

House Bill 3126

Sponsored by Representative BENTZ (at the request of Blue Mountain Translator District Board)

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**.

Removes service charge exemption for translator districts in certain instances. Imposes service charge liability on owners of property entirely surrounded by district and receiving signals from translator district.

A BILL FOR AN ACT

1
2 Relating to translator districts; amending ORS 354.690; and repealing ORS 354.990.

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

4 **SECTION 1.** ORS 354.690 is amended to read:

5 354.690. (1) When a district broadcasts television signals through a translator on a regular basis
6 and any property within the district receives those signals, the owner of the property receiving the
7 signal shall be liable to the district for the service charges.

8 (2) When a district broadcasts television signals through a translator on a regular basis[, *if any*
9 *person residing on or occupying property located in an area entirely surrounded by the district inten-*
10 *tionally receives and uses those signals*] **and any property entirely surrounded by the district**
11 **receives those signals**, the owner of that property is liable to the district for a service charge. The
12 owner of the property shall be deemed to have contracted with the district for use of the translator
13 signals.

14 (3) The district shall determine which property is receiving the signal, the amount of any service
15 charge and the method of payment by property owners. The district may classify property outside
16 and within the district according to the uses of district signals. [*For property entirely surrounded*
17 *by the district, the district shall prepare a verified report which shall disclose that the property has*
18 *been physically inspected and that there are reasonable grounds to believe that the property is inten-*
19 *tionally receiving and using the signal.*]

20 (4) The district shall notify **by mail** each owner of property [*it*] **the district** has determined is
21 liable for a service charge at least 30 days prior to imposition of any service charge. [*The notice*
22 *shall be by mail and shall include a written declaration which the owner may verify by signing and*
23 *return to the district office stating that the owner is exempt from the service charge for one of the fol-*
24 *lowing reasons:*]

25 [(a) *The property already receives adequate regional television signals from another source and is*
26 *not using district signals;*]

27 [(b) *The property is so situated as to preclude use of the signals; or*]

28 [(c) *A television is not used on the property and there are no plans to do so.*]

29 (5) If property outside or within the district is owned, rented or leased by a community antenna
30 television company which carries a district's television signals by cable to subscribers because of
31 Federal Communications Commission requirements, that property shall be exempt from any district

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 service charge.

2 [(6) *A verified declaration returned to the district under subsection (4) of this section shall exempt*
 3 *the property in question and shall be valid for one year from its signing, unless the owner of the*
 4 *property informs the district of a change of circumstances which should subject the owner to a service*
 5 *charge.*]

6 [(7)] (6) By July 15 of any year, the district shall determine which service charges are delinquent
 7 and shall certify such charges, together with interest at the rate of two-thirds of one percent per
 8 month from the date due, to the assessor of the county in which the property of the person against
 9 whom delinquent service charges are assessed is located. The assessor shall enter the charges and
 10 interest thereon upon the next assessment and tax roll prepared after July 15. The charges and in-
 11 terest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the
 12 real property of the person against whom they are assessed. After the service charges are certified
 13 and presented to the assessor, the payment for the service charges must be made to the tax collector
 14 pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent
 15 service charge or by the television translator district that has received payment for the delinquent
 16 service charge. The charges shall thereupon be collected and paid over in the same manner as other
 17 taxes are certified, assessed, collected and paid over, except that, when the tax collector receives
 18 the assessor's certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the
 19 amount of the delinquent service charges imposed in determining the television translator district's
 20 distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included
 21 in determining the distribution percentage of the county, in order to defray the costs incurred by
 22 the county in collecting the delinquent service charges.

23 [(8)] (7) The district board may enter into an agreement with the owner of property that is not
 24 within the district for the payment of service charges for use of the translator signals of the district
 25 when:

26 (a) The electors of the district, at an election called for that purpose, have authorized the dis-
 27 trict board to make such agreements; and

28 (b) The property is within a city that is surrounded by the district and is served by a community
 29 antenna system regulated by the Federal Communications Commission.

30 **SECTION 2. ORS 354.990 is repealed.**

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