

A-Engrossed
House Bill 2206

Ordered by the House June 12
Including House Amendments dated June 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Department of Administrative Services)

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.

[Allows Secretary of State to assume election-related duties, functions or powers of county clerk of county for which Governor has declared public safety services emergency due to fiscal distress.]

Authorizes county to request declaration by Governor of emergency in county that is conducting elections at less than minimally adequate level. Directs Secretary of State to provide election services in county until earlier of determination by Governor that emergency no longer exists or two years after declaration of emergency. Requires secretary to seek reimbursement from Emergency Board for additional funds and spending authority. Authorizes county to request subsequent declarations of emergency.

Requires funds retained by Director of Veterans' Affairs out of distribution to county without county veterans' service officer to be spent to provide veterans' services in that county in manner deemed appropriate by director.

Authorizes county to request declaration by Governor of emergency in county that is providing less than minimally adequate property tax assessment and collection services. Directs Department of Revenue to provide property tax assessment and collection services until **earlier of determination by Governor that emergency no longer exists***[Authorizes]* **or two years after declaration of emergency. Requires** department to *[charge fee for actual costs of services.]* **be reimbursed for costs of providing services from certain grant funds and state-shared funds otherwise distributable to county. Authorizes county to request subsequent declarations of emergency.**

Requires Director of Department of Consumer and Business Services to enter into agreement to combine resources for the purpose of administration and enforcement of municipal building inspection program if municipality is not carrying out program or at request of public body. Allows establishment of fees to cover department's costs under agreement.

Requires Secretary of State, Director of Veterans' Affairs, Director of Department of Revenue and Director of Department of Consumer and Business Services each to submit report to legislative committees on rules describing experience of respective agency in implementing provisions of Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to county services; creating new provisions; amending ORS 306.125, 406.454 and 455.042;
3 and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapters 246**
6 **to 260.**

7 **SECTION 2. (1) Notwithstanding ORS 246.200, if the governing body of a county, after**
8 **consultation with the county clerk or county director of elections, believes that the county**
9 **is in a state of fiscal distress that compromises the county's ability to conduct elections at**
10 **a minimally adequate level, the governing body may request that the Governor declare a**
11 **county elections emergency.**

12 **(2) Upon request pursuant to subsection (1) of this section, the Governor shall consult**
13 **with the Secretary of State to determine whether to declare a county elections emergency.**

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 **(3) Within 14 days after consultation with the secretary pursuant to subsection (2) of this**
2 **section, the Governor shall:**

3 **(a) Declare the existence of a county elections emergency in the county; or**

4 **(b) Issue a determination that the county's fiscal situation does not cause the county to**
5 **conduct elections at a less than minimally adequate level.**

6 **(4) As soon as practicable after declaration of an emergency pursuant to subsection (3)(a)**
7 **of this section and after consultation with the county clerk or county director of elections,**
8 **the secretary shall provide services in the county to the extent necessary to ensure a mini-**
9 **minally adequate level of election services to the electors in the county and all municipal cor-**
10 **porations in the county.**

11 **(5) If the secretary must perform services in a county pursuant to subsection (4) of this**
12 **section, the secretary shall seek reimbursement from the Emergency Board for such addi-**
13 **tional funds and spending authority as the secretary considers necessary.**

14 **(6) At any time after declaration of an emergency pursuant to subsection (3)(a) of this**
15 **section, the governing body of the county or the secretary may request that the Governor,**
16 **after consultation with the secretary, issue a determination pursuant to subsection (3)(b) of**
17 **this section.**

18 **(7)(a) The county shall resume conducting elections for the electors of the county and**
19 **all municipal corporations in the county on the earlier of:**

20 **(A) The date on which a determination is issued pursuant to subsection (6) of this sec-**
21 **tion; or**

22 **(B) Two years after the date on which an emergency is declared in the county pursuant**
23 **to subsection (3)(a) of this section.**

24 **(b) The governing body of the county may request a declaration under subsection (1) of**
25 **this section at any time before or after the elapse of the two-year period described in para-**
26 **graph (a)(B) of this subsection in order to ensure continuity of election services in the**
27 **county.**

28 **SECTION 3.** ORS 406.454 is amended to read:

29 406.454. (1) The Director of Veterans' Affairs shall adopt by rule a formula to distribute to
30 county governing bodies funds appropriated to the director to enhance and expand the services
31 provided by county veterans' service officers appointed under ORS 408.410. In developing the dis-
32 tribution formula, the director shall consider factors that include, but need not be limited to:

33 (a) The number of veterans residing in each county;

34 (b) A base amount to be distributed equally among counties;

35 (c) Retention [*of an amount, not to exceed six percent of the total amount appropriated to the di-*
36 *rector for the purposes of ORS 406.450,*] **by the Department of Veterans' Affairs of the amount**
37 **that would otherwise be distributed to a county governing body if the county governing body has**
38 **not appointed [*county veterans' service officers; and*] a county veterans' service officer;**

39 (d) Criteria for withholding funds from a county governing body[.]; **and**

40 **(e) The purchase and coordination of a statewide computer system or other technology,**
41 **or both, to facilitate efficient claims and appeals development and processing for veterans,**
42 **spouses, dependents and survivors of veterans.**

43 **(2)(a) Funds retained under subsection (1)(c) of this section must be used to provide**
44 **veterans' services in a county not providing a county veterans' service officer in a manner**
45 **deemed appropriate by the director until such time as the county appoints or reinstates a**

1 **county veterans' service officer.**

2 [(2)] **(b)** Funds retained under subsection (1)(c) and (d) of this section [*must*] **may** be spent on:

3 [(a)] **(A)** Training costs of veterans' service officers and other individuals providing similar ser-
4 vices; and

5 [(b)] *The coordination of computer systems and technology to facilitate efficient delivery of services*
6 *to veterans, spouses and dependents of veterans or survivors of veterans.*]

7 **(B) Providing veterans' services to veterans, spouses, dependents and survivors of vet-**
8 **erans as deemed appropriate by the director.**

9 **SECTION 4.** (1) If the governing body of a county believes that the county is in a state
10 of fiscal distress that compromises the county's ability to provide a minimally adequate level
11 of property tax assessment services or property tax collection services, the governing body
12 may request that the Governor declare a property tax assessment services emergency, a
13 property tax collection services emergency or both.

14 (2) Upon request pursuant to subsection (1) of this section, the Governor shall consult
15 with the Director of the Department of Revenue to determine whether to declare a property
16 tax assessment services emergency, a property tax collection services emergency or both.

17 (3) Within 14 days after consultation with the director pursuant to subsection (2) of this
18 section, the Governor shall:

19 (a) Declare the existence of a property tax assessment services emergency, a property
20 tax collection services emergency or both in the county; or

21 (b) Issue a determination that the county's fiscal situation does not cause the county to
22 provide a less than minimally adequate level of property tax assessment services or property
23 tax collection services, as applicable.

24 (4) As soon as practicable after declaration of an emergency under subsection (3)(a) of
25 this section and after consultation with the tax assessor and tax collector of the county, the
26 Department of Revenue shall provide services in the county to the extent necessary to en-
27 sure a minimally adequate level of property tax assessment services, property tax collection
28 services or both to all municipal corporations in the county.

29 (5)(a) When an emergency is declared in a county pursuant to subsection (3)(a) of this
30 section, the department shall immediately:

31 (A) Discontinue grants to the county from the County Assessment Function Funding
32 Assistance Account created under ORS 294.184; and

33 (B) Notify the State Treasurer to discontinue all distributions to the county of state-
34 shared funds that are not otherwise dedicated by law.

35 (b) Within 30 days following the close of each fiscal quarter, the department shall submit
36 to the governing body of the county and the Secretary of State an itemized statement of the
37 department's actual costs incurred in providing services in the county and the amount of the
38 grants that the county would have received, but for this subsection, from the County As-
39 sessment Function Funding Assistance Account for the period covered by the statement.

40 (c) The department shall be reimbursed for the costs in the statement submitted under
41 paragraph (b) of this subsection as follows:

42 (A) The department shall transfer to the Assessment and Taxation County Account de-
43 scribed in ORS 306.125 the amount of grant funds that would have been distributed to the
44 county from the County Assessment Function Funding Assistance Account for the period
45 covered by the statement; and

1 **(B) If the amount transferred under subparagraph (A) of this paragraph is less than the**
2 **department's stated costs, the State Treasurer, upon the order of the Secretary of State,**
3 **shall transfer to the Assessment and Taxation County Account all state-shared funds not**
4 **otherwise dedicated by law that, but for this subsection, would have been distributed to the**
5 **county for the period covered by the statement.**

6 **(d) If the amounts received by the department under paragraph (c) of this subsection are**
7 **less than the department's stated costs for the period covered by the statement submitted**
8 **under paragraph (b) of this subsection, the department shall seek reimbursement of the re-**
9 **maining costs, and such additional spending authority as the department considers necessary**
10 **to carry out its duties under this section, from the Emergency Board.**

11 **(6) At any time after declaration of an emergency pursuant to subsection (3)(a) of this**
12 **section, the governing body of the county or the director may request that the Governor,**
13 **after consultation with the director, issue a determination pursuant to subsection (3)(b) of**
14 **this section.**

15 **(7) The county shall resume providing property tax assessment services and property tax**
16 **collection services, as applicable, to all municipal corporations in the county on the earlier**
17 **of:**

18 **(a) The date on which a determination is issued pursuant to subsection (6) of this section;**
19 **or**

20 **(b) Two years after the date on which an emergency is declared in the county pursuant**
21 **to subsection (3)(a) of this section.**

22 **SECTION 5.** ORS 306.125 is amended to read:

23 306.125. (1) The Department of Revenue is authorized to institute programs for the appraisal of
24 property in counties of the state and to make appraisals for the use of county assessors and boards
25 of property tax appeals in assessing property and reviewing assessment rolls, and may install, and
26 assist in the preparation and maintenance of, maps, plats or standardized record systems, as pre-
27 scribed by the department, in the offices of assessors and tax collectors.

28 (2) The department and county courts are authorized to enter into agreements for the sharing
29 of the expenses of such appraisals and installations including salaries and expenses of department
30 employees engaged therein.

31 (3) Counties entering into agreements pursuant to this section may pay to the Department of
32 Revenue from time to time:

33 (a) Moneys to be disbursed by the department as part of the county's share in the expenses
34 authorized under this section and agreed to under such agreements; and

35 (b) Moneys to reimburse the department where department disbursements under such agree-
36 ments, whether from the department's appropriations from the State General Fund or from moneys
37 credited to the Assessment and Taxation County Account, have exceeded its proportionate share of
38 expenses and a rebalancing of expense-sharing accounts is deemed desirable or necessary.

39 (4)(a) All moneys received by the Department of Revenue under subsection (3) of this section
40 shall be immediately turned over to the State Treasurer, who shall deposit the moneys in the Gen-
41 eral Fund to the credit of an account to be known as the Assessment and Taxation County Account,
42 and such account hereby is continuously appropriated to the Department of Revenue for the pur-
43 poses of this section **and section 4 of this 2013 Act.**

44 (b) The Department of Revenue may use the moneys to the credit of the Assessment and Taxa-
45 tion County Account, or any part thereof, for expenditures in connection with appraisals and in-

1 stallations contracted for, including cash advances for travel and living expenses of employees, and
 2 including payments to any county made to rebalance expense-sharing accounts, from time to time,
 3 where a county's disbursements under agreements entered into pursuant to this section have ex-
 4 ceeded its proportionate share of expenses under such agreement. Any moneys received in re-
 5 imbursement of these cash advances shall be deposited in the Assessment and Taxation County
 6 Account. Refunds of unexpended receipts may be made to the counties.

7 **SECTION 6.** ORS 455.042 is amended to read:

8 455.042. (1) The Director of the Department of Consumer and Business Services shall establish
 9 regions for all areas of the state to carry out the uniform administration of the state building code.
 10 The director shall assign Department of Consumer and Business Services employees for the regions
 11 as necessary to:

12 [(1)] (a) Promote consistent interpretation of the state building code;

13 [(2)] (b) Resolve disputes between local building officials and contractors or developers regard-
 14 ing the application of one or more provisions of the state building code; and

15 [(3)] (c) Provide oversight and enforcement of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395
 16 to 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and ORS chapters 447, 455, 460
 17 and 693 and the rules adopted under those statutes.

18 **(2)(a) Notwithstanding ORS 455.148, 455.150 and 455.153, if the director determines that a**
 19 **municipality is not carrying out a building inspection program in accordance with a plan filed**
 20 **and approved under ORS 455.148 or 455.150, or a public body requests the director to enter**
 21 **into an agreement to combine resources for specific projects or a specified period of time,**
 22 **the director shall develop an agreement that may combine department, local government and**
 23 **private resources sufficient for the region to allow the department and the parties to the**
 24 **agreement to efficiently and uniformly administer and enforce the building inspection pro-**
 25 **gram or the terms of the agreement within the municipality.**

26 **(b) Notwithstanding ORS 455.210 or ORS chapters 291 and 292, if the department assumes**
 27 **the administration and enforcement of a municipal building inspection program or enters**
 28 **into an agreement under this subsection, the director shall adopt rules establishing permit**
 29 **fees, other service fees and hourly charges in amounts reasonably calculated to cover the**
 30 **costs to the department of administering and enforcing the municipal building inspection**
 31 **program or carrying out the terms of the agreement. The director shall give due consider-**
 32 **ation to any special local conditions when establishing fees and charges for a municipality.**
 33 **A permit fee described in this subsection is subject to the surcharges described in ORS**
 34 **455.210 and 455.220.**

35 **(c) Notwithstanding any other provision of this subsection, the director may use moneys**
 36 **collected from surcharges described in ORS 455.210 (4)(b) to help pay the costs to the de-**
 37 **partment of administering and enforcing municipal building inspection programs within a**
 38 **region.**

39 **(d) Notwithstanding ORS 455.230 or any other provision of law, moneys deposited to the**
 40 **Consumer and Business Services Fund from the collection of fees described in this sub-**
 41 **section shall be used by the department or the parties to an agreement entered into under**
 42 **this subsection to carry out the regional administration and enforcement of municipal**
 43 **building inspection programs or the agreement under this subsection.**

44 **SECTION 7.** No later than February 28, 2017, the Secretary of State, the Director of
 45 Veterans' Affairs, the Director of the Department of Revenue and the Director of the De-

1 **partment of Consumer and Business Services shall each submit a report in the manner**
2 **provided in ORS 192.245 to the Senate Committee on Rules and the House Committee on**
3 **Rules. Each report submitted pursuant to this section shall describe the experience of the**
4 **respective agency in implementing the respective provisions of this 2013 Act and may include**
5 **recommendations for legislation.**

6 **SECTION 8. This 2013 Act takes effect on the 91st day after the date on which the 2013**
7 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

8
