

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

7 **“(b) A service that is provided by a municipal electric utility as**  
8 **defined in ORS 757.600 outside the incorporated boundaries of the city**  
9 **that owns and operates the utility or on whose behalf the utility is**  
10 **owned and operated.**

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

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

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

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

1       “(c) **The extraterritorial service is a service other than water ser-**  
2 **vice, sewer service or service provided by a municipal 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) **An urban service as defined in ORS 195.065 that is provided by**  
14 **a city in an area outside the city’s incorporated boundaries; or**

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

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

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

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

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

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