

Redden opinion lists implications of Measure

By KEVIN HARDEN
Of the Emerald

If Oregon's property tax limitation measure is approved by voters in November, it will take a two-thirds majority vote of qualified electors to levy a new tax, according to an opinion issued by State Attorney General Jim Redden.

The opinion, issued last week, is the first draft of a longer opinion to be released later this month. The preliminary draft contains 30 pages of information on Oregon's Measure 6. The final draft will probably be more than 100 pages in length, Redden says.

The opinion was issued nearly a month after 53 questions concerning Measure 6 were presented to the attorney general's office by Sen. Vern Cook, D-Gresham. Cook asked that the questions be answered to give the Legislature and the general public information about the measure's effects.

Several of the questions dealing with the measure's constitutional validity were not answered, Redden says, because the attorney general's office could be involved in lawsuits over the measure. Two other questions weren't answered because they didn't deal with the legal aspects of the measure.

On the question of bonds issued by cities or tax districts, Redden says Measure 6 wouldn't prevent general obligation bonds to pay for special projects or civic services. The bonds, however, would have to be approved by a two-thirds majority of the qualified voters voting in the election.

"If approved by two-thirds of the qualified electors of the district, the special tax could be levied to pay for the bond issue, provided that it is not an ad valorem tax (a tax levied to pay state operating expenses) on real property or a transaction or sales tax on the sale of real property," the opinion says.

The definition of "qualified electors", Redden says, is the electors voting on the question during any given election.

If the state government ran out of money to pay the interest on existing state general obligation bonds, those sold for a specific project, an additional tax could be levied to raise the money, the opinion says. Such a tax wouldn't be considered ad valorem and wouldn't be prohibited by the measure.

But other bonds, such as those sold to finance veterans' benefits and to pay for services that may cause the state to go into debt, would be in jeopardy, the opinion says. Because the measure will roll back the "full cash value" of property to the 1975 assessed value, some state, city and taxing districts could lose their bonding capacity.

Another problem pointed out in the opinion is the loss of state operating funds. Although the Legislature now has the power to levy a statewide property tax in addition to county and city taxes, Measure 6 would make it impossible for such a tax to be levied after it goes into effect July 1, 1979.

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A new state non-property tax would not be prohibited by the measure, however, if it received the approval of a two-thirds majority of both houses of the Legislature. That tax would have to be different from taxes on real property or the sale of property, the opinion says.

"The Legislature may, by a simple majority vote, authorize its political subdivisions (taxing districts, counties, etc.) to raise revenues by means other than ad valorem taxes. However, if the tax is a special tax, i.e., for a special

as opposed to a general purpose, Measure 6 would require its approval by a two-thirds vote of the the qualified electors of the district."

Other taxes, such as the Forest Products Harvest Tax, are considered excise taxes on timber and wouldn't be affected, the opinion says.

Although the Attorney General's opinion is not binding, it will provide answers to the questions sought by Senate Pres. Jason Boe, D-Reedsport, and several other legislators who were concerned with Measure 6's effects, Redden says.

The opinion and the effects of the measure could change if the California Supreme Court rules on that state's Proposition 13, Redden says. If that happens, however, the voters may not care about the legal aspects of the measure.

"It seems likely that even if the California court decides some of the critical questions of construction before our November election, the implications of such a decision will not necessarily be readily apparent to the voters," he says.

"It is likely that the majority of voters will make their individual decisions without regard to what the California court may hold."

UYA (Continued from Page 3)

the administration has said it intends to stay with its decision she adds.

The denial of tenure for Runyan complicated the funding picture for UYA last year, but Runyan says that tenure is a totally separate issue this year. "I would like to see the program continued

whether I'm here or not," she says, adding that she would not stay on as director even if the decision were reversed.

"Anita is great," says Bill Uhlhorn, Emergency Family Housing director, "but the program is excellent and it should be able to stand by itself."

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