

A-Engrossed
Senate Bill 901

Ordered by the Senate April 15
Including Senate Amendments dated April 15

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

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.

Authorizes translator district board to establish property tax permanent rate limit and impose operating taxes, following elector approval. Authorizes district board to impose local option taxes following elector approval. Authorizes translator districts to enter into enforcement agreements with cities to permit code enforcement officers to determine if property occupant is intentionally receiving and using translator district signals.

A BILL FOR AN ACT

1
2 Relating to translator districts; creating new provisions; and amending ORS 354.615, 354.685 and
3 354.690.

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

5 **SECTION 1.** ORS 354.685 is amended to read:

6 354.685. When authorized by its electors, a district board may finance the acquisition, purchase,
7 lease, operation or maintenance of the district by any of the following methods:

8 (1) Imposition of a service charge upon property within the district for use of the translator
9 signals as provided in ORS 354.690. A district created before May 7, 1979, shall be considered to
10 have received elector authorization for imposition of the service charge.

11 (2) Issuance of revenue bonds. The revenue bonds shall be issued as prescribed in ORS chapter
12 287A, but are not subject to the requirements of ORS 287A.150. The revenue bonds are payable both
13 as to principal and interest from revenues only. The revenue bonds shall not be subject to the per-
14 centage limitation applicable to general obligation bonds and shall not be a lien on any of the tax-
15 able property within the limits of the district and shall be payable solely from such part of revenues
16 of the district as remains after the payment of obligations having a priority and of all expenses of
17 operation and maintenance of the district. All revenue bonds shall contain a provision that both the
18 principal and interest are payable solely from the operating revenues of the district remaining after
19 paying such obligations and expenses.

20 (3) **Levying operating taxes as described in ORS 310.060 upon establishing a permanent**
21 **rate limit using the procedures prescribed in section 3 of this 2019 Act, or levying local option**
22 **taxes as described in ORS 280.040, using the procedures prescribed in section 4 of this 2019**
23 **Act.**

24 **SECTION 2. Sections 3 and 4 of this 2019 Act are added to and made a part of ORS 354.605**
25 **to 354.715.**

26 **SECTION 3. (1) A district board may annually impose, assess and collect operating taxes**

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 as defined in ORS 310.055 on the assessed value of all taxable property located in the district.
2 The revenues from the taxes shall be used for the purposes for which the district was cre-
3 ated.

4 (2) Notwithstanding subsection (1) of this section, the district board may not levy oper-
5 ating taxes for any property tax year at a rate in excess of the permanent rate limit ap-
6 proved by the electors pursuant to this section. The permanent rate limit shall be stated in
7 dollars and cents per thousand dollars of assessed value.

8 (3) An election on the question of establishing a permanent rate limit shall be called by
9 the district board. The permanent rate limit may be approved only by the affirmative vote
10 of a majority of the electors voting on the question.

11 (4) A certified copy of the order of the district board declaring the results of the election
12 approving a permanent rate limit shall be filed for record.

13 **SECTION 4.** (1) A district board may call an election on the question of imposing a local
14 option tax levy as provided in ORS 280.040 to 280.145. The local option tax levy may be ap-
15 proved only by the affirmative vote of a majority of the electors voting on the question.

16 (2) A district board that levies a local option tax under this section may not thereafter
17 establish a permanent rate limit under section 3 of this 2019 Act, if establishing a permanent
18 rate limit is prohibited under Article XI, section 11 (3)(c), of the Oregon Constitution.

19 (3) A district board may call an election on the question of establishing a permanent rate
20 limit only during a regular general election held in November of a year in which a candidate
21 is also to be elected to the office of President of the United States.

22 **SECTION 5.** ORS 354.690 is amended to read:

23 354.690. (1) When a district broadcasts television signals through a translator on a regular basis
24 and any property within the district receives those signals, the owner of the property receiving the
25 signal shall be liable to the district for the service charges.

26 (2) When a district broadcasts television signals through a translator on a regular basis, if any
27 person residing on or occupying property located in an area entirely surrounded by the district in-
28 tentionally receives and uses those signals, the owner of that property is liable to the district for
29 a service charge. The owner of the property shall be deemed to have contracted with the district
30 for use of the translator signals.

31 (3) The district shall determine which property is receiving the signal, the amount of any service
32 charge and the method of payment by property owners. The district may classify property outside
33 and within the district according to the uses of district signals. For property entirely surrounded
34 by the district, the district shall prepare a verified report which shall disclose that the property has
35 been physically inspected and that there are reasonable grounds to believe that the property is in-
36 tentionally receiving and using the signal.

37 (4)(a) The district may negotiate agreements with cities entirely surrounded by the dis-
38 trict that permit municipal code enforcement officers to physically inspect properties and
39 verify reasonable grounds to believe that a property is intentionally receiving and using a
40 district signal.

41 (b) The district shall negotiate fees to reimburse cities for the reasonable costs associ-
42 ated with property inspections conducted by municipal code enforcement officers.

43 (c) An agreement between the district and a city may permit the city to collect revenue
44 from a property entirely surrounded by the district. The city shall deduct 10 percent of the
45 amount of the revenue collected from a property that has been inspected by a municipal code

1 **enforcement officer in order to defray the costs incurred by the city in physically inspecting**
2 **properties entirely surrounded by the district. The balance of collected revenues shall be**
3 **forwarded to the district.**

4 [(4)] (5) The district shall notify each owner of property it has determined is liable for a service
5 charge at least 30 days prior to imposition of any service charge. The notice shall be by mail and
6 shall include a written declaration which the owner may verify by signing and return to the district
7 office stating that the owner is exempt from the service charge for one of the following reasons:

8 (a) The property already receives adequate regional television signals from another source and
9 is not using district signals;

10 (b) The property is so situated as to preclude use of the signals; or

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

12 [(5)] (6) If property outside or within the district is owned, rented or leased by a community
13 antenna television company which carries a district's television signals by cable to subscribers be-
14 cause of Federal Communications Commission requirements, that property shall be exempt from any
15 district service charge.

16 [(6)] (7) A verified declaration returned to the district under subsection [(4)] (5) of this section
17 shall exempt the property in question and shall be valid for one year from its signing, unless the
18 owner of the property informs the district of a change of circumstances which should subject the
19 owner to a service charge.

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

37 [(8)] (9) The district board may enter into an agreement with the owner of property that is not
38 within the district for the payment of service charges for use of the translator signals of the district
39 when:

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

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

44 **SECTION 6.** ORS 354.615 is amended to read:

45 354.615. Except as provided in ORS 354.690 [(5)] (6), nothing in ORS 354.605 to 354.715 shall

1 apply to the construction or operation of community antenna systems or the redistribution of any
2 signals, writings, images, sounds or intelligence of any nature by cable.
3 _____