const., Am. 14 or Ore. Const. Art. I, §20. Id.

ATTY. GEN. OPINIONS: Constitutionality of collecting employer payroll tax from interstate carriers, (1970) Vol 35, p.41.