

**PROPOSED AMENDMENTS TO
HOUSE BILL 2028**

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**
5 **a service provided 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**
8 **the incorporated boundaries of the city that owns and operates the**
9 **utility or on whose behalf the utility is owned and operated.**

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

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

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

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

22 **“(c) The extraterritorial service is a service other than water ser-**

1 **vice, sewer service, storm water service or service provided by a mu-**
2 **nicipal electric utility.**

3 **“(4) A contract between a district and a landowner [*relating to***
4 ***extraterritorial provision of service and consent to eventual annexation of***
5 ***property of the landowner shall*] containing a landowner’s consent to**
6 **eventual annexation in return for extraterritorial service:**

7 **“(a) Must be recorded; and[,]**

8 **“(b) When recorded, [*shall be binding on all successors with an*] is bind-**
9 **ing on successors in interest in [*that*] the property.**

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

12 **“222.115. (1) As used in this section, ‘extraterritorial service’ means**
13 **a service provided by:**

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

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

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

22 **“(3) A city may not require a landowner to consent to eventual**
23 **annexation before providing an extraterritorial service if:**

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

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

1 “(c) The extraterritorial service is a service other than water ser-
2 vice, sewer service, storm water service or service provided by a mu-
3 nicipal electric utility.

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

7 “[(1)] (a) Must be recorded; and

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

10 “**SECTION 3. This 2013 Act takes effect on the 91st day after the**
11 **date on which the 2013 regular session of the Seventy-seventh Legis-**
12 **lative Assembly adjourns sine die.”.**

13
