

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)

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**.

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.

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 determination by Governor that emergency no longer exists. Authorizes department to charge fee for actual costs of services.

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.

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 246.200, 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.** ORS 246.200 is amended to read:

6 246.200. (1) Except as otherwise provided by law, the county clerk is the only elections officer
7 who may conduct an election in this state. For purposes of this section, the conduct of an election
8 includes, but is not limited to, establishing precincts, preparing ballots and sample ballots, and re-
9 ceiving and processing votes.

10 (2) Notwithstanding subsection (1) of this section:

11 (a) The county clerk is not the only elections officer who may accept and verify a filing for
12 nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish
13 an election notice.]; *and*]

14 (b) The Secretary of State may receive ballots as provided in ORS 253.585.

15 (c) **If the Governor declares a public safety services emergency for a county, as described**
16 **in ORS 203.095, the Secretary of State may assume any or all election-related duties, func-**
17 **tions or powers of the county clerk of the county.**

18 **SECTION 2.** ORS 406.454 is amended to read:

19 406.454. (1) The Director of Veterans' Affairs shall adopt by rule a formula to distribute to
20 county governing bodies funds appropriated to the director to enhance and expand the services
21 provided by county veterans' service officers appointed under ORS 408.410. In developing the dis-
22 tribution formula, the director shall consider factors that include, but need not be limited to:

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

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

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

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

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

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

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

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

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

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

21 **SECTION 3. (1) If the governing body of a county believes that the county is in a state**
 22 **of fiscal distress that compromises the county's ability to provide a minimally adequate level**
 23 **of property tax assessment services or property tax collection services, the governing body**
 24 **may request that the Governor declare a property tax assessment services emergency, a**
 25 **property tax collection services emergency or both.**

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

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

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

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

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

41 **(5)(a) The department may charge a county a fee in an amount sufficient to reimburse**
 42 **the department for the actual costs to the department of providing services pursuant to**
 43 **subsection (4) of this section.**

44 **(b) Not later than September 15 of each fiscal year to which this section applies, the de-**
 45 **partment shall notify the county tax collector or other county official responsible for pre-**

1 **paring the percentage distribution schedule under ORS 311.390 of the total amount of the fee**
 2 **chargeable under this subsection.**

3 **(c) The fee shall be payable from the county’s unsegregated tax collections account de-**
 4 **scribed in ORS 311.385 and shall be paid over to the department at the same time and in the**
 5 **same manner as taxes are distributed under ORS 311.395.**

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

10 **(b) Upon issuance of a determination pursuant to this subsection, the county shall re-**
 11 **sume providing property tax assessment services and property tax collection services, as**
 12 **applicable, to all municipal corporations in the county.**

13 **SECTION 4.** ORS 455.042 is amended to read:

14 455.042. (1) The Director of the Department of Consumer and Business Services shall establish
 15 regions for all areas of the state to carry out the uniform administration of the state building code.
 16 The director shall assign Department of Consumer and Business Services employees for the regions
 17 as necessary to:

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

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

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

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

32 **(b) Notwithstanding ORS 455.210 or ORS chapters 291 and 292, if the department assumes**
 33 **the administration and enforcement of a municipal building inspection program or enters**
 34 **into an agreement under this subsection, the director shall adopt rules establishing permit**
 35 **fees, other service fees and hourly charges in amounts reasonably calculated to cover the**
 36 **costs to the department of administering and enforcing the municipal building inspection**
 37 **program or carrying out the terms of the agreement. The director shall give due consider-**
 38 **ation to any special local conditions when establishing fees and charges for a municipality.**
 39 **A permit fee described in this subsection is subject to the surcharges described in ORS**
 40 **455.210 and 455.220.**

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

45 **(d) Notwithstanding ORS 455.230 or any other provision of law, moneys deposited to the**

1 **Consumer and Business Services Fund from the collection of fees described in this sub-**
2 **section shall be used by the department or the parties to an agreement entered into under**
3 **this subsection to carry out the regional administration and enforcement of municipal**
4 **building inspection programs or the agreement under this subsection.**

5 **SECTION 5. This 2013 Act takes effect on the 91st day after the date on which the 2013**
6 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

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