

Senate Bill 662

Sponsored by Senator NELSON, Representative JENSON

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**.

Modifies late filing deadline for exempt organizations to file statement of intent to seek exemption for real or personal property to date property tax roll is frozen.

A BILL FOR AN ACT

1
2 Relating to statement required for tax exemption; amending ORS 307.162.

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

4 **SECTION 1.** ORS 307.162 is amended to read:

5 307.162. (1) Before any real or personal property may be exempted from taxation under ORS
6 307.115, 307.118, 307.130 to 307.140, 307.145, 307.147, 307.150, 307.160 or 307.580 for any tax year, the
7 institution or organization claiming the exemption shall file with the county assessor, on or before
8 April 1 of the assessment year, a statement verified by the oath or affirmation of the president or
9 other proper officer of the institution or organization, listing all real or personal property claimed
10 to be exempt and showing the purpose for which such property is used. However:

11 (a) If the ownership of all property included in the statement filed with the county assessor for
12 a prior year remains unchanged, a new statement shall not be required.

13 (b) When the property designated in the claim for exemption is acquired after March 1 and be-
14 fore July 1, the claim for that year shall be filed within 30 days from the date of acquisition of the
15 property.

16 (c) As used in this subsection, "ownership" means legal and equitable title.

17 (2) Notwithstanding subsection (1) of this section, a statement may be filed under this section
18 on or before [*December 31*] **September 25** of the assessment year for which exemption is first de-
19 sired. However, any statement filed after the time for filing the statement specified in subsection (1)
20 of this section must be accompanied by a late filing fee of the greater of \$200, or one-tenth of one
21 percent of the real market value of the property to which the statement pertains, as determined for
22 the assessment year by the assessor for this purpose. If the statement is not accompanied by the late
23 filing fee or if the late filing fee is not otherwise paid, no exemption shall be allowed for the tax
24 year based upon a statement filed pursuant to this subsection. A statement may be filed under this
25 section notwithstanding that there are no grounds for hardship as required for late filing under ORS
26 307.475. The value of the property used to determine the late filing fee under this section is
27 appealable in the same manner as other acts of the county assessor. Any filing fee collected under
28 this section shall be deposited to the county general fund.

29 (3)(a) Notwithstanding subsection (1) of this section, if an institution or organization owns
30 property that is exempt from taxation under a provision of law listed in subsection (1) of this section
31 and fails to make a timely application for exemption under subsection (1) of this section for additions

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 or improvements to the exempt property, the additions or improvements may nevertheless qualify for
 2 exemption.

3 (b) The organization must file an application with the county assessor to have the additions or
 4 improvements to the exempt property be exempt from taxation. The application shall:

- 5 (A) Describe the additions or improvements to the exempt property;
- 6 (B) Describe the current use of the property that is the subject of the application;
- 7 (C) Identify the tax year and any preceding tax years for which the exemption is sought;
- 8 (D) Contain any other information required by the Department of Revenue; and
- 9 (E) Be accompanied by a late filing fee equal to the product of the number of tax years for

10 which exemption is sought multiplied by the greater of \$200 or one-tenth of one percent of the real
 11 market value, as of the most recent assessment date, of the property that is the subject of the ap-
 12 plication.

13 (c) Upon the county assessor's receipt of a completed application and late filing fee, the assessor
 14 shall determine if the property that is the subject of the application, for each tax year for which
 15 exemption is sought, would have qualified for exemption had a timely statement been filed under
 16 subsection (1) of this section. Any property that would have qualified for exemption had a timely
 17 statement under subsection (1) of this section been filed shall be exempt from taxation for each tax
 18 year for which the property would have so qualified.

19 (d) An application for exemption under this subsection may be filed only for tax years for which
 20 the time for filing a statement under subsections (1) and (2) of this section has expired. An applica-
 21 tion filed under this subsection, however, may serve as the statement required under subsection (1)
 22 of this section for the current assessment year.

23 (e) For each tax year for which an exemption granted pursuant to this subsection applies:

24 (A) Any tax, or interest attributable thereto, that was paid with respect to the property that is
 25 declared exempt from taxation, shall be refunded. Refunds shall be made from the unsegregated tax
 26 collections account established under ORS 311.385.

27 (B) Any tax, or interest attributable thereto, that remains unpaid as of the date the exemption
 28 is granted, shall be abated.

29 (f) A late filing fee collected under this subsection shall be deposited in the county general fund.

30 (4) If an institution or organization owns property that is exempt from taxation under a pro-
 31 vision of law listed in subsection (1) of this section and changes the use of the property to a use that
 32 would not entitle the property to exemption from taxation, the institution or organization shall no-
 33 tify the county assessor of the change to a taxable use within 30 days of the change in use.