

House Bill 3099 – Summary of Affected Statutes

198.866 Annexation of city to district; approval of annexation proposal; election. (1) The governing body of a city may adopt a resolution or motion to propose annexation to a district for the purpose of receiving service from the district. Upon adoption of an annexation proposal, the governing body of the city shall certify to the district board a copy of the proposal.

(2) The district board shall approve or disapprove the city's annexation proposal. If the district board approves the proposal, the district board shall adopt an order or resolution to call an election in the district unless otherwise provided in subsection (3) of this section.

(3) The district board is not required to call an election if:

(a) The population of the city is less than 20 percent of the population of the district; or

(b) The entire boundary of the city is encompassed within the boundary of the district.

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(7) Upon receipt of the resolution or order of the district board, the governing body of the city shall call an election in the city on the date specified in the order or resolution of the district board.

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198.870 Petition for withdrawal of property from district. (1)(a) When a plan for district improvements is adopted, or any time more than two years after the date of formation of a district or after the date of annexation of territory to a district if petitioner's property is located within the territory annexed, an owner of land included in a district may petition the county board for withdrawal of the property of the owner from the district.

(b) If the electors of an area within a district wish to withdraw from the district, they may file a petition with the county board.

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(4) The county board may approve the petition as presented or it may adjust the boundaries and approve the petition. The petition shall be approved if it has not been, or is not or would not be, feasible for the territory described in the petition to receive service from the district. The petition shall be denied if it appears that it is, or would be, feasible for the territory described in the petition to receive service from the district.

198.875 Election on withdrawal petition. (1) At the time and place set for the final hearing upon the withdrawal petition if the required number of written requests for an election on the proposed withdrawal have not been filed, the county board shall enter an order withdrawing the described area from the district.

(2) If the required number of requests for an election are filed on or before the final hearing, the county board shall call an election in the district upon the question of the withdrawal of the area.

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198.880 Effect on withdrawn area. The described area withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied thereafter by the district. However, the withdrawn area shall remain subject to any bonded or other indebtedness existing at the time of the order, except as provided by ORS 198.882. The proportionate share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property contained in the district immediately prior to the withdrawal.

HB 3099 – Summary of Amendments

SECTION 1. ORS 198.870 is amended to read:

198.870. (1)(a) *[When]* **Whenever** a plan for district improvements is adopted, or at any time more than two years after the date of formation of a district or, **if petitioner's property is located within territory annexed into a district**, after the date of annexation of **the** territory to *[a]* **the** district *[if petitioner's property is located within the territory annexed]*, an owner of land included in a district may petition the county board for withdrawal of the property of the owner from the district.

(b) If the electors of an area within a district wish to withdraw from the district, they may file a petition with the county board.

(c) If the governing body of a city that was annexed into a district under ORS 198.866 wishes to withdraw the city from the district, the governing body may petition the county board for withdrawal of the territory of the city from the district.

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(4) **Unless an election is required under ORS 198.875**, the county board may approve the petition as presented or it may adjust the boundaries and approve the petition. The petition *[shall]* **may** be approved if it has not been, *[or]* is not or would not be[,] feasible for the territory described in the petition to receive service from the district. The petition *[shall]* **may** be denied if it appears that it is[,] or would be[,] feasible for the territory described in the petition to receive service from the district.

SECTION 2. ORS 198.875 is amended to read:

198.875. (1) * * *

(2)(a) **Except as provided in paragraph (b) of this subsection**, if the required number of requests for an election are filed on or before the final hearing, the county board shall call an election in the district upon the question of the withdrawal of the area.

(b) If the withdrawal petition relates to the territory of a city that was annexed into the district upon an election held only in the city under ORS 198.866 (3) and (7), an election to withdraw the territory of the city from the district shall also be held only in the city.

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