Chapter 777

1973 REPLACEMENT PART

Ports Generally; Ports Division

PORTS

(Definitions)

777.005 Definitions for ORS 777.005 to 777.725

(Organization of Ports)

777.010 Areas which may be incorporated as ports
777.050 Operation and effect of proclamation; general corporate powers and capacity

(Port Powers and Functions; Port Commissioners)

777.105 Bay, river and harbor improvement
777.108 Agreements between two or more ports
777.110 Contracts with Federal Government
777.112 Contracts between ports and other governmental units
777.116 Power of port to acquire real property; appraisal required; purchase on contract limited
777.120 Port's authority over harbors, wharf lines and navigation
777.125 Ports may maintain tug and pilotage service; charges; port's liability limited; salvage claims
777.132 Authority of ports to distribute water; construct and maintain marina facilities
777.135 Board of port commissioners; qualifications; appointment; first meeting; election
777.137 Designation of position numbers for commissioners; petitions; ballots; voting
777.140 Board meetings; board officers; public records
777.150 Port employes; compensation
777.155 Division of ports into subdistricts
777.160 Representation by subdistricts; terms of commissioners after subdistricting
777.165 Vacancies
777.170 Duties of port officers in exercise of initiative and referendum powers
777.180 Powers of ports created by special laws
777.190 Ordinances for policing or regulating of port property
777.195 Port may engage in domestic and foreign commerce and shipping
777.210 Port may engage in certain port management activities
777.220 Port may collect certain fees from port users
777.230 Port may provide power for port purposes; limitation on sale of electric power to public
777.240 Port may advertise and promote facilities and commerce
777.250 Port powers with respect to development and use of its lands; development of industrial park
777.258 General powers of port in promotion of certain interests

(Annexation)

777.326 Special procedure for annexations increasing by one-half or more the area or assessed value of taxable property within the port
777.347 Consent of State Lands Division for state lands
777.353 Annexation of enclave
777.365 Name change of port; notice

(Port Fiscal Matters)

777.395 Commissioners not required to submit certain construction or equipment contracts to public bidding
777.405 Deposit and disbursement of moneys; financial records
777.410 Ports may borrow money and issue bonds
777.415 Resolution and election prerequisite to issuance of bonds
777.430 Taxing powers of ports
777.435 Levy, assessment and collection of taxes
777.440 Levy of special tax by county court upon default of port officers
777.445 Procedure subsequent to levy under ORS 777.440
777.455 Authority to issue refunding bonds for specified purposes; amounts
777.460 Refunding bonds; terms and conditions; bond call
777.465 Disposition of refunding bonds
777.470 Levy of tax to meet principal and interest; amount required; disposition of proceeds of tax
777.475 Remedies of holders of refunding bonds on default
777.480 Construction of ORS 777.455 to 777.505
777.485 Compromise and refunding agreements; contents; subsequent procedure; effect
777.500 Advertisement of bonds; bids; minimum price; interest rate; rejection of bids; readvertisement; time of sale limited
777.505 Delivery of bonds to purchaser; deposit of sale proceeds; redemption and retirement of refunded bonds
777.510 Port warrants; execution; contents
777.515 Payment of warrants; interest on warrants
777.520 Special tax levy, rate, use of proceeds; bond sinking fund
777.560 Ports may issue and sell revenue bonds; use of proceeds
777.565 Ordinance authorizing revenue bonds and creating special trust fund
777.570 Form of bonds
777.575 Sale of bonds
777.585 Refunding revenue bonds
777.590 ORS 777.560 to 777.590 provide complete procedure; leasing property and pledging revenues

(Special Elections)

777.605 Special elections; resolution fixing time of election

(Establishment of Water Transportation Lines)
777.705 Definitions for ORS 777.705 to 777.725
777.710 Payment of bonus explained
777.715 Ports may pay bonuses in aid of water transportation and may charter vessels
777.720 Discretion of board in making payment; contracts
777.725 Borrowing money to pay bonus; bond issues, amount, terms, interest, signature, approval by voters, name of bonds, sale

PORTS DIVISION
777.805 Definitions for ORS 777.805 to 777.845
777.810 Ports Division continued in Department of Transportation
777.830 Division employes
777.835 Division function; approval required for creation of new ports
777.840 Port regions
777.845 Regional meetings required; report to commission

PENALTIES
777.990 Penalties

CROSS REFERENCES

Airport zoning, Ch. 492
Audits of public funds, records and accounts, Ch. 297
Bonds for board members, 198.220
Borrowing and bonds of public corporations, 287.010, 287.012
Coastal zone, comprehensive land use planning study, 191.110 to 191.180
Collection and refund of property taxes, Ch. 311
Conflict of interests, board members, 198.120
Department of Transportation, 184.615
Dissolution of inactive districts, 198.335 to 198.365
Enemy attack, continuity of government in event of, 236.445, 236.450
Exemption of property from taxation, 307.120
Interstate bridges, 381.005, 381.205, 381.098
Local Budget Law applies to ports, 294.311
Municipal financial administration, Ch. 294
Population, determination of, 190.520
Port hospitals, boundary limitations, 441.395, 441.505
Purchase of lands created by fill by riparian owner, 274.925
Recall procedure, 198.430
Separate property tax assessment of certain airport premises, 307.110
Vacancies, filling of, 198.320
Water resources policy, state, conformance with required, 536.300 to 536.400

777.005

District election procedure, Ch. 259

777.010

Formation, changes in organization, generally, 198.705 to 198.955
Port of Portland, Ch. 778

777.105

Airport operation by municipal corporations, 492.310
Ferry service, ports may provide, 384.305
Foreign trade zones, ports may establish, 307.850
Hospitals, ports may establish, 440.505

777.116

Airports, acquisition of property adjacent to, 492.390
Eminent domain procedure, Ch. 35
Entry upon land to be appropriated for public use, 281.010

777.120

Ordinances and regulations of districts, generally, 198.510 to 198.600

777.125

Pilots and pilotage, Ch. 776

777.150

Unemployment insurance, 657.020, 657.065, 657.097, 657.505

777.190

Ordinances and regulations of districts, generally, 198.510 to 198.600
Policing of Port of Portland airport, 778.260

PORT FISCAL MATTERS

Receipts from revenue producing property or facility, use of, 294.347

777.405

Audit of port accounts, 297.410, 297.420

777.410

Bond records and funds, county treasurer to manage upon request, 208.200 to 208.220
Bonds issued and sold prior to October 1, 1969; payment of interest and principal, validity of obligations, 1969 c.694 §51

777.430

Taxing power limited, Const. Art. XI, § 11

777.435

Local Budget Law applies to ports, 294.311

777.605

Referendum on laws affecting ports only, 254.320
Referendum procedure, 254.340

777.715

Power of ports to aid water transportation lines, Const. Art. XI, §9

777.830

State merit system, Ch. 240

PORTS

(Definitions)

777.005 Definitions for ORS 777.005 to 777.725. As used in ORS 777.005 to 777.725, unless the context requires otherwise:

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

(2) "County" means the county in which the port, or the greater portion of the area of the port, is located.

(3) "County board" means the county court or the board of county commissioners of the county.

(4) "County clerk" means the county clerk of the county.

(5) "Port" means a municipal corporation incorporated, or proposed to be incorporated, pursuant to ORS 777.010 and 777.050.

(6) "Owner" or "landowner" means the record owner of real property or the vendee of a recorded contract of purchase of real property, if any, to the exclusion of the vendor.

(7) "Voter" means a registered voter resident in the port.

[Amended by 1971 c.728 §1]

(Organization of Ports)

777.010 Areas which may be incorporated as ports. (1) Municipal corporations designated as ports may be incorporated, in the manner provided in this section and ORS 777.050.

(2) A proposed port may include all the territory in one county. However, where 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 the county.

[Amended by 1959 c.602 §1; 1963 c.209 §1; 1967 c.342 §1; 1971 c.727 §182; 1971 c.728 §2]

777.015 [Amended by 1967 c.342 §2; repealed by 1971 c.727 §203]

777.020 [Amended by 1959 c.602 §2; 1963 c.252 §1; repealed by 1971 c.727 §203]

777.022 [1959 c.602 §4; 1963 c.252 §2; repealed by 1971 c.727 §203 and by 1971 c.728 §138]

777.025 [Amended by 1967 c.342 §3; repealed by 1971 c.647 §149 and by 1971 c.728 §138]

777.030 [Amended by 1959 c.57 §1; 1963 c.252 §3; repealed by 1971 c.647 §149]

777.035 [Amended by 1967 c.342 §4; repealed by 1971 c.727 §203]

777.040 [Amended by 1959 c.602 §5; repealed by 1971 c.727 §203]

777.045 [Repealed by 1971 c.647 §149 and by 1971 c.727 §203]

777.050 Operation and effect of proclamation; general corporate powers and capacity. From the date of the formation order, the port specified in the order shall:

(1) Have perpetual succession.

(2) Have, and may exercise and carry out, the corporate powers and objects declared by ORS 777.005 to 777.725.

(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.

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

[Amended by 1971 c.727 §184; 1971 c.728 §10]

777.055 [Repealed by 1971 c.728 §138]

777.060 [Amended by 1963 c.268 §18; repealed by 1971 c.727 §203]

(Port Powers and Functions; Port Commissioners)

777.105 Bay, river and harbor improvement. A port may improve bays, rivers and harbors within its limits and between its limits and the sea for the width and length and to the depth the port considers necessary or convenient for the use of shipping and as the means at its disposal will allow. It may construct the canals, basins and waterways necessary or convenient for the use of shipping or the extension of the commerce of the port.

[Amended by 1971 c.728 §12]

777.108 Agreements between two or more ports. Two or more ports may enter agreements, to exercise jointly all powers granted to each of the agreeing ports individually. In the exercise of such powers ports may acquire jointly all lands, rights in real property, leases or easements necessary for their purposes. However, ports so acting jointly shall not acquire real property or rights in any other port without the consent of such port.

[1961 c.367 §2; 1971 c.728 §13]

777.110 Contracts with Federal Government. A port may:

(1) Contract with the Federal Government to do all or part of the work of making or maintaining, or both, a depth of water in the bays, harbors or rivers as determined by the Federal Government; and

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

[Amended by 1971 c.728 §14]

777.112 Contracts between ports and other governmental units. (1) A port may enter into a contract with the United States, or with a county, city, port or other municipal corporation of the State of Oregon or of the State of Washington or with either of those states:

(a) To provide 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 and other Oregon rivers and streams; or

(b) To exercise the powers which any of the contracting parties has to control the use of the waters, shores and banks thereof.

(2) Any port may enter into any contract or agreement with established diking districts, drainage districts, soil and water conservation districts, water control districts or corporations for the use and control of water for promoting erosion control, pollution control or otherwise protecting, maintaining and enhancing waters within the boundaries of the port district.

(3) Expenses incurred or revenues received in the performance of a contract or agreement entered into under subsections (1) and (2) of this section shall be allocated among the contracting parties as the contract shall provide.

[1961 c.367 §3; 1971 c.691 §1; 1971 c.728 §139]

777.115 [Repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.115)]

777.116 Power of port to acquire real property; appraisal required; purchase on contract limited. (1) A port may acquire, by condemnation or other lawful method, hold, use, enjoy and convey, lease or otherwise dispose of real and personal property, or any interest therein, necessary or convenient in carrying out its powers. Condemnation proceedings shall be conducted as provided by ORS chapter 35.

(2) A port shall not purchase real property without first appointing a disinterested appraiser. If the appraiser determines the value of the property exceeds $20,000, then the port shall appoint two additional disinterested appraisers. The appraisal shall fix the fair market value of the property proposed to be purchased. This subsection, however, does not require a port to purchase such property at the appraised value, nor shall the appraisal be admitted in evidence in any condemnation proceeding.

(3) A port may purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 10 years.

[1971 c.728 §17 (enacted in lieu of 777.115, 777.185 and 777.187); 1973 c.127 §2]

777.120 Port's authority over harbors, wharf lines and navigation. (1) To the full extent the State of Oregon might exercise control or grant to ports the right to exercise control, a port has full control of all bays, rivers and harbors within its limits, and between its limits and the sea. As convenient, requisite or necessary or in the best interests of the maritime shipping and commercial interests of the port, a port may, within its limits:

(a) Make, change or abolish wharf lines in bays, rivers and harbors.

(b) By ordinance make, modify or abolish regulations for the use of navigation, or for the placing of obstructions in or the removal of obstructions from bays, rivers and harbors.

(2) A port shall have the authority to engage in the control and prevention of river and stream bank erosion, and the prevention of damage from floodwater and sediment, and to make, establish, change, modify or abolish such rules and regulations to preserve natural resources and prevent estuary and stream pollution within the boundaries of the district.

[Amended by 1971 c.268 §20; 1971 c.691 §2; 1971 c.728 §140]

777.125 Ports may maintain tug and pilotage service; charges; port's liability limited; salvage claims. (1) A port may establish, maintain and operate a tugboat and pilotage service in the port and between the port and the sea. To provide such service, it may purchase, lease, control and operate tugboats and pilot boats and collect charges from vessels employing such tugs for towage or pilotage services.

(2) The charges for towage and pilotage shall be fixed by the board and filed in the

records of the port. A port is entitled to a lien upon a vessel for any sums due the port for piloting or towing such vessel. The master and owner of such vessel shall, in addition, be jointly and severally liable to the port for the sums due.

(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 the tug, or the negligence or incompetency of the pilot, the port shall not be liable for any loss or injury thereof in excess of $5,000.

(4) A port may claim and collect salvage for services rendered to vessels in distress in the same manner as a natural person.
[Amended by 1971 c.728 §20]

777.130 [Amended by 1963 c.219 §1; 1963 c.365 §1; 1965 c.445 §1; 1967 c.416 §2; 1969 c.497 §1; repealed by 1971 c.728 §21 (777.195 to 777.258 enacted in lieu of 777.130)]

777.132 Authority of ports to distribute water; construct and maintain marina facilities. (1) A port may distribute water for domestic or industrial purposes within or without the port. However, when the water is used in the treatment of industrial waste, including but not limited to use of the water as a coolant for a nuclear energy facility, the water may subsequently be used or distributed for irrigation purposes. To prepare for use of such water for irrigation when feasibility studies are being made for a proposed nuclear energy facility, a port may construct and test canals and other works that will be required for distribution and use of such water for irrigation purposes.

(2) A port may construct, improve, maintain and operate public marina facilities. Such facilities may include campgrounds or parks which the port may operate and maintain or lease to public or private organizations or persons for operation and maintenance.
[1969 c.497 §3; 1971 c.728 §29; 1973 c.127 §1]

Note: ORS 777.132 was not added to and made a part of ORS 777.115 to 777.160 by legislative action.

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

(2) Within 10 days after the formation of the port, the Governor shall appoint the first board of five commissioners, each of whom shall be a registered voter, residing within the limits of the port.

(3) The commissioners shall meet at a place within the port, designated by the Governor, on the fifth day after their appointment and shall organize as a board, first making and subscribing to an oath of office. 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 July 1 next following the succeeding regular biennial election, and the remaining three commissioners hold office until July 1 following the second next regular biennial election.

(4) At the first regular biennial election two commissioners shall be elected, each to hold office for the term of four years from July 1 following that election. At the second regular biennial election three commissioners shall be elected, each to hold office for a term of four years from July 1 following that election. At each succeeding regular biennial election held thereafter, commissioners shall be elected for a term of four years each, to succeed those whose terms of office expire on July 1 following that election.
[Amended by 1967 c.185 §1; 1971 c.647 §136; 1971 c.727 §§185, 200; 1971 c.728 §30; 1973 c.796 §74]

777.137 Designation of position numbers for commissioners; petitions; ballots; voting. (1) Each office of commissioner of the board of a port may be designated by number as Position No. 1, Position No. 2, and so forth.

(2) When directed by the board, the secretary of a port shall assign a position number to each office on the board. The number so assigned shall be certified by the secretary to the commissioner in office holding that position. One copy of the certification shall be sent to the Secretary of State, and one copy shall be filed in the records of the port.

(3) In the nomination or election of candidates for or to the office of commissioner, every petition for nomination, declaration of candidacy, certificate of nomination or election, ballot or other document used in connection with the nomination or election shall state the position number of the office to which the candidate aspires, and his name shall appear on the ballot only for the designated position.

(4) Each voter shall have the right to vote for only one candidate for each position on the

board, and the candidate for each position receiving the highest number of votes for such position shall be considered nominated or elected as the case may be.
[1969 c.297 §2; 1971 c.728 §31]

777.140 Board meetings; board officers; public records. (1) A board shall meet at a place within the port as it may from time to time determine. A board shall hold at least one regular meeting in each month on a day to be fixed by it, and may hold special meetings as provided by its rules.

(2) A board shall choose from its number a president, vice president, treasurer and secretary, who shall hold their offices until the next election of officers and who shall have the powers and perform the duties usual in such cases. Annual reports shall be made by the president, vice president, treasurer and secretary and filed with the board.

(3) All proceedings of a board shall be entered in the records of the board. All books, maps, plans, documents, vouchers, reports and other papers and records pertaining to the business of the port shall be public records.
[Amended by 1971 c.728 §32]

777.145 [Repealed by 1969 c.345 §20]

777.150 Port employes; compensation. A port may employ engineers, superintendents, mechanics, clerks or other persons as it may find requisite, necessary or convenient and fix their rates of compensation.
[Amended by 1967 c.412 §1; 1971 c.403 §16; 1971 c.728 §36]

777.155 Division of ports into subdistricts. Upon a petition of the voters filed with the board within 10 days after the date of a boundary or name change order a board shall subdivide the port. Such a petition shall be signed by voters equal in number to at least 25 percent of the registered voters who voted at the last port election. The board by resolution shall divide the port into five subdistricts approximately equal in population. A certified copy of the resolution shall, within 10 days after its adoption, be filed with the county clerk.
[Amended by 1963 c.268 §19; 1967 c.498 §3; 1971 c.727 §186; 1971 c.728 §37]

777.160 Representation by subdistricts; terms of commissioners after subdistricting. (1) After the division of a port into subdistricts, as provided by ORS 777.155 or 777.326, not more than one commissioner shall be elected, appointed or qualified to serve from each or any of the subdistricts. Thereafter election of commissioners shall be by subdistrict and by the voters in each such subdistrict.

(2) Except as otherwise provided by ORS 777.326, the terms of office of the commissioners of a port that is subdivided as provided by ORS 777.155, terminate on June 30 following the first regular election after the effective date of the order of annexation, and their successors shall be elected at the next regular election following the order.

(3) The two commissioners elected at the next regular 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 July 1 following the election. 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 July 1 following the election.
[Amended by 1963 c.268 §20; 1967 c.498 §4; 1971 c.727 §187; 1971 c.728 §38; 1973 c.796 §75]

777.165 Vacancies. Notwithstanding ORS 198.320, 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 voters residing within the port. The terms of the appointees shall be determined by lot at a meeting of the board held within 10 days after the appointment. However, the term of an appointee shall not exceed four years and shall expire on January 1 next following a regular state-wide general election at which his successor is elected. The terms of the appointees shall be arranged with the terms of the other members so that the terms of not more than three commissioners expire on January 1 next following any general election.
[Amended by 1969 c.669 §18; 1971 c.728 §39]

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 general laws applicable to cities govern within ports, except that measures referred by the board shall be filed with the secretary of the board not less than 30 days before the election at which they

are to be voted upon. The president of the board shall perform 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.
[Amended by 1971 c.728 §40]

777.175 [Repealed by 1971 c.728 §138]

777.180 Powers of ports created by special laws. All ports created prior to April 17, 1920, 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 by ports under the general laws of this state, except the power to borrow money and issue bonds under ORS 777.410 and 777.415.
[Amended by 1971 c.728 §41]

777.185 [Amended by 1963 c.327 §1; 1971 c.545 §1; repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.185)]

777.187 [1967 c.186 §2; repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.187)]

777.190 Ordinances for policing or regulating of port property. A port may by ordinance in accordance with ORS 198.510 to 198.600 make, modify or abolish regulations to provide for the policing, control, regulation and management of property owned, operated, maintained or controlled by the port. A 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 the ordinances, as other peace officers.
[1955 c.699 §§2, 3, 4; 1959 c.255 §1; 1971 c.268 §21; 1971 c.728 §42]

777.195 Port may engage in domestic and foreign commerce and shipping. A port may, for hire:

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

(2) 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 may facilitate water commerce between common carriers and points within the port; and carry and transport freight and passengers and move passenger trains over the lines.
[1971 c.728 §22 (enacted in lieu of 777.130)]

777.205 [1963 c.209 §3; repealed by 1971 c.727 §203]

777.210 Port may engage in certain port management activities. A port may:

(1) 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 the port.

(2) Engage generally in the business of buying and selling coal, fuel oil and all kinds of fuel for watercraft of all kinds.

(3) Acquire, construct, maintain or operate 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.

(4) For the public convenience and the convenience of its shipping and commercial interests, may improve all or any portion of the waterfront of its harbors, rivers and waterways.

(5) 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.

(6) Acquire or construct, maintain or operate airports anywhere within the port.
[1971 c.728 §23 (enacted in lieu of 777.130)]

777.215 [1963 c.209 §4; repealed by 1971 c.727 §203]

777.220 Port may collect certains fees from port users. A port may collect from vessels using any port facility, wharfage, dockage and drydockage; and collect from owners or consignees of goods passing over the docks and warehouses, wharfage and storage charges for goods so handled.
[1971 c.728 §24 (enacted in lieu of 777.130)]

777.225 [1963 c.209 §5; repealed by 1971 c.727 §203]

777.230 Port may provide power for port purposes; limitation on sale of electric power to public. (1) A port may:

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

(b) Acquire 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.

(2) This section does not authorize a port to enter into the business of supplying electric energy or services, 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.
[1971 c.728 §25 (enacted in lieu of 777.130)]

777.240 Port may advertise and promote facilities and commerce. A port may 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.
[1971 c.728 §26 (enacted in lieu of 777.130)]

777.250 Port powers with respect to development and use of its lands; development of industrial park. (1) A port may construct buildings or other improvements and acquire personal properties including but not limited to machinery and equipment considered necessary whether or not now in existence or under construction, suitable for use by any industry for the manufacturing, refining, processing or assembling of any agricultural, mining or other products or by any commercial enterprise in storing, warehousing, distributing or selling or servicing any products of agriculture, mining or industry. The port has full power to lease and sell the buildings, improvements and personal property, together with the lands upon which they are situated, whether held by the port in its governmental capacity or not.

(2) In addition, a port may:

(a) Acquire and develop land, or develop land already owned, as the site for an industrial park, including as a part of such development provisions for water, sewage, drainage, roads, transportation, power, communication or other similar facilities which are incidental to the development of the site;

(b) Develop the site pursuant to a comprehensive plan in a manner compatible with other uses in the area in which the industrial park is located and adopt regulations necessary to implement the plan;

(c) Lease or sell tracts of land within an industrial park as building sites to any industry or commercial enterprise described by this subsection; and

(d) Charge and collect fees for services made available within the industrial park.
[1971 c.728 §27 (enacted in lieu of 777.130)]

777.255 [Repealed by 1963 c.268 §21]

777.258 General powers of port in promotion of certain interests. A port may, in general, do such other acts and things, not mentioned by ORS 777.195 to 777.258, as tend to promote the maritime shipping, aviation and commercial interests of the port.
[1971 c.728 §28 (enacted in lieu of 777.130)]

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)

777.300 [1963 c.268 §2; repealed by 1971 c.727 §203]

777.303 [1963 c.268 §3; repealed by 1971 c.727 §203]

777.305 [Repealed by 1963 c.268 §21]

777.307 [1963 c.268 §4; repealed by 1971 c.727 §203]

777.310 [Repealed by 1963 c.268 §21]

777.313 [1963 c.268 §5; repealed by 1971 c.727 §203]

777.315 [Repealed by 1963 c.268 §21]

777.317 [1963 c.268 §6; repealed by 1971 c.727 §203]

777.320 [Repealed by 1963 c.268 §21]

777.323 [1963 c.268 §7; repealed by 1971 c.727 §203]

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

777.326 Special procedure for annexations increasing by one-half or more the area or assessed value of taxable property within the port. (1) This section applies when an annexation would increase the area of a port by one-half or more, or would increase the assessed value of taxable property within a port by one-half or more. An annexation proposal subject to this section shall, if approved by the county board, be submitted to the voters at an election which shall be held at the same time as a regular state-wide general or primary election.

(2) When an election on the annexation proposal is ordered, the board shall adopt an order dividing or redividing the area of the port, including the territory proposed to be annexed, into five subdistricts. The boundaries of the subdistricts shall be determined in accordance with ORS 777.155 and shall be described in the order calling the election on the proposed annexation.

(3) At the election on the annexation proposal, commissioners, one from each of the five subdistricts established as provided by subsection (2) of this section, shall be nominated and elected to hold office upon approval of the annexation proposal by the voters. Subsection (5) of ORS 777.135 applies to the nomination and election of commissioners under this section. Of the five commissioners elected, the two who receive the greatest number of votes shall each be entitled to hold office for a term ending four years from January 1 following the election, and the three who receive the lesser number of votes shall each be entitled to hold office for a term ending two years from January 1 following the election. Upon the approval of an annexation proposal by the voters, the terms of the commissioners in office shall terminate.

(4) The board shall propose a new tax base which shall be submitted to the voters for their approval or rejection at the election at which the annexation proposal is submitted.

(5) If the annexation is approved, the order proclaiming the annexation shall also describe the boundaries of the subdistricts established as provided by subsection (2) of this section.

[1967 c.498 §2; 1971 c.647 §140; 1971 c.727 §§188, 201; 1971 c.728 §49]

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

777.328 [1963 c.268 §8; repealed by 1971 c.727 §203]

777.330 [Repealed by 1963 c.268 §21]

777.333 [1963 c.268 §9; repealed by 1971 c.727 §203 and by 1971 c.728 §138]

777.335 [Repealed by 1963 c.268 §21]

777.337 [1963 c.268 §10; repealed by 1971 c.727 §203]

777.340 [Repealed by 1963 c.268 §21]

777.343 [1963 c.268 §11; repealed by 1971 c.727 §203]

777.345 [Repealed by 1963 c.268 §21]

777.347 Consent of State Lands Division for state lands. The Division of State Lands is authorized to consent to annexation with respect to any land owned by the State of Oregon, under the jurisdiction of the division, which is located in the territory proposed to be annexed.

[1963 c.268 §12; 1971 c.727 §189]

777.350 [Repealed by 1963 c.268 §21]

777.353 Annexation of enclave. When territory not part of another port or wholly belonging to the state or Federal Government is surrounded by the boundaries of a port, the board of the surrounding port may, by resolution, annex the territory to the port with or without the consent of any resident or owner of property within the territory and without submitting the proposed annexation to the voters for approval.

[1963 c.268 §13; 1971 c.728 §52]

777.355 [Repealed by 1963 c.268 §21]

777.357 [1963 c.268 §14; repealed by 1971 c.727 §203]

777.360 [1963 c.268 §15; repealed by 1971 c.647 §149 and by 1971 c.727 §203 and by 1971 c.728 §138]

777.365 Name change of port; notice. A board may, within 60 days following an order of annexation, change the name of the port by order made at any regular meeting. Notice of the proposed change, including the new name, shall be given by publication in a newspaper of general circulation in the port once a week for three successive weeks prior to the meeting.

[1963 c.268 §16; 1971 c.727 §190; 1971 c.728 §54]

777.370 [1963 c.268 §17; repealed by 1971 c.727 §203]

(Port Fiscal Matters)

777.395 Commissioners not required to submit certain construction or equipment contracts to public bidding. Notwithstanding ORS chapter 279, a port board, in carrying out the powers granted by ORS 777.250, is not required to submit any construction or equipment contract to public bidding, if the board determines that the contract requirements can be more effectively met by other means.
[1967 c.416 §3; 1971 c.728 §18]

Note: ORS 777.395 was not added to and made a part of ORS chapter 777 by legislative action.

777.405 Deposit and disbursement of moneys; financial records. (1) Money of a port shall be deposited in one or more banks designated by the board. Funds shall be withdrawn only when previously ordered by the board, 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.
[Amended by 1971 c.728 §33]

777.410 Ports may borrow money and issue bonds. (1) For the purpose of carrying into effect any of the powers granted by ORS 777.105 to 777.190, a port may, when authorized so to do by the voters, borrow money and sell and dispose of bonds. Bonds outstanding at any one time shall never exceed in the aggregate two and one-half percent of the true cash value of all taxable property within the port, computed in accordance with ORS 308.207.

(2) Without voter approval the board may, whenever it determines that an emergency exists, issue bonds, within the limitation provided by subsection (1) of this section, in an aggregate amount not exceeding $50,000 in any period of 12 months. Bonds shall not be issued under this subsection to provide funds for the acquisition of land. Bonds issued under this subsection shall be issued and sold in accordance with subsection (3) of this section but shall mature in such length of time, not exceeding five years, as the board determines.

(3) All bonds issued under this section shall bear interest at a rate or rates not exceeding a net effective rate of seven 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. They shall be sold in the manner and under the conditions provided by ORS 777.500. Bonds issued under this section and ORS 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 instalments beginning not more than five and ending not more than 30 years from issue date.

(4) 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; 1971 c.728 §71; 1973 c.127 §3]

777.415 Resolution and election prerequisite to issuance of bonds. When it is proposed to borrow money or to sell and dispose of bonds as authorized by subsection (1) of ORS 777.410, a board shall first pass a resolution authorizing the borrowing of money and the issuance and sale of bonds. The resolution shall state the amount of money to be raised, the maximum rate of interest that the bonds will bear and the nature and terms of the bonds. The resolution also shall state the general purpose for which the moneys to be raised are to be used. The question of issuance of the bonds shall then be referred by the board to the voters of the port at a special election to be called for that purpose. The money raised shall be expended for no other purpose than that expressed in the resolution and the purpose shall be stated in the ballot title used in the election. A contract involving the expenditure of funds to be raised under subsection (1) of ORS 777.410 shall not be entered into by the board until the borrowing of the funds is approved by a majority of those voting on the question at the special election provided for by this section.
[Amended by 1957 c.375 §2; 1971 c.647 §142; 1971 c.728 §72]

777.420 [Repealed by 1957 c.375 §3]

777.425 [Repealed by 1957 c.375 §3]

777.430 Taxing powers of ports. (1) In carrying out the purposes of ORS 777.005 to 777.725, a port may assess, levy and collect taxes upon all taxable real and personal property situated within the port, in an amount each year not to exceed one-fourth of one percent (.0025) of the true cash value of the property, computed in accordance with ORS 308.207.

(2) Each year a port may also assess, levy and collect a tax upon all such property in an amount sufficient to pay the yearly interest on general obligation bonds or other evidences of indebtedness theretofore issued by the port and then outstanding, together with any portion of the principal of general obligation bonds maturing within that year. The tax shall be applied only in payment of interest and principal of such bonds or indebtedness. However, the board may apply any other funds it may have toward such payments.
[Amended by 1963 c.9 §38; 1971 c.728 §73]

777.435 Levy, assessment and collection of taxes. (1) Taxes authorized by ORS 777.430 shall be levied in each year and returned to the county officer whose duty it is to extend the tax roll by the time required by law for city taxes to be levied and extended. The county officer whose duty it is to extend the county levy shall extend the levy of a port in the same manner as city taxes are extended.

(2) All taxes levied by a port become payable at the same time and shall be collected by the same officers as regular county taxes. The county officers collecting the taxes shall pay them to the treasurer of the port as provided by law.
[Amended by 1971 c.728 §74]

777.440 Levy of special tax by county court upon default of port officers. If a port fails or refuses to levy the special tax provided by subsection (2) of ORS 777.430, within the time 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 board of the county in which the port is located, shall levy at its July term immediately following such failure or refusal by the port, a tax on all the taxable real and personal property situated within the port, at a rate sufficient to pay such interest and principal.
[Amended by 1971 c.728 §75]

777.445 Procedure subsequent to levy under ORS 777.440. (1) Taxes levied under ORS 777.440 by the county board shall be assessed and collected as if the levy had been made by the port itself.

(2) However, taxes thus levied by the county board shall not be paid to the treasurer of the port by the county officers collecting the tax, but shall be paid to the county treasurer to the credit of the port issuing the bonds to be used for the purpose provided by subsection (3) of this section.

(3) The county treasurer shall pay from the fund the interest on or maturing principal of any bond described by ORS 777.440 as it 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 port board.

(5) On October 1 of the next calendar year following the year of the levy by the county board, the county treasurer shall ascertain the exact amount of interest and principal payable and still remaining unpaid. He shall retain from the fund an amount sufficient to pay such principal and interest and pay to the treasurer of the port any balance of the fund remaining after making such deduction.
[Amended by 1971 c.728 §76]

777.450 [Repealed by 1971 c.728 §138]

777.455 Authority to issue refunding bonds for specified purposes; amounts. A port may, in accordance with ORS 777.455 to 777.505, 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 judgment is taken against a port based on bonds and interest coupons issued by the port, refunding bonds may be issued to provide funds with which to pay such judgment. Such bonds may be issued, pursuant to an ordinance or resolution adopted by the board, without voter approval. 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. Debt limitations imposed by law do not apply to refunding bonds.
[Amended by 1971 c.728 §77]

777.460 Refunding bonds; terms and conditions; bond call. (1) The refunding bonds shall bear interest not to exceed a net effective rate of seven percent per annum,

payable semiannually, and shall be in such denominations and mature at such times as determined by the board, 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, in numerical order, in inverse numerical order or in the entire amount of the issue outstanding. 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.

(4) Callable refunding bonds, at the option of the board, may be called and retired or may be refunded again in accordance with the terms of the bonds and the provisions of ORS 777.455 to 777.505.

(5) 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 1971 c.728 §78]

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 refunding bonds the port board 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.
[Amended by 1971 c.728 §81]

777.475 Remedies of holders of refunding bonds on default. If there is a default in payment of principal or interest of bonds issued pursuant to ORS 777.455, 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.
[Amended by 1971 c.728 §82]

777.480 Construction of ORS 777.455 to 777.505. The authority contained in ORS 777.455 to 777.505 is supplemental and in addition to all other powers granted to port districts to issue bonds.
[Amended by 1971 c.728 §83]

777.485 Compromise and refunding agreements; contents; subsequent procedure; effect. (1) A board 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. An agreement may provide for the amount of refunding bonds to be issued, the interest rate the 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. When an agreement is entered into, a 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 the 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) A port has 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.
[Amended by 1971 c.728 §84]

777.490 [Repealed by 1971 c.728 §138]

777.495 [Amended by 1965 c.223 §2; repealed by 1971 c.728 §138]

777.500 Advertisement of bonds; bids; minimum price; interest rate; rejection of bids; readvertisement; time of sale limited. (1) Refunding bonds shall be advertised for sale at least once each week for not less than two successive weeks in a newspaper of general circulation published within the port or, if there is no such newspaper, then in a newspaper 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 or a cashier's 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. Bids shall be opened publicly at the time and place specified in the advertisement. The bonds shall be sold for cash at not less than the par value thereof and the accrued interest thereon at the time of sale.

(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 in the manner provided by this section.

(4) Refunding bonds shall not be sold at a price which will cause the net effective rate of interest thereon to exceed seven percent per annum payable semiannually. The date of sale shall not precede 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.
[Amended by 1971 c.728 §79]

777.505 Delivery of bonds to purchaser; deposit of sale proceeds; redemption and retirement of refunded bonds. (1) Refunding bonds, 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. The bonds shall be delivered at the place in the State of Oregon designated by the board in the notice of sale of the bonds.

(2) Proceeds of sale of the bonds equal to the total par value of the bonds refunded shall be deposited at the fiscal agency mentioned in ORS 777.460 in conformity with the laws relating to deposits of funds with the fiscal agency or, at the option of the issuing port, pursuant to ORS 295.005 to 295.165, 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.
[Amended by 1967 c.451 §29; 1971 c.728 §80]

777.510 Port warrants; execution; contents. A port board may issue warrants drawn upon any officer designated the custodian of money belonging to or credited to the port. 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, by the vice president. Warrants shall show upon their face the nature and extent of the obligation satisfied. They may be used in payment of any obligation 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.
[Amended by 1971 c.728 §34]

777.515 Payment of warrants; interest on warrants. (1) The treasurer of a port, or the treasurer of the county who is the legal custodian of funds belonging to or credited to a port, shall pay the warrants of the port when presented, if he has money in his custody for the purpose of paying the obligation for which the warrant was given. He 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. The warrant shall draw interest at the legal rate from the date of such indorsement. 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, a warrant drawn in payment of the principal or face amount of a 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 rate of such interest shall appear upon the face of the warrant. Interest on a warrant shall cease from the date of notice by publication in some newspaper printed or circulated in the county. Notice shall be given by the port treasurer authorized to redeem the warrant, stating that there are funds to redeem outstanding warrants. The treasurer shall give notice when he has $10,000 belonging to the fund.

[Amended by 1971 c.728 §35]

777.520 Special tax levy, rate, use of proceeds; bond sinking fund. (1) A port may assess, levy and collect each year in addition to other taxes which it is by law authorized to levy, a special tax upon all taxable real and personal property situated within the port.

(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 bonds of the port, at such prices, as the board determines.

(3) All funds collected from such levy shall be placed in a separate fund, designated the bond sinking fund, and shall be used exclusively for the purposes provided by this section as long as the principal of any bond of the port remains outstanding or unpaid. After the principal of all bonds of the port has been paid, the balance remaining in such fund may be transferred to any other fund as the board may direct.

[Amended by 1971 c.728 §85]

777.525 [Repealed by 1971 c.728 §138]

777.560 Ports may issue and sell revenue bonds; use of proceeds. For the purpose of carrying into effect any of the powers granted to ports, a port may issue and sell revenue bonds in accordance with ORS 777.560 to 777.590 without the necessity of obtaining the prior approval of the voters of the port. Proceeds from the sale of revenue bonds may be used also to cover the costs incurred in issuing the 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. Revenue bonds shall not be a general obligation of the port nor a charge upon the tax revenues of the port, nor a charge upon any other revenues or property of the port not specifically pledged thereto.

[1955 c.423 §2; 1959 c.337 §1; 1971 c.728 §86]

777.565 Ordinance authorizing revenue bonds and creating special trust fund. (1) Revenue bonds shall be authorized by ordinance of the board. The ordinance shall provide for the creation of a special trust fund, authorize the appointment of a trustee to administer the fund, and 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. However, for a facility or facilities authorized by ORS 777.250, 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. The board may, in addition, 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. However, with respect to revenue bonds issued to finance a facility or facilities authorized by ORS 777.250, the board, in addition, may only pledge or mortgage such facilities including buildings, improvements or properties, and any land acquired in connection with such facilities, for the benefit of the holders of revenue bonds issued therefor. 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 the meeting, by publication once each week in a newspaper of general circulation, published within the port or, if there be no such newspaper, in a newspaper of general circulation, published within the county.

(2) A special trust fund created by an ordinance adopted under subsection (1) of this section 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 if the money in the special trust fund is insufficent to pay the revenue bonds the bonds shall be payable out of any part or all of other nontax-derived revenues of the port. However, for a facility or facilities authorized by ORS 777.250, 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. When all bonds and expenses thereof have been paid so that no charge remains upon the special fund, the board may, by ordinance, transfer any balance remaining in the 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 securities in which the State of Oregon may by law invest.

(4) ORS 777.560 to 777.590 and the provisions of the ordinance authorizing a revenue bond issue constitute a contract with the holders of the bonds, and shall be enforceable by any owner or holder of the bonds.

[1955 c.423 §3; 1959 c.337 §2; 1965 c.223 §3; 1967 c.621 §1; 1971 c.728 §87]

777.570 Form of bonds. Revenue bonds issued under ORS 777.560 to 777.590:

(1) Shall be negotiable instruments.

(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 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 such bonds and such other terms and conditions, in conformity with ORS 777.560 to 777.590, which the board determines are necessary or desirable to protect the port or increase the marketability of the bonds.

(6) Shall be in the form prescribed by the board and executed with either the autograph or facsimile signature of the president and countersigned by the secretary of the port. However, 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.

[1955 c.423 §4; 1959 c.337 §3; 1965 c.223 §4; 1971 c.728 §141; 1971 c.778 §1]

Note: ORS 777.570 was amended by 1971 c.728 §141 and by 1971 c.778 §1. The Legislative Counsel has not, pursuant to ORS 173.160, compiled the amendments to ORS 777.570 by 1971 c.778 §1. 1971 c.728 (Enrolled House Bill 1025) and 1971 c.778 (Enrolled House Bill 1133) were both passed by the House on June 6, 1971, after House concurrence in Senate amendments. Section 141 of chapter 728, Oregon Laws 1971 included language that "ORS 777.570, as amended by section 2, chapter 778, Oregon Laws 1971 (Enrolled House Bill 1133)" was further amended. Section 2 of chapter 778 had formerly contained amendments to ORS 777.570, but section 2 was amended and renumbered section 1 of the measure. Upon passage there was no section 2 in House Bill 1133. However, the Legislative Counsel considers the reference to 1971 c.778 §2 to be an expression of legislative intent that the amendments to ORS 777.570 by 1971 c.728 §141 should control and has, therefore, compiled those amendments rather than the amendment contained in c.778, Oregon Laws 1971.

The provisions of 1971 c.778 §1 are set forth for the user's convenience:

Sec. 1. ORS 777.570 is amended to read:

777.570. 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 nine 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.

777.575 Sale of bonds. (1) The board may from time to time sell revenue bonds authorized pursuant to ORS 777.565, as provided by this section.

(2) Except as provided by subsections (3) and (4) 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 published within the port or, if there is no such newspaper, then in a newspaper published in the county. Bids shall be in writing and be sealed and, unless the bidder is the State of Oregon, accompanied by a certified check or a cashier's check upon a bank doing business in this state in an amount not less than two percent of the par value of the bonds. Bids 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 principal of the bonds plus accrued interest thereon at the time of the sale. If the bids are not satisfactory, the board may reject any and all bids and may readvertise for bids in the manner provided by 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 a price not less than 98 percent of the principal of the bonds plus accrued interest thereon to the date of delivery.

(4) Revenue bonds including revenue bonds to refund such bonds of a port may be sold to any person either at a public or private sale without advertisement or calling for bids as the board may in its sole discretion determine. Sale price of bonds sold at a private sale pursuant to this subsection shall be not less than 98 percent of the principal of the bonds plus accrued interest thereon to the date of delivery.

[1955 c.423 §5; 1959 c.337 §4; 1965 c.223 §5; 1967 c.416 §1; 1971 c.728 §89]

777.580 [1955 c.423 §6; 1959 c.337 §5; 1965 c.223 §6; repealed by 1971 c.728 §138]

777.585 Refunding revenue bonds. (1) A port may, without the necessity of authorization from the voters of the port, issue and sell its refunding revenue bonds for the purpose of redeeming 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) ORS 777.560 to 777.590 apply to bonds authorized to be issued and sold under this section.

[1955 c.423 §7; 1959 c.337 §6; 1965 c.223 §7; 1971 c.728 §90]

777.590 ORS 777.560 to 777.590 provide complete procedure; leasing property and pledging revenues. (1) ORS 777.560 to 777.590 are complete authority for the issuance and sale of revenue bonds and refunding revenue bonds. Any restrictions, limitations, conditions or procedure provided by other statutes 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 by ORS 777.560, and to the payment of principal and interest on bonds issued and sold under ORS 777.560 to 777.590, shall be considered to further the public interest within the meaning of ORS 271.310.

[1955 c.423 §8; 1959 c.337 §7; 1965 c.223 §8; 1971 c.728 §91]

(Special Elections)

777.605 Special elections; resolution fixing time of election. When a board desires to hold an election for the purpose of submitting to the voters of the port any measure or question that may lawfully be submitted to the voters, the board may, at any meeting called in accordance with its rules or the statutes governing the board, adopt a resolution calling a special election. The election shall be held at a time fixed by the board, at the earliest date practicable after the passage of the resolution. In the resolution the board may describe in general terms the measures or questions which are to be submitted at the election.
[Amended by 1971 c.728 §92; 1973 c.796 §76]

777.610 [Repealed by 1971 c.647 §149]

777.615 [Repealed by 1971 c.647 §149]

777.620 [Repealed by 1971 c.647 §149]

777.625 [Repealed by 1971 c.647 §149]

(Establishment of Water Transportation Lines)

777.705 Definitions for ORS 777.705 to 777.725. As used in ORS 777.705 to 777.725, "bonus" or "bonuses" includes payment of funds for:

(1) Chartering vessels;

(2) Guaranteeing to vessels, transportation lines, companies or persons, cargo and tonnage, and 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;

(3) Absorption of charges for lightering, dredging, towage and pilotage of any vessels; or

(4) 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 a port on a competitive basis in such matter with other ports.
[Amended by 1971 c.728 §97]

777.710 Payment of bonus explained. The payment of a bonus authorized by ORS 777.715 and 777.720 includes the payment of sums necessary to make good the guarantee described by ORS 777.705.
[Amended by 1971 c.728 §98]

777.715 Ports may pay bonuses in aid of water transportation and may charter vessels. (1) By the payment of bonuses to a person engaged or preparing to engage in the operation of water transportation lines, a port may:

(a) Aid in establishing water transportation lines between the port and any other domestic or foreign port or ports; and

(b) Aid in establishing water transportation lines on the interior rivers of this state, on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers.

(2) A port may charter vessels.
[Amended by 1971 c.728 §99]

777.720 Discretion of board in making payment; contracts. A board may expend the money raised as authorized by ORS 777.725 in the form of a bonus or bonuses payable to the persons described by ORS 777.715. The money shall be expended in the manner and at such times as the board determines 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 contract as may be necessary to carry into effect the purposes of ORS 777.725.
[Amended by 1971 c.728 §100]

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 ORS 777.705 to 777.725, a port may borrow money and sell and dispose of bonds. The bonds shall not, singly or in the aggregate, with previous debts and liabilities incurred and outstanding for such purposes, exceed one-fourth of one percent (.0025) of the true cash value of all taxable property within the port. The bonds shall be issued from time to time as the board 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) Bonds shall not be issued unless authorized by the majority of the voters voting upon the question at an election called for that purpose.

(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 a net effective rate of seven percent per annum. The bonds shall be signed on behalf of the port by its president and countersigned

by its secretary. The bonds shall be so conditioned that the port shall agree, in consideration of the premises, 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 semiannually 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 and proceed to readvertise when bids are not satisfactory.

[Amended by 1967 c.293 §35; 1971 c.728 §101]

777.730 [Repealed by 1971 c.728 §138]

777.735 [Repealed by 1971 c.647 §149 and by 1971 c.728 §138]

777.740 [Amended by 1971 c.647 §143; repealed by 1971 c.728 §138]

777.745 [Repealed by 1971 c.728 §138]

777.750 [Repealed by 1971 c.728 §138]

PORTS DIVISION

777.805 Definitions for ORS 777.805 to 777.845. As used in ORS 777.805 to 777.845, unless the context requires otherwise:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Department" means the Department of Transportation.

(3) "Director" means the Director of Transportation.

(4) "Port" means the Port of Portland and any municipal corporation established pursuant to ORS chapter 777.

(5) "Ports Division" or "division" means the Ports Division of the Department of Transportation.

[1969 c.599 §39; 1973 c.249 §78]

Note: ORS 777.805 to 777.845 were not added to and made a part of ORS chapter 777 by legislative action.

777.810 Ports Division continued in Department of Transportation. Subject to subsection (2) of ORS 184.615, the Ports Division is continued within the Department of Transportation.

[1969 c.599 §40; 1973 c.249 §79]

777.815 [1969 c.599 §42; 1969 c.599 §42a; repealed by 1973 c.249 §91]

777.820 [1969 c.599 §43; repealed by 1973 c.249 §91]

777.825 [1969 c.599 §44; repealed by 1973 c.249 §91]

777.830 Division employes. Subject to the approval of the director and any applicable provisions of the State Merit System Law, the chief administrative officer of the division may appoint such subordinate officers and employes as are necessary to the accomplishment of the duties and powers assigned to the division and prescribe their duties and fix their compensation.

[1969 c.599 §45; 1973 c.249 §80]

777.835 Division function; approval required for creation of new ports. (1) The commission, through the division, shall be the state-wide coordinating, planning and research agency for all ports and port authorities in this state to insure the most orderly, efficient and economical development of the state port system.

(2) Notwithstanding any other provision of law, after July 1, 1969, no port or port authority may be formed without the prior approval of the commission.

[1969 c.599 §46; 1973 c.249 §81]

777.840 Port regions. The following port regions are established:

(1) Coastal Region. Tillamook, Lincoln, Lane, Douglas, Coos and Curry Counties.

(2) Lower Columbia Region. Clatsop, Columbia, Clackamas, Washington and Multnomah Counties.

(3) Mid-Columbia Region. Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

(4) Interior Region. Those counties not included within the Coastal Region, the Lower Columbia Region or the Mid-Columbia Region.

[1969 c.599 §47]

777.845 Regional meetings required; report to commission. (1) At least four times each year, and at such other times and places as the commission may direct, representatives of each port and port authority within a region established by ORS 777.840 shall meet to discuss and solve problems of common interest within the region. Except for meetings directed by the commission, regional meetings shall be held at such times and places as are designated by a majority of the representatives. The representatives shall choose from among their number a

chairman and other officers for such terms and with such duties and powers as the representatives determine necessary for the performance of their duties.

(2) The chairman of each regional meeting shall cause a summary of the proceedings to be delivered to the department.
[1969 c.599 §48; 1973 c.249 §82]

PENALTIES

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

(2) Any person violating a regulation adopted by a port board under ORS 777.120 or 777.190 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $250.
[Amended by 1971 c.728 §102]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 1, 1973.

Thomas G. Clifford
Legislative Counsel