

A-Engrossed
Senate Bill 814

Ordered by the Senate April 30
Including Senate Amendments dated April 30

Sponsored by COMMITTEE ON FINANCE AND REVENUE

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.

Permits [*assessor or*] tax roll officer to correct errors in valuation judgment at any time during appeal to tax court if correction results in reduced tax. **Provides that corrections by assessor or tax roll officer to accounts appraised by Department of Revenue may not be made without approval of department.**

A BILL FOR AN ACT

1
2 Relating to taxation; amending ORS 308.242, 311.205 and 311.812.

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

4 **SECTION 1.** ORS 308.242 is amended to read:

5 308.242. (1) The assessor may not make changes in the roll after September 25 of each year ex-
6 cept as provided in subsections (2) and (3) of this section or as otherwise provided by law.

7 (2) After the assessment roll has been certified and on or before December 31, the assessor may
8 make changes in valuation judgment that result in a reduction in the value of property, if so re-
9 quested by the taxpayer or upon the assessor's own initiative. **Corrections under this section to**
10 **accounts appraised by the Department of Revenue pursuant to ORS 306.126 and 308.505 to**
11 **308.665 may not be made without the approval of the department.**

12 (3)(a) If a petition for reduction has been filed with the board of property tax appeals, the
13 assessor may change the roll if the assessor and the petitioner stipulate to a change in valuation
14 judgment that results in a reduction in value. The stipulation may be made at any time up until the
15 convening of the board.

16 (b) Stipulations agreed to by the assessor and the petitioner under this subsection shall be de-
17 livered to the clerk of the board prior to the convening of the board.

18 (c) As used in this subsection, "stipulation" means a written agreement signed by the petitioner
19 and the assessor that specifies a reduction in value to be made to the assessment and tax roll.

20 (4) Any change in value made under subsection (2) or (3) of this section shall be made in the
21 manner specified in ORS 311.205 and 311.216 to 311.232.

22 **SECTION 2.** ORS 311.205 is amended to read:

23 311.205. (1) After the assessor certifies the assessment and tax roll to the tax collector, the of-
24 ficer in charge of the roll may correct errors or omissions in the roll to conform to the facts, as
25 follows:

26 (a) The officer may correct a clerical error. A clerical error is an error on the roll which either
27 arises from an error in the ad valorem tax records of the assessor, or the records of the Department

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 of Revenue for property assessed under ORS 306.126, or which is a failure to correctly reflect the
 2 ad valorem tax records of the assessor, or the records of the Department of Revenue for property
 3 assessed under ORS 306.126, and which, had it been discovered by the assessor or the department
 4 prior to the certification of the assessment and tax roll of the year of assessment would have been
 5 corrected as a matter of course, and the information necessary to make the correction is contained
 6 in such records. Such errors include, but are not limited to, arithmetic and copying errors, and the
 7 omission or misstatement of a land, improvement or other property value on the roll.

8 **(b) The officer may correct an error in valuation judgment at any time in any account**
 9 **when an appeal has been filed in the tax court alleging that the value on the roll is incorrect,**
 10 **if the correction results in a reduction of the tax owed on the account. Corrections under**
 11 **this paragraph to accounts appraised by the department pursuant to ORS 306.126 and 308.505**
 12 **to 308.665 may not be made without the approval of the department. Errors in valuation**
 13 **judgment are those where the assessor or the department would arrive at a different opinion**
 14 **of value. The officer may correct any other error or omission of any kind. Corrections that**
 15 **are not corrections of valuation judgment errors include, but are not limited to, the** [*The of-*
 16 *ficer may not correct an error in valuation judgment, except as provided in ORS 308.242 (2) and (3).*
 17 *Such errors are those where the assessor would arrive at a different opinion of value. The officer may*
 18 *correct any other error or omission of any kind. Corrections that are not corrections of valuation*
 19 *judgment errors include, but are not limited to, the*] elimination of an assessment to one taxpayer of
 20 property belonging to another on the assessment date, the correction of a tax limit calculation, the
 21 correction of a value changed on appeal, or the correction of an error in the assessed value of
 22 property resulting from an error in the identification of a unit of property, but not an error in a
 23 notice filed under ORS 310.060.

24 (c) The officer shall make any change requested by the Department of Revenue which relates
 25 to an assessment of property made by the department under ORS 308.505 to 308.665.

26 (d) The officer shall make any change ordered by the tax court or the Department of Revenue
 27 under ORS 305.288 (1) to (6) or 306.115.

28 (e) The officer shall make any change required under ORS 308A.089.

29 (2)(a) The officer in charge of the roll shall make corrections with the assent and concurrence
 30 of the assessor or the department. The direction for the correction shall be made in writing and
 31 state the type of error and the statutory authority for the correction. Corrections may be made to
 32 the roll for any year or years not exceeding five years prior to the last roll so certified.

33 (b) Any additional taxes resulting from corrections for years prior to the current year shall be
 34 deemed assessed and imposed in the particular year or years as to which the corrections apply.
 35 Addition of tax to a prior year's tax roll, due to corrections under this section, shall not be con-
 36 sidered in calculating the effect of the tax limitation under section 11b, Article XI of the Oregon
 37 Constitution for the current year.

38 (3) A correction made pursuant to this section shall be made in whatever manner necessary to
 39 make the assessment, tax or other proceeding regular and valid. The correction shall be distin-
 40 guishable upon the roll, shall include the date of the correction and shall identify the officer making
 41 the correction. Whenever a correction is to be made after the assessor has delivered the roll to the
 42 tax collector, the effect of which is to increase the assessment to which it relates, except where
 43 made by order of the department, the procedure prescribed in ORS 311.216 to 311.232 shall be fol-
 44 lowed; and the provisions therein with respect to appeals shall likewise apply.

45 (4) Corrections which would result in less than a \$1,000 change in assessed value or real market

1 value shall not change the value for purposes of computing the taxes levied against the property,
2 but shall be made only for purposes of correcting the office records.

3 (5) The remedies under this section are in addition to other remedies provided by law.

4 **SECTION 3.** ORS 311.812 is amended to read:

5 311.812. (1) Except as provided in subsection (2) of this section, interest may not be paid upon
6 any tax refunds made under ORS 311.806.

7 (2) Interest as provided in subsection (3) of this section shall be paid on the following refunds:

8 (a) A refund resulting from the correction under ORS **308.242 (2) or (3) or** 311.205 of an error
9 made by the assessor, **Department of Revenue** or tax collector.

10 (b) A refund resulting from a written stipulation of the county assessor or the county tax col-
11 lector if the written stipulation constitutes a final determination that is not subject to appeal.

12 (c) Any refund ordered by the Department of Revenue if no appeal is taken or can be taken from
13 the department's order.

14 (d) Refunds ordered by the Oregon Tax Court or the Supreme Court if the order constitutes a
15 final determination of the matter.

16 (e) Refunds of taxes collected against real or personal property not within the jurisdiction of the
17 tax levying body.

18 (f) Refunds due to reductions in value ordered by a county board of property tax appeals where
19 no appeal is taken.

20 (g) Refunds due to reductions in value made pursuant to ORS 309.115.

21 (h) Refunds due to a claim for a war veteran's exemption for a prior tax year that is filed pur-
22 suant to ORS 307.262.

23 (3) The interest provided by subsection (2) of this section shall be paid at the rate of one percent
24 per month, or fraction of a month, computed from the time the tax was paid or from the time the
25 first installment thereof was due, whichever is the later. If a discount were given at the time the
26 taxes were paid, interest shall be computed only on the net amount of taxes to be refunded.

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