

SB 226 A STAFF MEASURE SUMMARY

Carrier: Sen. Fagan

Senate Committee On Rules

Action Date: 06/05/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Baertschiger Jr, Boquist, Burdick, Dembrow, Roblan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 6/3, 6/5

WHAT THE MEASURE DOES:

Validates municipal disincorporations and disincorporation elections that meet specified criteria. Provides for expedited review in Supreme Court within 30 days of effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of the City of Damascus

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The status of the City of Damascus has been the subject of multiple elections and several court cases. ORS 221.610 establishes a general rule that the disincorporation of a city must be approved by an absolute majority (a majority of those who are eligible to vote), rather than a simple majority (a majority of those who cast ballots). In 2013, the Damascus City Council referred to the city's voters a citizen-initiated disincorporation measure. That measure failed because, although it received a simple majority, it did not receive an absolute majority.

In 2015, the Legislative Assembly referred a disincorporation measure to the voters of Damascus that expressly required only a simple majority of votes to become law. See 2015 Oregon Laws, chapter 603. Because, however, the provision requiring only a simple majority was contained in the referral itself, it did not have the effect of eliminating the requirement that the measure receive an absolute majority. *De Young v. Brown*, 297 Or. App. 355 (2017). As a result, that measure failed because, although it received a simple majority, it did not receive an absolute majority.

Against this backdrop, Senate Bill 226 A ratifies both disincorporation elections, as well as underlying disincorporations, that meet specified criteria. The bill provides for expedited review in the Oregon Supreme Court, based on a petition filed within 30 days after the effective date of the bill and declares an emergency, effective on passage.