

SENATE AMENDMENTS TO SENATE BILL 393

By COMMITTEE ON BUSINESS AND GENERAL GOVERNMENT

March 1

1 On page 1 of the printed bill, line 2, after “354.625” delete the rest of the line and insert “,
2 354.655 and 354.690.”.

3 On page 2, after line 8, insert:

4 “**SECTION 3.** ORS 354.690 is amended to read:

5 “354.690. (1) When a district broadcasts television signals through a translator on a regular
6 basis and any property within the district receives those signals, the owner of the property receiving
7 the signal shall be liable to the district for the service charges.

8 “(2) When a district broadcasts television signals through a translator on a regular basis, if any
9 person residing on or occupying property located in an area entirely surrounded by the district in-
10 tentionally receives and uses those signals, the owner of that property is liable to the district for
11 a service charge. The owner of the property shall be deemed to have contracted with the district
12 for use of the translator signals.

13 “(3) The district shall determine which property is receiving the signal, the amount of any ser-
14 vice charge and the method of payment by property owners. The district may classify property out-
15 side and within the district according to the uses of district signals. For property entirely
16 surrounded by the district, the district shall prepare a verified report which shall disclose that the
17 property has been physically inspected and that there are reasonable grounds to believe that the
18 property is intentionally receiving and using the signal.

19 “(4) The district shall notify each owner of property it has determined is liable for a service
20 charge at least 30 days prior to imposition of any service charge. The notice shall be by mail and
21 shall include a written declaration which the owner may verify by signing and return to the district
22 office stating that the owner is exempt from the service charge for one of the following reasons:

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

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

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

27 “(5)(a) If property outside or within the district is owned, rented or leased by a community an-
28 tenna television company which carries a district’s television signals by cable to subscribers because
29 of Federal Communications Commission requirements, that property shall be exempt from any dis-
30 trict service charge.

31 “**(b) Property outside or within the district that is owned by the State of Oregon is ex-**
32 **empt from any district service charge.**

33 “(6) A verified declaration returned to the district under subsection (4) of this section shall ex-
34 empt the property in question and shall be valid for one year from its signing, unless the owner of
35 the property informs the district of a change of circumstances which should subject the owner to a

1 service charge.

2 “(7) By July 15 of any year, the district shall determine which service charges are delinquent
3 and shall certify such charges, together with interest at the rate of two-thirds of one percent per
4 month from the date due, to the assessor of the county in which the property of the person against
5 whom delinquent service charges are assessed is located. The assessor shall enter the charges and
6 interest thereon upon the next assessment and tax roll prepared after July 15. The charges and in-
7 terest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the
8 real property of the person against whom they are assessed. After the service charges are certified
9 and presented to the assessor, the payment for the service charges must be made to the tax collector
10 pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent
11 service charge or by the television translator district that has received payment for the delinquent
12 service charge. The charges shall thereupon be collected and paid over in the same manner as other
13 taxes are certified, assessed, collected and paid over, except that, when the tax collector receives
14 the assessor’s certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the
15 amount of the delinquent service charges imposed in determining the television translator district’s
16 distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included
17 in determining the distribution percentage of the county, in order to defray the costs incurred by
18 the county in collecting the delinquent service charges.

19 “(8) The district board may enter into an agreement with the owner of property that is not
20 within the district for the payment of service charges for use of the translator signals of the district
21 when:

22 “(a) The electors of the district, at an election called for that purpose, have authorized the dis-
23 trict board to make such agreements; and

24 “(b) The property is within a city that is surrounded by the district and is served by a commu-
25 nity antenna system regulated by the Federal Communications Commission.”.

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