Chapter 777

1965 REPLACEMENT PART

Ports Generally

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DEFINITIONS

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

(1) "Board" means the board of commissioners of a port.

(2) "Port" means a municipal corporation incorporated pursuant to ORS 777.010.

ORGANIZATION OF PORTS; EFFECT

777.010 Areas which may be incorporated as ports; excepted areas. (1) Municipal corporations designated as ports may be incorporated, in the manner provided in ORS 777.015 to 777.055, in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea.

(2) Except where otherwise provided by law, the provisions of ORS 777.010 to 777.055, 777.105, 777.110, 777.115 to 777.160, 777.175, 777.205 to 777.225 and 777.405 to 777.435 do not apply to counties or port districts having a population of 250,000 or over. [Amended by 1959 c.602 §1; 1963 c.209 §1]

777.015 Petition for incorporation; form and contents; territory to be excluded. The following shall be substantially the form of petition for the incorporation of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea:

Warning.

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure or to sign such petition when he is not a legal voter.

Petition for the Incorporation of the Port of ——— in the County of ———, State of Oregon.

To the Honorable County Court of the State of Oregon for the County of ———:

We, the undersigned citizens and legal voters of the State of Oregon and of the County of —— and residents within the limits of the district in said county hereinafter described, respectfully demand that there shall be submitted to the legal voters of the State of Oregon, County of ——, residing within that portion of —— County, State of Oregon, described as beginning (here insert exterior boundaries of district), at a special election to be called by said county court, the question whether or not that portion of —— County, Oregon, described as beginning (here insert description), shall be incorporated as a municipal corporation to be known as the Port of —— (here insert name of proposed corporation), in accordance with the provisions of ORS chapter 777 which provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea and which define the powers of ports so incorporated, and each for himself says: I have personally signed the petition; I am a legal voter of the State of Oregon, and of the County of ——, and resident within that portion of said county hereinbefore described. My residence and postoffice address are correctly written after my name.

Name, —. Residence, —. Postoffice, —.

(If in a city, street and number.)

(Here follow 20 numbered lines for signatures.)

Every such petition and sheets for signatures shall be printed on pages seven inches in width by 10 inches in length, with a margin of one and three-fourths inches at the top for binding. Each and every sheet of such petition containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated the sheet by his or her affidavit thereon and as a part thereof:

State of Oregon, }
County of ——, } ss.

I, ——, being first duly sworn, say: (Here shall be legally written or typewritten the names of the signers of the sheet), signed this sheet and each of them signed his name thereto in my presence; I believe that each has stated his name, postoffice address, and residence correctly, and that each signer is a legal voter of the State of Oregon and County of —— and resident within that portion of said county within the boundaries therein stated.

(Signature and postoffice address of affiant.)

Subscribed and sworn to before me this —— day of ——, A. D. 19—.

(Signature and title of officer before whom oath is made, and his postoffice address.)

The forms given in this section are not mandatory, and if substantially followed are sufficient, disregarding any clerical and merely technical errors. Where such a petition is

filed for incorporation of a port, the territorial limits of which do not include the county as a whole, the limits proposed by the petition shall not extend beyond the natural watershed of any drainage basin whose waters flow into another bay, estuary or river navigable from the sea situate within such county.

777.020 Filing and presentation of petition; hearing; determination of boundaries. (1) The petition for a special election provided for in ORS 777.010 shall be filed with the county clerk and presented to the county court on the first day of its next regular session.

(2) The county court forthwith shall examine the petition. If it appears that the petition contains the names of 25 percent or 200 of the legal voters, whichever is less, residing within the boundaries of the territory described in the petition, the county court shall set a date for a hearing to be held within the proposed district.

(3) The county court shall direct the county clerk to give notice of the hearing by causing such notice to be:

(a) Posted for two successive weeks in each of three public places within the proposed district; and

(b) Published once each week for two successive weeks in a newspaper of general circulation in the proposed district, or if there is no such newspaper, in some newspaper of general circulation in the county, and may be broadcast once a week for two successive weeks on one or more radio or television stations serving the area.

(4) The notice of hearing shall state:

(a) That a petition has been filed for the establishment of a port.

(b) The name and boundaries of the proposed port.

(c) The time and place set for hearing on the petition.

(d) That all persons interested may appear and be heard.

(5) At the time designated in the notice, the county court shall hear the petition and may adjourn the hearing from time to time. At the conclusion of the hearing the court may alter the boundaries set forth in the petition to either include or exclude territory. In determining the boundaries of the proposed district, the court shall consider both the benefit the proposed district will have to certain territory and the desires of the residents of that territory. The county court shall not modify boundaries so as to exclude any land which would be benefited by the formation of the proposed district. If the county court determines that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the hearing and shall order notice given to the nonappearing owner requiring him to appear before it and show cause, if any, why his land should not be included in the proposed district. The notice shall be given by publication and posting in the same manner as the original notice for hearing and for the same period. For purposes of this subsection, "owner" means the legal owner of record except that if there is a vendee under a duly recorded contract, such vendee shall be considered to be the owner.

(6) Upon the final hearing of the petition the county court, if it approves the petition as originally presented or in an altered form, shall make an order fixing a date for an election on the formation of the proposed district, which date shall not be earlier than 30 days nor later than 50 days after the order is entered. The order shall contain:

(a) A description of the exterior boundaries of the proposed district as determined by the court;

(b) The date on which the election will be held in the proposed district; and

(c) The polling place or places at which the election will be held.

[Amended by 1959 c.602 §2; 1963 c.252 §1]

777.022 Special election called on question of incorporation. (1) The county court shall call a special election within the proposed district to be held on the date fixed pursuant to ORS 777.020.

(2) At the election there shall be submitted to the legal voters of that portion of the county embraced within the limits described in the final order, the question whether that portion shall be incorporated as a municipal corporation to be known as the Port of ———— (here insert name set forth in petition) in accordance with ORS 777.005 to 777.055.

[1959 c.602 §4; 1963 c.252 §2]

777.025 Ballots, title, numbering, preparation. (1) The ballot title to be used at the special election shall read as follows:

Shall that portion of —— County, State of Oregon, described as (here insert description), be incorporated as a municipal

corporation to be known as the Port of —— (here insert proposed name), in accordance with the provisions of ORS chapter 777 which provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea and which define the powers of ports so incorporated.

(2) The affirmative of the measure upon the official ballot shall be numbered 300 and the negative shall be numbered 301, both in numerals.

(3) The official ballot shall be prepared by the county clerk in accordance with the provisions of the law relating to elections.

777.030 Notice of election; election officers; voters; polling hours. (1) The county clerk shall give notice of the special election by causing a copy of the ballot title referred to in ORS 777.025, together with the date of and the places for holding the election, to be:

(a) Posted for three successive weeks prior to the election in each of three public places within the proposed district; and

(b) Published once a week for three successive weeks prior to the election in a newspaper of general circulation in the proposed district, and may be broadcast once a week for three successive weeks on one or more radio or television stations serving the area.

(2) The election board clerks appointed by the county clerk for the preceding general election shall act as judges and clerks of the special election. Should any of the regular judges or clerks fail to attend the special election their places shall be filled in the manner provided by law in cases of general elections.

(3) Only persons authorized to vote within the district at a general election held therein are authorized to vote at the special election. The register of electors used at the preceding general election shall be used at the special election.

(4) The polls shall be kept open between the hours provided for in cases of general elections.

[Amended by 1959 c.57 §1; 1963 c.252 §3]

777.035 Canvass; proclamation of incorporation. The judges and clerks shall return the canvass of the vote together with the ballots cast to the county clerk of the county in which the election is held. On the seventh day after the election the county court shall hold a special session and proceed to canvass the vote. If upon such canvass it appears that a majority of the votes cast at the special election favors the incorporation, the county court shall cause to be entered upon its journal a proclamation in language substantially as follows:

Whereas, at a special election duly and regularly held on the ——— day of ———, A. D. 19—, within that portion of ——— County, State of Oregon, described as (here insert description), there was submitted to the legal voters thereof the question whether all that portion of ——— County, State of Oregon, described as (here insert description), should be incorporated as the Port of —— (here insert name of port), under and pursuant to the provisions of ORS chapter 777 which provide for incorporation under general law of ports in counties bordering upon bays and rivers navigable from the sea or containing bays or rivers navigable from the sea and which define the powers of ports so incorporated, and, whereas, at such election so held —— votes were cast in favor of such incorporation, and —— votes were cast against such incorporation; and

Whereas, the incorporation of such Port of (here insert name) received the affirmative vote of the majority of the votes cast at such election;

Now, therefore, the county court of the County of ——, State of Oregon, does hereby proclaim and declare that all that part of —— County, State of Oregon, described as (here insert description), has been duly and legally incorporated as a municipal corporation under the corporate name of the Port of (here insert name), under and pursuant to and with the powers vested in such corporation by virtue of those provisions of ORS chapter 777 which provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea and which define the powers of ports so incorporated.

777.040 Remedy for refusal to accept petition; appeal. (1) If the county court refuses to accept and file any petition for the incorporation of the port, refuses to hold a hearing or refuses to call the special election, any citizen may apply within 10 days after such refusal to the circuit court of the county for a writ of mandamus to compel such county court to do so.

(2) If the court decides that the petition is legally sufficient and that the requisite number of signatures has been attached to the petition the court shall direct such county court to call such hearing or election.

(3) Such suit shall be advanced on the court docket and decided by the court as quickly as possible. Either party may appeal to the Supreme Court within 10 days after the decision is rendered by serving upon the adverse party or his attorney a notice of appeal and filing the original of the notice with the clerk of the circuit court.

[Amended by 1959 c.602 §5]

777.045 Payment of election expenses. All expenses of any special election held under ORS 777.020 to 777.040, 777.410 and 777.415 shall be paid by the county in which the election is held in like manner as the expense of general election is paid.

777.050 Operation and effect of proclamation; general corporate powers and capacity. From the date of the proclamation made by the county court under ORS 777.035, that portion of the county embraced within the limits defined in the proclamation shall be a separate district to be known as the port whose name is specified in the proclamation; and the inhabitants thereof shall be a corporation by the name and style of the port specified in the proclamation, and as such shall:

(1) Have perpetual succession.

(2) By said name, exercise and carry out the corporate powers and objects conferred and declared in ORS 777.055, 777.105, 777.110 and 777.115 to 777.160, 777.175 and 777.405 to 777.435.

(3) Make all contracts, hold, receive and dispose of real and personal property, and do all other acts and things which may be requisite, necessary or convenient in carrying out the objects of the corporation or exercising the powers conferred upon it in ORS 777.050, 777.055, 777.105, 777.110 and 777.115 to 777.160, 777.175 and 777.405 to 777.435.

(4) Sue and be sued, plead and be impleaded in all actions, suits or proceedings brought by or against it.

777.055 Effect of statutes on ports created prior to February 12, 1909. Nothing in ORS 777.010 to 777.050, 777.105, 777.110 and 777.115 to 777.160, 777.175 and 777.405 to 777.435 shall be construed as in any way altering or abridging powers exercised or enjoyed, or by law authorized to be exercised or enjoyed, on February 12, 1909, by or reserved unto any such port or corporation created prior to that date by the laws of this state and existing under such laws on that date. Any such port or corporation organized prior to that date and in existence on that date, may reincorporate under ORS 777.010 to 777.050. In such case all books, papers, maps, money and other property of and belonging to the port or corporation shall pass to and become the property of the port or corporation so reincorporated.

777.060 Limitation of actions concerning port organization or boundaries. No action or proceeding, under ORS 30.570, or otherwise, shall be maintained for the purpose of avoiding, setting aside or otherwise questioning or affecting the validity of the organization of any port unless such action or proceeding is commenced within one year from the date of the proclamation under ORS 777.035, nor for the purpose of questioning the legality of the boundaries established for the port in the proclamation unless similarly commenced within one year therefrom. No action or proceeding shall be maintained for the purpose of questioning the legality of any altered port boundaries which may be established by proclamation under ORS 777.357, unless such action is commenced within one year from the date of the proclamation.

[Amended by 1963 c.268 §18]

777.065 to 777.100 [Reserved for expansion]

PORT POWERS AND FUNCTIONS; PORT COMMISSIONERS

777.105 Harbor improvement. Any port may improve all bays, rivers and harbors within its limits and between its limits and the sea for such width and length and to such depth as the port deems necessary or convenient for the use of shipping and as the means at its disposal will allow, and may construct the canals, basins and waterways necessary or convenient for the use of shipping or the extension of the commerce of the port.

777.108 Agreements between two or more ports. Any two or more ports in the State of Oregon shall have the power, by mutual agreement, to exercise jointly all powers granted to each of the agreeing ports

individually, and in the exercise of such powers shall have the right and power to acquire jointly all lands, rights in real property, leases or easements necessary for their purposes; but any ports so acting jointly shall not acquire any such real property or rights in any other port without the consent of such port.
[1961 c.367 §2]

777.110 Contracts with Federal Government. Any port may:

(1) Contract with the Federal Government to do all or part of the work of making or maintaining, or both, such a depth of water in the bays, harbors or rivers as the Federal Government may determine to so make or maintain.

(2) Receive therefor such compensation as is agreed on between the Federal Government and the port.

777.112 Contracts between ports and other governmental units. Any port may enter into any contract with the United States, or with any county, city, port or other municipal corporation of the State of Oregon or of the State of Washington or with either of those states to provide any facilities or services that any of the contracting parties might provide or perform separately for the improvement or maintenance of the bays, harbors and channels of the Columbia River or to exercise the powers which any of the contracting parties has to control the use of the waters, shores and banks thereof. Expenses incurred or revenues received in the performance of any such contract shall be allocated among the contracting parties as the contract shall provide.
[1961 c.367 §3]

777.115 Power of eminent domain. In carrying on any work provided for in ORS 777.050 and 777.105, 777.110 and 777.115 to 777.130, ports shall have the same right of eminent domain and to take property for public uses as exists at such time under the laws of this state in favor of corporations organized for the construction and operation of railroads. The right shall be exercised in the same manner and on the same terms as the laws of this state provide in case of such corporations, save only that in case of ports the right shall include the taking of any private property under the right of eminent domain which is found necessary or convenient in carrying on any work or the exercising, carrying out and executing any power provided in ORS 777.050 and 777.105, 777.110 and 777.115 to 777.130 to be carried on, exercised, carried out or executed by a port.

777.120 Port's authority over harbors, wharf lines and navigation; enforcement of rules. (1) To the full extent which the State of Oregon might itself exercise and control or to which it can grant to ports the right to exercise the same, ports shall have full control of all bays, rivers and harbors within their limits, and between their limits and the sea, with full power and authority to, from time to time, make, establish, change or abolish wharf lines in such harbors and rivers, and to make, establish, change, modify or abolish such rules and regulations for the use of navigation in such harbors, or the placing of obstructions therein or the removal of obstructions therefrom, as the port deems convenient, requisite or necessary or in the best interests of the maritime shipping and commercial interests of the port.

(2) The rules and regulations may be enforced by such fines, penalties and punishments as the port, in the exercise of sound discretion, deems necessary. The fines or penalties so imposed or levied shall be recovered in the name of the port in any court of this state having jurisdiction of actions for the recovery of fines and penalties imposed by state laws and as shall inure and belong to the port. All punishments so imposed shall be enforced in the name of the port in any of the courts of this state having jurisdiction of crimes.

777.125 Ports may maintain tug and pilotage service; charges; port's liability limited; salvage claims. (1) Any port may establish, maintain and operate a tugboat and pilotage service in the port and between the port and the sea, and to that end may purchase, lease, control and operate steam or power tugboats and steam and sail and power pilot boats upon such rivers, bays and harbors and upon the sea. Ports may collect charges from vessels employing such tugs so operated and for pilotage services rendered by employes of the port.

(2) The charges for towage and pilotage shall be fixed by the board of commissioners of the port and shall be public and published to the world. The port is entitled to a lien upon any vessel for any sums due it for

piloting or towing such vessel, and the master and owner of such vessel shall, in addition, be jointly and severally liable to the port therefor.

(3) If a vessel or cargo, while being towed by a vessel owned or operated by a port or while under the charge of a pilot employe thereof, suffers injury or loss by reason of the fault of such tug, or the negligence or incompetency of such pilot, the port shall not be liable for any loss or injury thereof in excess of $5,000.

(4) Any port may claim and collect salvage for services rendered to vessels in distress in the same manner as a natural person.

777.130 Ports may engage in commerce generally. Any port may:

(1) Acquire, charter, own, maintain and operate steamboats, power boats, vessels and watercraft for the transportation of all kinds of merchandise, passengers and freight for hire, and engage generally in the coastwise trade and commerce, both domestic and foreign, and in transporting for hire all kinds of merchandise and freight.

(2) Establish, operate and maintain water transportation lines in any of the navigable waters of this state and waters tributary thereto, any portion of which may touch the boundaries of such port.

(3) Own, acquire, construct, operate and maintain railroad terminal grounds and yards, and construct, operate and maintain such line or lines of railroad, with necessary sidetrack, turnouts, switches and connection and arrangements with other common carriers, as in the judgment of the board may facilitate water commerce between such point and points within the boundaries of the port as the board may from time to time determine, all for hire.

(4) Carry and transport freight and passengers and move passenger trains thereon and thereover for hire.

(5) Engage generally in the business of buying and selling coal, fuel oil and all kinds of fuel for steamboats and power boats and power vessels of all kinds.

(6) Acquire lands, construct or cause to be constructed, maintain or operate, or maintain and operate, anywhere within the port district, airports, sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain bins, terminal icing plants, facilities for processing agricultural, fish or meat products, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, power plants, power transmission lines, administration buildings and fishing terminals, and modern appliances and buildings for the economical handling, packing, storing and transportation of freight and handling of passenger traffic with full power to lease and sell the same, together with the lands upon which they are situated, whether held by the port in its governmental capacity or not.

(7) Acquire or purchase, by condemnation or other lawful method, such land as it may deem necessary and lease and sell such lands.

(8) Improve for public convenience and the convenience of its shipping and commercial interests all or any portion of the waterfront of its harbors, rivers and waterways.

(9) Enlarge its tidal area, and construct, excavate or dredge canals and channels connecting its waterways with one another or with other waterways and the sea.

(10) Collect from vessels using any port facility, wharfage, dockage and drydockage; and collect from owners or consignees of goods passing over such docks and warehouses, wharfage and storage charges for goods so handled.

(11) Acquire by condemnation or other lawful method, such lands or sites as, in the opinion of the board, may be suitable or necessary for the establishment of airports or hydroelectric, steam-generating, electric, oil, gasoline or other power-producing plants; make all necessary preliminary investigations, negotiate for and secure options for the purchase or lease of such sites, and sell, lease and dispose of same.

(12) Design, erect, complete, operate and maintain all necessary hydroelectric, steam-generating, electric, oil, gasoline or other power-producing systems, for the purpose of generating electrical current for lighting and power purposes.

(13) Acquire by condemnation or other lawful method, rights of way for the placing of transmission lines over which to carry the electrical energy required between the points of origin or production and the locations where such power may be carried for distribution, and sell, lease and dispose of same; provided, that nothing contained in this section shall authorize ports to enter into the business of supplying electric energy or service, or other power service, to municipalities or to the public, or for any purpose other

than the construction or operation of docks, terminals, elevators or other shipping facilities, or in any of the work ports are authorized by law to engage in.

(14) Advertise and promote the facilities and commerce of the port, through public and trade media, exhibits, fairs, trade fairs and trade tours, either alone or in cooperation with others or through associations or organizations having similar interests.

(15) In general do such other acts and things as tend to promote the maritime shipping, aviation and commercial interests of the port and acquire, hold, use, enjoy and dispose of and convey real and personal property necessary or convenient in carrying out its powers.

[Amended by 1963 c.219 §1; 1963 c.365 §1; 1965 c.455 §1]

777.135 Board of port commissioners; qualifications; appointment; first meeting; election. (1) The power and authority given ports is vested in and shall be exercised by a board of five commissioners, each of whom shall be a qualified voter within the limits of the port.

(2) Within 10 days after the issuance of the proclamation provided under ORS 777.035, the Governor shall appoint a board of five commissioners, each of whom shall be a qualified voter within the limits of the port.

(3) The commissioners shall meet at such place within the limits of the port as the Governor designates on the fifth day after their appointment and shall organize as a board, first making and subscribing to an oath of office to the effect that they will support the Constitutions of the United States and of Oregon and the laws thereof, and will faithfully discharge the duties of commissioner to the best of their ability. The term of office of each commissioner shall be determined by lot at the first meeting of the board. Two of the commissioners shall hold office until January 1 next following the succeeding general election held in the state, and the remaining three commissioners hold office until January 1 following the second next general election in the state.

(4) At the first general election two commissioners shall be elected, each to hold office for the term of four years from January 1 following that election. At the second general election three commissioners shall be elected, each to hold office for a term of four years from January 1 following that election. At each succeeding general election held in this state thereafter, commissioners shall be elected for a term of four years each, to take the place of those whose terms of office expire on January 1 following that election.

(5) At all elections mentioned in this section persons having qualifications prescribed by law to vote for county officers within the limits of the port shall be legal voters, qualified to vote at the elections of the port, and not otherwise.

(6) The nomination and election of commissioners and the canvass and return of votes shall be conducted in the same manner and at the same time and under the same penalties as are or may be prescribed by law for the government of nominations and election of county officers in the county in which the port exists.

777.140 Board meetings; board officers. (1) The board shall meet at such place or places within the port as it may from time to time determine. The board shall hold at least one regular meeting in each month on a day to be fixed by it, and may hold special meetings under such rules as it may make therefor.

(2) The board shall choose from its number a president, vice president, a treasurer and a secretary, who shall hold their offices until the next election of officers, have the powers and perform the duties usual in such cases and be known as the president, vice president, treasurer and secretary of the port.

777.145 Treasurer's bond. The treasurer shall give bonds as such to the port, conditioned for the paying over by him of all moneys coming into his hands as such treasurer. The amount of the bond shall be from time to time fixed by the board as based on the amount of money in the hands of such treasurer or liable to come into his hands as such. All expense incident to the giving of such bonds shall be paid by the port from its general funds.

777.150 Commissioners' compensation; port employes. (1) No commissioner shall directly or indirectly receive any salary or compensation for his services as a commissioner or for acting as an officer of the port.

(2) The port may employ such engineers, superintendents, mechanics, clerks or other persons as it may find requisite, necessary

or convenient in carrying on its work or any part thereof, and at such a rate of remuneration as it deems just. It may pay the expenses actually incurred by any commissioner in the service of the port.

777.155 Division of ports into subdistricts. Within 10 days after the date of the proclamation provided for in ORS 777.357, the board of any port whose boundaries or name have been changed as provided in ORS 777.300 to 777.370, shall, upon petition filed with the board of commissioners of such port and signed by legal voters thereof equal in number to at least 25 percent of the registered voters who voted at the last port election of such port, by resolution of the board divide the port into five subdistricts to conform as near as practicable to the different watersheds of the principal streams in the port. A duly certified copy of the resolution shall, within 10 days after its adoption, be filed with the county clerk of the county in which the port is situated.
[Amended by 1963 c.268 §19]

777.160 Terms of commissioners after annexation; representation by districts. (1) The terms of office of the commissioners of any port whose boundaries or name have been changed as described in ORS 777.155, terminate on December 31 following the first general election after issuance of the proclamation provided for in ORS 777.357, and their successors shall be elected at the next general election following such proclamation.

(2) After the division of the port into subdistricts, as provided in ORS 777.155, not more than one commissioner shall be elected, appointed or qualified to serve from each or any of the subdistricts. Thereafter all elections of commissioners shall be by districts and by the electors in each of such respective districts. The two of such commissioners elected at the general election who receive the greatest number of votes cast at the election shall each be entitled to hold office for the term of four years beginning January 1 following the election, and the three of such commissioners who receive the lesser number of votes cast at the election shall each be entitled to hold office for the term of two years beginning January 1 following the election.
[Amended by 1963 c.268 §20]

777.165 Vacancies. (1) Vacancies in the board occasioned by death, resignation or removal from within the district shall be filled by the remaining members of the board. The member so elected by the board shall hold office only until January 1 next succeeding the next regular general election held in this state.

(2) The Governor may by appointment fill vacancies on the board of any port when the vacancies exist as a result of the failure to nominate and elect board members as provided in ORS 777.135 and 777.160. The appointees shall be qualified voters residing within the limits of the port district. The terms of the appointees shall be determined by lot at a meeting of the board held within 10 days after the appointment, but the term of each appointee shall not exceed four years and shall expire on January 1 next following a regular general election at which his successor is elected. The terms of the appointees shall be arranged so that the terms of not more than three commissioners expire on January 1 next following any general election.

777.170 Duties of port officers in exercise of initiative and referendum powers. In the exercise of the initiative and referendum powers reserved under the Oregon Constitution to the legal voters of every municipality and district as to all local, special and municipal legislation of every character in and for their respective municipalities and districts, the president of the board shall exercise the duties of mayor of a city, the secretary shall perform the duties of a city auditor or recorder and the attorney of the port shall perform the duties of the city attorney. If there is no attorney of the port, the duties required of the attorney shall be performed by the secretary of the port.

777.175 Preservation and inspection of records. All proceedings of the commissioners shall be entered at large in a record book. All books, maps, plans, documents, correspondence, vouchers, reports and other papers and records pertaining to the business of the port shall be carefully preserved and shall be open to inspection as public records.

777.180 Powers of ports created by special laws. All municipal corporations created prior to April 17, 1920, as ports, including the Port of Portland, under any special law of the Legislative Assembly of this state shall, in addition to the powers they possessed on that date, have all the

powers possessed on that date or thereafter by ports under the general laws of this state, except the power to borrow money and issue bonds as provided in ORS 777.410 and 777.415.

777.185 Limitations on power to purchase land. No port in this state organized or created under any general or special law shall purchase any lands without first appointing three disinterested appraisers. The appraisers shall fix the fair value of the lands proposed to be purchased. This section, however, does not require any port to purchase any such lands at the appraised value, nor shall such appraisement be admitted in evidence in any condemnation proceeding.
[Amended by 1963 c.327 §1]

777.190 Ordinances for policing or regulating of port property. (1) Any port may by ordinance make, modify or abolish such rules and regulations as the port deems convenient or necessary to provide for the policing, control, regulation and management of property owned, operated, maintained or controlled by the port. Any person violating any such ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $250. All actions to impose punishments shall be enforced in the name of the port in any district or justice court in the county in which the violation occurred, and the fines and penalties recovered shall be paid to the clerk of such court, who, after first deducting therefrom the court costs in such proceedings at the rate prescribed by law, shall pay the remainder thereof to the treasurer of the port, to go to and form a part of its general fund. All actions to impose punishments shall be enforced in the name of the port in any court having jurisdiction of misdemeanors under state law.

(2) Every peace officer may enforce the ordinances made by the port under subsection (1) of this section. The port, for the purpose of enforcing such ordinances, may appoint peace officers who shall have the same authority, for the purpose of the enforcement of such ordinances, as other peace officers.

(3) The provisions of ORS 221.340 hereby are made applicable in the enforcement of the ordinances made by the port under subsection (1) of this section.
[1955 c.699 §§2, 3, 4; 1959 c.255 §1]

CONSOLIDATION OF PORTS

777.205 Petition for consolidation; election; canvass of votes. (1) Two or more ports whose boundaries adjoin may be consolidated to form a single port as provided in ORS 777.205 to 777.225.

(2) Whenever a petition, signed by not less than 15 percent of the legal voters or not less than 100 legal voters, whichever is less, of each of the ports which it is desired to consolidate, is presented to the board of commissioners of the ports named in the petition as the ports to be consolidated, each of the boards shall at its next following regular meeting call a special election in its respective port. At such special election there shall be submitted to the electors of each port the question of whether or not the ports shall be consolidated into a single port, stating the name by which the consolidated port shall be known. Such elections shall be held in each port on the same date and shall be called and held in the same manner as elections provided for in ORS 777.605 to 777.625. The board of commissioners of each port at its first regular meeting following the date of the special election shall canvass the vote on the question and certify the result to the board of commissioners of each of the other ports which is sought to be consolidated.
[1963 c.209 §3]

777.215 Joint meeting of port commissioners; notice; election and term of new commissioners; property to be turned over to consolidated port. (1) If at the special elections a majority of the legal voters voting in each port votes in favor of consolidation, the board of commissioners of the port having the highest assessed valuation of property for tax purposes shall call a joint meeting of the boards of commissioners of the ports concerned. The meeting shall be held at a time and place designated by the board calling the meeting, not later than 10 days after the canvass of the vote in the port last canvassed. The secretary of the board calling the meeting shall give notice by registered mail of the time and place of the meeting to each member of the boards of commissioners of the ports concerned. The notice shall be mailed at least five days prior to the meeting. At the joint meeting, a majority of all the members of all the boards of commissioners of the ports affected shall constitute a quorum for the transaction of business.

The commissioners so assembled shall thereupon from among their number elect five persons to serve as commissioners of the consolidated port until the next general election.

(2) The terms of office and election of the members of the board of commissioners of the consolidated port shall be as provided in ORS 777.135. The board of commissioners of the consolidated port shall by resolution declare the ports consolidated and shall transmit to the county clerks of the counties wherein the consolidated port is located, a copy of the resolution together with a copy of the certification of vote in each port voting on the question. From the time of adoption of such resolution the consolidation shall be considered complete.

(3) The boards of commissioners and officers of the former existing ports included within the consolidated port shall turn over to the board of commissioners of the consolidated port all funds, property, contracts and records of the former existing ports.
[1963 c.209 §4]

777.225 Authority of consolidated port. Upon completion of consolidation, the consolidated port shall succeed to all the property, contracts, rights and powers of the ports consolidated, and shall constitute and be a regularly organized port as if originally organized in the manner provided by ORS 777.010 to 777.050. The consolidated port shall become liable for all the obligations, legal or contractual, of the former existing ports which were consolidated.
[1963 c.209 §5]

777.230 to 777.250 [Reserved for expansion]

777.255 [Repealed by 1963 c.268 §21]

777.260 [Repealed by 1963 c.268 §21]

777.265 [Repealed by 1963 c.268 §21]

777.270 [Amended by 1959 c.602 §6; repealed by 1963 c.268 §21]

777.272 [1959 c.602 §8; repealed by 1963 c.268 §21]

777.275 [Repealed by 1963 c.268 §21]

777.280 [Repealed by 1963 c.268 §21]

777.285 [Repealed by 1963 c.268 §21]

777.290 [Repealed by 1963 c.268 §21]

777.295 [Repealed by 1963 c.268 §21]

ANNEXATION OF CONTIGUOUS TERRITORY

777.300 Annexation authorized. Territory in one continuous tract and contiguous to any port may be annexed to such port in the manner provided in ORS 777.300 to 777.370. Territory may be annexed whether or not such territory lies in the same watershed as such port. Territory to be annexed may lie either wholly or partially within or wholly without the same county in which the port is located.
[1963 c.268 §2]

777.303 Who may initiate annexation. The annexation of territory to a port may be initiated by:

(1) The filing with the board of a petition signed by the required percentage of the legal voters of the port whose boundaries are proposed to be changed;

(2) The filing with the board of a petition signed by the required percentage of the legal voters of the territory proposed to be annexed; or

(3) A resolution adopted by the board.
[1963 c.268 §3]

777.305 [Repealed by 1963 c.268 §21]

777.307 Boundaries to be designated; signatures required on petition. (1) Any resolution or petition for annexation shall designate specifically the boundaries of the territory proposed to be annexed.

(2) Any petition for annexation shall be signed by at least 10 percent or 100 of the legal voters, whichever is less, of the territory to be annexed or at least 10 percent or 100 of the legal voters, whichever is less, of the port.
[1963 c.268 §4]

777.310 [Repealed by 1963 c.268 §21]

777.313 Notice of hearing on annexation. Upon adoption of a resolution or receipt of a petition meeting the requirements of ORS 777.307, the board shall set a date for a hearing to be held within the port. The board shall give notice of the hearing in the same manner as notice of election is given pursuant to ORS 777.030.
[1963 c.268 §5]

777.315 [Repealed by 1963 c.268 §21]

777.317 Hearing on annexation; alteration of boundaries; notice to owner of excluded land. (1) At the time designated in the notice, the board shall hold a hearing on the petition or resolution and may adjourn the hearing from time to time. At the conclusion of the hearing the board may alter the boundaries designated in the petition or resolution either to include or to exclude territory. In determining the boundaries of the

territory to be annexed, the board shall consider both the benefit the proposed annexation will have to certain territory and the desires of the residents of that territory.

(2) The board shall not modify boundaries so as to exclude any territory which would be benefited by the proposed annexation. If the board determines that any territory has been improperly omitted from the territory proposed to be annexed and the owner has not appeared at the hearing, it shall continue the hearing and shall order notice given to the nonappearing owner requiring him to appear before it and show cause, if any, why his land should not be included in the territory proposed to be annexed. The notice shall be given in the same manner as the original notice for hearing and for the same period. For purposes of this subsection, "owner" means the legal owner of record except that if there is a vendee under a duly recorded contract, such vendee shall be considered to be the owner. [1963 c.268 §6]

777.320 [Repealed by 1963 c.268 §21]

777.323 Resolution on annexation; special election. Upon final hearing of the petition or resolution the board, if it approves the petition or resolution as originally presented or in an altered form, shall adopt a resolution:

(1) Containing a description of the boundaries of the territory proposed to be annexed; and

(2) Except as provided in ORS 777.347 and 777.353, calling a special election to be held within the port and territory proposed to be annexed in the same manner as provided in ORS 777.605 to 777.625 for special elections within the port.
[1963 c.268 §7]

777.325 [Amended by 1959 c.602 §9; repealed by 1963 c.268 §21]

777.327 [1959 c.602 §11; repealed by 1963 c.268 §21]

777.328 Election on annexation. At the election called pursuant to ORS 777.323 there shall be submitted to the legal voters of the port and to the legal voters of the territory proposed by the petition or resolution to be annexed to the port, the question of whether the territory proposed to be annexed shall be annexed to and become a part of the port in accordance with ORS 777.300 to 777.370.
[1963 c.268 §8]

777.330 [Repealed by 1963 c.268 §21]

777.333 Ballot title; election procedure; counting of votes. (1) The ballot title to be used at the election shall read as follows:

Shall that territory described as: Beginning (here insert description of territory to be annexed), be annexed to and become a part of the municipal corporation known as the Port of———————— (here insert name) in accordance with ORS 777.300 to 777.370?

The affirmative of the first measure upon the official ballot shall be numbered 300 and the negative shall be numbered 301 in numerals, and the succeeding measures shall be numbered consecutively 302, 303, 304, 305 and so on.

(2) The official ballot shall be prepared, and all the procedures for holding the election and all matters in connection therewith shall be the same as provided by law for the holding of special elections pursuant to ORS 777.605 to 777.625. However, at such election the votes cast by voters residing within the existing port shall be cast and counted separately from the votes cast by the legal voters residing within the boundaries of the territory proposed to be annexed to the port.
[1963 c.268 §9]

777.335 [Repealed by 1963 c.268 §21]

777.337 Two or more annexation proposals may be on ballot. Two or more proposals for annexation of territory may be voted upon at the same time. However, within the port each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.
[1963 c.268 §10]

777.340 [Repealed by 1963 c.268 §21]

777.343 Canvass of votes. (1) The port shall, at its first regular meeting following each annexation election or at a special meeting thereafter called for such purpose, proceed to canvass the votes cast at such election.

(2) The votes cast in the territory proposed to be annexed shall be canvassed first, and if it appears that the majority of all votes cast therein favor annexation, then the votes cast within the port shall be canvassed. If a majority of the votes cast within the port are also found to favor annexation, then the board shall by resolution proclaim those annexations which have received a majority of the votes cast in both the port and the territory.
[1963 c.268§11]

777.345 [Repealed by 1963 c.268 §21]

777.347 When no election is required; consent of State Land Board for state lands. (1) The board need not call, post notice of or hold an election within the port or territory proposed to be annexed if at least two-thirds of the landowners, who also own at least two-thirds of the land in the territory proposed to be annexed representing at least two-thirds of the assessed value of all real property in such territory, consent in writing to the annexation and file a statement of the consent with the board on or before the day the port takes the necessary action to call the annexation election pursuant to ORS 777.323.

(2) The State Land Board is authorized to consent to the annexation with respect to any land owned by the State of Oregon, under the jurisdiction of the board, which is located in the territory proposed to be annexed.
[1963 c.268 §12]

777.350 [Repealed by 1963 c.268 §21]

777.353 Annexation of enclave. Whenever any territory not part of another port or wholly belonging to the state or Federal Government is surrounded by the corporate boundaries of any port, the board of the surrounding port may, by resolution, annex such territory to the port with or without the consent of any resident or owner of property within the territory.
[1963 c.268 §13]

777.355 [Repealed by 1963 c.268 §21]

777.357 Proclamation of annexation; designation of boundaries; filing of copy of resolution; evidentiary effect of resolution. (1) Whenever any territory is annexed to a port, pursuant to ORS 777.343, 777.347 or 777.353, the board shall by resolution proclaim the annexation, designating the boundaries of the territory annexed, and transmit a certified copy of such resolution to the county court or courts of the county or counties in which the annexed territory lies, and to the Secretary of State. The Secretary of State shall hold such certified copy on file.

(2) The resolution, or a certified copy thereof, is prima facie evidence that all the steps required to be taken under the law for the annexation of such territory have been duly complied with in every respect.
[1963 c.268 §14]

777.360 Election expenses. The expenses of any election held pursuant to ORS 777.323 shall be paid by the port to be affected by the proposed annexation.
[1963 c.268 §15]

777.365 Name change of port; notice. The board may, within 60 days following the proclamation of annexation under ORS 777.357, change the name of the port by its order duly made at any regular meeting. Notice of the proposed change of name shall be given by publication of an appropriate notice, including the proposed new name, in a newspaper of general circulation in the port once a week for three successive weeks prior to such meeting.
[1963 c.268 §16]

777.370 Effective date of annexation; liability of property within port. (1) From the date of the proclamation made by the board under ORS 777.357, that portion of territory embraced within the limits defined in the proclamation and the inhabitants thereof are a part of the port to which the territory was thereby declared to be annexed.

(2) The bonded and other indebtedness of the port which was chargeable to or a lien upon the property within the limits of the port prior to the proclamation shall thereafter be chargeable to and a lien upon all of the property within the limits of the port, as defined in the proclamation.
[1963 c.268 §17]

777.380 to 777.400 [Reserved for expansion]

PORT FISCAL MATTERS

777.405 Deposit and disbursement of moneys; financial records and reports. (1) All moneys of any port shall be deposited in one or more banks to be designated by the commissioners, and shall be withdrawn or paid out only when previously ordered by vote of the commissioners and upon a check signed by the treasurer and countersigned by the president, or in his absence or inability to act, by the vice president.

(2) A receipt or voucher showing clearly the nature and items covered by each check drawn shall be kept on file.

(3) Annual reports shall be made and filed by the president, secretary and treasurer. At least once in each year a full and complete itemized statement of receipts and expenditures shall be published in a newspaper of general circulation published in the county in which the port is situated.

777.410 Ports may borrow money and issue bonds. For the purpose of carrying into effect all or any of the powers granted in ORS 777.050, 777.105, 777.110 and 777.115 to 777.160, ports may when authorized so to do by a majority vote of the electors of the port voting at any special election within the port, as provided in ORS 777.415, borrow money upon any evidence of debt and sell and dispose of bonds, which bonds and other evidences of indebtedness shall, however, never exceed in the aggregate two and one-half percent of the true cash value of all taxable property within the limits of the port, computed in accordance with ORS 308.207; but the board may, whenever it determines that an emergency exists, issue its bonds or other evidences of indebtedness within such limitation in an aggregate amount not exceeding $25,000, in any period of 12 months, to provide funds to meet such emergency of the port, other than for the acquisition of land. Bonds or other evidences of indebtedness issued for emergency purposes shall bear interest at not to exceed six percent per annum payable semiannually, and shall be issued and sold, from time to time, on such terms and conditions, and shall be of such denominations and shall run for such length of time, not exceeding five years, as the board determines. All other bonds of the port shall bear interest at a rate or rates not exceeding six percent per annum payable semiannually, and shall be issued on such terms and conditions and at such time or times as the board shall determine, and be sold in the manner and under the conditions provided by ORS 777.500 for the sale of refunding bonds of ports. Bonds issued under authority of this section and 777.415 shall be executed in behalf of the port by its president and secretary, shall be in denominations of $1,000 or multiples thereof, and shall mature in the manner provided for port refunding bonds by ORS 777.495. All bonds issued before August 20, 1957, under authority of ORS chapter 777 and of chapter 5, title 105, O.C.L.A., hereby are fully validated, ratified, authorized, legalized, approved and confirmed.

[Amended by 1957 c.375 §1; 1963 c.9 §37; 1965 c.223 §1]

777.415 Resolution and election prerequisite to issuance of bonds other than for emergency purposes. When it is proposed to borrow money or to sell and dispose of bonds, other than for emergency purposes, the board shall first pass a resolution of the port authorizing the borrowing of money or the issuance and sale of bonds, indicating therein the amount of money to be raised, the maximum rate of interest that the bonds or other evidences of indebtedness will bear and the nature and terms thereof, and fairly stating the general purpose for which the moneys to be raised are to be used. The question of issuance of such bonds or other evidences of indebtedness shall then be referred by the board to the voters of the port at a special election to be called by the board and held in the manner indicated in ORS 777.605 to 777.625. The moneys raised shall be expended for no other purpose than that expressed in the resolution and in the title of the ballot used in the election. No contract involving the expenditure of funds to be raised under authority of ORS 777.410 shall be entered into by the board until the resolution providing for such funds is approved by a majority of the voters of the port voting at the special election provided for in this section.

[Amended by 1957 c.375 §2]

777.420 [Repealed by 1957 c.375 §3]

777.425 [Repealed by 1957 c.375 §3]

777.430 Taxing powers of ports. Any port may:

(1) Assess, levy and collect taxes upon all real and personal property situated within its boundaries and which is by law taxable for state and county purposes, each year at a rate not to exceed one-fourth of one percent (.0025) of the true cash value of the property, computed in accordance with ORS 308.207, the proceeds of which taxes shall be by it applied in carrying out the objects and purposes provided for in ORS 777.050.

(2) Each year, assess, levy and collect a special tax upon all such property in an amount sufficient to pay the yearly interest on bonds or other evidences of indebtedness theretofore issued by the port and then outstanding, together with any portion of the principal of the bonds maturing within that year.

[Amended by 1963 c.9 §38]

777.435 Levy, assessment, collection and use of taxes. (1) The regular annual and special tax provided by ORS 777.430 shall be levied in each year in time so as to be extended upon the county tax rolls with the

state and county tax for the annual collection of taxes next following, but in no event later than June 30 of each year.

(2) The special tax authorized in ORS 777.430 shall be applied only in payment of interest and principal of bonds issued by the port or in payment of emergency evidences of indebtedness provided for in ORS 777.410, but the port may apply any funds derived from the regular annual tax toward the payment of such principal or interest upon such bonds.

(3) All taxes levied by a port become payable at the same time and to the same officers as regular county taxes are payable. The county officers collecting the taxes shall pay them to the treasurer of the port for its use.

(4) All taxes levied by ports shall be levied on the basis of the assessment made by the county in which the port is situated for the purpose of the levy of taxes for county or state purposes. The levy of the port shall be on property located within its boundaries only. For the purpose of the port tax levy, the county assessment on property within the port boundaries is the port assessment.

(5) All regular annual and special taxes so levied by ports shall by the proper county officers be extended upon the county tax rolls with the state and county tax for the annual collection of taxes next following, and shall be entered on the tax rolls and collected as one tax of and for the port of a percent or rate in the aggregate equaling the aggregate of the general and special tax levied by the port during such year under the authority granted in ORS 777.430 and this section.

(6) Property is subject to sale for nonpayment of taxes levied by ports in like manner and with like effect as in the case of county and state taxes.

777.440 Levy of special tax by county court upon default of port officers. If any port fails or refuses to levy the special tax provided in ORS 777.430 and 777.435, within the time therein provided, in an amount sufficient to pay the interest accruing during the 12 months following October 1 next ensuing on bonds theretofore issued by the port and then outstanding, together with any portion of the principal of such bonds maturing within the 12 months, the county court of the county in which the port is located, shall levy at its July term immediately following such failure or refusal on the part of the port, a tax on all the real and personal property situated within the boundaries of the port and which is by law taxable for state and county purposes, at a rate sufficient to yield such interest and principal accruing during the 12 months on any such bonds.

777.445 Procedure subsequent to levy under ORS 777.440. (1) All the provisions of ORS 777.430 and 777.435 so far as applicable, and especially those relating to the application, time and method of payment, basis of assessment, extension and entrance upon the tax rolls, collection and sale of property for nonpayment, of the special tax, shall govern and apply to taxes levied under ORS 777.440 by the county court exactly as such provisions would have applied if the levy had been made by the port itself as empowered in ORS 777.430 and 777.435.

(2) However, taxes thus levied by the county court shall not be paid to the treasurer of the port by the county officers collecting the same, but shall be paid to the county treasurer to the credit of the port issuing the bonds to be by the county treasurer applied to the payment of the interest and maturing principal.

(3) The county treasurer shall pay from such fund the interest on or maturing principal of any bond described in ORS 777.440 when the same becomes due, and at such places as are designated in the bonds or interest coupons thereof, or upon the presentation at his office of the bonds or coupons, which must show the amount due and the number and series of the bond.

(4) All bonds or coupons thereof thus paid shall be immediately reported by the county treasurer to the board of commissioners of the port.

(5) On October 1 of the calendar year next following the levy by the county court, the county treasurer shall ascertain the exact amount of interest and principal of the bonds maturing during the 12 months described in ORS 777.440 and still remaining unpaid, and shall retain from the fund remaining in his hands an amount sufficient to meet the same; and he shall thereupon pay to the treasurer of the port any balance of the fund for said year remaining in his hands after making such deduction.

777.450 Port bridge bonds; issue; approval by voters. (1) Should the board of any port within this state believe that the

construction of any bridge within its boundaries, or between its boundaries and the sea, as permitted by Congress or by the Department of Defense, is insufficient in height or in clearance or in capacity to meet the demands and needs of the people of its district or of the maritime commerce frequenting the port, or is in any way prejudicial to the interest of the port involved, the board may issue bonds for the purpose of raising the necessary money to pay the difference in cost between the amount required to construct the bridge under the Act of Congress or under the permit of the United States engineers, and the specifications which the board determines the interests of their port require. Such bonds may be issued if approved and authorized by two-thirds vote of the commissioners of the port interested.

(2) However, the amount thereof added to the amount of all other bonds previously issued by the port shall not exceed the total amount of its bonded indebtedness for port purposes as permitted by law. If the amount of such bonds exceeds the legal bonded indebtedness of the port for port purposes, then such excess bonds shall not be issued until first submitted to and approved by the voters of the taxable district of the port at the first regular election or at any special election which may be called for the purpose. If approved by a majority of those voting on the question at such election, such excess bonds shall be a legal obligation of the port and shall be designated as port district bridge bonds.

777.455 Authority to issue refunding bonds for specified purposes; amounts. Any port in this state may issue refunding bonds for the purpose of refunding and retiring all or any part of its outstanding bonds when the holders are willing to surrender such bonds. When any judgment is taken against any port based on bonds and interest coupons issued by the port, then refunding bonds may be issued to provide funds with which to pay such judgment. Such bonds shall be issued by the board of the port, and it is not necessary to hold any election thereon. Such bonds may be issued in the full amount of the outstanding bonds and any judgment on bonds and interest coupons less any sinking funds applicable thereto. The full faith and credit of the issuing port shall be pledged to the payment of the principal of and interest on each of such bonds.

777.460 Refunding bonds; terms and conditions; bond call. (1) The refunding bonds issued pursuant to ORS 777.455 shall not bear interest to exceed six percent per annum, payable semiannually, and shall be in such denominations and mature at such times as determined by the board of the issuing port, but the bonds must all mature not later than 30 years after their date of issue.

(2) The board may provide that the bonds are subject to call and redemption prior to maturity, but the bonds may be called only on interest-paying dates.

(3) Before calling bonds containing optional provisions, the port shall publish a notice of call in one issue of a newspaper specializing in financial matters published in New York, New York, at least 30 days before such interest-paying date.

777.465 Disposition of refunding bonds. The refunding bonds may be exchanged par value for par value for the bonds they are issued to refund and may be issued and delivered to a judgment creditor in the amount of the judgment, or the bonds may be advertised for sale and sold for not less than the par value thereof.

777.470 Levy of tax to meet principal and interest; amount required; disposition of proceeds of tax. Upon issuance of any bonds pursuant to ORS 777.455 the board of the issuing port shall levy a tax sufficient to pay the principal and interest of such bonds at maturity. If the bonds are serial bonds the tax shall provide an amount of money sufficient to pay the next maturing instalment of principal and the interest on the entire issue. If the bonds are issued as term bonds the tax shall be sufficient to raise an amount of money, which, if the same amount were raised each year thereafter for the life of the bonds, would produce a sum equal to the principal amount of the bonds so issued. The proceeds of taxes levied under this section shall be set aside when collected into a special fund and used for no other purpose than the payment of the bonds so issued.

777.475 Remedies of holders of refunding bonds on default. Should there be any default in payment of principal or interest of bonds issued pursuant to ORS 777.455, then the holders thereof shall be reinvested with and have all the remedies they would have had if they were holding obligations refunded by the issuance of such bonds.

777.480 Construction of ORS 777.455 to 777.485; matters not affecting right of issuance. (1) The authority contained in ORS 777.455 to 777.485 is supplemental and in addition to all other powers granted to port districts to issue bonds.

(2) Bonds may be issued under ORS 777.455 notwithstanding the fact that provisions for paying the outstanding bonds have been made either in budgets adopted prior to June 12, 1935, or from funds on hand, provided provision is made for the application of funds on hand or to be collected under such budgets to the payment of the refunding bonds.

777.485 Compromise and refunding agreements; contents; subsequent procedure; effect. (1) The board of any port may enter into agreement with the holders of its outstanding indebtedness providing for compromise of the indebtedness and the refunding thereof by the issuance of bonds under ORS 777.455. Such agreements may provide for the amount of refunding bonds to be issued, the interest rate such bonds are to bear, the dates of maturity of the bonds and the amount of money to be raised by taxes each year to pay the principal of and interest on the bonds. Where such an agreement is entered into, the port shall have complete authority to issue bonds in accordance therewith.

(2) The board may provide in the ordinance authorizing such refunding bonds:

(a) For setting aside a sinking or other fund into a special trust fund for payment of the bonds.

(b) For the pledging of taxes and other revenues directly to the payment of the principal of or interest on the bonds or to the sinking fund.

(c) For limitations on subsequent borrowings by such port either in the nature of permanent debt or temporary financing.

(d) For limitations on the amounts of appropriations in subsequent budgets for operating expenses.

(3) All ports are granted all necessary authority to carry out the terms and conditions so included in any such ordinance. The validity of the refunding bonds, however, shall not be dependent upon nor affected by the validity or regularity of the ordinance provisions enumerated in subsection (2) of this section.

777.490 Refund and redemption of maturing or redeemable port obligations, issue of refunding bonds. (1) Pursuant to an ordinance or resolution duly adopted by its board, any port in this state may issue general obligation bonds for the purpose of refunding and redeeming, in whole or in part, the outstanding bonds or other funded debts of the port that are about to mature or that are subject to redemption at the option of the port.

(2) Such refunding bonds shall be issued in conformity with ORS 777.490 to 777.505. Payment of the principal of and interest on the bonds shall be secured in the manner authorized and directed by ORS 777.455 to 777.485 for bonds issued pursuant to ORS 777.455 to 777.485.

(3) The debt limitations imposed by law shall not apply to any of the refunding bonds so issued.

(4) Notwithstanding the provisions of ORS 777.490 to 777.505, any port may issue refunding bonds solely in accordance with ORS 777.455 to 777.485 whenever the holders of its bonds are willing to surrender and exchange them on a par value for par value basis, provided the issuing port is unable to meet its bonded or other outstanding indebtedness, or the interest thereon, when due.

777.495 Bond terms and conditions; call, retirement and refund of refunding bonds; payment of principal and interest. (1) The refunding bonds provided for in ORS 777.490 shall bear interest payable semiannually and shall mature in such annual instalments beginning not more than five and ending not more than 30 years from the date of the bonds as the board, in the ordinance or resolution authorizing the bonds, may provide.

(2) If the board so elects, the bonds may be issued with the right of the port to redeem them prior to final maturity date, in numerical order, in inverse numerical order or in the entire amount of the particular issue outstanding, at such time or times coincident with interest-paying dates as shall be specified by the board in the ordinance or resolution authorizing the bonds and in the bonds.

(3) Such callable refunding bonds, at the option of the board, may be called and retired or may be refunded again in accordance with the terms thereof and the provisions of ORS 777.490 to 777.505.

(4) Both the principal of the bonds and the interest thereon, when due, shall be paid in lawful money of the United States at the office of the treasurer of the issuing port, or at the fiscal agency of the State of Oregon in the City and State of New York, at the option of the board.
[Amended by 1965 c.223 §2]

777.500 Advertisement of bonds; bids; minimum price; interest rate; rejection of bids; readvertisement; time of sale limited. (1) The refunding bonds provided for in ORS 777.490 shall be advertised for sale at least once each week for not less than two successive weeks in a newspaper of general circulation printed and published within the boundaries of the port, or, if there is no such newspaper, then in a newspaper printed and published in the county in which the port is located.

(2) All bids for such bonds shall be in writing and be sealed, and unless the sale is made to the sinking fund of the particular port or to the State of Oregon, shall be accompanied by a certified check upon a bank doing business in this state for an amount of not less than two percent of the par value of the bonds for which the bid is submitted All bids for such bonds shall be opened publicly at the time and place specified in the advertisement, and the bonds shall be sold for cash at a price of not less than the par value thereof and the accrued interest thereon.

(3) If the bids for the purchase of the bonds are not satisfactory, the board may reject any and all of the bids and may readvertise for bids for the sale of the bonds in the manner provided in this section.

(4) No such refunding bonds shall be sold at a price which will cause the effective rate of interest thereon to exceed six percent per annum payable semiannually nor be sold at a date which precedes by more than four months the first succeeding date upon which the bonds to be refunded thereby will mature or may be called, redeemed or otherwise retired.

777.505 Delivery of bonds to purchaser; deposit of sale proceeds; redemption and retirement of refunded bonds. (1) All refunding bonds issued under authority of ORS 777.490, upon payment therefor in cash, may be delivered to the purchaser thereof at any time after sale date, but not later than the date as of which the refunded bonds have been called for payment, at such place in the State of Oregon as the board of the issuing port, in the notice of sale of such bonds, shall designate.

(2) Such part of the proceeds of sale of the bonds as equals the total par value of the bonds refunded shall be deposited at the fiscal agency mentioned in ORS 777.495 in conformity with the laws relating to deposits of funds with the fiscal agency, or, at the option of the issuing port, with a duly qualified bank or trust company, pursuant to ORS 295.420, in a special trust account to be used solely for the payment of the principal of the outstanding refunding bonds and for no other purpose.

(3) The outstanding refunded bonds shall be redeemed and retired as soon as possible after the date of sale of the refunding bonds issued in lieu thereof, but in no case shall such refunding bonds be invalidated by reason of the failure of the port to redeem or retire the refunded bonds.

777.510 Port warrants; execution; contents. Ports organized under the laws of this state and the boards thereof may issue warrants drawn upon any officer designated by statute as being the custodian of any money or moneys belonging to or credited to the port. The warrants shall be signed by the treasurer and countersigned by the president of the port, or in the absence or inability of the president to act, may be signed by the vice president. The warrants shall show upon their face the nature and extent of the obligation satisfied, and may be used in payment of any and all obligations of the port, including expenses of operation, payment of the principal amount of port bonds at their maturity and in payment of interest or interest coupons of the bonds at the time the interest becomes due and payable.

777.515 Payment of warrants; interest on warrants. (1) The treasurer of the port or the treasurer of any county within which the port is situated who is the legal custodian of any funds belonging to or credited to the port shall pay the warrants when presented, if he has money in his custody for the purpose of paying the obligation for which the warrant was given; and shall write on the face of the warrant the date of redemption and his signature.

(2) If there are no funds in the custody of the port treasurer to pay the warrant when presented, he shall indorse thereon "Not Paid for Want of Funds" and the date

of presentment over his signature, which shall entitle the warrant thenceforth to draw legal interest. Thereafter, the county treasurer, upon presentment of the warrant, shall pay upon the warrant any funds which may come into his custody for the purpose of paying the obligation for which the warrant was issued and shall, over his signature, indorse the amount of the payment upon the warrant with the date of the payment.

(3) However, any warrant drawn in payment of the principal or face amount of any port bond shall in no event draw interest in excess of the rate of interest expressed upon the face of the port bond, and the amount of such interest shall appear upon the face of the warrant. Such interest shall cease from the date of notice by publication in some newspaper printed or circulated in the county in which the port is located, to be given by the port treasurer authorized to redeem such warrant, that there are funds to redeem such outstanding warrants. The treasurer shall give notice when he has as much as $10,000 belonging to said fund.

777.520 Special tax levy, rate, use of proceeds; bond sinking fund. (1) Ports, in the discretion of their board, may assess, levy and collect each year in addition to other taxes which they are by law authorized to levy, a special tax upon all real and personal property situated within the boundaries thereof and which is by law subject to taxation for state and county purposes.

(2) Such annual levy shall not exceed one-tenth of one percent. The proceeds thereof shall be used only in the purchase on the open market of such bonds of the particular port, at such prices, as the board thereof shall from time to time determine.

(3) All funds collected from such levy shall be placed in a separate fund to be known and designated as the bond sinking fund, and shall be used exclusively for the purposes provided in this section as long as the principal of any bond of the port remains outstanding or unpaid and there is not in such fund a sum sufficient to retire and pay the principal of all outstanding bonds. After the principal of all bonds of the port has been paid, the balance remaining in such fund may be transferred to such other fund or funds as the board may direct.

777.525 Validation of bond issued by ports having taxable property worth $15 million or more and debt equaling or exceeding 15 percent thereof. All bonds, including refunding bonds, of ports within this state, the assessed valuation of the taxable real and personal property within the boundaries of which for state and county purposes on March 10, 1937, equaled or exceeded, or thereafter equals or exceeds the sum of $15 million, and the bonded indebtedness of which, after deduction of sinking funds applicable to the payment of the principal thereof, on March 10, 1937, equaled or exceeded, or thereafter equals or exceeds 15 percent of such valuation, hereby are validated, ratified, approved, authorized, confirmed and legalized, notwithstanding that the notices of election at which such bonds were voted upon were not published or posted at the times or in the manner theretofore prescribed by law or by the resolutions or ordinances of the ports, and notwithstanding that the proceedings in the authorization, issuance, sale, negotiation, disposal, delivery or exchange of such bonds were defectively adopted or that the acts performed in pursuance thereto were defectively performed, or that the proceedings departed from or did not comply with the provisions of the laws, resolutions or ordinances, or with the conditions precedent prescribed therein with respect to the issuance of such bonds, and notwithstanding that irregularities, defects or omissions may have existed or occurred in the holding of the elections at which the bonds were voted upon or in the proceedings adopted by the board of such ports in the refunding of such bonds, or may have existed in the proceedings relating to the initial authorization or purported authorization of such bonds or in the mode of performing any act with respect to such proceedings, and notwithstanding that the aggregate amounts of the bonds of such ports issued or outstanding at any one time exceeded the debt limitations prescribed by law with respect to bonds of ports within this state.

777.530 to 777.555 [Reserved for expansion]

777.560 Ports may issue and sell revenue bonds; use of proceeds. For the purpose of carrying into effect all or any of the powers granted to ports, and to provide funds for acquiring, developing and improving lands within port districts and constructing, reconstructing or acquiring improvements thereon for industrial uses and purposes, ports may from time to time issue and sell revenue bonds without the necessity

of the voters of the port authorizing the same. Proceeds from the sale of such bonds may be used also to cover the costs incurred in issuing such bonds, and preliminary work incident to carrying out such purposes and powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses, the cost of issuance of bonds, engraving, printing, advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for six months after the completion thereof. Such revenue bonds shall not in any manner or to any extent be a general obligation of the port issuing the bonds nor a charge upon the tax revenues of such port, nor a charge upon any other revenues or property of such port not specifically pledged thereto.

[1955 c.423 §2; 1959 c.337 §1]

777.565 Ordinance authorizing revenue bonds and creating special trust fund. (1) Revenue bonds issued and sold under ORS 777.560 to 777.590 shall be authorized at a regular or special meeting by ordinance of the board. The ordinance shall provide for the creation of a special trust fund and authorize the appointment of a trustee to administer the same, and shall obligate the port to set aside and pay into the special trust fund all, or a portion of its nontax derived revenues not otherwise pledged or committed for other purposes; provided, however, that no revenues other than those derived from the particular facility or facilities to be financed by the sale of the particular issue of revenue bonds then being authorized shall be pledged if the net effect thereof would be to require the use of tax derived revenues to pay all or any part of the operating expenses of any of the facilities of the port issuing said revenue bonds. The board may, in addition thereto, pledge for the payment of the principal and interest of any issue of such bonds any property of the port not pledged for other purposes so long as the total face value of all revenue bonds outstanding together with the issue then proposed to be authorized does not exceed 60 percent of the reasonable market value of all of the facilities under the control of the board. Notice that action upon the bond ordinance will be taken at the designated meeting of the board, shall be given for a period of not less than two consecutive weeks, prior to said meeting, by publication thereof once each week in a newspaper of general circulation, printed and published within the corporate boundaries of the port, or, if there be no such newspaper, in a newspaper of general circulation, printed and published within the county in which the port or the major portion of the area thereof is located.

(2) The money in a special trust fund created by an ordinance authorizing an issue of revenue bonds shall be used solely for payment of principal and interest due upon the revenue bonds issued and sold pursuant to the ordinance and to the payment of the costs and expenses enumerated in ORS 777.560.

(3) The ordinance may provide that in the event the money in the special trust fund is insufficient to pay the revenue bonds to be paid out of the fund, such revenue bonds shall be payable out of any part or all of other nontax-derived revenues of the port; provided, however, that no revenues other than those derived from the particular facility or facilities to be financed by the sale of the particular issue of revenue bonds then being authorized shall be pledged if the net effect thereof would be to require the use of tax-derived revenues to pay all or any part of the operating expenses of any of the facilities of the port issuing said revenue bonds. Whenever all bonds and expenses thereof have been paid so that no charge remains upon such special fund, the board may, by ordinance, transfer any balance remaining in such fund to its general fund, discharge the trustee, and dissolve the special fund. The trustee authorized to administer the fund may, subject to approval of the board, invest and reinvest moneys in the special fund in any security or securities in which the State of Oregon may by law invest.

(4) If the board fails to set aside and pay revenues into a special trust fund as required by the ordinance authorizing the issuance and sale of the bonds secured by the fund, a holder of any of such bonds may bring suit against the port to compel compliance with the provisions of the ordinance in the circuit court of the county in which the port has its principal office.

[1955 c.423 §3; 1959 c.337 §2; 1965 c.223 §3]

777.570 Form of bonds. The revenue bonds issued and sold under ORS 777.560 to 777.590:

(1) Shall be deemed to be negotiable instruments under the law merchant.

(2) Shall bear such dates, mature at such times, be payable at a designated place or at the fiscal agency of the State of Oregon, as determined by the board, and bear such rate or rates of interest not exceeding six percent per annum as the board may determine.

(3) Shall contain a recital that principal and interest on the revenue bonds are payable solely out of revenues and property of the port pledged to the payment thereof by the ordinance of the board authorizing the issue of which the bonds are a part.

(4) May be in registered or coupon form or may be in registered form with the privilege of converting to coupon form.

(5) May contain covenants of the port to protect and safeguard the security and rights of holders of any such bonds and such other terms and conditions, in conformity with the provisions of ORS 777.560 to 777.590, which the board in its discretion determines are necessary or desirable to protect the port or increase the marketability of the bonds. The provisions of ORS 777.560 to 777.590 and any such ordinance shall constitute a contract with the holders of the bonds, and the provisions thereof shall be enforceable by any owner or holder of the bonds.

(6) Shall be in the form prescribed by the board and signed by the president and the secretary of the port. Coupons, if any, attached to the bonds need bear only the printed or lithographed facsimile signature of the president and the secretary.

(7) May be issued with the right reserved to the board to redeem the bonds at par or at par plus a premium, in numerical order or in inverse numerical order, upon a designated interest-paying date or dates prior to the final maturity date or dates of the bonds, upon publication, at least 30 days before the redemption date, of one notice of the intended redemption in one issue of a newspaper specializing in financial matters published in the City and State of New York, and of one such notice in one issue of a newspaper of general circulation in the county in which the port is located.

[1955 c.423 §4; 1959 c.337 §3; 1965 c.223 §4]

777.575 Sale of bonds. (1) The board may from time to time sell revenue bonds authorized to be issued and sold pursuant to ORS 777.560 to 777.590, as provided in this section.

(2) Except as provided in subsection (3) of this section, the bonds shall be advertised for sale at least once each week for not less than two successive weeks in a newspaper of general circulation printed and published within the boundaries of the port, or, if there is no such newspaper, then in a newspaper printed and published in the county in which the port is located. Bids shall be in writing and be sealed and, unless the bidder is the State of Oregon, accompanied by a certified check upon a bank doing business in this state in an amount not less than two percent of the par value of the bonds for which the bid is submitted. All bids for such bonds shall be opened publicly at the time and place specified in the advertisement, and the bonds shall be sold for cash at a price not less than 98 percent of the par value thereof plus accrued interest thereon. If the bids for the purchase of the bonds are not satisfactory, the board may reject any and all bids and may readvertise for bids for the sale of the bonds in the manner provided in this subsection.

(3) The board may sell any of the bonds to the Federal Government or any agency thereof at private sale without advertisement or calling for bids, but at not less than 98 percent of the principal of the bonds plus accrued interest thereon at the time of sale.

[1955 c.423 §5; 1959 c.337 §4; 1965 c.223 §5]

777.580 Bond owners not responsible for use of bond moneys. The holder or owner of a revenue bond issued and sold pursuant to ORS 777.560 to 777.590 is not required to see that the moneys derived from such bond are applied to the purpose or purposes for which the bond was issued.

[1955 c.423 §6; 1959 c.337 §5; 1965 c.223 §6]

777.585 Refunding revenue bonds. (1) Any port which has issued and sold revenue bonds under ORS 777.560 to 777.590 may, without the necessity of authorization from the voters of the port, issue and sell its refunding revenue bonds for the purpose of redeeming any of such revenue bonds which are outstanding or paying interest due thereon:

(a) At maturity pursuant to redemption provisions in the outstanding revenue bonds; or

(b) At any time before maturity if the holders of the outstanding revenue bonds consent or if the outstanding revenue bonds authorize redemption before maturity.

(2) The provisions of ORS 777.560 to 777.590 are applicable to refunding revenue bonds authorized to be issued and sold under this section.

[1955 c.423 §7; 1959 c.337 §6; 1965 c.223 §7]

777.590 ORS 777.560 to 777.590 provide complete procedure; leasing property and pledging revenues. (1) The provisions of ORS 777.560 to 777.590 are complete authority for the issuance and sale of revenue bonds and refunding revenue bonds under such sections. Any restrictions, limitations, conditions or procedure provided in other laws relating to issuance and sale of bonds or other obligations including, but not limited to, any restrictions, limitations, conditions or procedures set forth in ORS 288.320, do not apply to the issuance and sale of revenue bonds and refunding revenue bonds under ORS 777.560 to 777.590.

(2) The lease of any property of the port and the pledging of revenues therefrom to the payment of the costs and expenses enumerated in ORS 777.560, and to the payment of principal and interest on any bonds issued and sold under ORS 777.560 to 777.590, shall be deemed to further the public interest within the meaning of ORS 271.310.

[1955 c.423 §8; 1959 c.337 §7; 1965 c.223 §8]

777.595 and 777.600 [Reserved for expansion]

SPECIAL ELECTIONS

777.605 Special elections, resolution fixing time of election. When the governing body of any port organized under general or special law desires to hold an election for the purpose of submitting to the electors of the port any measure submitted under the initiative and referendum, or any question relating to the issuance of bonds or the increase of tax levies, or any other question that may lawfully be submitted to the voters of the port, the governing body may, at any regular or special meeting called in accordance with its rules or the statutes governing the same, adopt a resolution calling a special election to be held at such time as they may select, not less than 35 days after the passage of the resolution, and may designate and describe in the resolution in general terms the measures which are to be submitted at such election.

777.610 Notice of election; posting and publication. (1) Notice shall be given of the special election by posting the same for a period of not less than 20 days in three public places in the port and by publication thereof in one or more newspapers, which shall be designated by the resolution as most likely to give effectual notice to all the voters of the holding of the election.

(2) The notice shall be published not less than once each week for the period of three weeks, shall state the date of holding the election, and shall give a general description of the measures which are to be submitted sufficient for identification. Where the election is to be held concurrently with an election in the county, the notice may be given in the same manner as the notice for the concurrent election in the county and may be posted and published as a part of the notice for the concurrent election. Where the election is held solely upon the measures so submitted and not in conjunction with an election in the county or other districts wherein the port is situated, the notice shall describe the polling places at which votes shall be received and the precincts into which the port may be divided by the commission for the purpose of such election.

(3) The secretary or other executive officer of the port shall give the notices or cause the same to be given and perform the other administrative duties required by ORS 777.610 to 777.625. In case of his inability to do so the port may designate by resolution any other agent, who shall perform such services.

777.615 Election date concurrent with another election, procedure. (1) When the date of election is concurrent with any election held within the port or within the districts embracing part thereof, the governing body shall, at least 45 days before such election, cause to be certified to the county clerk, or, in case the concurrent election is not within a county, to the corresponding officer, the questions which are to be voted upon, with the form of ballot title. The county clerk, or other corresponding officer, shall thereupon cause the questions to be placed upon the ballot.

(2) If the port is not coterminous with the county or other district in which the

concurrent election is held, the governing body shall cause to be prepared and furnished to the county clerk, or other corresponding officer, for distribution to the election judges of any precincts which are not wholly contained within the boundaries of the municipality holding the concurrent election, a map showing the part of the precincts within and without the port, and shall furnish such other means as may, in their judgment, be requisite to enable the election judges to determine which electors have the right to vote.

777.620 Election officers of concurrent elections. In case any election under ORS 777.605 is held concurrently with an election in a municipality or district containing in whole or in part the same territory as the port, the judges and clerks of such election shall serve as election officials of the port election. The port governing body hereby is empowered to appoint judges and clerks of election in all other cases, who shall be paid by the port at the same rate and in a corresponding manner as judges and clerks of other elections.

777.625 Cumulative character of ORS 777.605 to 777.625. The provisions of ORS 777.605 to 777.625 are additional and cumulative to any other law for the holding of elections in ports, and shall be interpreted as providing additional powers and not as conflicting with or exclusive of the provisions of existing laws on the same subject.

777.630 to 777.700 [Reserved for expansion]

ESTABLISHMENT OF WATER TRANSPORTATION LINES

777.705 Definitions for ORS 777.705 to 777.750. As used in ORS 777.705 to 777.750, "bonus" or "bonuses" includes payment of funds for chartering vessels, the guaranteeing to vessels, transportation lines, companies or persons, cargo and tonnage, the guaranteeing to vessels, transportation lines, companies or persons against loss on account of delay in the Columbia River or Willamette River or at the Columbia River bar, the absorption of charges for lightering, dredging, towage and pilotage of any such vessels and the fixing of pilotage and stevedoring charges, seamen's wages, fuel costs, supplies and other charges and expenses incident to maritime commerce, at such a rate as may place any such port on a competitive basis in such matter with other ports.

777.710 Payment of bonus explained. The payment of any bonus which any port is authorized by ORS 777.715 and 777.720 to make includes the payment of any sums necessary to make good the guarantee described in ORS 777.705.

777.715 Ports may pay bonuses in aid of water transportation and may charter vessels. Municipal corporations designated as ports under any general or special law of this state may aid in establishing water transportation lines between any such port and any other domestic or foreign port or ports, and may aid in establishing water transportation lines on the interior rivers of this state, or on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers, by means of the payment of a bonus or bonuses to any person engaged or proposing to engage in the operation of such water transportation lines, and may charter vessels.

777.720 Discretion of commissioners in making payment; contracts. The board of any port described in ORS 777.715 may expend the money raised as authorized in ORS 777.725 in the form of a bonus or bonuses payable to the person described in ORS 777.715 and in such manner and at such times as in the judgment and discretion of the board will result in the greatest benefit and advantage to the port and will best aid the establishment and continued operation of the water transportation lines. The board may enter into such contract as may be necessary to carry into effect the power and purposes of ORS 777.725 to 777.750.

777.725 Borrowing money to pay bonus; bond issues, amount, terms, interest, signature, approval by voters, name of bonds, sale. (1) For the purpose of carrying into effect the powers granted in ORS 777.705 to 777.750, any port described in ORS 777.715 may borrow money and sell and dispose of bonds. Such bonds shall not, singly or in the aggregate, with previous debts and liabilities incurred for such purposes, exceed one percent of the assessed valuation for state and county purposes of all property within the limits of the port which is by law assessable for state and county purposes. Such bonds shall be issued from time to time as the board of the port

may determine, and shall be of such denominations, run for such period of years and for such rate of interest as the board determines.

(2) No bonds shall be issued unless authorized by a vote of the majority of the duly qualified voters voting upon the question as provided for in ORS 777.730.

(3) Every issue of bonds shall be in serial form so as to mature in numerical order in equal instalments annually on and after five years from date. The bonds shall not bear interest exceeding in any event the rate of six percent per annum. The bonds shall be signed on behalf of the port by its president or chairman and countersigned by its secretary and shall be so conditioned that the port shall therein and thereby undertake, promise and agree, in consideration of the premises, and be held to pay at a place therein named to the bearer or registered holder thereof the sum named therein at the maturity thereof in lawful money of the United States, with interest thereon in like lawful money at the rate per annum named therein, payable half yearly on January 1 and July 1 in each year, in accordance with the tenor and terms of interest coupons thereto attached.

(4) The bonds shall be known as water transportation bonds of the Port of (insert name of port), County of (insert name of county), State of Oregon, as the case may be.

(5) The bonds shall be sold for cash to the highest responsible bidder, upon sealed bids, after advertising; but the board may reject any and all bids tendered for the same and proceed to readvertise when bids are not satisfactory.

777.730 Elections prerequisite to issuance of bonds. Before any port issues any bonds as provided in ORS 777.725, the question whether the bonds of the port shall be issued shall be submitted to the legal voters of the port, either at any general state or county election or at a special election called by the board.

777.735 Notice of election; general conduct of election. (1) Notice of the bond election shall be given by posting notices in three public places in each election precinct within the territorial limits of the port for at least 10 days immediately preceding the bond election; and also by publication of the notice in some newspaper published within the territorial limits of the port, once a week for at least three consecutive weeks before the bond election. The last publication of the notice shall be not more than 10 days immediately preceding the election. The notice shall be signed by the president or chairman and secretary of the board, and shall state the time and place of holding the election and the object thereof.

(2) The election shall be held, as nearly as practicable, under and in accordance with the general election laws of this state.

777.740 Election officers; canvass; ballot; vote required to carry; effect of irregularity. (1) The regular judges and clerks of election appointed for state and county elections shall act as judges and clerks of election and the votes at any election held under ORS 777.730 shall be counted, canvassed and certified, and returned to the county clerk of the county in which the port is situated. The county clerk shall make an abstract of the returns and deliver the same, duly certified, to the secretary of the port.

(2) At such elections the ballots shall contain the words, as one proposition to be voted on: "Bonds in the amount of $—— for aiding the establishment of water transportation lines. Yes. No." or words equivalent thereto. If a majority of those voting on the question vote "Yes," the board may issue bonds in the amount designated by the ballot at the election. If a majority of those voting on the question vote "No," the result of the election shall be so declared and entered of record in the minutes of the board. Whenever thereafter the board in its judgment deems it for the best interest of the port that the question of issuing of bonds as provided in ORS 777.725 shall be submitted to the legal voters of the port, it shall so declare of record in its minutes, and may thereupon submit such question to the legal voters of the port in the same manner and with like effect as at the previous election.

(3) At all elections held under ORS 777.730 to 777.740 the qualifications of an elector are the same as under the general election laws of this state.

(4) No informality or irregularity in conducting any election under ORS 777.730 to 777.740 shall invalidate any bonds issued by the port by virtue of such election.

777.745 Tax levy for payment of bond interest and principal. Each port shall levy and collect a special tax each year, upon all real and personal property situated within its boundaries and which is by law taxable for state and county purposes, in an amount sufficient to pay the yearly interest on the bonds issued by the port pursuant to ORS 777.725 and then outstanding, together with any portion of the principal of such bonds maturing within the year. The port may include in the special tax an amount sufficient to pay the interest to become due during the year of the levy on any issue of such bonds authorized by the port and not issued at the time of the levy.

777.750 Tax levy, time, collection, disposition, delinquency and nonpayment. (1) The taxes authorized in ORS 777.745 shall be levied in each year in time so as to be extended upon the county tax rolls with the state and county taxes for the annual collection of taxes next following, but in no event later than June 30 in each year.

(2) Such taxes levied by the port become due and payable at the same time and to the same officers as regular county taxes are payable, and shall be, by the county officer collecting the same, paid to the treasurer of the port for its use.

(3) All taxes levied by any port under ORS 777.745 shall, by the proper county officers, be extended upon the county tax rolls of such county, with the state and county tax for annual collection of taxes next following, and shall be entered on the tax rolls, when collected, together with all other regular annual or special taxes of the port, as one tax of and for the port, of a percent or rate in the aggregate equaling the aggregate of the general, regular annual and special taxes so levied by the port during such year under authority of law.

(4) All such taxes, when delinquent, shall bear the same interest and penalties as are now provided by law for state and county taxes. Property shall be subject to sale for the nonpayment of taxes levied by any such port in like manner and with like effect as in the case of county and state taxes.

777.755 to 777.985 [Reserved for expansion]

PENALTIES

777.990 Penalties. Failure by any port treasurer or county treasurer charged with the duties provided in ORS 777.515 to comply with the requirements of that section for the period of 10 days is punishable, upon conviction, by a fine of not less than $500 nor more than $1,000.

Note: 1965 c.408, which is temporary, provides:

Sec. 1. (1) There hereby is created an Oregon Port Authorities Commission consisting of nine members.

(2) The Governor shall appoint the members of the commission, who shall serve at the pleasure of the Governor. Vacancies on the commission shall be filled by appointment by the Governor. Appointments by the Governor shall be without regard to partisan considerations.

(3) Members of the commission shall be residents of this state who are qualified in the fields of commerce, transportation, communications, finance, law and civil works. At least three members of the commission shall be residents of the metropolitan Portland area who are appointed by the Governor in collaboration with the Mayor of the City of Portland. A member, officer or employe of any port or port authority may not be a member of the commission.

Sec. 2. The aim, purpose, object and principal function of the commission is to cause to be made the technical, administrative and industrial studies and reports necessary to indicate the most appropriate and practical ways and means of formulating a comprehensive state-wide plan for the most orderly, efficient and economical development of an integrated system of ports, marine terminal facilities, waterways, major airports, interstate bridges and related transportation facilities and services on a coordinated and balanced basis. The studies and reports shall include, but are not limited to:

(1) The feasibility of a unitary regional nonpolitical agency to coordinate the development of all transportation facilities and services in the lower Columbia River area from the Pacific Ocean to the metropolitan Portland area, or for the entire length of the Columbia River adjacent to the north boundary of the State of Oregon, and to formulate a comprehensive plan for the maximum utilization of river dredging operations and the maximum development of the river shorelines.

(2) The feasibility and advisability of recommending a bi-state study commission or port authority or authorities with the State of Washington or political subdivisions or public corporations thereof, to perform the functions of the regional agency referred to in subsection (1) of this section.

(3) A comprehensive study or studies of the Port of Portland, including a study of expanding its territorial boundaries to include areas suitable for future major airport development for the metropolitan Portland area, broadening its scope of operations to include the consolidation of waterfront and related transportation functions of other municipal corporations, providing public terminal facilities for air, rail, bus and truck transportation and operating mass transit systems and belt line railroads.

(4) The feasibility and advisability of expanding the territorial boundaries of ports outside the metropolitan Portland area, or of merging any such ports.

(5) The financing of the operations and development of ports under existing laws and under any proposed revisions of those laws.

(6) A study of any other subject related to those referred to in subsections (1) to (5) of this section.

Sec. 3. The commission may coordinate its studies with studies made by the Port of Portland and the Commission of Public Docks of the City of Portland, particularly with regard to the separate study or studies referred to in subsection (3) of section 2 of this Act.

Sec. 4. The commission shall submit a preliminary report to the Fifty-fourth Legislative Assembly (1967), and a final report to the Fifty-fifth Legislative Assembly (1969). Each report shall contain a summary of the activities of the commission. The preliminary report may, and the final report shall, contain findings and recommendations of the commission, including any legislation proposed by the commission.

Sec. 5. A member of the commission shall receive no compensation for his services as a member; but, subject to any other applicable law regulating travel and other expenses for state officers, he shall receive his actual and necessary travel and other expenses incurred in the performance of his official functions.

Sec. 6. The commission shall select one of its members as chairman, and other members as such other officers as the commission considers necessary, for such terms and with such duties and powers necessary for the performance of the functions of such offices as the commission determines.

Sec. 7. The commission shall meet at least once every three months at a place, day and hour determined by the chairman. The commission shall also meet at such other times and places as are specified by the call of the chairman.

Sec. 8. (1) The commission shall employ a qualified person to serve as executive secretary of the commission, who shall serve at the pleasure of the commission and who shall receive such compensation as the commission determines.

(2) The executive secretary, subject to the direction or approval of the commission:

(a) Shall perform such functions as may be necessary to facilitate and assist in carrying out the functions of the commission, including the keeping of a complete record of all meetings of the commission.

(b) May employ and fix the compensation of such assistants, clerical personnel and technical consulting services as may be necessary to facilitate and assist in carrying out the functions of the commission. Such employment and compensation are not subject to the State Civil Service Law.

(c) May incur such expenses as are necessary to facilitate and assist in carrying out the functions of the commission.

Sec. 9. There hereby is appropriated to the Oregon Port Authorities Commission, out of the General Fund, the sum of $35,000 which may be expended only for the purpose of carrying out the provisions of this Act. This appropriation shall constitute an appropriation to be available until expended, except that the unobligated balance of this appropriation on June 30, 1969, shall revert to the General Fund. It is intended that the Fifty-fourth Legislative Assembly will provide for further defraying the expenses of the commission during the balance of its existence if additional money is necessary.

Sec. 10. This Act, and all subsequent amendments thereto, shall expire and stand repealed on June 30, 1969.

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 November 15, 1965.

Sam R. Haley
Legislative Counsel