

Enrolled
Senate Bill 306

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CHAPTER

AN ACT

Relating to service districts; creating new provisions; and amending ORS 198.765 and 198.815.

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

SECTION 1. ORS 198.815, as amended by section 11, chapter 29, Oregon Laws 2010, is amended to read:

198.815. (1) If the required number of written requests for an election are filed with the county board on or before the date of the final hearing or if the petition for formation includes a permanent rate limit for operating taxes for the proposed district, the board shall provide by order for the holding of an election to submit to the electors the question of forming the district. The board shall cause notice of the election to be published by two insertions. If requests for an election are filed by less than the required number of persons and no permanent rate limit for operating taxes is included in the petition, the county board shall dismiss the requests and enter an order creating the district.

(2) The order calling an election shall fix the date of the election on the next available election date in ORS 255.345 for which the filing deadline can be met. However, when the proposal for formation includes a permanent rate limit for operating taxes for the proposed district, the election shall be held on the date of the next [*primary election or general*] **May or November** election for which the filing deadline can be met. The order shall also state that at such election members of the district board will be voted for. Candidates to be voted for as members of the first board of a district shall be nominated as provided by ORS chapter 255 and the principal Act of a district.

(3) The order calling the election shall require the county official in charge of elections to include with the ballot for the election a map or other description of the boundaries of the proposed district using streets and other generally recognized features and a statement of the permanent rate, if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such statement shall comply with the requirements of ORS 250.035. The map or other description and statement required by this subsection shall be supplied by the county board.

(4)(a) When the proposal for formation includes a permanent rate limit for operating taxes for the proposed district, the ballot title shall clearly indicate that a single question is being proposed which is:

(A) Whether the proposed district shall be formed; and

(B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maximum rate of operating taxes for that district.

(b) The ballot title for the election shall be in compliance with ORS 250.036.

(5) When the proposal for formation includes a permanent rate limit for the proposed district, the district shall be authorized to impose operating taxes not in excess of the permanent rate limit if the proposal is approved by a majority of the votes cast and[:]

[(a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or]

[(b)] the election is held in May or November of any year.

(6) If a proposed county service district is subject to dissolution unless a determination of public need for continued existence is made, the ballot title shall include the fiscal year in which dissolution will occur and statement that the district will dissolve unless the board of directors determines that there is a public need for continued existence.

SECTION 2. ORS 198.765 is amended to read:

198.765. (1) A petition shall not be accepted for filing unless the signatures thereon have been secured within six months of the date on which the first signature on the petition was affixed. A petition for formation of a district shall not be accepted for filing if it is not accompanied by the economic feasibility statement required under ORS 198.749. When a petition for formation of a district includes a proposed permanent rate limit for operating taxes, the petition shall be filed not later than 180 days before the date of the next *[primary election or general]* **May or November** election at which the petition for formation will be voted upon. Petitions required to be filed with the county board shall be filed with the county clerk of the principal county. Petitions required to be filed with the district board shall be filed with the secretary of the district board. It is not necessary to offer all counterparts of a petition for filing at the same time, but all counterparts when certified as provided by subsection (3) of this section shall be filed at the same time.

(2) Within 10 days after the date a petition is offered for filing, the county clerk or district secretary, as the case may be, shall examine the petition and determine whether it is signed by the requisite number of qualified signers. In the case of a petition required or permitted to be signed by landowners, within 10 days after the date a petition is offered for filing, the county assessor shall examine the petition and determine whether it is signed by the requisite number of qualified landowners. If the requisite number of qualified signers have signed the petition, the county clerk or district secretary shall file the petition. If the requisite number have not signed, the county clerk or district secretary shall so notify the chief petitioners and may return the petition to the petitioners.

(3) A petition shall not be filed unless the certificate of the county clerk or the district secretary is attached thereto certifying that the county clerk or district secretary has compared the signatures of the signers with the appropriate records, that the county clerk or district secretary has ascertained therefrom the number of qualified signers appearing on the petition, and that the petition is signed by the requisite number of qualified signers. In the case of a petition required or permitted to be signed by landowners, a petition shall not be filed unless the certificate of the county assessor is attached thereto certifying that the county assessor has compared the signatures of the signers with the appropriate records and that the petition is signed by the requisite number of qualified landowners.

(4) No petition for dissolution shall be accepted for filing within one year after an election held on the question of dissolution of a district.

SECTION 3. The amendments to ORS 198.765 and 198.815 by sections 1 and 2 of this 2011 Act apply to an election held after January 1, 2011.

Passed by Senate February 24, 2011

Repassed by Senate March 16, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 14, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State