

## SENATE AMENDMENTS TO SENATE BILL 226

By COMMITTEE ON RULES

June 12

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and  
2 delete lines 3 through 6 and insert “and declaring an emergency.”.

3 Delete lines 8 through 23 and delete pages 2 through 23 and insert:

4 **“SECTION 1. (1) Notwithstanding ORS 221.610, 221.621 and 221.650, a city shall be deemed**  
5 **to be disincorporated and shall cease to exist in accordance with subsection (2) of this sec-**  
6 **tion, upon a determination by the Secretary of State that:**

7 **“(a) An election was held in the city on or after January 1, 2016, and before July 1, 2016,**  
8 **which included the question of whether to disincorporate the city;**

9 **“(b) A majority of voters voting on the question in the election voted in favor of**  
10 **disincorporation;**

11 **“(c) Following the election, the city charter was surrendered to the county in which the**  
12 **city is situated; and**

13 **“(d) The Department of Revenue approved a boundary change map or maps under ORS**  
14 **308.225 that eliminated the city boundaries.**

15 **“(2) For all purposes whatsoever, the date on which a city was disincorporated and ceased**  
16 **to exist under subsection (1) of this section shall be the date on which the city charter was**  
17 **surrendered to the county.**

18 **“SECTION 2. (1) Notwithstanding ORS 221.610, 221.621 and 221.650:**

19 **“(a) The Legislative Assembly may refer an Act to the people of a city on the question**  
20 **of whether to disincorporate the city.**

21 **“(b) If the Legislative Assembly refers an Act under this section:**

22 **“(A) The election on the measure shall be held on the date of the next primary election**  
23 **held throughout this state that occurs after the enactment of the referred Act; and**

24 **“(B) The measure shall be approved if a majority of the voters voting on the question in**  
25 **the election votes in favor of disincorporation.**

26 **“(c) An Act referred by the Legislative Assembly under this section may include any**  
27 **other provision applicable to the disincorporation of a city that does not absolve the city**  
28 **from satisfying outstanding debts or other obligations.**

29 **“(2) Any other departure or deviation from the election procedures provided under ORS**  
30 **221.610, 221.621 or 221.650, or from any other law whatsoever, appearing in an Act referred**  
31 **by the Legislative Assembly as described in subsection (1) of this section, and any conflict**  
32 **between the election procedures or any other law whatsoever and the referred Act, shall be**  
33 **resolved in favor of the referred Act so that the consequent election shall be considered valid**  
34 **and without defect.**

35 **“(3) Notwithstanding any other provision of law, any Act enacted by the Legislative As-**

1 sembly that requires action as a consequence of the approval of a measure referred as de-  
2 scribed in subsection (1) of this section becomes operative on the date on which the voters  
3 of the city approve the measure.

4 “**SECTION 3.** Section 2 of this 2019 Act applies to Acts enacted or referred, and elections  
5 held, before the effective date of this 2019 Act.

6 “**SECTION 4.** (1) It is the intent of the Legislative Assembly by enacting sections 1 to 3  
7 of this 2019 Act to cure any defect in the procedures, and to ratify the results, of any vote  
8 on the question of the disincorporation of a city in which the disincorporation was approved  
9 by a majority of the voters of the city voting on the question at an election held on the date  
10 of a primary election held throughout this state before the effective date of this 2019 Act.

11 “(2) Original jurisdiction to determine the validity of sections 1 to 3 of this 2019 Act is  
12 conferred on the Supreme Court.

13 “(3)(a) Any person interested in or affected or aggrieved by sections 1 to 3 of this 2019  
14 Act may petition for judicial review under this section. A petition for review must be filed  
15 within 30 days after the effective date of this 2019 Act.

16 “(b) The petition must state facts showing how the petitioner is interested, affected or  
17 aggrieved and the grounds upon which the petition is based.

18 “(4) Judicial review under this section shall be limited to:

19 “(a) The question of whether sections 1 to 3 of this 2019 Act are valid under the laws of  
20 this state and the United States and Oregon Constitutions; and

21 “(b) Legislative history and any supporting documents related to the question described  
22 in paragraph (a) of this subsection.

23 “(5) Judicial review under this section shall proceed as follows:

24 “(a)(A) First, the court shall determine whether section 1 of this 2019 Act is valid.

25 “(B) If the court determines that section 1 of this 2019 Act is valid, the Secretary of State  
26 shall make the determination described in section 1 (1) of this 2019 Act.

27 “(b)(A) Second, only if the court determines that section 1 of this 2019 Act is invalid  
28 under paragraph (a) of this subsection, the court shall determine whether sections 2 and 3  
29 of this 2019 Act are valid.

30 “(B) If the court determines that sections 2 and 3 of this 2019 Act are valid, the court  
31 shall issue an order so stating.

32 “(6)(a) Any party interested in or affected by section 1 of this 2019 Act may request the  
33 Secretary of State to make the determination described in section 1 (1) of this 2019 Act:

34 “(A) If no petition is filed under subsection (3) of this section within the time allowed for  
35 filing; or

36 “(B) In any other circumstances requiring such action in order to have the determination  
37 made.

38 “(b) The request must be accompanied by all information and documents necessary for  
39 the Secretary of State to make the determination. The request may be amended as necessary  
40 to include any additional information or documents the Secretary of State may reasonably  
41 require.

42 “(c) The Secretary of State shall make the determination as soon as practicable following  
43 receipt of a complete request under this subsection.

44 “(7) In the event the Supreme Court determines that there are factual issues in a peti-  
45 tion filed under this section, the Supreme Court may appoint a special master to hear evi-

1    **dence and to prepare recommended findings of fact.**

2       **“(8) Proceedings for review under this section shall be given priority over all other mat-**  
3    **ters before the Supreme Court.**

4       **“(9) If the Supreme Court determines that sections 1 to 3 of this 2019 Act are invalid,**  
5    **sections 1 to 3 of this 2019 Act are repealed on the date on which the court issues a decision**  
6    **holding sections 2 and 3 of this 2019 Act to be invalid.**

7       **“SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**  
8    **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
9    **on its passage.”.**

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