

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO  
SENATE BILL 1068**

1 On page 1 of the printed bill, delete lines 6 through 27 and delete pages  
2 2 through 3.

3 On page 4, delete lines 1 through 3 and insert:

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

5 **“(a) ‘Coverage area’ means an area that consists of the following:**

6 **“(A) Lands that are included in a district; and**

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

9 **“(b) ‘Fire station’ means a fire station recognized by a fire insur-**  
10 **ance rating organization as a fire station that is equipped and has**  
11 **personnel who respond to calls.**

12 **“(c) ‘Road’ means any public or private thoroughfare that may be**  
13 **used for vehicular traffic.**

14 **“(2) A district shall send notice to any owners of lands within the**  
15 **coverage area of the district that are not included in a district that:**

16 **“(a) Within 90 days after the notice is sent, the owners may consent**  
17 **to the annexation of the lands of the owners to the district at no cost**  
18 **for annexing the lands; and**

19 **“(b) After sending the notice and before consent from the owners**  
20 **is received, or more than 90 days after sending the notice if the district**  
21 **does not receive consent from the owners as described in paragraph**

1 (a) of this subsection within the 90 days, the district may decide not  
2 to protect the owners' lands and, if the district provides services at the  
3 lands, may bill the owners at three times the cost of the services, as  
4 determined based on a state standardized-costs schedule approved by  
5 the State Fire Marshal.

6 “(3) Notwithstanding any contrary provision of law:

7 “(a) A district or county may not charge a fee for annexation of  
8 lands to a district under subsection (2) of this section, including a fee  
9 for filing paperwork related to annexing the lands.

10 “(b) A person or a public body, as defined in ORS 174.109, may not  
11 bring an action against a district for declining to protect the lands of  
12 owners that do not consent to annexation of the lands of the owners  
13 to the district under subsection (2) of this section.

14 “(4)(a) If a district bills an owner as described in subsection (2)(b)  
15 of this section and the owner does not pay the bill within 60 days, the  
16 district may secure payment of the claim by filing an itemized and  
17 sworn statement, setting forth the dates of performance and the na-  
18 ture of the services performed, with the county clerk of the county in  
19 which the services were rendered.

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

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

25 “(5) A person that insures lands within the coverage area of a dis-  
26 trict:

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

29 “(b) May not provide an insurance discount if the lands are not in-  
30 cluded in the district.

1       **“(6) Upon annexing lands under subsection (2) of this section, the**  
2 **board of directors shall:**

3       **“(a) Issue an order of annexation of the lands;**

4       **“(b) File duplicate copies of the order with the Department of Rev-**  
5 **enue, the Secretary of State and the county clerk and county assessor**  
6 **of each county in which the district is located;**

7       **“(c) File a legal description of the change and an accurate map**  
8 **showing the change, as described in ORS 308.225; and**

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

12       **“(7) If a board of directors files a legal description and map con-**  
13 **sistent with ORS 308.225, the county assessor and the department shall**  
14 **act in accordance with ORS 308.225.**

15       **“(8) The provisions of ORS 198.705 to 198.955, 478.115 and 478.150 do**  
16 **not apply to an annexation under this section.**

17       **“(9) Notwithstanding any contrary provision of law, an annexation**  
18 **under this section is not subject to an election.**

19       **“(10) Notwithstanding subsection (8) of this section, an annexation**  
20 **of lands under this section has the effects described in ORS 198.860.**

21       **“(11) Lands annexed under this section may be subject to tax as-**  
22 **essment by the district as described in this chapter and a fee de-**  
23 **scribed in ORS 478.410.”.**

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