

A-Engrossed
House Bill 4177

Ordered by the House February 23
Including House Amendments dated February 23

Sponsored by COMMITTEE ON RULES

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.

Permits counties, under certain conditions, to receive assistance payments from County Assessment Function Funding Assistance Account for 2011-2012 [*fiscal year*] **and 2012-2013 fiscal years** that do not reflect changes in federal payments to county.

Provides that amount of certain expenditures previously not included in payments made under County Assessment Funding Assistance Program are included, but transferred to Assessment and Taxation County Account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to county assessment function funding assistance payments; creating new provisions;
3 amending ORS 294.178; and declaring an emergency.

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

5 **SECTION 1. Notwithstanding ORS 294.178 (3) and (4), for the fiscal years beginning July**
6 **1, 2011, and July 1, 2012, a county's reduction in expenditures compared with expenditures**
7 **certified by the Department of Revenue does not alter the percentage to be paid to the**
8 **county under ORS 294.178 (4) or the payments provided from the County Assessment Func-**
9 **tion Funding Assistance Account under ORS 294.178 (3) if:**

10 (1) **For the fiscal year beginning July 1, 2007, the county received federal payments pur-**
11 **suant to the Secure Rural Schools and Community Self-Determination Act of 2000**
12 **(P.L. 106-393) in an amount equal to at least 10 percent of the county's property tax reven-**
13 **ues, excluding bonds;**

14 (2) **The reduction in county expenditures does not exceed 15 percent of the expenditures**
15 **certified by the department; and**

16 (3) **The reduction in county expenditures does not result in a failure by the county to**
17 **adequately provide the resources needed to achieve proper compliance with ORS 308.232 and**
18 **308.234, ORS chapter 309, other laws requiring equality and uniformity in the system of**
19 **property taxation and applicable rules of the department.**

20 **SECTION 2. ORS 294.178 is amended to read:**

21 294.178. (1) Before issuing any certificate under ORS 294.175, the Department of Revenue shall
22 estimate the amount available in the County Assessment Function Funding Assistance Account
23 created under ORS 294.184 for distribution as grants to counties for the ensuing fiscal year.

24 (2) The estimate shall be used to determine the estimated percent of the moneys available in the
25 County Assessment Function Funding Assistance Account that each county will receive as grants

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 and the total estimated grant that each county will receive for the ensuing fiscal year. The estimates
2 so determined shall serve as the estimates required to be included in any certification issued under
3 ORS 294.175 for that county.

4 (3) On or before the 28th day of the month following the close of each fiscal quarter, the de-
5 partment shall pay a percentage of the moneys in the County Assessment Function Funding Assist-
6 ance Account to each county to which a certificate has been issued under ORS 294.175.

7 (4) Except as provided under subsection (5) of this section **and paragraphs (c) to (e) of this**
8 **subsection**, the percentage to be paid to each county under subsection (3) of this section shall be
9 the percentage that the expenditures of the county certified by the department to the county gov-
10 erning body under ORS 294.175 bears to the total of all expenditures of all counties certified by the
11 department to counties under ORS 294.175. In determining the expenditures of a county or in de-
12 termining the total of all expenditures for purposes of this subsection:

13 (a) No expenditures shall be included that have not been certified under ORS 294.175.

14 (b) No expenditures of any county that did not file an estimate of expenditures under ORS
15 294.175 shall be included.

16 (c) [No] Expenditures of any county for which certification has been denied shall be included,
17 **but the amount that would have been paid to that county under this subsection based upon**
18 **those expenditures shall be transferred to the Assessment and Taxation County Account**
19 **described in ORS 306.125.**

20 (d) [No] Expenditures of any county that does not make its appropriation under ORS 294.456
21 based upon 100 percent of the expenditures certified shall be included, **but the amount that would**
22 **have been paid to that county under this subsection based upon those expenditures shall be**
23 **transferred to the Assessment and Taxation County Account described in ORS 306.125.**

24 (e) [No] Expenditures of any county that does not certify compliance under ORS 294.181 shall
25 be included, **but the amount that would have been paid to that county under this subsection**
26 **based upon those expenditures shall be transferred to the Assessment and Taxation County**
27 **Account described in ORS 306.125.**

28 (5) If the expenditures of a county are not included for a fiscal quarter on account of subsection
29 (4) of this section, a grant may not be made to that county under subsection (3) of this section for
30 that fiscal quarter. If grant funds are denied to any county under this subsection for any fiscal
31 quarter, the percentage determined under subsection (4) of this section shall be redetermined[, *ex-*
32 *cluding from the computation for that fiscal quarter the certified expenditures of the county for which*
33 *grant funds are denied to the end that all of the funds available in the County Assessment Function*
34 *Funding Assistance Account at the time of calculating the quarterly distribution may be distributed]*
35 **based upon the method of calculation in subsection (4) of this section.**

36 **SECTION 3. This 2012 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
38 **on its passage.**