

HOUSE AMENDMENTS TO HOUSE BILL 2028

By COMMITTEE ON LAND USE

April 24

1 On page 1 of the printed bill, line 2, delete “creating new provisions;”.

2 Delete lines 5 through 27 and delete page 2 and insert:

3 “**SECTION 1.** ORS 198.869 is amended to read:

4 “198.869. (1) **As used in this section, ‘extraterritorial service’ means a service provided**
5 **by:**

6 “(a) **A district in an area outside the district’s boundaries; or**

7 “(b) **A municipal electric utility as defined in ORS 757.600 outside the incorporated**
8 **boundaries of the city that owns and operates the utility or on whose behalf the utility is**
9 **owned and operated.**

10 “(2) **Except as provided in subsection (3) of this section, a district may require a land-**
11 **owner to consent to eventual annexation of property before providing an extraterritorial**
12 **service to the property.**

13 “(3) **A district may not require a landowner to consent to eventual annexation before**
14 **providing an extraterritorial service if:**

15 “(a) **The extraterritorial service is provided to the landowner’s property pursuant to an**
16 **intergovernmental agreement described in ORS 190.010 with a county;**

17 “(b) **The contract containing the landowner’s consent to eventual annexation is not a**
18 **requirement of the intergovernmental agreement with the county or the comprehensive plan**
19 **adopted for the area in which the property is situated; and**

20 “(c) **The extraterritorial service is a service other than water service, sewer service,**
21 **storm water service, constructing a road or street to provide the first paved access to a**
22 **landowner’s property or service provided by a municipal electric utility.**

23 “(4) **A contract between a district and a landowner [*relating to extraterritorial provision of ser-***
24 ***vice and consent to eventual annexation of property of the landowner shall*] containing a landowner’s**
25 **consent to eventual annexation in return for extraterritorial service:**

26 “(a) **Must** be recorded; and[,]

27 “(b) **When recorded, [*shall be binding on all successors with an*] is binding on successors in**
28 **interest in [*that*] the property.**

29 “**SECTION 2.** ORS 222.115, as amended by sections 1 and 2, chapter 46, Oregon Laws 2012, is
30 amended to read:

31 “222.115. (1) **As used in this section, ‘extraterritorial service’ means a service provided**
32 **by:**

33 “(a) **A city in an area outside the city’s incorporated boundaries; or**

34 “(b) **A municipal electric utility as defined in ORS 757.600 outside the incorporated**
35 **boundaries of the city that owns and operates the utility or on whose behalf the utility is**

1 owned and operated.

2 “(2) Except as provided in subsection (3) of this section, a city may require a landowner
3 to consent to eventual annexation of property before providing an extraterritorial service to
4 the property.

5 “(3) A city may not require a landowner to consent to eventual annexation before pro-
6 viding an extraterritorial service if:

7 “(a) The extraterritorial service is provided to the landowner’s property pursuant to an
8 intergovernmental agreement described in ORS 190.010 with another local government as
9 defined in ORS 174.116;

10 “(b) The contract containing the landowner’s consent to eventual annexation is not a
11 requirement of the intergovernmental agreement with the other local government or the
12 comprehensive plan adopted for the area in which the property is situated; and

13 “(c) The extraterritorial service is a service other than water service, sewer service,
14 storm water service, constructing a road or street to provide the first paved access to a
15 landowner’s property or service provided by a municipal electric utility.

16 “(4) A contract between a city and a landowner containing the landowner’s consent to eventual
17 annexation of the landowner’s property in return for extraterritorial [*services*] **service**:

18 “[1] (a) Must be recorded; and

19 “[2] (b) When recorded, is binding on successors in interest in [*that*] **the** property.

20 “**SECTION 3. This 2013 Act takes effect on the 91st day after the date on which the 2013**
21 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**”.

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