

Enrolled
House Bill 2206

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)

CHAPTER

AN ACT

Relating to county services; creating new provisions; amending ORS 306.125 and 406.454; and pre-
scribing an effective date.

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

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

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

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

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

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

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

(4) As soon as practicable after declaration of an emergency pursuant to subsection (3)(a) of this section and after consultation with the county clerk or county director of elections, the secretary shall provide services in the county to the extent necessary to ensure a minimally adequate level of election services to the electors in the county and all municipal corporations in the county.

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

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

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

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

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

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

SECTION 3. ORS 406.454 is amended to read:

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

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

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

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

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

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

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

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

[(a)] **(A) Training costs of veterans' service officers and other individuals providing similar services; and**

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

(B) Providing veterans' services to veterans, spouses, dependents and survivors of veterans as deemed appropriate by the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. ORS 306.125 is amended to read:

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

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

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

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

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

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

(b) The Department of Revenue may use the moneys to the credit of the Assessment and Taxation County Account, or any part thereof, for expenditures in connection with appraisals and installations contracted for, including cash advances for travel and living expenses of employees, and including payments to any county made to rebalance expense-sharing accounts, from time to time, where a county's disbursements under agreements entered into pursuant to this section have exceeded its proportionate share of expenses under such agreement. Any moneys received in reimbursement of these cash advances shall be deposited in the Assessment and Taxation County Account. Refunds of unexpended receipts may be made to the counties.

SECTION 6. No later than February 28, 2017, the Secretary of State, the Director of Veterans' Affairs and the Director of the Department of Revenue shall each submit a report in the manner provided in ORS 192.245 to the Senate Committee on Rules and the House Committee on Rules. Each report submitted pursuant to this section shall describe the experience of the respective agency in implementing the respective provisions of this 2013 Act and may include recommendations for legislation.

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

Passed by House June 14, 2013

Received by Governor:

Repassed by House July 6, 2013

.....M.,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate July 3, 2013

Filed in Office of Secretary of State:

.....M.,....., 2013

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State