

**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, constructing a road or street**
2 **to provide the first paved access to a landowner's property or service**
3 **provided by a municipal electric utility.**

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

8 **“(a) Must be recorded; and[,]**

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

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

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

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

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

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

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

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

28 **“(b) The contract containing the landowner's consent to eventual**
29 **annexation is not a requirement of the intergovernmental agreement**
30 **with the other local government or the comprehensive plan adopted**

1 **for the area in which the property is situated; and**

2 **“(c) The extraterritorial service is a service other than water ser-**
3 **vice, sewer service, storm water service, constructing a road or street**
4 **to provide the first paved access to a landowner’s property or service**
5 **provided by a municipal electric utility.**

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

9 **“[(1)] (a) Must be recorded; and**

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

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

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