

# House Bill 3614

Sponsored by Representative WEIDNER; Representatives FREEMAN, GARRARD, HOYLE, HUNT, MATTHEWS, READ, SCHAUFLEER, SHEEHAN, J SMITH, THATCHER, WHISNANT, WINGARD

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits city or district from requiring landowner to consent to eventual annexation in exchange for continuation of extraterritorial service originally provided to landowner or predecessor in interest of landowner without requiring consent to annexation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to consent to annexation for extraterritorial service; amending ORS 198.869 and 222.115;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 222.115 is amended to read:

6 **222.115. (1) A city may require a landowner to consent to eventual annexation before**  
7 **providing a new or additional extraterritorial water, sewer or electric utility service.**

8 **(2) A contract between a city and a landowner [relating to extraterritorial provision of service**  
9 **and consent to eventual annexation of property of the landowner shall] containing a landowner's**  
10 **consent to eventual annexation in return for extaterritorial services:**

11 **(a) Must** be recorded; and[,]

12 **(b) When recorded, [shall be binding on all successors with an] is binding on successors in**  
13 **interest in that property.**

14 **(3) A city may not require a landowner to consent to eventual annexation in exchange**  
15 **for continuation of an extraterritorial service that the city originally provided to the land-**  
16 **owner or a predecessor in interest of the landowner without requiring consent to eventual**  
17 **annexation, including a service that is temporarily discontinued for a period of one year or**  
18 **less.**

19 **(4) A consent to eventual annexation that was required by a city prior to the effective**  
20 **date of this 2011 Act is void if the city required the consent in exchange for a continuation**  
21 **of an extraterritorial service that the city began providing to the landowner or to a prede-**  
22 **cessor in interest of the landowner without requiring consent to eventual annexation.**

23 **SECTION 2.** ORS 198.869 is amended to read:

24 **198.869. (1) A district may require a landowner to consent to eventual annexation before**  
25 **providing a new or additional extraterritorial water, sewer or electric utility service.**

26 **(2) A contract between a district and a landowner [relating to extraterritorial provision of service**  
27 **and consent to eventual annexation of property of the landowner shall] containing a landowner's**  
28 **consent to eventual annexation in return for extraterritorial services:**

29 **(a) Must** be recorded; and[,]

30 **(b) When recorded, [shall be binding on all successors with an] is binding on successors in**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 interest in that property.

2 **(3) A district may not require a landowner to consent to eventual annexation in exchange**  
3 **for continuation of an extraterritorial service that the district originally provided to the**  
4 **landowner or a predecessor in interest of the landowner without requiring consent to even-**  
5 **tual annexation, including a service that is temporarily discontinued for a period of one year**  
6 **or less.**

7 **(4) A consent to eventual annexation that was required by a district prior to the effective**  
8 **date of this 2011 Act is void if the district required the consent in exchange for a continua-**  
9 **tion of an extraterritorial service that the district began providing to the landowner or to a**  
10 **predecessor in interest of the landowner without requiring consent to eventual annexation.**

11 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**  
12 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
13 **on its passage.**

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