

# House Bill 2236

Sponsored by Representative DAVIS (at the request of South Metro Area Regional Transit) (Pre-session 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 moneys to city transit agencies from state agency assessments used to provide public transportation services.

Applies to wages paid to state agency employees during calendar quarters beginning on or after effective date of Act.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to assessments for public transportation services; creating new provisions; amending ORS  
3 291.405 and 291.407; and prescribing an effective date.

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

5 **SECTION 1.** ORS 291.405 is amended to read:

6 291.405. (1)(a) **As used in this section and ORS 291.407, "city transit agency" means a city**  
7 **agency that is authorized to transport people by bus or rail, and that provides to the public**  
8 **general or special services, other than school, charter or sightseeing transportation services,**  
9 **on a regular and continuing basis.**

10 (b) This section and ORS 291.407 allow the Oregon Department of Administrative Services to  
11 assess state agencies and to provide moneys from the assessments to mass transit districts, estab-  
12 lished under ORS 267.010 to 267.390, transportation districts, established under ORS 267.510 to  
13 267.650, [and] service districts, established under ORS 451.410 to 451.610, **and city transit agencies**  
14 to provide public transportation services, as reimbursement for the benefit that state government  
15 receives from the districts **and city transit agencies**.

16 (2) State agencies subject to assessment under this section include every state officer, board,  
17 commission, department, institution, branch or agency of the state whose costs are paid wholly or  
18 in part from funds held in the State Treasury, and include the Legislative Assembly, the state courts  
19 and their officers and committees.

20 (3) If the Oregon Department of Administrative Services elects to pay moneys to districts **and**  
21 **city transit agencies** under this section and ORS 291.407, the department shall do the following:

22 (a) Determine what services performed for subject state agencies will be subject to assessment  
23 under this section;

24 (b) Determine which subject agencies have employees within each district **or service area of**  
25 **a city transit agency** who are performing the subject services;

26 (c) Determine the amount of wages paid to the agency employees for performing the subject  
27 services within each district **or service area of a city transit agency**; [and]

28 (d) Establish a rate of assessment of not more than six-tenths of one percent of the total amount  
29 of the wages determined under this subsection[.]; **and**

30 (e) **In the case of a city transit agency, establish a rate of assessment not to exceed the**

**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 **lesser of the payroll tax rate charged to private employers by the city for providing public**  
 2 **transportation services or six-tenths of one percent of the total amount of the wages deter-**  
 3 **mined under this subsection.**

4 (4) When determining under subsection (3)(c) of this section the total amount of wages paid to  
 5 agency employees for performing subject services within each district **or service area of a city**  
 6 **transit agency**, the Oregon Department of Administrative Services shall include wages that are  
 7 paid from federal funds only to the extent the assessment on those wages is authorized to be paid  
 8 under federal regulations.

9 (5) Notwithstanding any other provision of this section, the Oregon Department of Administra-  
 10 tive Services [*shall*] **may** not establish rates or impose assessments under this section that exceed  
 11 the following:

12 (a) The Oregon Department of Administrative Services [*shall*] **may** not assess more from an  
 13 agency than the Legislative Assembly provides the agency for purposes of this section, either di-  
 14 rectly or indirectly through its approval of budgets or through the Emergency Board, if the agency  
 15 budget is approved by the Legislative Assembly from General Fund moneys.

16 (b) If an agency is an agency other than one described in paragraph (a) of this subsection, the  
 17 Oregon Department of Administrative Services [*shall*] **may** not assess moneys from the agency at a  
 18 greater rate than the rate applicable to an agency described in paragraph (a) of this subsection.

19 (6) At any time it determines appropriate, the Oregon Department of Administrative Services  
 20 may:

21 (a) Redetermine any factors necessary to perform its duties under this section; or

22 (b) Vary the rate under this section within the limits established under this section.

23 (7) After making determinations and establishing a rate under this section, the Oregon Depart-  
 24 ment of Administrative Services may direct the assessment against the payrolls of subject agencies  
 25 at the rate established by the department. All moneys assessed under this section shall be promptly  
 26 forwarded to the Oregon Department of Administrative Services. Assessments under this section are  
 27 administrative expenses of an agency, as defined in ORS 291.305.

28 (8) The Oregon Department of Administrative Services shall pay any moneys it receives under  
 29 this section to the State Treasurer for deposit in the account established under ORS 291.407 for use  
 30 as provided in that section.

31 **SECTION 2.** ORS 291.407 is amended to read:

32 291.407. (1) The Mass Transit Assistance Account is established in the General Fund of the State  
 33 Treasury. The account shall consist of moneys deposited in the account under ORS 291.405 and as  
 34 otherwise provided by law. The moneys in the account are continuously appropriated to the Oregon  
 35 Department of Administrative Services to be used as provided in this section.

36 (2) The Oregon Department of Administrative Services shall distribute moneys from the account  
 37 established under this section to districts **and city transit agencies** described in ORS 291.405 on  
 38 the last day of each calendar quarter. Subject to the limitations in this section, the amount distrib-  
 39 uted to each district **or city transit agency** shall be equal to the total assessments received by the  
 40 department during the immediate preceding three months under ORS 291.405 from agencies with  
 41 employees performing subject services within that district **or service area of the city transit**  
 42 **agency**.

43 (3) Distributions under this section are subject to the following limitations:

44 (a) Except for newly formed districts **or cities**, the Oregon Department of Administrative Ser-  
 45 vices [*shall*] **may** not distribute to a district **or city transit agency** during a calendar year an

1 amount that exceeds the amount received by the district **or city transit agency** under the district's  
 2 **or city transit agency's** own taxes during the immediate preceding fiscal year of the district **or**  
 3 **city transit agency**.

4 (b) The Oregon Department of Administrative Services [*shall*] **may** not distribute to a newly  
 5 formed district **or city** during a calendar year an amount that exceeds the amount the budget ap-  
 6 proved by the district board **or city governing body** proposes as revenue for the district **or city**  
 7 **transit agency** from the district's **or city transit agency's** own taxes during the current fiscal year  
 8 of the district. If the district **or city transit agency** does not collect the proposed amount, the de-  
 9 partment shall make adjustments in the distributions during subsequent years to recover any amount  
 10 paid under this section that is over the amount the district **or city transit agency** actually received  
 11 under the district's **or city transit agency's** own taxes.

12 (4) The limitations imposed under this section that are based on amounts received by a district  
 13 **or city transit agency** under its own taxes do not include amounts received by the district **or city**  
 14 **transit agency** from farebox revenues, federal moneys, state moneys, gifts, investments, bonds or  
 15 similar moneys received by the district **or city transit agency**.

16 (5) The Department of Transportation shall provide the Oregon Department of Administrative  
 17 Services with any information concerning a mass transit district, [*or*] transportation district **or city**  
 18 **transit agency** that the Oregon Department of Administrative Services determines necessary for  
 19 the performance of its duties under this section and ORS 291.405. The Department of Transportation  
 20 shall provide the information in the form and at times determined by the Oregon Department of  
 21 Administrative Services.

22 (6) In exchange for payments authorized under this section to [*transit*] districts **and city transit**  
 23 **agencies**, the State of Oregon and its agencies shall be exempt from any parking code requirements  
 24 for existing state-owned buildings, construction of new state buildings or the renovation of existing  
 25 state buildings, which have been or may be established by any political subdivision within the  
 26 boundaries of a [*transit*] district **or service area of a city transit agency** receiving such payments.

27 **SECTION 3. The amendments to ORS 291.405 and 291.407 by sections 1 and 2 of this 2015**  
 28 **Act apply to wages paid to state agency employees during calendar quarters beginning on or**  
 29 **after the effective date of this 2015 Act.**

30 **SECTION 4. This 2015 Act takes effect on the 91st day after the date on which the 2015**  
 31 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

32