

**LINCOLN COUNTY SCHOOL DISTRICT  
REGULAR BOARD MEETING AGENDA  
October 10, 2023**

**TOPIC:** Construction Excise Tax Rate

**PREPARED BY:** Annette Brooks-Flatt

**WILL BE PRESENTED BY:** Rich Belloni

**TYPE OF ITEM:** Consent  Information  Discussion  Decision

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**DESCRIPTION OF AGENDA ITEM:**

Lincoln County School District current construction excise tax rate are \$1.45 per square for residential construction and \$0.72 per square foot for non-residential construction. Maximum rate for non-residential construction \$36,100

Current State authorized rates are \$1.56 per square foot for residential construction and \$0.78 per square foot for non-residential construction. Maximum rate for non-residential construction \$39,100

Staff recommends a \$0.11 to \$1.56 increase for residential construction and a \$0.06 to \$0.78 increase for non-residential construction effective upon authorization. The maximum rate for non-residential properties increase to \$39,100. Effective January 1, 2024.

**SUPERINTENDENT'S RECOMMENDATION:**

**ADDITIONAL MATERIAL** Attached: Yes  No  Available: Yes  No

**Issue:** Indexing of School Construction Tax Limits

**Statute Reference:** ORS 320.170

**Last Updated:** 7/5/2023

**Background:**

Passed in 2007, SB 1036 allowed school districts to impose a tax on new construction measured by the square footage of improvements (affordable housing, public buildings, agricultural buildings, hospitals, private schools, and religious facilities are exempt). SB 1036 defined and required revenues to be used for capital improvements. Construction taxes imposed by a school district must be collected by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code. An intergovernmental agreement with local governments collecting the tax is required and collection expenses are limited to 4% of tax revenue. DCBS is allowed to establish an administration fee of .25% of tax revenue. School districts with construction tax revenue are required to develop long-term facility plans. Construction taxes may be used for repayment of capital improvement debt.

**Tax Limit Calculations:**

SB 1036 set tax rate limits of \$1 per square foot for residential use and \$0.50 for nonresidential use, along with a \$25,000 tax limit on nonresidential properties. Beginning in 2009, tax rates were indexed to inflation using the Engineering News-Record Construction Cost Index. As prescribed in statute, DOR is responsible for updating tax rate limits and notifying affected districts. To notify affected districts DOR has partnered with Department of Education who receives updated limit calculations from DOR and notifies the affected districts.

Tax rate limits by fiscal year:

Fiscal Year	2021-22	2022-23	2023-24	2024-25
Residential*	1.41	1.45	1.56	1.63
Non-Residential*	0.70	0.72	0.78	0.82
Non-Residential Max	35,200	36,100	39,100	40,800
* Dollars per square foot				