

Enrolled
Senate Bill 172

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Revenue and Office of Regulatory Streamlining of Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to property tax returns; creating new provisions; and amending ORS 308.290 and 308.810.

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

SECTION 1. ORS 308.290 is amended to read:

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

(b) Every person and the managing agent or officer of any firm, corporation or association owning or in possession of taxable real property shall make a return of the property for ad valorem tax purposes when so requested by the assessor of the county in which such property is situated.

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

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

(c) There shall be annexed to each return the affidavit or affirmation of the person making the return that the statements contained in the return are true. All returns shall be in such form as the assessor, with the approval of the Department of Revenue, may prescribe. Prior to December 31 preceding the assessment year, the department or assessor shall cause blank forms for the returns

to be prepared and distributed by mail, but failure to receive or secure the form shall not relieve the person, managing agent or officer from the obligation of making any return required by this section.

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

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

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

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

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

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

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

(b) The Department of Revenue shall, by rule, establish procedures and criteria for the granting of extensions provided for under paragraph (a) of this subsection. The department shall adopt such rules after consultation with an advisory committee selected by the department that represents the interests of county assessors and affected taxpayers.

(6) No return shall be controlling on the assessor or on the Department of Revenue in any respect in the assessment of any property. On any failure to file the required return, the property shall be listed and evaluated from the best information obtainable from other sources.

(7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 shall be confidential records of the office in which such returns are filed[.] **or of the office to which the returns are forwarded under paragraph (b) of this subsection.**

(b) The assessor or the department may forward any return received in error to the department or the county official responsible for appraising the property described in the return.

[(b)] (c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this subsection may be disclosed to:

(A) The Department of Revenue or its representative;

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

(C) The county tax collector or the tax collector's representative for the purpose of collecting delinquent personal property taxes;

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

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

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

[(c)] (d) Notwithstanding paragraph (a) of this subsection:

(A) The Department of Revenue may exchange property tax information with the authorized agents of the federal government and the several states on a reciprocal basis.

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

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

SECTION 2. ORS 308.810 is amended to read:

308.810. (1) Every association referred to in ORS 308.805 shall make and file with the Department of Revenue, on or before [February] **March** 1 of each year, in such form and on such blanks as the department may prescribe and provide, the statement required under ORS 308.520 and 308.525, and shall include therein the amount of all its gross revenue subject to the tax levied by ORS 308.805 for the calendar year preceding the making of such statement. The association shall compute and forward on or before July 1 of each year the lesser of the tax calculated under ORS 308.807 (1) on such gross revenue or the tax calculated under ORS 308.807 (2) on the real market value of the transmission and distribution lines used or operated by the association.

(2) The department shall notify the association of the real market value of the transmission and distribution lines used or operated by the association on or before the date fixed for notices of assessment to be issued under ORS 308.595 (2).

SECTION 3. The amendments to ORS 308.290 and 308.810 by sections 1 and 2 of this 2007 Act apply to property tax returns filed on or after January 1, 2008, for tax years beginning on or after July 1, 2008.

Passed by Senate February 21, 2007

Repassed by Senate May 17, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House May 15, 2007

.....
Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State