

Enrolled
Senate Bill 808

Sponsored by Senator JOHNSON (at the request of Multnomah County Tax Supervising and Conservation Commission)

CHAPTER

AN ACT

Relating to local budgets; creating new provisions; amending ORS 294.381 and 310.060; and prescribing an effective date.

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

SECTION 1. ORS 294.381 is amended to read:

294.381. (1) Each municipal corporation that has the power to levy an ad valorem property tax shall estimate, in the manner provided in this section, the amount of revenues that will be received in the ensuing year or ensuing budget period through the imposition of taxes upon the taxable property within the municipal corporation.

(2) Subject to the additional adjustments required under subsection (3) of this section, the estimated ad valorem taxes that will be received in the ensuing year or ensuing budget period [*is the sum of*] **shall not exceed** the following:

(a) The amount derived by multiplying the estimated assessed value for the ensuing year or each fiscal year of the ensuing budget period of the taxable property within the municipal corporation, after boundary changes have been filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225, by whichever of the following is applicable to the municipal corporation:

(A) The municipal corporation's permanent rate limit on operating taxes, as defined in ORS 310.202 (7)[, *or such lesser rate as the municipal corporation may determine to use for purposes of levying such ad valorem taxes*]; or

(B) The municipal corporation's statutory rate limit on operating taxes, as defined in ORS 310.202 (10)[, *or such lesser rate as the municipal corporation may determine to use for purposes of levying such ad valorem taxes*].

(b) If the municipal corporation is authorized to levy a local option tax that was authorized by the electors as a dollar amount, the dollar amount of such local option tax that is authorized to be levied in the ensuing year or ensuing budget period.

(c) If the municipal corporation is authorized to levy a local option tax that was authorized by the electors as a tax rate, the amount derived by multiplying the authorized rate of such local option tax for the ensuing year or ensuing budget period by the estimated assessed value for the ensuing year or each fiscal year of the ensuing budget period of the taxable property within the municipal corporation.

(d) The municipal corporation's estimate of the amount required to pay the principal and interest on **bonded indebtedness that is not subject to limitation under section 11 (11) or section 11b, Article XI of the Oregon Constitution** [*the amounts described in ORS 310.060 (2)(d) and (e)*],

divided by the annual average percentage of taxes collected in the county in which the taxable property of the municipal corporation is located]. **The estimate may include an amount equal to the total of any such payments that are due and payable in the fiscal period following the fiscal period for which the budget is being prepared and before a sufficient amount of property taxes to pay that bonded indebtedness are collected in that fiscal period, pursuant to ORS 294.371.** The estimate may also include amounts to reimburse the municipal corporation for the payment of principal and interest on exempt bonded indebtedness that the municipal corporation made from other moneys because collections of taxes levied for exempt bonded indebtedness were not sufficient to pay that exempt bonded indebtedness.

(e) The municipal corporation's estimate of the amount required to repay taxing district bond obligations or pension and disability plan obligations described in section 11 (5), Article XI of the Oregon Constitution.

(3) The [sum of the] amounts determined under subsection (2)(a), (b) and (c) of this section shall be reduced by an amount equal to the estimated amount of such taxes that will not be collected as a result of:

(a) The discounts allowed under ORS 311.505;

(b) The limits imposed under ORS 310.150 (3); and

(c) The failure of taxpayers to pay such taxes in the year for which they are levied.

(4)(a) The estimated ad valorem taxes determined in accordance with [subsections (2) and (3)] subsection (2)(a), (b) and (c) of this section, prior to adjustment by subsection (3) of this section, shall be used by the municipal corporation for purposes of complying with the requirements of ORS 310.060 (1).

(b) The amounts determined under subsection (2)(d) and (e) of this section shall, for purposes of complying with the requirements of ORS 310.060 (1), be increased by an amount equal to the estimated amount of taxes that will not be collected as a result of:

(A) The discounts allowed under ORS 311.505;

(B) The limits imposed under ORS 310.150 (3); or

(C) The failure of taxpayers to pay taxes in the year for which they are levied.

SECTION 2. ORS 310.060 is amended to read:

310.060. (1) Not later than July 15 of each year, every city, school district or other public corporation authorized to levy or impose a tax on property shall file a written notice certifying the ad valorem property tax rate or the estimated amount of ad valorem property taxes to be imposed by the taxing district and any other taxes on property imposed by the taxing district on property subject to ad valorem property taxation that are required or authorized to be placed on the assessment and tax roll for the current fiscal year. The notice shall be accompanied by two copies of a lawfully adopted ordinance or resolution that categorizes the tax, fee, charge, assessment or toll as subject to or not subject to the limits of section 11b, Article XI of the Oregon Constitution, identified by the categories set forth in ORS 310.150.

(2) For any ad valorem property taxes levied by the taxing district, the notice shall state as separate items:

(a) The taxing district's rate of ad valorem property taxation that is within the permanent rate limitation imposed by section 11 (3), Article XI of the Oregon Constitution, or within the statutory rate limit determined in ORS 310.236 (4)(b) or 310.237, if applicable;

(b) The total rate or amount of the taxing district's local option taxes imposed pursuant to ORS 280.040 to 280.145 that have a term of five years or less and that are not for capital projects;

(c) The total amount of the taxing district's local option taxes that are for capital projects;

(d) The total amount levied for the payment of bonded indebtedness or interest thereon that is not subject to limitation under section 11 (11) or section 11b, Article XI of the Oregon Constitution; and

(e) The total amount levied that is subject to section 11b, Article XI of the Oregon Constitution, but that is not subject to the permanent ad valorem property tax rate limit described in section 11 (3), Article XI of the Oregon Constitution, because the amount levied is to be used to repay:

(A) Principal and interest for any bond issued before December 5, 1996, and secured by a pledge or explicit commitment of ad valorem property taxes or a covenant to levy or collect ad valorem property taxes;

(B) Principal and interest for any other formal, written borrowing of moneys executed before December 5, 1996, for which ad valorem property tax revenues have been pledged or explicitly committed, or that are secured by a covenant to levy or collect ad valorem property taxes;

(C) Principal and interest for any bond issued to refund an obligation described in subparagraph (A) or (B) of this paragraph; or

(D) Local government pension and disability plan obligations that commit ad valorem property taxes.

(3)(a) The notice shall also list each rate or amount subject to the limits of section 11b, Article XI of the Oregon Constitution, identified by the categories set forth in ORS 310.150.

(b) If an item described in subsection (2) of this section is allocable to more than one category described in ORS 310.150, the notice shall list separately the portion of each item allocable to each category.

(4) For any other taxes on property imposed by the taxing district, the notice shall state:

(a) The total amount of money to be raised by each other tax, in the aggregate or on a property by property basis, as appropriate.

(b) Each amount that is subject to the limits of section 11b, Article XI of the Oregon Constitution, identified by the categories set forth in ORS 310.150.

(5) For any district authorized by law to place any other fees, charges, assessments or tolls on the assessment and tax roll, the notice shall state the total amount of money to be raised on a property by property basis.

(6) In addition to the notice required under subsection (1) of this section, any taxing district that is subject to the Local Budget Law shall also provide the documents required by ORS 294.555 (3).

(7)(a) Not later than July 15 of each year, the taxing district shall give the notice and documents described in this section to the assessor of the county in which the principal office of the taxing district is located and, if the taxing district is located in more than one county, to the assessor of each county in which any part of the taxing district is located. Not later than September 30 of each year, the taxing district shall provide a complete copy of the budget document to the clerk of the county in which the principal office of the taxing district is located and, if the taxing district is located in more than one county, to the clerk of each county in which any part of the taxing district is located.

(b) If there is no county clerk in a county to which a taxing district is required by paragraph (a) of this subsection to submit a budget document, then the taxing district shall submit the budget document to the *[tax supervising and conservation commission]* **county assessor** in that county.

(c) If the taxing district is subject to the jurisdiction of a tax supervising and conservation commission under ORS 294.625, then the taxing district shall submit a copy of its budget to the tax supervising and conservation commission in lieu of filing a copy of the budget with the county clerk of the county under paragraph (a) of this subsection or with the county assessor of the county under paragraph (b) of this subsection.

(8) The Department of Revenue shall prescribe the form of notice required by this section. All amounts shall be stated in dollars and cents or ad valorem property tax rates in dollars and cents per thousand dollars of assessed value, as required by law. If the notice is given to the assessor, clerk or tax supervising and conservation commission of more than one county, a copy of each other such notice given shall accompany every notice given.

(9) For good and sufficient reason, the county assessor may extend the time for the giving of the notice or correcting an erroneous certification for the current year up to but not later than October 1 as the county assessor considers reasonable.

SECTION 3. The amendments to ORS 294.381 and 310.060 by sections 1 and 2 of this 2007 Act apply to tax years beginning on or after July 1, 2007.

SECTION 4. (1) Notwithstanding ORS 294.060 and 368.705, moneys described in ORS 294.060 (1) that are received by Douglas County and deposited into its road fund may be expended for the patrolling of Douglas County roads by Douglas County law enforcement officials.

(2) Notwithstanding ORS 294.060 and 368.705, moneys described in ORS 294.060 (1) that are received by Lane County and deposited into its road fund may be expended for the patrolling of Lane County roads by Lane County law enforcement officials.

(3) This section is repealed on January 2, 2014.

(4) This section applies to moneys described in subsections (1) and (2) of this section that are received before, on or after the effective date of this 2007 Act.

SECTION 5. Section 6 of this 2007 Act is added to and made a part of ORS chapter 267.

SECTION 6. (1) A mass transit district may enter into transactions with persons or entities for the supply or delivery of electricity or diesel fuel on an economic, dependable and cost-effective basis, including transactions involving financial products contracts and agreements for exchange of fixed and variable pricing agreements and other service contracts that reduce the risk of economic losses in transactions for the supply or delivery of electricity or diesel fuel.

(2) Notwithstanding subsection (1) of this section, a mass transit district may not enter into a transaction for the supply or delivery of electricity or diesel fuel that:

(a) Constitutes the investment of surplus funds for the purpose of receiving interest or other earnings from the investment; or

(b) Is for any purpose other than the supply or delivery of electricity or diesel fuel on a cost-effective basis.

SECTION 7. Section 6 of this 2007 Act applies to transactions entered into on or after the effective date of this 2007 Act.

SECTION 8. This 2007 Act takes effect on the 91st day after the date on which the regular session of the Seventy-fourth Legislative Assembly adjourns sine die.

Passed by Senate May 16, 2007

Received by Governor:

Repassed by Senate June 23, 2007

.....M.,....., 2007

Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House June 20, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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Speaker of House

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Secretary of State