

# House Bill 2028

Sponsored by Representative CLEM (Pre-session filed.)

## 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 consent by landowner to eventual annexation in exchange for providing extraterritorial service when city or district is providing service on behalf of another local government pursuant to intergovernmental agreement.

Declares consent by landowner to annexation obtained by city or district prior to effective date of Act void if consent was demanded for service provided outside boundaries of city or district on behalf of another local government pursuant to intergovernmental agreement.

Clarifies language authorizing city or district to require consent to eventual annexation in exchange for providing extraterritorial service to landowner.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to consent to annexation for extraterritorial service; creating new provisions; amending  
3 ORS 198.869 and 222.115; and prescribing an effective date.

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

5 **SECTION 1.** ORS 198.869 is amended to read:

6 198.869. (1) **As used in this section, "extraterritorial service" does not include a service**  
7 **performed outside the boundaries of a district by the district on behalf of another local**  
8 **government, as defined in ORS 174.116, pursuant to an intergovernmental agreement.**

9 (2) **A district may require a landowner to consent to eventual annexation before providing**  
10 **an extraterritorial service.**

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

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

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

17 **SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS 198.705 to**  
18 **198.955.**

19 **SECTION 3. Consent by a landowner to eventual annexation that was required by a dis-**  
20 **trict prior to the effective date of this 2013 Act is void if the district attempted to require**  
21 **the consent in exchange for a service provided outside the boundaries of the district on be-**  
22 **half of another local government, as defined in ORS 174.116, pursuant to an intergovern-**  
23 **mental agreement.**

24 **SECTION 4.** ORS 222.115, as amended by sections 1 and 2, chapter 46, Oregon Laws 2012, is  
25 amended to read:

26 222.115. (1) **As used in this section, "extraterritorial service" does not include a service**  
27 **performed outside the boundaries of a city by the city on behalf of another local government,**

**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 as defined in ORS 174.116, pursuant to an intergovernmental agreement.

2 (2) A city may require a landowner to consent to eventual annexation before providing  
3 an extraterritorial service.

4 (3) A contract between a city and a landowner containing the landowner's consent to eventual  
5 annexation of the landowner's property in return for extraterritorial services:

6 [(1)] (a) Must be recorded; and

7 [(2)] (b) When recorded, is binding on successors in interest in that property.

8 **SECTION 5. Section 6 of this 2013 Act is added to and made a part of ORS 222.111 to**  
9 **222.180.**

10 **SECTION 6. Consent by a landowner to eventual annexation that was required by a city**  
11 **prior to the effective date of this 2013 Act is void if the city attempted to require the consent**  
12 **in exchange for a service provided outside the boundaries of the city on behalf of another**  
13 **local government, as defined in ORS 174.116, pursuant to an intergovernmental agreement.**

14 **SECTION 7. This 2013 Act takes effect on the 91st day after the date on which the 2013**  
15 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

16