

Senate Bill 773

Sponsored by COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

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. Prohibits city or district from requiring consent to annexation solely because of change in name of payor on service account or change of address of payor.

Limits to five years period during which separate written agreement may be effective for purpose of authorizing annexation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to consent to annexation for extraterritorial service; creating new provisions; amending
3 ORS 198.869, 222.115 and 222.173; and declaring an emergency.

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

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

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

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

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

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

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

18 (b) **A consent to eventual annexation that was required by a city prior to the effective**
19 **date of this 2013 Act is void if the city required the consent in exchange for a continuation**
20 **of an extraterritorial service that the city began providing to the landowner or to a prede-**
21 **cessor in interest in the property without requiring consent to eventual annexation.**

22 (4) **A city may not require a landowner to consent to eventual annexation solely because**
23 **of a change in the name or address of the payor on the account for an extraterritorial ser-**
24 **vice.**

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

26 198.869. (1) **A district may require a landowner to consent to eventual annexation before**
27 **providing a new or additional extraterritorial water, sewer or electric utility service.**

28 (2) A contract between a district and a landowner *[relating to extraterritorial provision of service*

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 *and consent to eventual annexation of property of the landowner shall]* **containing the landowner's**
 2 **consent to eventual annexation of the landowner's property in return for extraterritorial**
 3 **services:**

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

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

7 (3)(a) **A district may not require a landowner to consent to eventual annexation in ex-**
 8 **change for continuation of an extraterritorial service that the district originally provided to**
 9 **the landowner or a predecessor in interest in the property without requiring consent to**
 10 **eventual annexation, including a service that is temporarily discontinued for a period of one**
 11 **year or less.**

12 (b) **A consent to eventual annexation that was required by a district prior to the effective**
 13 **date of this 2013 Act is void if the district required the consent in exchange for a continua-**
 14 **tion of an extraterritorial service that the district began providing to the landowner or to a**
 15 **predecessor in interest in the property without requiring consent to eventual annexation.**

16 (4) **A district may not require a landowner to consent to eventual annexation solely be-**
 17 **cause of a change in the name or address of the payor on the account for an extraterritorial**
 18 **service.**

19 **SECTION 3.** ORS 222.173 is amended to read:

20 222.173. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a pro-
 21 ceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation [*which*]
 22 **that** are filed within any one-year period shall be effective, unless a separate written agreement
 23 [*waiving the one-year period or*] prescribing [*some other*] **another** period of time, **not to exceed five**
 24 **years**, has been entered into between an owner of land or an elector and the city.

25 (2) Statements of consent to annexation filed with the legislative body of the city by electors
 26 and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505.

27 **SECTION 4.** **Except as otherwise expressly provided in ORS 198.869 (3)(b) and 222.115**
 28 **(3)(b) as amended by sections 1 and 2 of this 2013 Act, the amendments to ORS 198.869,**
 29 **222.115 and 222.173 by sections 1 to 3 of this 2013 Act apply to annexations that are not final**
 30 **on the effective date of this 2013 Act.**

31 **SECTION 5.** **This 2013 Act being necessary for the immediate preservation of the public**
 32 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 33 **on its passage.**