

W. Q. A.

MEMORANDUM

Date : August 28, 2008
To: Board of County Commissioners
From: Stephen L. Vorhes, Assistant County Counsel
Subject: Boundary Commission Annexation Petitions

On July 9, 2008, public comment again raised concerns with the status of petitions signed by owners of property abutting streets or road rights-of-way included in annexation proceedings involving the City of Eugene. A letter from John A. Dotson is attached. Several petitions were submitted to the Lane County Local Government Boundary Commission ("Boundary Commission") in those proceedings and the Board of County Commissioners was asked to intervene. In March and May of 2006, comments and a report from County Counsel were provided to the Board on the petitions submitted in several proceedings before the Boundary Commission at that time. In each of those cases, the Boundary Commission did not certify the petitions met the requirements of ORS 199.505 as objections from "electors in the affected territory" of approved annexations. Passage of Senate Bill 417 (Chapter 239, Or Laws 2007) has resulted in a request for the Board of County Commissioners to act on the petitions as "unfinished business" of the Boundary Commission.

As I advised in 2006, the Board of County Commissioners has a role to play in the calling of an election on a city annexation approval only when the Boundary Commission certifies the fact of sufficient objections filed by electors under ORS 199.505. In light of SB 417, Section 4, any matter pending before the Boundary Commission at the time of its abolishment (July 1, 2008) becomes the responsibility of the city in any action relating to a change in the boundaries of that city. Consequently, if any of those proceedings are still pending the City of Eugene must first act for the Boundary Commission and certify the petitions contain the requisite number of signatures from "electors in the affected territory" annexed. ORS 199.505. From what I have been able to determine, none of the petitions filed in 2006 and subsequent proceedings remain unresolved because in each of those cases the Boundary Commission concluded none of the signers resided in the affected territory approved for annexation. Consequently, under the applicable law there was no basis for certifying to the Board of County Commissioners the fact of objections necessary to require an election. Without a certification, the Board of County Commissioners has no authority to call an election on any of the approved annexations and those annexations became final as provided for under applicable law and the Boundary Commission actions.

An argument that the petition signers may be stakeholders and have an interest in the property that lies within the annexed road rights-of-way or streets could be correct, but it ignores the plain language of the statute. The law does not say objections from stakeholders or persons with an interest in the property being annexed would be sufficient to trigger an election on an approved annexation. If that was what the legislature intended, those words could have been included.

Attachments

Letter from John A. Dotson dated July 9, 2008
ORS 199.505
Chapter 239, Oregon Laws 2007 (SB 417)

7/09/08

STAKEHOLDERS PETITIONS

Stakeholder's in accordance with standards provided under ORS 199, Dully registered their request for voice in Property and Streets and Rights-of -Way annexed to the city of Eugene. The process provided is "Petition" and signature's were collected and submitted in exact accordance with ORS 199.

The Lane County Local Government Boundary Commission chose not to place the petitions in regular session and failed to address the petitions they hold. Acknowledging the petitions exist, chairperson Clay Meyers at the last meeting stated that we should "take it up with Senator Walker", they did not want to prolong their meeting.

These are the same petitions which Commissioner Dwyer requested County Council to inquire into and report back the County Commission. At that time the County was mislead about the petitions by the Lane County Local Boundary Commission you may recall.

On July 1, 2008 control of un-finished business of the Lane County Local Government Boundary Commission transferred to the lane County Board of Commissioner's. We request that the County Commission finish and correct the record, Cite to the Stakeholder's petitions now in their possession. Forward their findings to the Election office as required under ORS 199 for completion and a vote by the people.

Thank You,



John A. Dotson
2447 Canterbury
Lane County

date of the final order is more than one year after the date the final order is adopted, the boundary commission shall send notice to the county clerk of each county in which the affected territory, city or district is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the final order.

(2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 199.410 to 199.534. [1995 c.607 §62]

Note: 199.500 was added to and made a part of 199.410 to 199.534 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

199.505 Effective date of minor boundary changes; objections; election.

(1) If the boundary commission by its final order approves a minor boundary change other than a transfer of territory, the change shall take effect at the time specified in the final order. Except for annexation proceedings initiated by a city or district, the effective date shall not be less than 45 days, nor more than one year, after the date the commission adopts the final order approving the change. For annexation proceedings initiated by a city or district, the effective date shall not be earlier than 45 days, nor more than 10 years, after the date the commission adopts the final order approving the change. If no effective date is specified in the final order, the order shall take effect 45 days after the commission adopts the final order approving the change. However, the change shall not take effect unless it is also approved by the electors if within 45 days after the date of the adoption of the order:

(a) Written objections to the change signed by not less than 10 percent or 100, whichever number is the lesser, of the electors in the affected territory are filed with the commission; or

(b) A resolution objecting to the change adopted by the city council of the affected city or district board of the affected district is filed with the commission.

(2) If objections as required by this section are filed by a city council or district board, the council or board shall call and hold an election in the affected city or district on the boundary change as approved. If objections are filed by the electors, the commission shall certify the fact of the objections to:

(a) The city council or district board of the affected city or district, if the change involves a withdrawal of territory, whereupon the council or board shall call an election in the city or district.

(b) The county board of the county where the territory is located, if the change in-

volves an annexation, whereupon the board shall call an election in the territory. Where a minor boundary change has been initiated pursuant to ORS 199.490 (1)(a), cost of an election required by this paragraph shall be paid by the city or district to which the territory is proposed to be annexed.

(3) An election required by subsection (2) of this section shall be held on the next appropriate election date authorized under ORS 203.085, 221.230 or 255.345. A city council or a board that calls an election under this section shall certify the results of the election to the commission. If a majority of those voting on the proposition in each election approve the change approved by the commission, the commission thereupon shall proclaim the results of the election. Upon the adoption of the proclamation the change shall take effect. [1969 c.494 §17; 1971 c.288 §1; 1971 c.462 §16; 1975 c.157 §2; 1975 c.361 §4; 1981 c.265 §10; 1983 c.336 §17; 1989 c.176 §2; 1991 c.637 §8; 1997 c.541 §349]

199.507 Effective date of transfer of territory; objections; election.

(1) If the boundary commission by its final order approves a transfer of territory, the change shall take effect at the time specified in the final order, but the effective date shall not be less than 45 days, nor more than one year, after the date the commission adopts the final order approving the change. If no effective date is specified in the final order, the order shall take effect 45 days after the commission adopts the final order approving the change. However, the change shall not take effect unless it is also approved by the electors if within 45 days after the date of the adoption of the order:

(a) Written objections to the change signed by not less than 10 percent or 100, whichever number is the lesser, of the electors in the affected territory are filed with the commission; or

(b) A resolution objecting to the change adopted by the district board, governing body of a city-county or city council of any affected city or district is filed with the commission.

(2) If an objection is filed by the board of a district, governing body of a city-county or city council of a city which under the final order would lose territory, it shall call and hold an election within its boundaries on whether the territory designated for transfer should be withdrawn from the district or city.

(3) If an objection is filed by the board of a district or city council of a city which under the final order would acquire the territory, it shall call and hold an election within its boundaries on whether the territory designated for transfer should be annexed to the district or city.

(c) The department shall make the notification required by this subsection within three business days of receiving the report of abuse.

(d) Notwithstanding the obligation imposed by this subsection, the department is not required under this subsection to notify the parent or parent's attorney that a report of abuse has been received if the notification may interfere with an investigation or assessment or jeopardize the child's or ward's safety.

Approved by the Governor May 30, 2007
 Filed in the office of Secretary of State May 31, 2007
 Effective date January 1, 2008

CHAPTER 238

AN ACT

SB 413

Relating to Department of Human Services report on foster care placements.
Be It Enacted by the People of the State of Oregon:

SECTION 1. On or before November 1 of each even-numbered year, the Department of Human Services shall develop and submit a report to the appropriate legislative interim committees dealing with child welfare matters. The report shall cover the prior 24-month period and shall include, but need not be limited to:

- (1) The number of children in foster care;
- (2) The number of children that have had more than one foster care placement;
- (3) The number of placements for each child described in subsection (2) of this section;
- (4) The percentage of foster children placed apart from siblings;
- (5) The number of placement changes experienced by foster children;
- (6) The number and percentage of children placed with relatives; and
- (7) The department's Status of Children in Oregon's Child Protection System annual report.

Approved by the Governor May 30, 2007
 Filed in the office of Secretary of State May 31, 2007
 Effective date January 1, 2008

CHAPTER 239

AN ACT

SB 417

Relating to boundary commissions; creating new provisions; amending ORS 183.315, 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263; repealing ORS 199.425, 199.458 and 199.459; and appropriating money.
Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The local government boundary commission having jurisdiction in

Lane County is abolished. On the operative date of this section, the tenure of office of the members of the commission and of any advisory committee appointed by the commission ceases.

(2) All the duties, functions and powers of the commission are abolished.

SECTION 2. (1) The members of the local government boundary commission having jurisdiction in Lane County shall:

(a) Deliver to the State Archivist all records within the jurisdiction of the commission that relate to the duties, functions and powers abolished by section 1 of this 2007 Act except as provided in section 4 of this 2007 Act; and

(b) Terminate those employees engaged primarily in the exercise of the duties, functions and powers abolished by section 1 of this 2007 Act.

(2) The State Archivist shall take possession of the records described in subsection (1)(a) of this section for archival purposes.

(3) The Governor shall resolve any dispute between the commission and the State Archivist relating to transfers of records.

SECTION 3. (1) The Lane County Local Government Boundary Commission Fund is abolished.

(2) The unexpended moneys in the fund and the unexpended balances of amounts authorized to be expended by the local government boundary commission having jurisdiction in Lane County for the biennium beginning July 1, 2007, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers abolished by section 1 of this 2007 Act are appropriated and transferred to Lane County for:

(a) Payment of costs incurred in relation to an action, proceeding or prosecution described in section 4 of this 2007 Act or a liability, duty or obligation described in section 5 of this 2007 Act; and

(b) Equitable distribution to local governments, as defined in ORS 174.116, within Lane County in the manner in which service charges were assessed and collected from cities, counties and districts within the jurisdiction of the local government boundary commission, for the purpose of paying the costs of those local governments that are associated with future boundary changes.

(3) If the unexpended moneys described in subsection (2) of this section are not adequate to make the payments required by subsection (2)(a) of this section, Lane County may assess and collect charges from cities, counties and districts within the jurisdiction of the local government boundary commission in the manner described in ORS 199.457 to make the payments.

(4) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the commission remain applicable to expenditures by a local government in Lane County.

SECTION 4. (1) The abolishment of the duties, functions and powers of the local government boundary commission having jurisdiction in Lane County by section 1 of this 2007 Act does not affect any action, proceeding or prosecution involving or with respect to those duties, functions and powers begun before and pending at the time of abolishment, except that:

(a) The appropriate city is substituted for the commission in an action, proceeding or prosecution relating to a change in the boundary of that city; and

(b) Lane County is substituted for the commission in all other actions, proceedings or prosecutions.

(2) The members of the commission shall deliver to:

(a) The appropriate city within Lane County all records and property within the jurisdiction of the commission that relate to a pending action, proceeding or prosecution relating to a change in the boundary of that city; and

(b) Lane County all other records and property within the jurisdiction of the commission that relate to a pending action, proceeding or prosecution.

(3) The commission shall dispose of or deliver all other property, or proceeds of the disposal of the property, to Lane County.

SECTION 5. (1) Nothing in sections 1 to 6 of this 2007 Act, the amendments to ORS 183.315, 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 8 to 14 of this 2007 Act and the repeal of ORS 199.425, 199.458 and 199.459 by section 15 of this 2007 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers abolished by section 1 of this 2007 Act. Lane County may undertake the collection or enforcement of the liabilities, duties or obligations.

(2) The rights and obligations of the local government boundary commission having jurisdiction in Lane County legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of section 1 of this 2007 Act are transferred to Lane County. For the purpose of succession to these rights and obligations, Lane County is a continuation of the commission and not a new authority.

SECTION 6. Whenever, in an uncodified law or resolution of the Legislative Assembly or in a rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the local government boundary com-

mission having jurisdiction in Lane County or a member or employee of the commission, the reference is considered to be, as appropriate, a reference to Lane County or an officer or employee of Lane County, or a city within Lane County or an officer or employee of the city.

SECTION 7. On and after January 2, 2008, a boundary change, as defined in ORS 199.415, must be processed as provided in the appropriate provisions of ORS chapters 195, 198, 221 or 222.

SECTION 8. ORS 183.315 is amended to read:

183.315. (1) The provisions of ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.452, 183.458, 183.460, 183.470 and 183.480 do not apply to local government boundary commissions created pursuant to ORS [199.425 or] 199.430, the Department of Revenue, State Accident Insurance Fund Corporation, Department of Consumer and Business Services with respect to its functions under ORS chapters 654 and 656, Psychiatric Security Review Board or State Board of Parole and Post-Prison Supervision.

(2) This chapter does not apply with respect to actions of the Governor authorized under ORS chapter 240 and ORS 396.125 or actions of the Adjutant General authorized under ORS 396.160 (14).

(3) The provisions of ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.452, 183.458 and 183.460 do not apply to the Employment Appeals Board or the Employment Department.

(4) The Employment Department shall be exempt from the provisions of this chapter to the extent that a formal finding of the United States Secretary of Labor is made that such provision conflicts with the terms of the federal law, acceptance of which by the state is a condition precedent to continued certification by the United States Secretary of Labor of the state's law.

(5) The provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.500 do not apply to orders issued to persons who:

(a) Have been committed pursuant to ORS 137.124 to the custody of the Department of Corrections or are otherwise confined in a Department of Corrections facility; or

(b) Seek to visit an inmate confined in a Department of Corrections facility.

(6) ORS 183.410, 183.415, 183.425, 183.440, 183.450, 183.460, 183.470 and 183.482 (3) do not apply to the Public Utility Commission. Notwithstanding ORS 183.480 and except as provided in ORS 757.495 and 759.390, only a party to a hearing before the Public Utility Commission is entitled to seek judicial review of an order of the commission.

(7) The provisions of this chapter do not apply to the suspension, cancellation or termination of an apprenticeship or training agreement under ORS 660.060.

(8) The provisions of ORS 183.413 to 183.497 do not apply to administrative proceedings conducted

under rules adopted by the Secretary of State under ORS 246.190.

SECTION 9. ORS 183.635 is amended to read:

183.635. (1) Except as provided in this section, all agencies must use administrative law judges assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct contested case hearings, without regard to whether those hearings are subject to the procedural requirements for contested case hearings.

(2) The following agencies need not use administrative law judges assigned from the office:

- (a) Attorney General.
 - (b) Boards of stewards appointed by the Oregon Racing Commission.
 - (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.
 - (d) Department of Corrections.
 - (e) Department of Education, State Board of Education and Superintendent of Public Instruction.
 - (f) Department of Higher Education and institutions of higher education listed in ORS 352.002.
 - (g) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C. 722(c) and disability determination cases under 42 U.S.C. 405.
 - (h) Department of Revenue.
 - (i) Department of State Police.
 - (j) Employment Appeals Board.
 - (k) Employment Relations Board.
 - (l) Energy Facility Siting Council.
 - (m) Fair Dismissal Appeals Board.
 - (n) Governor.
 - (o) Land Conservation and Development Commission.
 - (p) Land Use Board of Appeals.
 - (q) Local government boundary commissions created pursuant to ORS [199.425 or] 199.430.
 - (r) Oregon Youth Authority.
 - (s) Psychiatric Security Review Board.
 - (t) Public Utility Commission.
 - (u) Secretary of State.
 - (v) State Accident Insurance Fund Corporation.
 - (w) State Apprenticeship and Training Council.
 - (x) State Board of Parole and Post-Prison Supervision.
 - (y) State Land Board.
 - (z) State Treasurer.
 - (aa) Wage and Hour Commission.
- (3) The Workers' Compensation Board is exempt from using administrative law judges assigned from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except as specifically provided in this subsection, the Department of Consumer and Business Services must use administrative law judges assigned from the office only for contested cases arising out of the department's powers and duties under:

- (a) ORS chapter 59;
- (b) ORS 200.005 to 200.075;
- (c) ORS chapter 455;
- (d) ORS chapter 674;

- (e) ORS chapters 706 to 716;
- (f) ORS chapter 717;
- (g) ORS chapters 722, 723, 725 and 726; and
- (h) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 744, 746, 748 and 750.

(4) Notwithstanding any other provision of law, in any proceeding in which an agency is required to use an administrative law judge assigned from the office, an officer or employee of the agency may not conduct the hearing on behalf of the agency.

(5) Notwithstanding any other provision of ORS 183.600 to 183.690, an agency is not required to use an administrative law judge assigned from the office if:

- (a) Federal law requires that a different administrative law judge or hearing officer be used; or
- (b) Use of an administrative law judge from the office could result in a loss of federal funds.

(6) Notwithstanding any other provision of this section, the Department of Environmental Quality must use administrative law judges assigned from the office only for contested case hearings conducted under the provisions of ORS 183.413 to 183.470.

SECTION 10. ORS 199.430 is amended to read:

199.430. (1) [Outside the areas described in ORS 199.425,] A boundary commission may be created as provided by this section with territorial jurisdiction in one county or in two or more contiguous counties. A commission may be created by:

(a) Similar resolutions creating a commission adopted by the county board of each of the counties within the jurisdiction of the commission; or

(b) Similar petitions, signed by the electors of each county within the jurisdiction of the proposed commission, requesting the creation of a commission having jurisdiction within the counties, filed with and approved by order of the county boards of each county in the jurisdiction of the commission.

(2) Each petition filed with a county board requesting creation of a boundary commission shall be signed by not less than 10 percent of the registered electors of the county. The petition shall be approved by the county board if it finds that the needs of the local government units in the territory described in the petition and the public interest would be benefited by the establishment of a boundary commission to carry out the purposes described by ORS 199.410.

(3) A resolution creating or an order approving the creation of a boundary commission is effective on:

(a) The date the last county board in the jurisdiction of the commission adopts the resolution or order; or

(b) The date specified in the order, or resolution, but not more than 60 days after the adoption of the resolution or order.

(4) When a commission is created under this section, copies of the resolutions or orders of the county boards shall be filed with the Governor, the Secretary of State, and the county clerk and the as-

essor of each county within the jurisdiction of the commission.

(5) A commission created as provided by this section shall not have jurisdiction of any proceeding initiated prior to the effective date of the resolution or order creating such commission.

SECTION 11. ORS 199.432 is amended to read:

199.432. (1) A boundary commission created under ORS [199.425 or] 199.430 may sue and be sued, enter into contracts and perform such other actions as may be necessary to carry out the provisions of ORS 199.410 to 199.534.

(2) A boundary commission is a state agency as defined in ORS 291.002 and is not subject to the provisions of ORS 291.201 to 291.226, 291.230 to 291.260, 291.371, 291.373, 291.375 or 291.385.

(3) A boundary commission employing personnel under ORS 199.455 shall provide employee benefits provided to state management service employees.

SECTION 12. ORS 199.457 is amended to read:

199.457. (1) Any county located within the jurisdiction of a boundary commission may levy taxes and expend funds for the purposes of ORS 199.410 to 199.534.

(2) A boundary commission may accept any funds, property or services, or the use of any property donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to 199.534.

(3) A boundary commission, with the approval of the advisory committee appointed under ORS 199.450, may establish and collect reasonable service charges from persons, cities, the county or counties and special districts within its jurisdiction to defray the costs of operating the commission and carrying out the purposes of ORS 199.410 to 199.534. Such charges shall include, but not be limited to, fees for filing a petition or resolution for a boundary change with the commission.

(4) In addition to any service charges established under subsection (3) of this section, a boundary commission may determine it is necessary to charge cities and counties within its jurisdiction for services and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is necessary to charge cities and counties within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the jurisdiction of the commission bears to the total population of the area within the jurisdiction of the commission. For the purposes of this subsection, the population of a county does not include the population of any city situated within the boundaries of that county. [An assessment made under this subsection shall not exceed 21 cents per capita per year for a boundary commission created pursuant to ORS 199.425.]

(5) In addition to any service charges, established under subsection (3) of this section, a boundary commission may determine it is necessary to charge districts within its jurisdiction for services and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is necessary to charge districts within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each district with the portion of the total amount as the assessed valuation of the district within the jurisdiction of the commission bears to the total assessed valuation of all districts within the jurisdiction of the commission. [For purposes of this subsection, the assessed valuation of inactive or nonfunctioning districts shall not be included in the total assessed valuation of all districts and such districts shall not be assessed. For a boundary commission created pursuant to ORS 199.425 any district with an assessed valuation over \$1 billion shall be assessed a flat rate of \$2,500 per year and such district's assessed valuation shall not be included in the total assessed valuation of all districts within the jurisdiction of the commission. An assessment made under this subsection shall not exceed 0.00878 dollars per thousand dollars of assessed valuation per year for a boundary commission created pursuant to ORS 199.425.] However, assessments shall not be made by a boundary commission under this subsection against a highway lighting district organized under ORS chapter 372, a vector control district organized under ORS chapter 452 or a county service district organized under ORS chapter 451 for the purpose of providing street lighting works or vector control.

(6) For each fiscal year beginning on or after July 1, 1982, the commission shall notify each city, county or district governing body of its intent to levy an assessment under this section and the amount of the assessment for each city, county and district at least 120 days before the beginning of the fiscal year for which the assessment will be made.

(7) The decision of the commission to assess the cities, counties and districts within its jurisdiction, and the amount of the assessment upon each, shall be binding upon those governmental bodies. Cities, counties and districts shall pay their assessment in equal quarterly payments as the commission may require except that any city or district with a total annual assessment of less than \$100 shall pay the total assessment in one installment at the time specified for the second quarterly payment.

(8) When a city or district located in a county outside the jurisdiction of a boundary commission annexes or otherwise incorporates territory located within the jurisdiction of a boundary commission, the boundary commission shall assess the city or district with the portion of the total amount determined under subsection (4) or (5) of this section as the assessed valuation of the territory of the city or district within the jurisdiction of the boundary com-

mission bears to the total assessed valuation of the entire city or district.

SECTION 13. ORS 267.207 is amended to read:

267.207. (1) The board of directors of a mass transit district may alter the territorial boundaries of the district by a nonemergency ordinance adopted at any regular meeting.

(2) If an ordinance annexing territory to a district is initiated or referred by, or referred to, the electors of the district, it shall not take effect unless approved by a majority of the electors registered in the territory proposed to be annexed to the district voting on the question and by a majority of the electors of the district voting on the question.

(3)(a) The board of directors of a mass transit district, as a result of the continuing comprehensive transportation planning process required by the Federal Transit Administration, shall determine annually the territory in the district within which the transit system of the district will operate. When the board determines during such planning process for any fiscal year that it will not provide transit service during that fiscal year to an area presently within the district, the board shall by ordinance withdraw from that area on the date specified in the ordinance, and that area shall no longer be part of the district. The board shall by ordinance set forth the criteria to be used in making the determinations described in this subsection.

(b) Subject to paragraph (a) of this subsection, the territorial jurisdiction of a district shall include:

(A) All territory located within the boundaries of a metropolitan service district;

(B) Each census tract within which the transit system of the district operates, or such smaller portion of the tract as determined by the board; and

(C) If so determined by the board of directors, any territory located within two and one-half miles or less of the transit system of the district or any route used by that system for the transportation of passengers.

(4) If an ordinance withdrawing territory from a district is initiated or referred by, or referred to, the electors of the district it shall not take effect unless approved by a majority of the electors of the entire district voting on the question.

(5) [Notwithstanding ORS 199.425,] The alteration of the boundaries of a district under this section [shall not be] is not subject to the jurisdiction or review of a local government boundary commission.

SECTION 14. ORS 267.263 is amended to read:

267.263. [Notwithstanding ORS 199.425,] The alteration of the boundaries of a district under ORS 267.250 to 267.263 is not subject to the jurisdiction or review of a local government boundary commission.

SECTION 15. ORS 199.425, 199.458 and 199.459 are repealed.

SECTION 16. (1) Sections 1, 3, 5 and 6 of this 2007 Act, the amendments to ORS 183.315, 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 8 to 14 of this 2007 Act and the repeal of ORS 199.425, 199.458 and 199.459 by section 15 of this 2007 Act become operative on July 1, 2008.

(2) Lane County, cities within Lane County and the local government boundary commission having jurisdiction in Lane County may take any action necessary under sections 2, 4 and 7 of this 2007 Act before the operative date of sections 1, 3, 5 and 6 of this 2007 Act, the amendments to ORS 183.315, 183.635, 199.430, 199.432, 199.457, 267.207 and 267.263 by sections 8 to 14 of this 2007 Act and the repeal of ORS 199.425, 199.458 and 199.459 by section 15 of this 2007 Act.

Approved by the Governor May 30, 2007
 Filed in the office of Secretary of State May 31, 2007
 Effective date January 1, 2008

CHAPTER 240

AN ACT

SB 531

Relating to physician assistants; creating new provisions; and amending ORS 677.540.

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

SECTION 1. ORS 677.540 is amended to read:

677.540. (1) There is created a Physician Assistant Committee, which shall consist of five members. Members of the committee shall be appointed as follows:

(a) The Board of Medical Examiners for the State of Oregon shall appoint one of its members and one physician. One of the two must supervise a physician assistant.

(b) The Board of Medical Examiners for the State of Oregon shall appoint three physician assistants after considering persons nominated by the Oregon Society of Physician Assistants [shall appoint two physician assistants].

[(c) The State Board of Pharmacy shall appoint one pharmacist.]

(2) The term of each member of the committee shall be for three years. A member may not serve more than two consecutive terms. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.

(3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor shall make the necessary appointment from the category which is vacant.

(4) The committee shall elect its own chairperson with such powers and duties as the committee shall fix.