

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2195**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 26 and
2 delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 275.275 is amended to read:

4 **“275.275. (1)(a) In a county with a population of 650,000 or more,** the
5 proceeds arising under ORS 275.090 to 275.290 and 275.296 to 275.310 must
6 be applied:

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

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

13 **“[(C) Third,** to refund the county general fund for all the costs and ex-
14 penses incurred by the county in the maintenance and supervision of such
15 properties and in any suits by it to quiet its title to property sold.]

16 **“(C) Third,** to refund the county general fund for all the costs and
17 expenses incurred by the county in the maintenance and supervision
18 of the properties and in any suits or proceedings by the county to quiet
19 title to or to defend the county’s title to property sold, including but
20 not limited to suits or land use proceedings to ascertain and determine
21 the actual boundaries of the properties.

22 **“(b)** The proceeds applied as refunds under [*this subparagraph and sub-*

1 *paragraph (A) of this paragraph shall]* **paragraph (a)(A) and (C) of this**
2 **subsection may** not amount to more than the tax actually paid and the
3 costs and expenses actually incurred by the county.

4 *“(b) After the refunds authorized under paragraph (a) of this subsection*
5 *are made, the county treasurer shall credit to the county general fund proceeds*
6 *arising under ORS 275.090 to 275.290 and 275.296 to 275.310 from the sale of*
7 *real property acquired by the county in a manner other than by foreclosure of*
8 *delinquent tax liens or by exchange for land originally acquired by foreclosure*
9 *of delinquent tax liens. The proceeds described in this paragraph include*
10 *payments for the real property sold under a purchase agreement pursuant to*
11 *ORS 275.190 or 275.200.]*

12 **“(c) After the refunds authorized under paragraph (a) of this sub-**
13 **section are made, the county treasurer shall credit:**

14 **“(A) The proceeds arising under ORS 275.090 from the sale of real**
15 **property acquired by foreclosure of delinquent tax liens or by exchange**
16 **for land originally acquired by foreclosure of delinquent tax liens to**
17 **an account or fund, created in the discretion of the county treasurer**
18 **in or outside the county general fund, for use under ORS 271.330 to**
19 **provide:**

20 **“(i) Funds for housing placement and retention support services for**
21 **youth and families with children;**

22 **“(ii) Flexible rental assistance to place youth and families with**
23 **children into housing; or**

24 **“(iii) Funds to develop new low income housing that is affordable**
25 **to youth and families with children with 30 percent or lower median**
26 **family income.**

27 **“(B) Except as described in subparagraph (A) of this paragraph, the**
28 **proceeds arising under ORS 275.090 to 275.290 and 275.296 to 275.310**
29 **from the sale of real property acquired by the county in any manner,**
30 **including payments for the real property sold under a purchase**

1 **agreement pursuant to ORS 275.190 or 275.200, to the county general**
2 **fund.**

3 “(2) The proceeds arising under ORS 275.294:

4 “(a) Must be credited to the county general fund by the county treasurer,
5 if received from a lease or conveyance granting rights to explore, prospect
6 for or remove biogas that is produced by decomposition of solid waste at any
7 land disposal site or former land disposal site owned by the county. As used
8 in this paragraph, ‘land disposal site’ has the meaning given that term in
9 ORS 459.005.

10 “(b) Must be segregated from the portion of the proceeds described in
11 paragraph (a) of this subsection and deposited in a separate account main-
12 tained by the county. Interest earned on the segregated portion of the pro-
13 ceeds must be credited to the account established under this paragraph.

14 “(c) May be used, in an amount that does not exceed 10 percent of the
15 proceeds, to reimburse a taxing district within the county for costs and ex-
16 penses necessarily incurred by the district in providing improved, additional
17 or extraordinary services required on lands in the county as a result of ex-
18 ploration, drilling, mining, logging or other activities authorized under a
19 lease or conveyance under ORS 275.294. As used in this paragraph, ‘improved,
20 additional or extraordinary services’ includes, but is not limited to, fire
21 protection and road construction and maintenance.

22 “(d) May be used to reimburse the county for its actual costs and ex-
23 penses incurred under this subsection and under ORS 275.294 for:

24 “(A) The maintenance and supervision of a lease or conveyance granting
25 rights to explore, prospect for, mine or remove valuable minerals, oil or gas
26 from the lands;

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

29 “(C) Litigation resulting from a lease or conveyance described in subpar-
30 agraph (A) or (B) of this paragraph.

1 “(3)(a) After a portion of the proceeds arising under ORS 275.090 to
2 275.290 and 275.296 to 275.310 and a portion of the proceeds arising under
3 ORS 275.294 are applied as provided in subsections (1) and (2) of this section,
4 the balance of the proceeds arising under ORS 275.090 to 275.290 and 275.296
5 to 275.310 and the balance of the proceeds arising under ORS 275.294, in-
6 cluding the payments for land sold under contract pursuant to ORS 275.190
7 or 275.200, must be distributed by the county treasurer as follows:

8 “(A) First, to a municipal corporation that has filed a notice, in accord-
9 ance with ORS 275.130, relating to a local improvement lien against the
10 property from which the sale proceeds are derived. The amount of the dis-
11 tribution to each municipal corporation must be in the principal amount of
12 the lien, plus the interest and any penalties that accrued to the date of sale
13 of the property.

14 “(B) Second, to governmental units in accordance with the formula pro-
15 vided in ORS 311.390 for the distribution of tax collections. The amount
16 distributed to governmental units must be the amount remaining after the
17 distribution, if any, under subparagraph (A) of this paragraph.

18 “(b) Notwithstanding ORS 294.080, as used in this subsection, ‘balance of
19 the proceeds’ includes all accumulated interest earned on the proceeds aris-
20 ing under ORS 275.294 that are segregated pursuant to subsection (2)(b) of
21 this section, unless a court of competent jurisdiction rules otherwise.

22 “(4) Distribution of moneys under subsections (2) and (3) of this section
23 must be made on or before June 30 in each year.

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

26 “(6) The county treasurer shall distribute reimbursements under sub-
27 section (2) of this section in accordance with an order of the governing body
28 of the county.

29 “(7) **Notwithstanding subsection (1) of this section, a county with a**
30 **population of 650,000 or more may convey real property acquired by**

1 **foreclosure of delinquent tax liens or by exchange for land originally**
2 **acquired by foreclosure of delinquent tax liens as provided in ORS**
3 **271.330 or 311.796.**

4 **“SECTION 2. The amendments to ORS 275.275 by section 1 of this**
5 **2015 Act apply to proceeds:**

6 **“(1) Acquired by a county by foreclosure of a delinquent tax lien**
7 **or by exchange for land originally acquired by foreclosure of delin-**
8 **quent tax liens; and**

9 **“(2) Received by the county on or after the effective date of this 2015**
10 **Act.”.**

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