

# Enrolled Senate Bill 1068

Sponsored by Senators FREDERICK, GOLDEN, MANNING JR, JAMA, PROZANSKI, Representatives BYNUM, EVANS, HUDSON, MCLAIN; Senators FINDLEY, GELSER BLOUIN, MEEK, PATTERSON, Representatives HELM, MARSH, PHAM K, SMITH G (at the request of Douglas County Fire District No. 2 Chief Robert Bullock, Board Director Guadalupe Preciado-McAlister)

CHAPTER .....

AN ACT

Relating to annexing territory to rural fire protection districts; creating new provisions; amending ORS 198.715; and prescribing an effective date.

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

**SECTION 1.** Section 2 of this 2023 Act is added to and made a part of ORS chapter 478.

**SECTION 2.** (1) As used in this section:

(a) “Annex” means to add lands to a district.

(b) “Coverage area” means an area established by a district pursuant to this section that consists of the following:

(A) Lands that are included in the district; and

(B) Some or all of the lands that are within seven road miles of a fire station in the district and are not included in any other district.

(c) “Fire station” means a fire station recognized by a fire insurance rating organization as a fire station that is equipped and has personnel who respond to calls.

(d) “Road” means any public or private thoroughfare that may be used for vehicular traffic.

(2) A district may establish the coverage area of the district one or more times, subject to the requirements of subsection (3) of this section.

(3)(a) If a district intends to establish a coverage area that includes lands that are within seven road miles of a fire station in any other district:

(A) Before establishing the coverage area, the district intending to include the lands must send notice to the other district or districts.

(B) The notified district or districts must:

(i) Reply not more than 90 days after the notice described in subparagraph (A) of this paragraph is sent; and

(ii) State whether the notified district or districts intend to include the lands in the coverage area or areas of the notified district or districts.

(b) If the district that provided notice under paragraph (a)(A) of this subsection does not receive a reply or replies within 90 days, as described in paragraph (a)(B) of this subsection, or receives a reply or replies within 90 days indicating that the notified district or districts do not intend to include the lands, the district that provided the notice may include the lands.

(c) If the district that provided notice under paragraph (a)(A) of this subsection receives a reply or replies within 90 days, as described in paragraph (a)(B) of this subsection, that states that the other district or districts also intend to include the lands, the districts shall all:

(A) Negotiate in good faith to determine which district will include the lands; and

(B) Attempt to reach a resolution not more than 90 days after the reply, or after the latest multiple replies, described in paragraph (a)(B) of this subsection is sent.

(d) If districts do not reach a resolution described in paragraph (c) of this subsection within 90 days after the reply, or after the latest of multiple replies, described in paragraph (a)(B) of this subsection is sent, the district in which the fire station that is closest to the lands is located shall include the lands.

(4) If a district establishes the coverage area of the district, after any applicable requirements in subsection (3) of this section are met, the district shall send notice to any owners of lands within the coverage area that are not included in a district that:

(a) Within 90 days after the notice is sent, the owners may consent to add the lands of the owners to the district as described in ORS 478.140 at no cost for adding the lands; and

(b) After sending the notice and before consent from the owners is received, or more than 90 days after sending the notice if the district does not receive consent from the owners as described in paragraph (a) of this subsection within the 90 days, the district may decide not to protect the owners' lands and, if the district provides services at the lands, may bill the owners at three times the cost of the services, as determined based on a state standardized-costs schedule approved by the State Fire Marshal.

(5) Notwithstanding any contrary provision of law:

(a) A district or county may not charge a fee for adding lands to a district under subsection (4) of this section, including a fee for filing paperwork related to adding the lands.

(b) A person or a public body, as defined in ORS 174.109, may not bring an action against a district for declining to protect the lands of owners that do not consent to add the lands of the owners to the district under subsection (4) of this section.

(6)(a) If a district bills an owner as described in subsection (4)(b) of this section and the owner does not pay the bill within 60 days, the district may secure payment of the claim by filing an itemized and sworn statement, setting forth the dates of performance and the nature of the services performed, with the county clerk of the county in which the services were rendered.

(b) The claim shall constitute a valid lien against the interest of the owner that may be established and enforced in the same manner as provided by law for the enforcement of mechanic's liens.

(c) The county may not charge a fee related to the claim, including a fee related to filing or processing the claim.

(7) A person that insures lands within the coverage area of a district:

(a) Shall confirm with the district whether the lands are included in the district.

(b) May not provide an insurance discount if the lands are not included in the district.

(8) If a district identifies the coverage area of the district, subject to the provisions of ORS 478.010, the board of directors of the district shall annex to the district any lands that are within the coverage area of the district, but are not included in the district, when:

(a) Ownership of the lands transfers;

(b) A new structure subject to damage by fire is built on the lands;

(c) A building permit that relates to the lands is issued; or

(d) A land use decision, as defined in ORS 197.015, a limited land use decision, as defined in ORS 197.015, or a decision concerning a partition, as defined in ORS 92.010, or a subdivision, as defined in ORS 92.010, that relates to the lands is approved or issued.

(9) A person that owns lands within a coverage area of the district that are not included in the district shall:

(a) Send notice to the county if an event described in subsection (8) of this section occurs, unless documentation of the event is otherwise filed with the county; and

(b) Ensure that any information in documentation or a notice that relates to the lands and is provided to the county is accurate.

(10) If a county receives notice of, receives documentation of or otherwise becomes aware of the occurrence of an event described in subsection (8) of this section on lands in a coverage area of the district, the county shall send notice to the board of directors of the district that the event has occurred.

(11) After the board of directors receives notice from a county as described in subsection (10) of this section or otherwise becomes aware that an event described in subsection (8) of this section has occurred, if the board of directors confirms that the lands are in the coverage area of the district, the board of directors shall annex the lands and, upon annexing the lands, shall:

(a) Issue an order of annexation of the lands that includes an attestation that an event described in subsection (8) of this section has occurred;

(b) File duplicate copies of the order with the Department of Revenue, the Secretary of State and the county clerk and county assessor of each county in which the district is located;

(c) File a legal description of the change or proposed change and an accurate map showing the change or proposed change, as described in ORS 308.225; and

(d) Take the steps necessary to ensure that the lands are added to the assessment roll for the tax year beginning July 1 following the calendar year in which the lands are annexed.

(12) If a board of directors files a legal description and map consistent with ORS 308.225, the county assessor and the department shall act in accordance with ORS 308.225.

(13) The provisions of ORS 198.705 to 198.955, 478.115 and 478.150 do not apply to an annexation under this section.

(14) Notwithstanding any contrary provision of law, an annexation under this section is not subject to an election.

(15) Notwithstanding subsection (13) of this section, an annexation or other addition of lands under this section has the effects described in ORS 198.860.

(16) Lands annexed or otherwise added under this section may be subject to tax assessment by the district as described in this chapter and a fee described in ORS 478.410.

(17) Upon request by a district, to help the district act as described in this section, a county shall provide information possessed by the county to the district, including mailing addresses the district might need to send notice under subsection (4) of this section or a legal description or map described in section (11)(c) of this section.

**SECTION 3.** ORS 198.715 is amended to read:

198.715. (1) ORS 198.705 to 198.955 may be cited as the District Boundary Procedure Act.

(2)(a) Except as otherwise provided by **paragraph (b) of this subsection** and ORS 199.410 to 199.519, all district formation or change of organization proceedings shall be initiated, conducted and completed as provided by ORS 198.705 to 198.955.

(b) [*However,*] ORS 198.705 to 198.955 [*are not intended to*] **do not** apply when a change of organization is made **or authorized** by statute as provided by ORS 222.510 to 222.580, 451.573 to 451.577 and 451.585 **and section 2 of this 2023 Act.**

**SECTION 4.** This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

**Passed by Senate April 13, 2023**

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 25, 2023**

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Dan Rayfield, Speaker of House

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

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Secretary of State