

# Senate Bill 815

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 **as introduced**.

Provides for treatment of property transferred from taxable entity to tax-exempt entity or from tax-exempt entity to taxable entity during tax year.

## A BILL FOR AN ACT

1  
2 Relating to taxation; amending ORS 311.410.

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

4 **SECTION 1.** ORS 311.410 is amended to read:

5 311.410. (1) Real property or personal property that is subject to taxation on July 1 shall remain  
6 taxable and taxes levied thereon for the ensuing tax year shall become due and payable,  
7 notwithstanding any subsequent transfer of the property to an exempt ownership or use. Taxes that  
8 are unpaid as of the termination of a lease, lease purchase agreement or other instrument resulting  
9 in the taxation of the property shall remain a lien on the property as of the day prior to the ter-  
10 mination of the lease, lease purchase agreement or other instrument. Real or personal property ex-  
11 empt from taxation on July 1 shall remain exempt for the ensuing tax year, notwithstanding any  
12 transfer within the tax year to a taxable ownership or use.

13 (2) A sale or transfer of personal property or any part of personal property does not affect the  
14 lien under ORS 311.405 (3)(a)(A), (4) or (5). Taxes on personal property transferred from a tax exempt  
15 to a taxable ownership or use shall be a lien on any and all of the personal property assessed to the  
16 person and on any and all of the taxable personal property of the person assessed from and including  
17 the date of transfer until paid. The liens shall be subject to this section and ORS 311.405.

18 (3) Notwithstanding ORS 311.405 (4) or (5), real or personal property is exempt **for the ensuing**  
19 **tax year** if the property is transferred or changed from a taxable to an exempt ownership or use  
20 at any time before July 1 of any year. However, if the property is exempt under a provision of ORS  
21 chapter 307 that requires the filing of a claim for exemption, the transfer does not operate to render  
22 the property exempt from taxation for the ensuing tax year unless the required claim for exemption  
23 is filed on or before the date specified in the applicable statute or within 30 days after the date of  
24 acquisition or, if relevant under the applicable exemption statute, the change of use of the property,  
25 whichever is later. This section does not limit other statutes that prescribe filing dates for claiming  
26 an exemption.

27 (4) **Real or personal property is taxable for the ensuing tax year if the property is**  
28 **transferred or changed at any time before July 1 of any year from an exempt ownership to**  
29 **a taxable ownership or taxable use. Transfer of real or personal property from a tax-exempt**  
30 **use to a taxable use at any time between January 1 and June 30 of any year constitutes no-**  
31 **tice to the transferee, owner or person in control of the property that the property will be**

**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 **subject to taxation for the ensuing tax year. In the case of real property, the transferee,**  
2 **owner or person in control of the property shall advise the county assessor of the transfer.**  
3 **In the case of personal property, the transferee, owner or person in control of the property**  
4 **shall make a return of the property that lists the information required by ORS 308.290 within**  
5 **30 days after the transfer.**

6 [(4)] (5) Real property that is the subject of eminent domain proceedings instituted by a public  
7 body shall, for the purposes of this section, be deemed to have been transferred as of the date of  
8 payment therefor, the date of entry into possession by the public body or the date of entry of judg-  
9 ment in the eminent domain proceedings, whichever is earlier.

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