

DRAFT

SUMMARY

Requires Department of Revenue to transfer 10 percent of total annual amount of personal income tax revenue attributable to eligible projects located in counties for which cumulative amount exceeds \$5 million to Local Economic Opportunity Fund. Continuously appropriates transferred moneys and interest on transferred moneys in fund to Oregon Business Development Department for grant program to support economic development in fiscally distressed counties.

Requires Department of Revenue to transfer to Shared Services Fund cumulative amount for all eligible projects, less amount of transfer to Local Economic Opportunity Fund, multiplied by 50 percent.

In county for which total amount of personal income tax revenue attributable to eligible project exceeds \$5 million, requires 40 percent of distribution county would otherwise receive to be distributed to school districts with schools in county and to State School Fund for distribution to school districts without schools in county. Excludes distributions to school districts from local revenues for purposes of State School Fund distributions.

Extends sunset of shared services transfer statutes. Clarifies that statute requiring transfers applies to income taxes attributable to eligible project approved for exemption before sunset date for length of exemption.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to strategic investment; creating new provisions; amending ORS 285B.260, 285C.635, 285C.639 and 327.011 and section 6, chapter 905, Oregon Laws 2007; and prescribing an effective date.

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

SECTION 1. The Legislative Assembly finds that:

(1) The State of Oregon has a compelling interest in promoting and stimulating economic development within this state.

(2) The state can better provide for the welfare of its residents by encouraging counties to enter into strategic investment program agreements so that businesses will make significant capital investments within this state.

(3) Investments in the strategic investment program by businesses under agreements with counties create significant, long-term economic benefits and serve as a catalyst for additional economic expansion within this state.

(4) In consideration for local governments' support of strategic investment program agreements and abatement of tax revenues, and to maintain business development incentives for local governments and support economic development opportunities in this state, the Legislative Assembly recognizes the importance of certainty in the formula for distributions to counties and other local governments from the Shared Services Fund under ORS 285C.639 and supports maintaining a consistent formula for those distributions.

SECTION 2. ORS 285C.635 is amended to read:

285C.635. (1)(a) Upon receipt of information compiled under ORS 285C.615, the Oregon Department of Administrative Services shall determine the annual amount of personal income tax revenue attributable to each eligible project for which an eligible business firm received a property tax exemption under ORS 307.123.

(b) The amount of personal income tax revenue attributable to each eligible project under this subsection may not include personal income tax revenue attributable to the estimated incremental income tax revenues generated by an eligible employer in connection with a tax reimbursement arrangement or loan agreement that has been entered into under the Oregon Industrial Site Readiness Program established by ORS 285B.627.

(2) In determining the amount of personal income tax revenue attributable to each eligible project, the Oregon Department of Administrative Services may rely on reasonable techniques of estimation, if appropriate.

(3) Not later than May 15 of each fiscal year, the Oregon Department of Administrative Services shall certify the amounts determined under subsection (1) of this section to the Department of Revenue, the Legislative Revenue Officer and the Legislative Fiscal Officer.

(4) Not sooner than July 10 and not later than July 15 of the following fiscal year, after receiving the certification under subsection (3) of this section, the Department of Revenue shall transfer:

(a) **To the Local Economic Opportunity Fund created under ORS 285B.260**, an amount equal to [50] **10** percent of the cumulative amount [*for all eligible projects*] determined under subsection (1) of this section **for all eligible projects located in a county for which the cumulative amount exceeds \$5 million; and**

(b) To the Shared Services Fund established in ORS 285C.639, **an amount equal to the cumulative amount for all eligible projects determined under subsection (1) of this section, less the amount transferred under paragraph (a) of this subsection, multiplied by 50 percent.**

(5) The Department of Revenue shall retain unreceipted revenue from the tax imposed under ORS chapter 316 in an amount necessary to make the [*transfer*] **transfers** required under subsection (4) of this section. The department shall make the [*transfer*] **transfers** out of the unreceipted revenue in lieu of paying the revenue over to the State Treasurer for deposit in the General Fund.

(6) The Oregon Department of Administrative Services shall adopt rules necessary to administer this section.

SECTION 3. ORS 285C.639 is amended to read:

285C.639. (1) The Shared Services Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Shared Services Fund shall be credited to the fund. The fund shall consist of:

(a) Moneys transferred by the Department of Revenue to the fund under ORS 285C.635 (4); and

(b) Interest earnings on moneys in the fund.

(2) All moneys in the Shared Services Fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of making distributions described in subsection (3) of this section.

(3)(a) Not sooner than August 15 and not later than September 1 of the *[following]* fiscal year **immediately following the fiscal year in which the certification under ORS 285C.635 (3) is made, except as provided in paragraph (b) of this subsection**, the department shall distribute to counties for distribution to taxing districts the moneys from the Shared Services Fund:

[(a)] (A) In proportion to the amount of money transferred into the fund for each eligible project that received a property tax exemption under ORS 307.123; and

[(b)] (B) Consistent with the distribution of the community services fee under ORS 285C.609 for that project.

(b) In a county for which the total amount described in ORS 285C.635 (1) exceeds \$5 million, 40 percent of the amount that would otherwise be distributed in the manner required under paragraph (a) of this subsection shall be distributed as follows:

(A) Sixty percent to school districts as defined in ORS 330.005 that have elementary or secondary schools in the county. The moneys shall be distributed to each school district in the proportion that the number of students residing in the county who attend all schools in the school district that are located in the county bears to the total number of students residing in the county who attend all public elementary and secondary schools that are located in the county.

(B) Forty percent to the State School Fund established under ORS 327.008 for distribution to school districts for schools that do not receive moneys under subparagraph (A) of this paragraph.

(4) The department shall furnish the Oregon Business Development Commission with information on the recipients of the distributions and the

amounts distributed under this section, as requested by the commission.

SECTION 4. ORS 285B.260 is amended to read:

285B.260. (1) There is created a Local Economic Opportunity Fund, separate and distinct from the General Fund, to consist of:

(a) All moneys credited [*thereto*] **to the Local Economic Opportunity Fund**, including moneys from the Administrative Services Economic Development Fund[, *and*];

(b) **Moneys transferred to the Local Economic Opportunity Fund under ORS 285C.635 (4)(a); and**

(c) All interest earned on **moneys in** the Local Economic Opportunity Fund.

(2) **Moneys in the Local Economic Opportunity Fund** [*is*] **are** continuously appropriated to the Oregon Business Development Department to be used for grants [*to implement ORS 280.518 and 285B.230 to 285B.266.*]:

(a) **With respect to moneys described in subsection (1)(b) of this section, and interest earned on those moneys, to support economic development in fiscally distressed counties; and**

(b) **With respect to all other moneys in the fund, and interest earned on those moneys, to implement ORS 280.518 and 285B.230 to 285B.266.**

[(2)] (3) The department may use moneys in the Local Economic Opportunity Fund to pay for the administrative expenses of operating the [*local investment program under ORS 285B.230 to 285B.266*] **grant programs authorized under subsection (2) of this section.**

[(3)] (4) The **Local Economic Opportunity Fund** [*shall*] **may** not be used to retire any debt, to reimburse any person or municipality for expenditures made or expenses incurred prior to the adoption of a local economic development strategy or to substitute for local government expenditures for existing and continuing public services. The department shall adopt rules to carry out the provisions of this subsection.

(5)(a) **Grants described in subsection (2)(a) of this section shall be**

1 **awarded as soon as practicable after September 1 of each year to eli-**
2 **gible counties making application pursuant to rules adopted by the**
3 **department in consultation with the office of the Governor.**

4 [(4)] (b) After consulting with representatives of communities or ge-
5 ographic areas, the department, by rule, shall adopt standards, objectives and
6 criteria for the use and distribution of moneys in the Local Economic Op-
7 portunity Fund **other than moneys described in subsection (1)(b) of this**
8 **section and interest on those moneys.**

9 [(5)] (6) The Local Economic Opportunity Fund is created to provide a
10 flexible funding source for financing those locally determined programs and
11 projects that may not be eligible for financing through other state and fed-
12 eral funding sources.

13 **SECTION 5.** ORS 327.011 is amended to read:

14 327.011. For the purpose of State School Fund distributions for school
15 districts:

16 (1) Local Revenues are the total of the following:

17 (a) The amount of revenue offset against local property taxes as deter-
18 mined by the Department of Revenue under ORS 311.175 (3)(a)(A).

19 (b) The amount of property taxes actually received by the district, in-
20 cluding penalties and interest on taxes.

21 (c) The amount of revenue received by the district from the Common
22 School Fund under ORS 327.403 to 327.410.

23 (d) The amount of revenue received by the district from the county school
24 fund.

25 (e) The amount of revenue received by the district from the 25 percent
26 of federal forest reserve revenues required to be distributed to schools by
27 ORS 294.060 (1).

28 (f) The amount of revenue received by the district from state managed
29 forestlands under ORS 530.115 (1)(b) and (c).

30 (g) Moneys received in lieu of property taxes.

31 (h) Federal funds received without specific application by the school dis-

trict and that are not deemed under federal law to be nonsupplantable.

(i) Any positive amount obtained by subtracting the operating property taxes actually imposed by the district, based on the rate certified pursuant to ORS 310.060, from the amount that would have been imposed by the district if the district had certified the maximum rate of operating property taxes allowed by law.

(j) Any amount distributed to the district in the prior fiscal year under ORS 327.019 (8).

(2) Local Revenues do not include:

(a) If a school district imposes local option taxes pursuant to ORS 280.040 to 280.145, an amount equal to the lesser of:

(A) The amount of revenue actually received by the district from local option taxes imposed pursuant to ORS 280.040 to 280.145;

(B) Twenty percent of the total received by the school district from the general purpose grant, the transportation grant, the facility grant and the high cost disabilities grant of the district, as those grants are calculated under ORS 327.013; or

(C) \$1,000 per district extended ADMw, as calculated under ORS 327.013, increased each fiscal year by three percent above the amount allowed per district extended ADMw for the prior fiscal year.

(b) For a school district with a statutory rate limit on July 1, 2003, that is greater than \$4.50 per \$1,000 of assessed value, the amount of property taxes actually received by the district, including penalties and interest on taxes, that results from an increase in the rate of ad valorem property tax of the district allowed under section 11 (5)(d), Article XI of the Oregon Constitution.

(c) Moneys distributed to school districts under ORS 285C.639 (3)(b).

SECTION 6. Section 1 of this 2015 Act is repealed on January 2, 2020.

SECTION 7. Section 6, chapter 905, Oregon Laws 2007, is amended to read:

Sec. 6. (1) [Sections 2 and 3 of this 2007 Act] ORS 285C.615 and 285C.635

1 apply to:

2 (a) Tax years beginning on or after January 1, 2009[, *and before January*
3 *1, 2019*].

4 [(2)] (b) [Sections 2 and 3 of this 2007 Act apply only to] Income taxes
5 [generated as the result of an eligible project that first becomes] **attributable**
6 **to eligible projects that first become** exempt from property taxation under
7 ORS 307.123 on or after January 1, 2008[, *and continue to apply only as long*
8 *as the project remains exempt*].

9 (2) **ORS 285C.615 and 285C.635 continue to apply to income taxes**
10 **attributable to eligible projects described in subsection (1)(b) of this**
11 **section as long as the projects remain exempt from property taxation**
12 **under ORS 307.123.**

13 (3) **ORS 285C.615 and 285C.635 do not apply to income taxes attrib-**
14 **utable to eligible projects that first become exempt from property**
15 **taxation under ORS 307.123 on or after January 1, 2025.**

16 SECTION 8. (1) **The amendments to ORS 285B.260, 285C.635 and**
17 **285C.639 by sections 2 to 4 of this 2015 Act apply to tax years beginning**
18 **on or after January 1, 2016.**

19 (2) **The amendments to ORS 327.011 by section 5 of this 2015 Act**
20 **apply to State School Fund distributions commencing with the**
21 **2016-2017 distribution.**

22 SECTION 9. **This 2015 Act takes effect on the 91st day after the date**
23 **on which the 2015 regular session of the Seventy-eighth Legislative**
24 **Assembly adjourns sine die.**

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