

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2174**

- 1 On page 3 of the printed A-engrossed bill, after line 1, insert:
- 2 “(11) ‘Permanent rate plan’ means an urban renewal plan that:
- 3 “(a) Was adopted on or after the effective date of this 2019 Act; or
- 4 “(b) Was substantially amended as described in ORS 457.085 (2)(i)(A) or
- 5 (B) on or after the effective date of this 2019 Act.”.
- 6 In line 2, delete “(11)(a)” and insert “(12)(a)”.
- 7 In line 21, delete “(12)” and insert “(13)”.
- 8 In line 23, delete “(13)” and insert “(14)”.
- 9 In line 28, before the semicolon insert “, and before the effective date of
- 10 this 2019 Act”.
- 11 In line 29, before the semicolon insert “, and before the effective date of
- 12 this 2019 Act”.
- 13 In line 35, delete “(14)” and insert “(15)” and after “a” insert “permanent
- 14 rate plan or”.
- 15 In line 36, delete “(15)” and insert “(16)”.
- 16 In line 38, delete “(16)” and insert “(17)”.
- 17 In line 40, delete “(17)” and insert “(18)”.
- 18 In line 42, delete “(18)” and insert “(19)”.
- 19 In line 45, delete “(19)” and insert “(20)”.
- 20 On page 7, line 2, delete “pursuant to” and insert “in accordance with”.
- 21 On page 8, delete lines 20 through 45.

1 On page 9, delete lines 1 through 38 and insert:

2 **“SECTION 8.** ORS 457.445 is amended to read:

3 “457.445. [(1)(a) *The consolidated billing tax rate of the following urban*  
4 *renewal plans shall be determined under paragraph (b) of this subsection:]*

5 “[*(A) An existing urban renewal plan (other than an existing urban re-*  
6 *newal plan designated as an Option Three plan under ORS 457.435 (2)(c));]*

7 “[*(B) An urban renewal plan that was an existing urban renewal plan on*  
8 *October 6, 2001, (other than an existing urban renewal plan designated as an*  
9 *Option Three plan under ORS 457.435 (2)(c)) and that was substantially*  
10 *amended as described in ORS 457.085 (2)(i)(A) or (B) on or after October 6,*  
11 *2001; and]*

12 “[*(C) An urban renewal plan adopted on or after October 6, 2001.*]

13 “[*(b)(A) The consolidated billing tax rate of an urban renewal plan de-*  
14 *scribed in paragraph (a) of this subsection equals the total of all district tax*  
15 *rates used to extend taxes after any adjustment to reflect tax offsets under ORS*  
16 *310.105.]*

17 “[*(B) Notwithstanding subparagraph (A) of this paragraph, the consol-*  
18 *idated billing tax rate of an urban renewal plan described in paragraph (a)*  
19 *of this subsection excludes any rate derived from:]*

20 “[*(i) An urban renewal special levy under ORS 457.435.]*

21 “[*(ii) A local option tax, as defined in ORS 280.040, that is approved by*  
22 *taxing district electors after October 6, 2001.]*

23 “[*(iii) A tax pledged to repay exempt bonded indebtedness (other than ex-*  
24 *empt bonded indebtedness used to fund local government pension and disabil-*  
25 *ity plan obligations that, until funded by the exempt bonded indebtedness, were*  
26 *described in Article XI, section 11 (5), of the Oregon Constitution), as defined*  
27 *in ORS 310.140, that is approved by taxing district electors after October 6,*  
28 *2001.]*

29 “[*(iv) The increase in the rate of ad valorem property tax allowable under*  
30 *Article XI, section 11 (5)(d), of the Oregon Constitution, for a school district*

1 *with a statutory rate limit on July 1, 2003, that is greater than \$4.50 per \$1,000*  
2 *of assessed value, to the extent that the increase is excluded from local reve-*  
3 *nues, as that term is used in ORS chapter 327, and provided that the school*  
4 *district notifies the county assessor of the rate to be excluded for the current*  
5 *fiscal year not later than July 15.]*

6 *“(2)(a) The consolidated billing tax rate of all other urban renewal plans*  
7 *equals the total of all district ad valorem property tax rates used to extend*  
8 *taxes after any adjustments to reflect tax offsets under ORS 310.105.]*

9 *“(b) Notwithstanding paragraph (a) of this subsection, the consolidated*  
10 *billing tax rate of urban renewal plans referred to in paragraph (a) of this*  
11 *subsection excludes:]*

12 *“(A) An urban renewal special levy rate under ORS 457.435.]*

13 *“(B) A new local option tax.]*

14 *“(3)(a) Notwithstanding subsection (2)(b)(B) of this section, the consol-*  
15 *idated billing tax rate of urban renewal plans referred to in subsection (2)(a)*  
16 *of this section includes a new local option tax imposed in a fiscal year for*  
17 *which the urban renewal agency files with the county assessor an impairment*  
18 *certificate in the manner described in paragraph (b) of this subsection not later*  
19 *than the May 1 immediately preceding the beginning of the fiscal year.]*

20 *“(b) An impairment certificate must:]*

21 *“(A) Identify the urban renewal plan to which it relates;]*

22 *“(B) Instruct the county assessor to include the new local option tax in the*  
23 *consolidated billing tax rate for the urban renewal plan for the ensuing fiscal*  
24 *year;]*

25 *“(C) State that the urban renewal agency has reasonably determined that*  
26 *excluding the new local option tax from the consolidated billing tax rate for*  
27 *the fiscal year under this subsection would impair contracts that the agency*  
28 *has entered into with owners of indebtedness incurred before October 7, 2013,*  
29 *to carry out an urban renewal plan described in subsection (2) of this section;*  
30 *and]*

1        *“(D) Be signed by an authorized representative of the agency.]”*

2        *“(4)(a) Notwithstanding subsection (2) of this section, the governing body*  
3 *of a municipality that adopted an urban renewal plan before December 5, 1996*  
4 *(other than an existing urban renewal plan designated as an Option Three*  
5 *plan under ORS 457.435 (2)(c)), that would otherwise be required to use a*  
6 *consolidated billing tax rate determined under subsection (2) of this section*  
7 *may, by resolution or ordinance, irrevocably elect to have amounts collected by*  
8 *dividing the taxes for the urban renewal plan pursuant to ORS 457.440 be*  
9 *determined under subsection (1)(b) of this section.]”*

10        *“(b) An election made pursuant to this subsection applies first to the as-*  
11 *essment roll next following if the assessor has received notice of the election*  
12 *from the urban renewal agency before January 1.]”*

13        *“(5) As used in this section, ‘new local option tax’ means a local option*  
14 *tax, as defined in ORS 280.040, that is approved by taxing district electors*  
15 *after January 1, 2013.]”*

16        **“(1) As used in this section, ‘post-2012 local option tax’ means a lo-**  
17 **cal option tax, as defined in ORS 280.040, that is approved by taxing**  
18 **district electors after January 1, 2013.**

19        **“(2) The consolidated billing tax rate of an urban renewal plan**  
20 **equals the total of all taxing district ad valorem property tax rates**  
21 **used to extend taxes, after any adjustment to reflect tax offsets under**  
22 **ORS 310.105.**

23        **“(3) Notwithstanding subsection (2) of this section, the consolidated**  
24 **billing tax rate of a standard rate plan excludes any rate derived from:**

25        **“(a) An urban renewal special levy under ORS 457.435; and**

26        **“(b) A post-2012 local option tax.**

27        **“(4)(a) Notwithstanding subsection (3)(b) of this section, the con-**  
28 **solidated billing tax rate of a standard rate plan includes a post-2012**  
29 **local option tax imposed in a fiscal year for which the urban renewal**  
30 **agency files with the county assessor an impairment certificate in the**

1 manner described in paragraph (b) of this subsection not later than  
2 the May 1 immediately preceding the beginning of the fiscal year.

3 “(b) An impairment certificate must:

4 “(A) Identify the urban renewal plan to which it relates;

5 “(B) Instruct the county assessor to include the post-2012 local op-  
6 tion tax in the consolidated billing tax rate for the urban renewal plan  
7 for the ensuing fiscal year;

8 “(C) State that the urban renewal agency has reasonably deter-  
9 mined that excluding the post-2012 local option tax from the consol-  
10 idated billing tax rate for the fiscal year under this subsection would  
11 impair contracts that the agency has entered into with owners of  
12 indebtedness incurred before October 7, 2013, to carry out the standard  
13 rate plan; and

14 “(D) Be signed by an authorized representative of the agency.

15 “(5)(a) The governing body of a municipality that adopted a stand-  
16 ard rate plan, other than an existing urban renewal plan designated  
17 as an Option Three plan under ORS 457.435 (2)(c), may, by ordinance  
18 or resolution, irrevocably elect to become a reduced rate plan.

19 “(b) An election made pursuant to this subsection applies first to  
20 the next following assessment roll if the assessor has received notice  
21 of the election from the urban renewal agency before January 1.

22 “(6) Notwithstanding subsection (2) of this section, the consolidated  
23 billing tax rate of a reduced rate plan excludes any rate derived from:

24 “(a) An urban renewal special levy under ORS 457.435;

25 “(b) A local option tax, as defined in ORS 280.040;

26 “(c) A tax pledged to repay exempt bonded indebtedness, as defined  
27 in ORS 310.140, other than exempt bonded indebtedness used to fund  
28 local government pension and disability plan obligations that, until  
29 funded by the exempt bonded indebtedness, were described in Article  
30 XI, section 11 (5), of the Oregon Constitution, that is approved by

1 **taxing district electors after October 6, 2001; and**

2 **“(d) The increase in the rate of ad valorem property tax allowable**  
3 **under Article XI, section 11 (5)(d), of the Oregon Constitution, for a**  
4 **school district with a statutory rate limit on July 1, 2003, that is**  
5 **greater than \$4.50 per \$1,000 of assessed value, to the extent that the**  
6 **increase is excluded from local revenues, as that term is used in ORS**  
7 **chapter 327, and provided that the school district notifies the county**  
8 **assessor of the rate to be excluded for the current fiscal year no later**  
9 **than July 15.**

10 **“(7) Notwithstanding subsection (2) of this section, the consolidated**  
11 **billing tax rate of a permanent rate plan excludes any rate derived**  
12 **from:**

13 **“(a) An urban renewal special levy under ORS 457.435;**

14 **“(b) A local option tax, as defined in ORS 280.040;**

15 **“(c) A tax pledged to repay exempt bonded indebtedness, as defined**  
16 **in ORS 310.140, other than exempt bonded indebtedness used to fund**  
17 **local government pension and disability plan obligations that, until**  
18 **funded by the exempt bonded indebtedness, were described in Article**  
19 **XI, section 11 (5), of the Oregon Constitution; and**

20 **“(d) Except for plans that had been standard rate plans prior to the**  
21 **effective date of this 2019 Act, the increase in the rate of ad valorem**  
22 **property taxes allowable under Article XI, section 11 (5)(d), of the**  
23 **Oregon Constitution, for a school district with a statutory rate limit**  
24 **on July 1, 2003, that is greater than \$4.50 per \$1,000 of assessed value,**  
25 **to the extent that the increase is excluded from local revenues, as that**  
26 **term is used in ORS chapter 327, and provided that the school district**  
27 **notifies the county assessor of the rate to be excluded for the current**  
28 **fiscal year no later than July 15.”.**

29 **On page 10, line 41, delete “Staff” and insert “A representative”.**

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