

# House Bill 3537

Sponsored by Representatives MERKLEY, WHISNANT; Representative BERGER

## 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**.

Exempts from taxation real and personal property of retail stores operated to provide funding for nonprofit housing programs.

Applies to tax years beginning on or after July 1, 2008.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to taxation of nonprofit corporation retail stores operating for the purpose of funding low-  
3 cost housing programs; creating new provisions; amending ORS 307.130; and prescribing an ef-  
4 fective date.

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

6 **SECTION 1.** ORS 307.130 is amended to read:

7 307.130. (1) Upon compliance with ORS 307.162, the following property owned or being pur-  
8 chased by art museums, volunteer fire departments, or incorporated literary, benevolent, charitable  
9 and scientific institutions shall be exempt from taxation:

10 (a) Except as provided in ORS 748.414, only such real or personal property, or proportion  
11 thereof, as is actually and exclusively occupied or used in the literary, benevolent, charitable or  
12 scientific work carried on by such institutions.

13 (b) Parking lots used for parking or any other use as long as that parking or other use is per-  
14 mitted without charge for no fewer than 355 days during the tax year.

15 (c) All real or personal property of a rehabilitation facility or any retail outlet thereof, including  
16 inventory. As used in this subsection, "rehabilitation facility" means either those facilities defined  
17 in ORS 344.710 or facilities which provide physically, mentally or emotionally disabled individuals  
18 with occupational rehabilitation activities of an educational or therapeutic nature, even if  
19 remuneration is received by the individual.

20 (d) All real and personal property of a retail store dealing exclusively in donated inventory,  
21 where the inventory is distributed without cost as part of a welfare program or where the proceeds  
22 of the sale of any inventory sold to the general public are used to support a welfare program. As  
23 used in this subsection, "welfare program" means the providing of food, shelter, clothing or health  
24 care, including dental service, to needy persons without charge.

25 (e) All real and personal property of a retail store if:

26 (A) The retail store deals primarily and on a regular basis in donated and consigned inventory;

27 (B) The individuals who operate the retail store are all individuals who work as volunteers; and

28 (C) The inventory is either distributed without charge as part of a welfare program, or sold to  
29 the general public and the sales proceeds used exclusively to support a welfare program. As used  
30 in this paragraph, "primarily" means at least one-half of the inventory.

**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 (f) The real and personal property of an art museum that is used in conjunction with the public  
2 display of works of art or used to educate the public about art, but not including any portion of the  
3 art museum's real or personal property that is used to sell, or hold out for sale, works of art, re-  
4 productions of works of art or other items to be sold to the public.

5 (g) All real and personal property of a volunteer fire department that is used in conjunction with  
6 services and activities for providing fire protection to all residents within a fire response area.

7 **(h) All real and personal property, including inventory, of a retail store owned by a**  
8 **nonprofit corporation if:**

9 **(A) The retail store deals exclusively in donated inventory; and**

10 **(B) Proceeds of the retail store sales are used to support a not-for-profit housing pro-**  
11 **gram whose purpose is to:**

12 **(i) Acquire property and construct housing for resale to individuals at or below the cost**  
13 **of acquisition and construction; and**

14 **(ii) Provide loans bearing no interest to individuals purchasing housing through the pro-**  
15 **gram.**

16 (2) An art museum or institution shall not be deprived of an exemption under this section solely  
17 because its primary source of funding is from one or more governmental entities.

18 (3) An institution shall not be deprived of an exemption under this section because its purpose  
19 or the use of its property is not limited to relieving pain, alleviating disease or removing constraints.

20 (4) As used in this section:

21 (a) "Art museum" means a nonprofit corporation organized to display works of art to the public.

22 (b) "Internal Revenue Code" means the federal Internal Revenue Code as amended and in effect  
23 on December 31, 2004.

24 (c) "Nonprofit corporation" means a corporation that:

25 (A) Is organized not for profit, pursuant to ORS chapter 65 or any predecessor of ORS chapter  
26 65; or

27 (B) Is organized and operated as described under section 501(c) of the Internal Revenue Code.

28 (d) "Volunteer fire department" means a nonprofit corporation organized to provide fire pro-  
29 tection services in a specific response area.

30 **SECTION 2. The amendments to ORS 307.130 by section 1 of this 2007 Act apply to tax**  
31 **years beginning on or after July 1, 2008.**

32 **SECTION 3. This 2007 Act takes effect on the 91st day after the date on which the reg-**  
33 **ular session of the Seventy-fourth Legislative Assembly adjourns sine die.**

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