

House Bill 2873

Sponsored by COMMITTEE ON RULES

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**.

Requires governing body of municipal corporation to publish notice of election involving local option tax measure or general obligation bond measure by filing with Secretary of State for publication on ORESTAR.

A BILL FOR AN ACT

1
2 Relating to municipal corporation elections; creating new provisions; and amending ORS 294.311.

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

4 **SECTION 1.** ORS 294.311 is amended to read:

5 294.311. As used in ORS 294.305 to 294.565, unless the context requires otherwise:

6 (1) "Accrual basis" means the recording of the financial effects on a municipal corporation of
7 transactions and other events and circumstances that have cash consequences for the municipal
8 corporation in the periods in which those transactions, events and circumstances occur, rather than
9 only in the periods in which cash is received or paid by the municipal corporation.

10 (2) "Activity" means a specific and distinguishable service performed by one or more organiza-
11 tional components of a municipal corporation to accomplish a function for which the municipal
12 corporation is responsible.

13 (3) "Appropriation" means an authorization granted by the governing body to make expenditures
14 and to incur obligations for specific purposes. An appropriation is limited to a single fiscal year for
15 municipal corporations preparing annual budgets, or to the budget period for municipal corporations
16 preparing biennial budgets.

17 (4) "Basis of accounting" means the cash basis, the modified accrual basis or the accrual basis.

18 (5) "Budget" means a plan of financial operation embodying an estimate of expenditures for a
19 given period or purpose and the proposed means of financing the estimated expenditures.

20 (6) "Budget document" means the estimates of expenditures and budget resources as set forth
21 on the estimate sheets, tax levy and the financial summary.

22 (7) "Budget period" means, for municipal corporations with the power to levy a tax upon prop-
23 erty, the two-year period commencing on July 1 and closing on June 30 of the second calendar year
24 next following, and for all other municipal corporations, an accounting period of 24 months ending
25 on the last day of any month.

26 (8) "Budget resources" means resources to which recourse can be had to meet obligations and
27 expenditures during the fiscal year or budget period covered by the budget.

28 (9) "Cash basis" means a basis of accounting under which transactions are recognized only in
29 the period during which cash is received or disbursed.

30 (10) "Current budget period" means the budget period in progress.

31 (11) "Current year" means the fiscal year in progress.

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 (12) "Encumbrance accounting" means the method of accounting under which outstanding
2 encumbrances are recognized as reductions of appropriations and the related commitments are car-
3 ried in a reserve for encumbrances until liquidated, either by replacement with an actual liability
4 or by cancellation. This method of accounting may be used as a modification to the accrual basis
5 of accounting in accordance with generally accepted accounting principles.

6 (13) "Encumbrances" means obligations in the form of purchase orders, contracts or salary
7 commitments which are chargeable to an appropriation and for which a part of the appropriation
8 is reserved. Obligations cease to be encumbrances when paid or when the actual liability is set up.

9 (14) "Ensuing budget period" means the budget period following the current budget period.

10 (15) "Ensuing year" means the fiscal year following the current year.

11 (16) "Expenditure" means, if the accounts are kept on the accrual basis or the modified accrual
12 basis, decreases in net financial resources and may include encumbrances. If the accounts are kept
13 on the cash basis, the term covers only actual disbursement, the drawing of the check or warrant
14 for these purposes and not encumbrances, except that deferred employee compensation shall be in-
15 cluded as a personnel service expenditure where an approved deferred employee compensation plan
16 is in effect for a municipal corporation.

17 (17) "Fiscal year" means for municipal corporations with the power to impose ad valorem
18 property taxes, the fiscal year commencing on July 1 and closing on June 30, and for all other mu-
19 nicipal corporations, an accounting period of 12 months ending on the last day of any month.

20 (18) "Fund balance" means the excess of the assets of a fund over its liabilities and reserves
21 except in the case of funds subject to budgetary accounting where, prior to the end of a fiscal pe-
22 riod, it represents the excess of the fund's assets and estimated revenues for the period over its li-
23 abilities, reserves and appropriations for the period.

24 (19) "General county resources" means resources from property taxes, state and federal shared
25 revenue, beginning balances available for expenditure and interest not required to be allocated to
26 specific programs or activities.

27 (20) "Governing body" means the city council, board of commissioners, board of directors,
28 county court or other managing board of a municipal corporation including a board managing a
29 municipally owned public utility or a dock commission.

30 (21) "Grant" means a donation or contribution of cash to a governmental unit by a third party.

31 (22) "Intergovernmental entity" means an entity created under ORS 190.010 (5). The term in-
32 cludes any council of governments created prior to the enactment of ORS 190.010 (5).

33 (23) "Internal service fund" means a fund properly authorized to finance, on a cost reimburse-
34 ment basis, goods or services provided by one organizational unit of a municipal corporation to
35 other organizational units of the municipal corporation.

36 (24) "Liabilities" means probable future sacrifices of economic benefits, arising from present
37 obligations of a municipal corporation to transfer assets or provide services to other entities in the
38 future as a result of past transactions or events. The term does not include encumbrances.

39 (25)(a) "Modified accrual basis" means the accrual basis of accounting adapted to the govern-
40 mental fund-type measurement focus. Under this basis of accounting, revenues and other financial
41 resource increments, such as bond proceeds, are recognized when they become susceptible to ac-
42 crual, that is, when they become both measurable and available to finance expenditures in the cur-
43 rent period.

44 (b) As used in this subsection, "available" means collectible in the current period or soon
45 enough thereafter to be used to pay liabilities of the current period. Under this basis of accounting,

1 expenditures are recognized when the fund liability is incurred except for:

2 (A) Inventories of material and supplies that may be considered expenditures either when pur-
3 chased or when used; and

4 (B) Prepaid insurance and similar items that may be considered expenditures either when paid
5 for or when consumed.

6 (26) "Municipal corporation" means any county, city, port, school district, union high school
7 district, community college district and all other public or quasi-public corporations including a
8 municipal utility or dock commission operated by a separate board or commission. "Municipal cor-
9 poration" includes an intergovernmental entity or council of governments that proposes to impose
10 or imposes ad valorem property taxes.

11 (27) "Net working capital" means the sum of the cash, cash equivalents, investments, accounts
12 receivable expected to be converted to cash during the ensuing year or ensuing budget period, in-
13 ventories, supplies and prepaid expenses less current liabilities and, if encumbrance accounting is
14 adopted, reserve for encumbrances. The term is not applicable to the cash basis of accounting.

15 (28) "Object" means, as used in expenditure classification, articles purchased including, but not
16 limited to, land, buildings, equipment and vehicles, or services obtained including, but not limited
17 to, administrative services, clerical services, professional services, property services and travel, as
18 distinguished from the results obtained from expenditures.

19 (29) "Object classification" means a grouping of expenditures on the basis of goods or services
20 purchased, including, but not limited to, personnel services, materials, supplies and equipment.

21 (30) "Operating taxes" has the meaning given that term in ORS 310.055.

22 (31) "Organizational unit" means any administrative subdivision of a municipal corporation, es-
23 pecially one charged with carrying on one or more functions or activities.

24 (32) "Population" means the number of inhabitants of a municipal corporation according to
25 certified estimates of population made by Portland State University.

26 (33) "Program" means a group of related activities aimed at accomplishing a major service or
27 function for which the municipality is responsible.

28 (34) "Public utility" means those public utility operations authorized by ORS chapter 225.

29 (35) "Publish" or "publication" means any one or more of the following methods of giving notice
30 or making information or documents available to members of the general public:

31 (a) Publication in one or more newspapers of general circulation within the jurisdictional
32 boundaries of the municipal corporation.

33 (b) Posting through the United States Postal Service by first class mail, postage prepaid, to each
34 street address within the jurisdictional boundaries of the municipal corporation and to each post
35 office box and rural route number belonging to a resident within the jurisdictional boundaries of the
36 municipal corporation.

37 (c) Hand delivery to each street address within the jurisdictional boundaries of the municipal
38 corporation.

39 **(d) In the case of publishing notice for an election involving a local option tax measure**
40 **or a general obligation bond measure, filing with the Secretary of State for publication on**
41 **the electronic filing system adopted under ORS 260.057.**

42 (36) "Receipts" means cash received unless otherwise qualified.

43 (37) "Reserve for encumbrances" means a reserve representing the segregation of a portion of
44 a fund balance to provide for unliquidated encumbrances.

45 (38) "Revenue" means the gross receipts and receivables of a governmental unit derived from

1 taxes, licenses, fees and from all other sources, but excluding appropriations, allotments and return
2 of principal from investment of surplus funds.

3 (39) "Special revenue fund" means a fund properly authorized and used to finance particular
4 activities from the receipts of specific taxes or other revenues.

5 **SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS 294.305 to**
6 **294.565.**

7 **SECTION 3. If a municipal corporation places a local option tax measure or a general**
8 **obligation bond measure on the ballot to be voted on by the electors of the municipal cor-**
9 **poration, the governing body of the municipal corporation must publish notice of the election**
10 **by filing with the Secretary of State for publication on the electronic filing system adopted**
11 **under ORS 260.057.**

12 **SECTION 4. Section 3 of this 2017 Act and the amendments to ORS 294.311 by section 1**
13 **of this 2017 Act apply to measures that will be voted on by the electors of a municipal cor-**
14 **poration on or after the effective date of this 2017 Act.**

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