

House Bill 2168

Sponsored by Representative KRIEGER (Presession filed.)

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 **as introduced**.

Directs allocation to county general fund of certain proceeds from disposition of certain county property.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to allocation of proceeds from county property; amending ORS 275.275; and prescribing an
3 effective date.

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

5 **SECTION 1.** ORS 275.275 is amended to read:

6 275.275. (1)(a) The proceeds arising under ORS 275.090 to 275.290 and 275.296 to 275.310 must
7 be applied:

8 (A) First, to refund the county general fund for the full amount advanced by the county to pay
9 the state tax upon all properties upon which the county has foreclosed liens for delinquent taxes;

10 (B) Second, to the county general fund in an amount equal to the penalty and fee described in
11 ORS 312.120 for each property upon which the county has foreclosed a lien for delinquent taxes; and

12 (C) Third, to refund the county general fund for all the costs and expenses incurred by the
13 county in the maintenance and supervision of such properties and in any suits by it to quiet its title
14 to property sold. The proceeds applied as refunds under this subparagraph and subparagraph (A) of
15 this paragraph shall not amount to more than the tax actually paid and the costs and expenses ac-
16 tually incurred by the county.

17 (b) After the refunds authorized under paragraph (a) of this subsection are made, the county
18 treasurer shall credit to the county general fund proceeds arising under ORS 275.090 to 275.290 and
19 275.296 to 275.310 from the sale of real property acquired by the county in a manner other than by
20 foreclosure of delinquent tax liens or by exchange for land originally acquired by foreclosure of
21 delinquent tax liens. The proceeds described in this paragraph include payments for the real prop-
22 erty sold under a purchase agreement pursuant to ORS 275.190 or 275.200.

23 (2) The proceeds arising under ORS 275.294:

24 (a) Must be credited to the county general fund by the county treasurer, if received from a lease
25 or conveyance granting rights to explore, prospect for or remove biogas that is produced by de-
26 composition of solid waste at any land disposal site or former land disposal site owned by the
27 county. As used in this paragraph, "land disposal site" has the meaning given that term in ORS
28 459.005.

29 (b) Must be segregated from the portion of the proceeds described in paragraph (a) of this sub-
30 section and deposited in a separate account maintained by the county. Interest earned on the seg-
31 regated portion of the proceeds must be credited to the account established under this paragraph.

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 (c) May be used, in an amount that does not exceed 10 percent of the proceeds, to reimburse a
 2 taxing district within the county for costs and expenses necessarily incurred by the district in pro-
 3 viding improved, additional or extraordinary services required on lands in the county as a result of
 4 exploration, drilling, mining, logging or other activities authorized under a lease or conveyance un-
 5 der ORS 275.294. As used in this paragraph, “improved, additional or extraordinary services” in-
 6 cludes, but is not limited to, fire protection and road construction and maintenance.

7 (d) May be used to reimburse the county for its actual costs and expenses incurred under this
 8 subsection and under ORS 275.294 for:

9 (A) The maintenance and supervision of a lease or conveyance granting rights to explore, pros-
 10 pect for, mine or remove valuable minerals, oil or gas from the lands;

11 (B) The maintenance and supervision of a lease or conveyance granting rights to conduct
 12 underground storage, as defined in ORS 520.005; and

13 (C) Litigation resulting from a lease or conveyance described in subparagraph (A) or (B) of this
 14 paragraph.

15 (3)(a) After a portion of the proceeds arising under ORS 275.090 to 275.290 and 275.296 to 275.310
 16 and a portion of the proceeds arising under ORS 275.294 are applied as provided in subsections (1)
 17 and (2) of this section, the balance of the proceeds arising under ORS 275.090 to 275.290 and 275.296
 18 to 275.310 and the balance of the proceeds arising under ORS 275.294, including the payments for
 19 land sold under contract pursuant to ORS 275.190 or 275.200, must be [*distributed*] **allocated** by the
 20 county treasurer as follows:

21 (A) First, to a municipal corporation that has filed a notice, in accordance with ORS 275.130,
 22 relating to a local improvement lien against the property from which the sale proceeds are derived.
 23 The amount of the distribution to each municipal corporation must be in the principal amount of the
 24 lien, plus the interest and any penalties that accrued to the date of sale of the property.

25 (B) Second, to [*governmental units in accordance with the formula provided in ORS 311.390 for*
 26 *the distribution of tax collections*] **the county general fund**. The amount [*distributed to governmental*
 27 *units*] **credited** must be the amount remaining after the distribution, if any, under subparagraph (A)
 28 of this paragraph.

29 (b) Notwithstanding ORS 294.080, as used in this subsection, “balance of the proceeds” includes
 30 all accumulated interest earned on the proceeds arising under ORS 275.294 that are segregated
 31 pursuant to subsection (2)(b) of this section, unless a court of competent jurisdiction rules otherwise.

32 (4) [*Distribution*] **Allocation** of moneys under subsections (2) and (3) of this section must be
 33 made on or before June 30 in each year.

34 (5) The county treasurer or auditor shall verify the costs and expenses to be reimbursed under
 35 subsection (2) of this section.

36 (6) The county treasurer shall distribute reimbursements under subsection (2) of this section in
 37 accordance with an order of the governing body of the county.

38 **SECTION 2. This 2013 Act takes effect on the 91st day after the date on which the 2013**
 39 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**