

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 2700

By COMMITTEE ON FINANCE AND REVENUE

June 4

1 On page 4 of the printed A-engrossed bill, after line 25, insert:

2 “**SECTION 2a.** If Senate Bill 594 becomes law, section 2 of this 2009 Act (amending ORS
3 307.162) is repealed and ORS 307.162, as amended by section 3, chapter ___, Oregon Laws 2009
4 (Enrolled Senate Bill 594), is amended to read:

5 “307.162. (1)(a) 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*] **entitled to claim** the exemption [*shall*] **must file a claim** with
8 the county assessor, on or before April 1 [*of the assessment year, a statement*] **preceding the tax**
9 **year for which the exemption is claimed. The claim must contain statements**, verified by the
10 oath or affirmation of the president or other proper officer of the institution or organization, that:

11 “(A) [*Lists*] **List** all real property claimed to be exempt and [*shows*] **show** the purpose for which
12 the real property is used; and

13 “(B) [*Cites*] **Cite** the statutes under which exemption for personal property is claimed.

14 “(b) If the ownership of all property included in the [*statement*] **claim** filed with the county
15 assessor for a prior year remains unchanged, a new [*statement shall not be*] **claim is not** required.

16 “(c) When the property designated in the claim for exemption is acquired after March 1 and
17 before July 1, the claim for that year [*shall*] **must** be filed within 30 days from the date of acqui-
18 sition of the property.

19 “[*d*] For purposes of this subsection, ‘ownership’ means legal and equitable title.]

20 “(2)(a) Notwithstanding subsection (1) of this section, a [*statement*] **claim** may be filed under this
21 section [*on or before December 31 of the assessment year for which exemption is first desired. However,*
22 *any statement filed after the time for filing the statement specified in subsection (1) of this section must*
23 *be*]:

24 “(A) **On or before December 31 of the tax year for which the exemption is claimed, if the**
25 **claim is** accompanied by a late filing fee of the greater of \$200, or one-tenth of one percent of the
26 real market value **as of the most recent assessment date** of the property to which the [*statement*]
27 **pertains, as determined for the assessment year by the assessor for this purpose**] **claim pertains.**

28 “(B) **On or before April 1 of the tax year for which the exemption is claimed, if the claim**
29 **is accompanied by a late filing fee of \$200 and the claimant demonstrates good and sufficient**
30 **cause for failing to file a timely claim, is a first-time filer or is a public entity described in**
31 **ORS 307.090.**

32 “(b) If the [*statement*] **claim** is not accompanied by the late filing fee or if the late filing fee is
33 not otherwise paid, [*no exemption shall*] **an exemption may not** be allowed for the tax year [*based*]
34 **upon a statement**] **sought by the claim** filed pursuant to this subsection. A [*statement*] **claim** may
35 be filed under this [*section*] **subsection** notwithstanding that there are no grounds for hardship as

1 required for late filing under ORS 307.475.

2 “(c) The value of the property used to determine the late filing fee under this [section is] **sub-**
3 **section and the determination of the county assessor relative to a claim of good and suffi-**
4 **cient cause are** appealable in the same manner as other acts of the county assessor.

5 “(d) [Any] A filing fee collected under this [section shall] **subsection must** be deposited [to] in
6 the county general fund.

7 “(3) As used in this section:

8 “(a) ‘First-time filer’ means a claimant that:

9 “(A) Has never filed a claim for the property that is the subject of the current claim; and

10 “(B) Did not receive notice from the county assessor on or before December 1 of the tax
11 year for which exemption is claimed regarding the potential property tax liability of the
12 property.

13 “(b)(A) ‘Good and sufficient cause’ means an extraordinary circumstance beyond the
14 control of the taxpayer or the taxpayer’s agent or representative that causes the failure to
15 file a timely claim.

16 “(B) ‘Good and sufficient cause’ does not include hardship, reliance on misleading infor-
17 mation unless the information is provided by an authorized tax official in the course of the
18 official’s duties, lack of knowledge, oversight or inadvertence.

19 “(c) ‘Ownership’ means legal and equitable title.

20 “[3)(a)] (4)(a) Notwithstanding subsection (1) of this section, if an institution or organization
21 owns property that is exempt from taxation under a provision of law listed in subsection (1) of this
22 section and fails to [make] **file** a timely [application] **claim** for exemption under subsection (1) of this
23 section for additions or improvements to the exempt property, the additions or improvements may
24 nevertheless qualify for exemption.

25 “(b) The organization must file [an application] **a claim for exemption** with the county assessor
26 to have the additions or improvements to the exempt property be exempt from taxation. The [appli-
27 cation shall] **claim must**:

28 “(A) Describe the additions or improvements to the exempt property;

29 “(B) Describe the current use of the property that is the subject of the application;

30 “(C) Identify the tax year and any preceding tax years for which the exemption is sought;

31 “(D) Contain any other information required by the Department of Revenue; and

32 “(E) Be accompanied by a late filing fee equal to the product of the number of tax years for
33 which exemption is sought multiplied by the greater of \$200 or one-tenth of one percent of the real
34 market value[,] as of the most recent assessment date[,] of the property that is the subject of the
35 [application] **claim**.

36 “(c) Upon the county assessor’s receipt of a completed [application] **claim** and late filing fee, the
37 assessor shall determine [if the property that is the subject of the application,] for each tax year for
38 which exemption is sought[,] **whether the additions or improvements that are the subject of the**
39 **claim** would have qualified for exemption had a timely [statement] **claim** been filed under subsection
40 (1) of this section. Any property that would have qualified for exemption had a timely [statement]
41 **claim been filed** under subsection (1) of this section [been filed shall be] **is** exempt from taxation for
42 each tax year for which the property would have [so] qualified.

43 “(d) [An application] **A claim** for exemption under this subsection may be filed only for tax years
44 for which the time for filing a [statement] **claim** under subsections (1) and (2) of this section has
45 expired. [An application] **A claim** filed under this subsection, however, may serve as the

1 [statement] **claim** required under subsection (1) of this section for the current [assessment] **tax** year.
2 “(e) For each tax year for which an exemption granted pursuant to this subsection applies:
3 “(A) Any tax, or interest attributable thereto, that was paid with respect to the property that
4 is declared exempt from taxation[, shall] **must** be refunded. Refunds [shall] **must** be made from the
5 unsegregated tax collections account established under ORS 311.385.
6 “(B) Any tax, or interest attributable thereto, that remains unpaid as of the date the exemption
7 is granted[, shall] **must** be abated.
8 “(f) A late filing fee collected under this subsection [shall] **must** be deposited in the county
9 general fund.
10 “[4] **(5)** If an institution or organization owns property that is exempt from taxation under a
11 provision of law listed in subsection (1) of this section and changes the use of the property to a use
12 that would not entitle the property to exemption from taxation, the institution or organization
13 [shall] **must** notify the county assessor of the change to a taxable use within 30 days [of the change
14 in use].”
15 _____