

Senate Bill 171

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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**.

Permits counties to share tax return information when taxpayers transfer property between counties or operate businesses in multiple counties.

Applies to property tax returns filed on or after January 1, 2008.

A BILL FOR AN ACT

1
2 Relating to property tax returns; creating new provisions; and amending ORS 308.290.

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

4 **SECTION 1.** ORS 308.290 is amended to read:

5 308.290. (1)(a) Every person and the managing agent or officer of any firm, corporation or asso-
6 ciation owning, or having in possession or under control taxable personal property shall make a
7 return of the property for ad valorem tax purposes to the assessor of the county in which [*such*] **the**
8 property has its situs for taxation. As between a mortgagor and mortgagee or a lessor and lessee,
9 however, the actual owner and the person in possession may agree between them as to who shall
10 make the return and pay the tax, and the election shall be followed by the person in possession of
11 the roll who has notice of the election. Upon the failure of either party to file a personal property
12 tax return on or before March 1 of any year, both parties shall be jointly and severally subject to
13 the provisions of ORS 308.296.

14 (b) Every person and the managing agent or officer of any firm, corporation or association
15 owning or in possession of taxable real property shall make a return of the property for ad valorem
16 tax purposes when so requested by the assessor of the county in which [*such*] **the** property is situ-
17 ated.

18 (2)(a) Each return of personal property shall contain a full listing of [*such*] **the** property and a
19 statement of its real market value, including a separate listing of those items claimed to be exempt
20 as imports or exports. Each statement shall contain a listing of the additions or retirements made
21 since the prior January 1, indicating the book cost and the date of acquisition or retirement. Each
22 return shall contain the name, assumed business name, if any, and address of the owner of the per-
23 sonal property and, if it is a partnership, the name and address of each general partner or, if it is
24 a corporation, the name and address of its registered agent.

25 (b) Each return of real property shall contain a full listing of the several items or parts of
26 [*such*] **the** property specified by the **county** assessor and a statement exhibiting their real market
27 value. Each return shall contain a listing of the additions and retirements made during the year
28 indicating the book cost, book value of the additions and retirements or the appraised real market
29 value of retirements as specified in the return by the assessor.

30 (c) There shall be annexed to each return the affidavit or affirmation of the person making the

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 return that the statements contained in the return are true. All returns shall be in [*such form as the*
2 *assessor*] **a form that the county assessor**, with the approval of the Department of Revenue, may
3 prescribe. Prior to December 31 preceding the assessment year, the department or assessor shall
4 cause blank forms for the returns to be prepared and distributed by mail, but failure to receive or
5 secure the form [*shall*] **does** not relieve the person, managing agent or officer from the obligation
6 of making any return required by this section.

7 (3) All returns shall be filed on or before March 1 of each year, but the **county** assessor, upon
8 written request filed with the assessor prior to that date and for good cause shown in the request,
9 shall allow for an extension of time within which to file the return to April 15. The department shall
10 adopt rules for the granting of extensions under this subsection.

11 (4)(a) In lieu of the returns required under subsection (1)(a) or (b) of this section, every person
12 and the managing agent or officer of any firm, corporation or association owning or having in pos-
13 session or under control taxable real and personal property that is either principal industrial prop-
14 erty or secondary industrial property as defined by ORS 306.126 (1) and is appraised by the
15 department shall file a combined return of the real and personal property with the department.

16 (b) The contents and form of the return shall be as prescribed by rule of the department. Any
17 form shall comply with ORS 308.297. Notwithstanding ORS 308.875, a manufactured structure that
18 is a part of an industrial property shall be included in a combined return.

19 (c) In order that the **county** assessor may comply with ORS 308.295, the department shall pro-
20 vide a list to the assessor of all combined returns that are required to be filed with the department
21 under this subsection but that were not filed on or before the due date or within the time allowed
22 by an extension.

23 (d) If the department has delegated appraisal of the property to the **county** assessor under ORS
24 306.126 (3), the department shall notify the person otherwise required to file the combined return
25 under this subsection as soon as practicable after the delegation that the combined return is re-
26 quired to be filed with the [*county*] assessor.

27 (e) Notwithstanding subsection (1) or (3) of this section, a combined return of real and personal
28 property that is industrial property appraised by the department shall be filed with the department
29 on or before March 1 of the year.

30 (5)(a) Any person required to file a return under subsection (4) of this section may apply to the
31 Department of Revenue for an extension of the time within which to file the return to April 15.
32 An extension granted under this subsection shall continue in effect for each subsequent year unless
33 canceled by the person or revoked by the department. An extension granted under this subsection
34 shall apply to returns required to be filed with either the county assessor or the department. The
35 department shall provide for notification of [*county*] assessors of the granting of extensions under
36 this subsection.

37 (b) The Department of Revenue shall, by rule, establish procedures and criteria for the granting
38 of extensions provided for under paragraph (a) of this subsection. [*The department shall adopt such*
39 *rules after consultation*] **When the department adopts rules under this subsection, the depart-**
40 **ment shall consult** with an advisory committee selected by the department that represents the in-
41 terests of county assessors and affected taxpayers.

42 (6) [*No return shall be*] **A return is not in any respect** controlling on the **county** assessor or
43 on the Department of Revenue [*in any respect*] in the assessment of any property. On any failure to
44 file the required return, the property shall be listed and evaluated from the best information ob-
45 tainable from other sources.

1 (7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 shall
 2 be confidential records of the office in which *[such]* **the** returns are filed.

3 (b) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this
 4 subsection may be disclosed to:

5 (A) The Department of Revenue or its representative;

6 (B) The representatives of the Secretary of State or to an accountant engaged by a county under
 7 ORS 297.405 to 297.555 for the purpose of auditing the county's personal property tax assessment
 8 roll (including adjustments to returns made by the Department of Revenue);

9 (C) The county **assessor, the county tax collector, the assessor's representative** or the tax
 10 collector's representative for the purpose of:

11 (i) Collecting delinquent **real or** personal property taxes; **or**

12 (ii) **Correctly reflecting on the tax roll information reported on returns filed by a busi-**
 13 **ness operating in more than one county or transferring property between counties in this**
 14 **state during the tax year;**

15 (D) Any reviewing authority to the extent the return being disclosed relates to an appeal
 16 brought by a taxpayer;

17 (E) The Division of Child Support of the Department of Justice or a district attorney to the
 18 extent the return being disclosed relates to a case for which the Division of Child Support or the
 19 district attorney is providing support enforcement services under ORS 25.080; or

20 (F) The Legislative Revenue Officer for the purpose of preparation of reports, estimates and
 21 analyses required by ORS 173.800 to 173.850.

22 (c) Notwithstanding paragraph (a) of this subsection:

23 (A) The Department of Revenue may exchange property tax information with the authorized
 24 agents of the federal government and the several states on a reciprocal basis, **or with county**
 25 **assessors, county tax collectors or authorized representatives of assessors or tax**
 26 **collectors.**

27 (B) Information regarding the valuation of leased property reported on a property return filed
 28 by a lessor under this section may be disclosed to the lessee or other person in possession of the
 29 property. Information regarding the valuation of leased property reported on a property return filed
 30 by a lessee under this section may be disclosed to the lessor of the property.

31 (8) If the assessed value of any personal property in possession of a lessee is less than the
 32 maximum amount of the assessed value of taxable personal property for which ad valorem property
 33 taxes may be canceled under ORS 308.250, the person in possession of the roll may disregard an
 34 election made under subsection (1) of this section and assess the owner or lessor of the property.

35 **SECTION 2. The amendments to ORS 308.290 by section 1 of this 2007 Act apply to**
 36 **property tax returns filed on or after January 1, 2008.**