Chapter 572

1963 REPLACEMENT PART

Grasshopper Control Districts

572.010 Definitions
572.020 Territory includable in a grasshopper control district
572.030 Petition for formation of district; order for and notice of hearing
572.040 Hearing; consideration of district boundaries
572.050 Special election on formation of district
572.060 Directors to be voted on at election on formation; petitions for candidates
572.070 Names of candidates to appear on ballots
572.080 Appointment of election officials; payment of election expenses
572.090 Canvass of vote; proclamation of formation; certificates of election for directors elected
572.100 General election laws to apply; county clerks to cooperate in holding elections
572.110 Immaterial defects in formation procedure not to nullify formation
572.120 Board of directors; organization; terms of first directors
572.130 Annual election of directors; filling of vacancies; terms
572.140 Conduct of annual elections
572.150 Directors may call special elections
572.160 Meetings of board; selection of officers; treasurer's bond; directors prohibited from contracting with district
572.170 Powers and duties of board of directors
572.180 Tax levies
572.190 Making of levy in district composed of territory in more than one county
572.200 Borrowing by district; issuance of bonds
572.210 Bonds of district
572.220 Additional tax levy for payment of bonded indebtedness
572.230 District authorized to accept moneys; establishment of sinking fund authorized
572.240 Handling of district's funds
572.250 Unpaid district warrants to bear interest; limitation on outstanding unpaid warrants
572.260 Procedure for dissolving district
572.270 Winding up of dissolved district's affairs

CROSS REFERENCES

Agricultural chemicals, Ch. 573

Cooperative or joint action by districts in performance of certain functions, Ch. 190

Enemy attack, continuity of government in event of, 236.445, 236.450

Financial administration and budgeting for districts, Ch. 294

Insect control, 452.230, 452.240

Population, determination of, 190.520

Reports to State Treasurer concerning districts, 205.240

572.110

Court proceedings to test validity of organization or proceedings of a district, 33.710, 33.720

572.170

Public contracts and purchasing, Ch. 279

Unemployment compensation, 657.020, 657.065, 657.097, 657.505

572.180

Financing of public projects and improvement, Ch. 280

Limitation on taxing powers of districts, Const. Art. XI, §11

Taxes levied before January 1, 1964, collection, 1963 c.9 §2

572.200

Bonds authorized before January 1, 1964, issuance, 1963 c.9 §2

Borrowing and bonds of districts, 287.010, 287.012

572.240

Audit of district accounts and financial affairs, 297.410 to 297.500, 297.610 to 297.750

Financial administration, Ch. 294

572.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "County court" includes board of county commissioners.

(2) "District" means a grasshopper control district formed as provided in this chapter.

(3) "Qualified voter" means a person who is a resident of this state and is the record owner of real property in the district or proposed district or the purchaser under a duly recorded contract to purchase real property in the district or proposed district.
[1955 c.615 §1]

572.020 Territory includable in a grasshopper control district. Contiguous territory lying within any county or counties and not included within any other grasshopper control district may be formed into a grasshopper control district in the manner provided in this chapter.
[1955 c.615 §2]

572.030 Petition for formation of district; order for and notice of hearing. (1) When 25 percent of the qualified voters, or 15 qualified voters, whichever is less, present a petition to the county court of the county in which the proposed district, or the largest area thereof, is situated, setting forth the boundaries of the proposed district, and asking that the territory so described be formed into a grasshopper control district under the provisions of this chapter, the county court shall make an order declaring its intention to hold a hearing on the petition to form the territory into a grasshopper control district, naming the proposed district and describing its boundaries.

(2) When any part of the proposed district is within the corporate limits of a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving formation of the district.

(3) The order made under subsection (1) of this section shall fix the time and place for the hearing of the matter, not less than 30 days after the making of the order, and shall direct the county clerk to publish notice, in a newspaper designated, of the intention of the county court with respect to the proposed district, and of the time and place fixed for the hearing. The order shall designate some newspaper of general circulation published in the proposed district.

(4) The notice shall be headed: "Notice of the Proposed Formation of ———— Grasshopper Control District, ———— County" (stating the name of the proposed district and the name of the county). It shall state the fact that the county court has fixed a time and place for a hearing on the matter of formation of a district and shall describe the territory and specify the boundaries of the territory proposed to be organized into a district. The notice shall be published once a week for two successive weeks prior to the time fixed for the hearing designated by the county court.
[1955 c.615 §3]

572.040 Hearing; consideration of district boundaries. At the time and place fixed for hearing under ORS 572.030, or at any time and place to which the hearing may be continued or postponed, any person interested may appear and present oral or written objections to granting the petition. If, after a full hearing, the county court is of the opinion that the boundaries of the district should be changed by reducing the area of the proposed district, or if prior to the date of hearing a petition signed by 50 percent or more of the qualified voters in any area adjacent to the proposed district is filed with the county court praying for the inclusion of such lands in the proposed district, the county court may change the boundaries of the proposed district to so reduce the area of the proposed district or include lands therein, as the case may be.
[1955 c.615 §4]

572.050 Special election on formation of district. Not more than five days after the hearing held under ORS 572.040, the county court shall provide by order for the holding of a special election and the submission to the qualified voters within the proposed district of the question of forming the district. The order shall set forth the boundaries of the proposed district as described in the petition or as modified by the order of the county court. The ballot title to be used at the election shall be as follows:

Shall that portion of the State of Oregon, described as ———————— (insert description) and not now included in a grasshopper control district under the laws of Oregon, be formed into a grasshopper control district?

Yes ———

No ———

[1955 c.615 §5]

572.060 Directors to be voted on at election on formation; petitions for candidates. At the election at which the question of the formation of a grasshopper control district is submitted to the qualified voters of the proposed district, there shall be elected three directors, each of whom shall be a qualified voter. Petitions for candidates to be voted for as director shall contain the names of 25 percent of the qualified voters, or 15 qualified voters, whichever is less, and shall be filed not less than 10 days before the election with the county clerk of the county in which the proposed district, or the largest area thereof, is situated.
[1955 c.615 §6]

572.070 Names of candidates to appear on ballots. The county clerk, at the time of making up the official ballot for the election at which the question of the formation of a grasshopper control district is submitted to the qualified voters of the proposed district, shall place thereon to be voted for at the election the names of all qualified voters petitioned for as directors as provided by ORS 572.060.
[1955 c.615 §7]

572.080 Appointment of election officials; payment of election expenses. The judges and clerks of the election for the formation of a district shall be appointed by the county court which ordered the election as provided in ORS 572.050. Each judge and clerk shall receive $4 for his services. At the time of filing the petition under ORS 572.030 for the formation of the district the petitioners shall deposit $30 with the county clerk of the county in which the proposed district, or the largest area thereof, is situated, to pay the expenses of the election. If a district is formed as a result of the election, the board of directors of the district shall refund the deposit to the petitioners from district funds. If no election is held the deposit shall be refunded to the petitioners.
[1955 c.615 §8]

572.090 Canvass of vote; proclamation of formation; certificates of election for directors elected. (1) The judges and clerks of the election for the formation of a district shall return the canvass of the vote together with the ballots cast to the county clerk of the county in which the proposed district, or the largest area thereof, is situated is held. As soon as practicable thereafter the county court of such county shall order a special session and proceed to canvass the vote. If upon the canvass, it appears that the majority of the votes cast at the election is in favor of the formation of a grasshopper control district, the county court shall have entered upon its journal a proclamation substantially as follows:

Whereas at an election duly and regularly held on the —— day of ————, 19—, within that portion of the State of Oregon, described as (insert description) there was submitted to the qualified voters thereof the question whether all that portion of the State of Oregon, as above described, shall be formed into a grasshopper control district under the provisions of the laws of Oregon; and

Whereas at the election so held ——— votes were cast in favor of formation of a grasshopper control district and ——— votes were cast against such formation; and

Whereas formation of a grasshopper control district received the affirmative vote of the majority votes cast at that election;

Now, therefore, the county court (or board of county commissioners) of ———— County, Oregon, proclaims and declares that all that part of the State of Oregon, as above described, has been duly and legally formed into a grasshopper control district under the name of ————, pursuant to and with the powers vested in such district by virtue of the laws of Oregon.

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(2) The county court shall also canvass votes for directors and have the county clerk issue certificates of election to the three candidates receiving the highest number of votes.

(3) The county court shall cause a copy of the proclamation set forth in subsection (1) of this section to be filed with the county clerk of each county in which any portion of the district is situated.
[1955 c.615 §9]

572.100 General election laws to apply; county clerks to cooperate in holding elections. (1) Except as otherwise provided in this chapter, all elections held under this chapter shall be conducted as nearly as practicable in accordance with the general election laws of the state.

(2) The county clerks of each county in which the district or proposed district is situated shall cooperate and assist in holding any election held under this chapter.
[1955 c.615 §10]

572.110 Immaterial defects in formation procedure not to nullify formation. No final order of a county court forming a district shall be set aside or annulled upon appeal or review, on account of any defect or irregularity in the petition asking for formation of such district, or notice thereof, which does not materially affect the substantial rights of an interested party. The following irregularities are declared to be immaterial defects:

(1) Errors of description of the intermediate points, courses or distances of the exterior boundaries of the proposed district set out in the petition for formation or as changed at the hearing by the county court, when the exterior boundaries can be otherwise definitely determined.

(2) Errors in giving notice of a hearing where it can be shown that all persons objecting to the proceedings had actual notice thereof prior to the hearing.

(3) Errors in or omissions of the names of petitioners or the number thereof, or in the percentage of the qualified voters, required to sign the petition for formation, where there is entered upon the records of the county court a proclamation legally forming the district.

[1955 c.615 §11]

572.120 Board of directors; organization; terms of first directors. (1) The power and authority of a grasshopper control district, except as otherwise provided in this chapter, is vested in and shall be exercised by a board of three directors.

(2) Within 10 days after issuance of the proclamation under ORS 572.090, the directors who received the highest vote at the election for formation of the district shall meet and organize by first taking and subscribing an oath of office to the effect that they will support the Constitution and laws of the United States and of Oregon, and will faithfully discharge the duties of director to the best of their ability.

(3) The first directors shall determine by lot the length of term each shall hold office, the shortest term being until January 1 of the year following the formation and the longest term of two years after January 1 of the year following the formation. The terms shall be so arranged that the term of one member expires each year.

[1955 c.615 §12]

572.130 Annual election of directors; filling of vacancies; terms. An election shall be held in the district on the first Monday in December of each year for the election of one director who shall take office the following January 1 and serve for a term of three years, and for the election of a director to fill for the balance of the unexpired term any vacancy which may then exist. In case a vacancy in the office of director occurs before an election, the board of directors may name a successor to serve until the next election.

[1955 c.615 §13]

572.140 Conduct of annual elections. (1) At the regular meeting of the board of directors in November, or, if the regular meeting is less than 15 days before such election, at a special meeting of the board in November, the board shall select the time and place for the election provided for in ORS 572.130 and shall select judges for such election. Notice of the election shall be posted in three public places in the district at least 10 days prior to the day of election. The secretary of the board of directors shall prepare sample and official ballots upon which shall be printed the names of all persons nominated for election as directors whose petitions contain the names of 25 percent of the qualified voters, or 15 qualified voters, whichever is less, which petitions have been filed with the secretary not less than 15 days before the election.

[1955 c.615 §14]

572.150 Directors may call special elections. The board of directors may call special elections of the qualified voters, notices of which special elections the board shall cause to be posted in three public places within the district for not less than 10 days prior to the date of holding any special election.

[1955 c.615 §15]

572.160 Meetings of board; selection of officers; treasurer's bond; directors prohibited from contracting with district. (1) The board of directors shall hold regular meetings at such time and place within the district as they may from time to time determine, but shall hold at least two regular meetings each year, and may hold special meetings under such rules as they may make.

(2) The board shall, at the time of their organization, choose from their number a president, secretary and treasurer. The secretary and treasurer may be the same person.

(3) The treasurer shall give bond as such to the district, conditioned upon the paying over by him of all moneys coming into his hands as treasurer. The amount of the bond, from time to time, shall be fixed by the board, based upon the amount of money in the hands of the treasurer or likely to come into his hands as treasurer. All expenses incident to giving such bond, if any, shall be paid by the district out of its funds available for such purpose.

(4) The board shall transact all business pertinent to the formation, equipment and maintenance of the district and its property. No director shall be interested directly or indirectly in any contract with or on behalf of the district.
[1955 c.615 §16]

572.170 Powers and duties of board of directors. The board of directors of the district shall:

(1) Take all necessary and proper steps and measures for the eradication of grasshoppers within the district.

(2) Purchase all needed equipment, supplies and materials.

(3) Employ such labor and services as may be necessary and proper in the furtherance of the objects of this chapter.

(4) Fix the compensation and prescribe the duties of all employes and agents of the district.

(5) Enter all places in the district infested with grasshoppers, and may enter upon private and public land for the purpose of eradicating grasshoppers.

(6) Treat with proper means all places infested with grasshoppers.
[1955 c.615 §17]

572.180 Tax levies. (1) To provide funds for defraying expenses of the formation, equipment and maintenance of the district the board of directors may levy a tax per annum not exceeding one-tenth of one percent (.001) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207.

(2) The board, upon approval of the majority of the qualified voters of the district voting at a special election called for such purpose, after notice as provided in ORS 572.150, may levy a special additional tax per annum not exceeding one-fourth of one percent (.0025) of the true cash value.

(3) The limitations provided in this section shall not apply to taxes levied to pay principal or interest on outstanding bonds.
[1955 c.615 §18; 1963 c.9 §34]

572.190 Making of levy in district composed of territory in more than one county. Whenever a tax is levied by the board of directors of a district composed of territory situated within two or more counties, the tax levy shall be certified to the county clerk and county assessor of each county within which the district is situated, together with the total assessed valuation of the real property in the district and the assessed valuation of the real property in the district situated in each of the counties. The taxes levied shall then be extended on the tax rolls of each county on the basis of the proportion which the assessed valuation of the real property in the district situated in such county bears to the total assessed valuation of all the real property in the district.
[1955 c.615 §19]

572.200 Borrowing by district; issuance of bonds. To carry into effect any of the powers granted to the district or the board of directors thereof, the district, when authorized by a majority of the qualified voters voting at a special election called for that purpose by the board, of which notice is given as provided in ORS 572.150, may borrow money and sell and dispose of general obligation bonds. Such bonds shall never in the aggregate exceed one and one-fourth percent (.0125) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207.
[1955 c.615 §20; 1963 c.9 §35]

572.210 Bonds of district. (1) The bonds mentioned in ORS 572.200 shall be issued from time to time by the board of directors as authorized by the qualified voters of the district. Such bonds shall not bear interest exceeding the rate of six percent per annum, and they shall be so conditioned that the district shall therein agree in consideration of the premises and be held to pay at a place therein named, to the bearer, the sum named therein in lawful money of the United States, with interest at the rate named therein, payable on January 1 and July 1 in each year, in accordance with the tenor and terms of interest coupons attached.

(2) The bonds shall be sold only at public sale and after notice thereof is given by the board of directors by publication in a

newspaper of general circulation in the district. The notice shall be published at least once a week for two successive weeks. The bonds shall not be sold for less than par value.
[1955 c.615 §21]

572.220 Additional tax levy for payment of bonded indebtedness. The board of directors shall ascertain and levy annually, in addition to all other taxes, a tax upon all assessable real property within the district, sufficient to pay the interest accruing and the principal maturing on the bonds issued under ORS 572.210 as they become due.
[1955 c.615 §22]

572.230 District authorized to accept moneys; establishment of sinking fund authorized. The district may receive by gift, bequest, devise or any other lawful manner from any source whatever any money or other property for any purpose consistent with the terms of this chapter. The district may from time to time, from its current revenues or from the revenues of any special tax levied as provided in subsection (2) of ORS 572.180, establish sinking funds for the payment of authorized expenditures contemplated to be made beyond the current tax year.
[1955 c.615 §23]

572.240 Handling of district's funds. All funds collected on behalf of the district through the levy of taxes, all moneys derived from the sale of bonds and all receipts of money or property under ORS 572.230 shall be deposited with the county treasurer of the county in which the district, or the largest area thereof, is situated, to the credit of the district fund and shall be drawn out only upon the proper order and warrant or check of the board of directors, such warrant or check to bear the signature of the treasurer and the countersignature of the president of the board of directors.
[1955 c.615 §24]

572.250 Unpaid district warrants to bear interest; limitation on outstanding unpaid warrants. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds shall bear interest at a rate to be fixed by the board of directors but in no event exceeding six percent per annum from the date of the registering of such unpaid warrants with the county treasurer. The amount of such warrants unpaid for want of funds shall not exceed the revenue provided for the year in which the indebtedness was incurred.
[1955 c.615 §25]

572.260 Procedure for dissolving district. (1) The qualified voters of a district may present a petition to the county court of the county in which the district, or the largest area thereof, is situated to have the district dissolved. The petition shall be signed by a majority of the qualified voters in the district. The county court shall fix the time and place for hearing the petition, which shall be not less than 10 nor more than 30 days from the receipt thereof, and shall, at least seven days prior to the hearing, publish a notice of the hearing by one insertion in a newspaper of general circulation in the district. At the hearing the county court shall hear and pass upon the petition, together with any objections which may be made by any person interested.

(2) The county court may either enter an order upon its records providing for dissolution or call an election upon the proposition of dissolution. The election shall be held in the same manner and under the same conditions and restrictions provided for an election for the formation of a district, except that the ballots for the dissolution election shall state in substance the following proposition: Shall ——— Grasshopper Control District be dissolved? Yes. No.

(3) If a majority of the votes cast at the dissolution election is in favor of dissolution, the county court shall enter an order upon its records providing for dissolution.
[1955 c.615 §26]

572.270 Winding up of dissolved district's affairs. The property of a dissolved district shall remain the property of the county or counties within which the district was situated and may be used, together with any money remaining in the fund of the district, for grasshopper control purposes throughout the county or counties, or the property may be sold, loaned or leased by such county or counties to another district or a city. The proceeds of any such sale or lease of property shall first be applied to payment of any existing indebtedness of the district. Any funds remaining after such application shall be paid to the county treasurers of the counties in the proportion that the assessed valuation of real property in the district situated in each county bears to the assessed valuation of all the real property in the district, for the benefit of the

general funds of the counties. If the liquidation of the assets of the dissolved district are insufficient to pay the indebtedness, the district shall continue to exist until the indebtedness is liquidated. The board of directors of the district at the time of dissolution of the district shall continue for the purpose of levying taxes within the limitations of ORS 572.180 and 572.220 for the liquidation of such indebtedness.

[1955 c.615 §27]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel