

**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 **an urban service as defined in ORS 195.065 that is provided by a district**
6 **in an area outside the district’s boundaries.**

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

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

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

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

19 **“(c) The urban service is not water service or sewer service.**

20 **“(4) A contract between a district and a landowner [*relating to***
21 ***extraterritorial provision of service and consent to eventual annexation of***
22 ***property of the landowner shall*] containing a landowner’s consent to**

1 **eventual annexation in return for extraterritorial service:**

2 **“(a) Must** be recorded; and[,]

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

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

7 **“222.115. (1) As used in this section, ‘extraterritorial service’ means**
8 **an urban service as defined in ORS 195.065 that is provided by a city**
9 **in an area outside the city’s incorporated boundaries.**

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

13 **“(3) A city 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 another local government as defined in ORS 174.116;**

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

22 **“(c) The urban service is not water service or sewer service.**

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

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

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

29 **“SECTION 3. This 2013 Act takes effect on the 91st day after the**
30 **date on which the 2013 regular session of the Seventy-seventh Legis-**

1 **lative Assembly adjourns sine die.”.**

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