

D R A F T

SUMMARY

Permits translator districts to levy special assessments on property owners when occupants residing in or occupying property in district intentionally receive and use translator district signals. Authorizes special assessments to be collected with property taxes. Authorizes translator district 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

Relating to translator districts; creating new provisions; and amending ORS 354.615, 354.685, 354.690 and 354.990.

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

SECTION 1. ORS 354.685 is amended to read:

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

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

(2) Issuance of revenue bonds. The revenue bonds shall be issued as prescribed in ORS chapter 287A, but are not subject to the requirements of ORS 287A.150. The revenue bonds are payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the limits of the district and shall be

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 payable solely from such part of revenues of the district as remains after the
2 payment of obligations having a priority and of all expenses of operation and
3 maintenance of the district. All revenue bonds shall contain a provision that
4 both the principal and interest are payable solely from the operating reve-
5 nues of the district remaining after paying such obligations and expenses.

6 **(3) Levy of special assessments upon property within the district for**
7 **the use of translator signals as provided in section 3 of this 2019 Act.**
8 **A district created before May 7, 1979, may not be considered to have**
9 **received elector authorization to impose special assessments.**

10 **SECTION 2. Section 3 of this 2019 Act is added to and made a part**
11 **of ORS 354.605 to 354.715.**

12 **SECTION 3. (1) In lieu of imposing a service charge under ORS**
13 **354.690, a district may impose a special assessment on the owner of**
14 **property receiving a broadcast television signal through a translator,**
15 **if the district broadcasts television signals through a translator on a**
16 **regular basis and any person residing on or occupying property located**
17 **in an area entirely surrounded by the district intentionally receives**
18 **and uses those signals.**

19 **(2)(a) The amount of the special assessment shall annually be de-**
20 **termined by the district so as to recoup the district's costs through**
21 **an assessment imposed on each property owner described in subsection**
22 **(1) of this section. The owner of the property shall be deemed to have**
23 **contracted with the district for use of the translator signals. The as-**
24 **essment is a fee for service and is not a charge against property.**

25 **(b) The special assessment shall be billed by the county assessor at**
26 **the same time that property tax statements are sent to property**
27 **owners. Special assessment payments shall be collected by the county**
28 **tax collector and held in an account separate from the unsegregated**
29 **tax collections account described in ORS 311.385. After the payment**
30 **of any refunds of collected special assessment revenues, the balance**
31 **shall be distributed to the district each year.**

1 (c) The special assessment remains a personal liability of the prop-
2 erty owner. If, by July 15 of any year, the district determines that a
3 previously billed special assessment is delinquent, the district shall
4 certify the delinquent special assessment, together with interest at the
5 rate of two-thirds of one percent per month from the date due, to the
6 assessor of the county in which the property of the person against
7 whom the delinquent special assessment was assessed is located. The
8 assessor shall enter the assessment and interest thereon upon the next
9 assessment and tax roll prepared after July 15. The assessment and
10 interest, when entered upon the assessment and tax roll, shall be a
11 charge upon, and lien against, the real property of the person against
12 whom they are assessed. After the special assessment and interest is
13 certified and presented to the assessor, the payment for the assess-
14 ment and interest must be made to the tax collector pursuant to ORS
15 311.370. Such payment shall be made by the person responsible for the
16 delinquent assessment or by the television translator district that has
17 received payment for the delinquent amount. The charges shall
18 thereupon be collected and paid over in the same manner as other
19 taxes are certified, assessed, collected and paid over, except that, when
20 the tax collector receives the assessor's certificate pursuant to ORS
21 311.115, the tax collector shall deduct 10 percent of the amount of the
22 delinquent service charges imposed in determining the television
23 translator district's distribution percentage computed pursuant to
24 ORS 311.390. The amount deducted shall be included in determining the
25 distribution percentage of the county, in order to defray the costs in-
26 curred by the county in collecting the delinquent special assessment
27 and interest.

28 (3) The district shall determine which property is receiving the
29 signal, the amount of any service charge and the method of payment
30 by property owners. The district may classify property outside and
31 within the district according to the uses of district signals. For prop-

1 **erty entirely surrounded by the district, the district shall prepare a**
2 **verified report which shall disclose that the property has been phys-**
3 **ically inspected and that there are reasonable grounds to believe that**
4 **the property is intentionally receiving and using the signal.**

5 **(4) In lieu of paying the special assessment at the time property**
6 **taxes are due on the property, an owner subject to the special assess-**
7 **ment may file a written declaration, which the owner may verify by**
8 **signing and returning to the district office, stating that the owner is**
9 **exempt from the service charge for one of the following reasons:**

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

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

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

15 **SECTION 4.** ORS 354.690 is amended to read:

16 354.690. (1) When a district broadcasts television signals through a
17 translator on a regular basis and any property within the district receives
18 those signals, the owner of the property receiving the signal shall be liable
19 to the district for the service charges.

20 (2) When a district broadcasts television signals through a translator on
21 a regular basis, if any person residing on or occupying property located in
22 an area entirely surrounded by the district intentionally receives and uses
23 those signals, the owner of that property is liable to the district for a service
24 charge. The owner of the property shall be deemed to have contracted with
25 the district for use of the translator signals.

26 (3) The district shall determine which property is receiving the signal, the
27 amount of any service charge and the method of payment by property owners.
28 The district may classify property outside and within the district according
29 to the uses of district signals. For property entirely surrounded by the dis-
30 trict, the district shall prepare a verified report which shall disclose that the
31 property has been physically inspected and that there are reasonable grounds

1 to believe that the property is intentionally receiving and using the signal.

2 **(4)(a) The district may negotiate agreements with cities entirely**
3 **surrounded by the district that permit municipal code enforcement**
4 **officers to physically inspect properties and verify reasonable grounds**
5 **to believe that a property is intentionally receiving and using a district**
6 **signal.**

7 **(b) The district shall deduct 10 percent of the amount of the reve-**
8 **nue collected from a property inspected by a municipal code enforce-**
9 **ment officer and transfer that amount to the city for purposes of**
10 **reimbursing the city for costs incurred by the city in physically in-**
11 **specting properties entirely surrounded by the district. A schedule of**
12 **payment shall be negotiated in an agreement between the district and**
13 **a city entirely surrounded by the district.**

14 **(c) An agreement between the district and a city may permit the**
15 **city to collect revenue from a property entirely surrounded by the**
16 **district. The city shall deduct 10 percent of the amount of the revenue**
17 **collected from a property that has been inspected by a municipal code**
18 **enforcement officer in order to defray the costs incurred by the city**
19 **in physically inspecting properties entirely surrounded by the district.**
20 **The balance of collected revenues shall be forwarded to the district.**

21 **[(4)] (5)** The district shall notify each owner of property it has determined
22 is liable for a service charge at least 30 days prior to imposition of any
23 service charge. The notice shall be by mail and shall include a written dec-
24 laration which the owner may verify by signing and return to the district
25 office stating that the owner is exempt from the service charge for one of the
26 following reasons:

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

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

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

1 ~~[(5)]~~ **(6)** If property outside or within the district is owned, rented or
2 leased by a community antenna television company which carries a district's
3 television signals by cable to subscribers because of Federal Communications
4 Commission requirements, that property shall be exempt from any district
5 service charge.

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

11 ~~[(7)]~~ **(8)** By July 15 of any year, the district shall determine which service
12 charges are delinquent and shall certify such charges, together with interest
13 at the rate of two-thirds of one percent per month from the date due, to the
14 assessor of the county in which the property of the person against whom
15 delinquent service charges are assessed is located. The assessor shall enter
16 the charges and interest thereon upon the next assessment and tax roll pre-
17 pared after July 15. The charges and interest, when entered upon the as-
18 sessment and tax roll, shall be a charge upon, and lien against, the real
19 property of the person against whom they are assessed. After the service
20 charges are certified and presented to the assessor, the payment for the ser-
21 vice charges must be made to the tax collector pursuant to ORS 311.370. Such
22 payment shall be made by the person responsible for the delinquent service
23 charge or by the television translator district that has received payment for
24 the delinquent service charge. The charges shall thereupon be collected and
25 paid over in the same manner as other taxes are certified, assessed, collected
26 and paid over, except that, when the tax collector receives the assessor's
27 certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent
28 of the amount of the delinquent service charges imposed in determining the
29 television translator district's distribution percentage computed pursuant to
30 ORS 311.390. The amount deducted shall be included in determining the dis-
31 tribution percentage of the county, in order to defray the costs incurred by

1 the county in collecting the delinquent service charges.

2 [(8)] (9) The district board may enter into an agreement with the owner
3 of property that is not within the district for the payment of service charges
4 for use of the translator signals of the district when:

5 (a) The electors of the district, at an election called for that purpose, have
6 authorized the district board to make such agreements; and

7 (b) The property is within a city that is surrounded by the district and
8 is served by a community antenna system regulated by the Federal Commu-
9 nications Commission.

10 **SECTION 5.** ORS 354.615 is amended to read:

11 354.615. Except as provided in ORS 354.690 [(5)] (6), nothing in ORS
12 354.605 to 354.715 shall apply to the construction or operation of community
13 antenna systems or the redistribution of any signals, writings, images,
14 sounds or intelligence of any nature by cable.

15 **SECTION 6.** ORS 354.990 is amended to read:

16 354.990. Any property owner who knowingly makes any false verified
17 declaration in order to obtain a service charge **or special assessment** ex-
18 emption under the provisions of ORS 354.690 **or section 3 of this 2019 Act**
19 is guilty of unsworn falsification and upon conviction shall be punished as
20 provided in ORS 162.085.

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