

**B-Engrossed**  
**Senate Bill 306**

Ordered by the House March 10  
Including Senate Amendments dated February 21 and House Amendments  
dated March 10

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Finance and Revenue)

**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.

Modifies requirements by which county may elect to form district. Applies to elections held after January 1, 2011.

**A BILL FOR AN ACT**

1  
2 Relating to service districts; creating new provisions; and amending ORS 198.765 and 198.815.

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

4 **SECTION 1.** ORS 198.815, as amended by section 11, chapter 29, Oregon Laws 2010, is amended  
5 to read:

6 198.815. (1) If the required number of written requests for an election are filed with the county  
7 board on or before the date of the final hearing or if the petition for formation includes a permanent  
8 rate limit for operating taxes for the proposed district, the board shall provide by order for the  
9 holding of an election to submit to the electors the question of forming the district. The board shall  
10 cause notice of the election to be published by two insertions. If requests for an election are filed  
11 by less than the required number of persons and no permanent rate limit for operating taxes is in-  
12 cluded in the petition, the county board shall dismiss the requests and enter an order creating the  
13 district.

14 (2) The order calling an election shall fix the date of the election on the next available election  
15 date in ORS 255.345 for which the filing deadline can be met. However, when the proposal for for-  
16 mation includes a permanent rate limit for operating taxes for the proposed district, the election  
17 shall be held on the date of the next [*primary election or general*] **May or November** election for  
18 which the filing deadline can be met. The order shall also state that at such election members of  
19 the district board will be voted for. Candidates to be voted for as members of the first board of a  
20 district shall be nominated as provided by ORS chapter 255 and the principal Act of a district.

21 (3) The order calling the election shall require the county official in charge of elections to in-  
22 clude with the ballot for the election a map or other description of the boundaries of the proposed  
23 district using streets and other generally recognized features and a statement of the permanent rate,  
24 if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such state-  
25 ment shall comply with the requirements of ORS 250.035. The map or other description and state-  
26 ment required by this subsection shall be supplied by the county board.

**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 (4)(a) When the proposal for formation includes a permanent rate limit for operating taxes for  
2 the proposed district, the ballot title shall clearly indicate that a single question is being proposed  
3 which is:

4 (A) Whether the proposed district shall be formed; and

5 (B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maxi-  
6 mum rate of operating taxes for that district.

7 (b) The ballot title for the election shall be in compliance with ORS 250.036.

8 (5) When the proposal for formation includes a permanent rate limit for the proposed district,  
9 the district shall be authorized to impose operating taxes not in excess of the permanent rate limit  
10 if the proposal is approved by a majority of the votes cast and[.]

11 [(a) *At least 50 percent of registered electors eligible to vote in the election cast a ballot; or*

12 [(b)] the election is held in May or November of any year.

13 (6) If a proposed county service district is subject to dissolution unless a determination of public  
14 need for continued existence is made, the ballot title shall include the fiscal year in which dissol-  
15 ution will occur and statement that the district will dissolve unless the board of directors deter-  
16 mines that there is a public need for continued existence.

17 **SECTION 2.** ORS 198.765 is amended to read:

18 198.765. (1) A petition shall not be accepted for filing unless the signatures thereon have been  
19 secured within six months of the date on which the first signature on the petition was affixed. A  
20 petition for formation of a district shall not be accepted for filing if it is not accompanied by the  
21 economic feasibility statement required under ORS 198.749. When a petition for formation of a dis-  
22 trict includes a proposed permanent rate limit for operating taxes, the petition shall be filed not  
23 later than 180 days before the date of the next [*primary election or general*] **May or November**  
24 election at which the petition for formation will be voted upon. Petitions required to be filed with  
25 the county board shall be filed with the county clerk of the principal county. Petitions required to  
26 be filed with the district board shall be filed with the secretary of the district board. It is not nec-  
27 essary to offer all counterparts of a petition for filing at the same time, but all counterparts when  
28 certified as provided by subsection (3) of this section shall be filed at the same time.

29 (2) Within 10 days after the date a petition is offered for filing, the county clerk or district  
30 secretary, as the case may be, shall examine the petition and determine whether it is signed by the  
31 requisite number of qualified signers. In the case of a petition required or permitted to be signed  
32 by landowners, within 10 days after the date a petition is offered for filing, the county assessor shall  
33 examine the petition and determine whether it is signed by the requisite number of qualified land-  
34 owners. If the requisite number of qualified signers have signed the petition, the county clerk or  
35 district secretary shall file the petition. If the requisite number have not signed, the county clerk  
36 or district secretary shall so notify the chief petitioners and may return the petition to the  
37 petitioners.

38 (3) A petition shall not be filed unless the certificate of the county clerk or the district secretary  
39 is attached thereto certifying that the county clerk or district secretary has compared the signa-  
40 tures of the signers with the appropriate records, that the county clerk or district secretary has  
41 ascertained therefrom the number of qualified signers appearing on the petition, and that the peti-  
42 tion is signed by the requisite number of qualified signers. In the case of a petition required or  
43 permitted to be signed by landowners, a petition shall not be filed unless the certificate of the  
44 county assessor is attached thereto certifying that the county assessor has compared the signatures  
45 of the signers with the appropriate records and that the petition is signed by the requisite number

1 of qualified landowners.

2 (4) No petition for dissolution shall be accepted for filing within one year after an election held  
3 on the question of dissolution of a district.

4 **SECTION 3. The amendments to ORS 198.765 and 198.815 by sections 1 and 2 of this 2011**  
5 **Act apply to an election held after January 1, 2011.**

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