

Updated Sponsors

# House Bill 3640

Sponsored by Representative HOYLE; Representatives CLEM, DOHERTY, HOLVEY, KAHL, KOTEK, NOLAN, RILEY, Senator EDWARDS (Presession filed.)

## 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**.

Requires county assessor in county with population of more than 340,000 to cancel property tax assessment for manufactured structures if total assessed value of all manufactured structures taxable as personal property of taxpayer is less than \$12,500.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to cancellation of ad valorem tax assessment of personal property; creating new provisions;  
3 amending ORS 308.250 and 308.290; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308.250 is amended to read:

6 308.250. (1) All personal property not exempt from ad valorem taxation or subject to special  
7 assessment shall be valued at 100 percent of its real market value, as of January 1, at 1:00 a.m. and  
8 shall be assessed at its assessed value determined as provided in ORS 308.146.

9 (2)(a) If the total assessed value of all taxable personal property required to be reported under  
10 ORS 308.290 in any county of any taxpayer is less than \$12,500 in any assessment year, the county  
11 assessor shall cancel the ad valorem tax assessment **for property required to be reported under**  
12 **ORS 308.290** for that year.

13 (b) **If, in a county with a population of more than 340,000, the total assessed value of all**  
14 **manufactured structures taxable as personal property under ORS 308.875 of any taxpayer is**  
15 **less than \$12,500 in any assessment year, the county assessor shall cancel the ad valorem**  
16 **tax assessment for the manufactured structures for that year.**

17 (3) In any assessment year or years following an assessment year for which taxes are canceled  
18 under subsection (2)(a) of this section, the taxpayer may meet the requirements of ORS 308.290 by  
19 filing, within the time required or extended under ORS 308.290, a verified statement with the county  
20 assessor indicating that the total assessed value of all taxable personal property of the taxpayer  
21 required to be reported under ORS 308.290 in the county is less than \$12,500. The statement shall  
22 contain the name and address of the taxpayer, the information needed to identify the account and  
23 other pertinent information, but shall not be required to contain a listing or value of property or  
24 property additions or retirements.

25 (4)(a) For each tax year beginning on or after July 1, 2003, the Department of Revenue shall  
26 recompute the maximum amount of the assessed value of taxable personal property **in subsection**  
27 **(2)(a) and (b) of this section** for which ad valorem property taxes may be canceled under this  
28 section. The computation shall be as follows:

**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 (A) Divide the average U.S. City Average Consumer Price Index for the prior calendar year by  
 2 the average U.S. City Average Consumer Price Index for 2002.

3 (B) Recompute the maximum amount of assessed value for which taxes may be canceled **under**  
 4 **subsection (2)(a) or (b) of this section** by multiplying \$12,500 by the appropriate indexing factor  
 5 determined as provided in subparagraph (A) of this paragraph.

6 (b) As used in this subsection, “U.S. City Average Consumer Price Index” means the U.S. City  
 7 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of  
 8 Labor Statistics of the United States Department of Labor.

9 (c) If any change in the maximum amount of assessed value determined under paragraph (a) of  
 10 this subsection is not a multiple of \$500, the increase shall be rounded to the nearest multiple of  
 11 \$500.

12 **SECTION 2.** ORS 308.290 is amended to read:

13 308.290. (1)(a) Except as provided in paragraph (b) of this subsection, every person and the  
 14 managing agent or officer of any business, firm, corporation or association owning, or having in  
 15 possession or under control taxable personal property shall make a return of the property for ad  
 16 valorem tax purposes to the assessor of the county in which the property has its situs for taxation.  
 17 As between a mortgagor and mortgagee or a lessor and lessee, however, the actual owner and the  
 18 person in possession may agree between them as to who shall make the return and pay the tax, and  
 19 the election shall be followed by the person in possession of the roll who has notice of the election.  
 20 Upon the failure of either party to file a personal property tax return on or before March 1 of any  
 21 year, both parties shall be jointly and severally subject to the provisions of ORS 308.296.

22 (b) Paragraph (a) of this subsection does not apply to personal property exempt from taxation  
 23 under ORS 307.162.

24 (2) Every person and the managing agent or officer of any business, firm, corporation or asso-  
 25 ciation owning or in possession of taxable real property shall make a return of the property for ad  
 26 valorem tax purposes when so requested by the assessor of the county in which the property is sit-  
 27 uated.

28 (3)(a) Each return of personal property shall contain a full listing of the property and a state-  
 29 ment of its real market value, including a separate listing of those items claimed to be exempt as  
 30 imports or exports. Each statement shall contain a listing of the additions or retirements made since  
 31 the prior January 1, indicating the book cost and the date of acquisition or retirement. Each return  
 32 shall contain the name, assumed business name, if any, and address of the owner of the personal  
 33 property and, if it is a partnership, the name and address of each general partner or, if it is a cor-  
 34 poration, the name and address of its registered agent.

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

40 (c) There shall be annexed to each return the affidavit or affirmation of the person making the  
 41 return that the statements contained in the return are true. All returns shall be in a form that the  
 42 county assessor, with the approval of the Department of Revenue, may prescribe. Prior to December  
 43 31 preceding the assessment year, the department or assessor shall cause blank forms for the returns  
 44 to be prepared and distributed by mail, but failure to receive or secure the form does not relieve the  
 45 person, managing agent or officer from the obligation of making any return required by this section.

1 (4) All returns shall be filed on or before March 1 of each year, but the county assessor or the  
 2 Department of Revenue may grant an extension of time to April 15 within which to file the return  
 3 as provided by subsection (6), (7) or (8) of this section.

4 (5)(a) In lieu of the returns required under subsection (1)(a) or (2) of this section, every person  
 5 and the managing agent or officer of any business, firm, corporation or association owning or having  
 6 in possession or under control taxable real and personal property that is either principal industrial  
 7 property or secondary industrial property as defined in ORS 306.126 (1) and is appraised by the  
 8 Department of Revenue shall file a combined return of the real and personal property with the de-  
 9 partment.

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

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

17 (d) If the department has delegated appraisal of the property to the county assessor under ORS  
 18 306.126 (3), the department shall notify the person otherwise required to file the combined return  
 19 under this subsection as soon as practicable after the delegation that the combined return is re-  
 20 quired to be filed with the assessor.

21 (e) Notwithstanding subsection (2) of this section, a combined return of real and personal prop-  
 22 erty that is industrial property appraised by the department shall be filed with the department on  
 23 or before March 1 of the year.

24 (6)(a) Any person required to file a return under subsection (5) of this section may apply to the  
 25 Department of Revenue for an extension of time to April 15, within which to file the return.

26 (b) Extensions granted under this subsection may be based on a finding by the department that:

27 (A) Good or sufficient cause exists for granting an extension for the property tax year of the  
 28 return; or

29 (B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term  
 30 voluntary compliance. An extension granted under this subparagraph shall continue in effect for  
 31 each subsequent property tax year until the taxpayer cancels the extension or the department re-  
 32 vokes the extension.

33 (c) An extension granted under this subsection shall apply to returns required to be filed under  
 34 subsection (5) of this section with either the county assessor or the department.

35 (d) The department shall notify assessors in affected counties when the department grants ex-  
 36 tensions under this subsection.

37 (7)(a) Except as provided in subsection (6) of this section, any person required to file a return  
 38 with the county assessor under this section may apply to the assessor for an extension of time to  
 39 April 15 within which to file the return.

40 (b) Extensions granted under this subsection may be based on a finding by the assessor that:

41 (A) Good or sufficient cause exists for granting an extension for the property tax year of the  
 42 return; or

43 (B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term  
 44 voluntary compliance. An extension granted under this subparagraph shall continue in effect for  
 45 each subsequent property tax year until the taxpayer cancels the extension or the assessor revokes

1 the extension.

2 (8)(a) Any person required to file returns in more than one county may apply to the Department  
 3 of Revenue for an extension of time to April 15 within which to file the returns. The department  
 4 may grant extensions to a person required to file returns in more than one county.

5 (b) Extensions granted under this subsection may be based on a finding by the department that:

6 (A) Good or sufficient cause exists for granting an extension for the property tax year of the  
 7 return; or

8 (B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term  
 9 voluntary compliance. An extension granted under this subparagraph shall continue in effect for  
 10 each subsequent property tax year until the taxpayer cancels the extension or the department re-  
 11 vokes the extension.

12 (c) Whenever the department grants an extension to a person required to file returns in more  
 13 than one county, the department shall notify the assessors in the counties affected by the extensions.

14 (9) The Department of Revenue shall, by rule, establish procedures and criteria for granting,  
 15 denying or revoking extensions under this section after consultation with an advisory committee  
 16 selected by the department that represents the interests of county assessors and affected taxpayers.

17 (10) A return is not in any respect controlling on the county assessor or on the Department of  
 18 Revenue in the assessment of any property. On any failure to file the required return, the property  
 19 shall be listed and assessed from the best information obtainable from other sources.

20 (11)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are  
 21 confidential records of the Department of Revenue or the county assessor's office in which the re-  
 22 turns are filed or of the office to which the returns are forwarded under paragraph (b) of this sub-  
 23 section.

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

26 (c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this  
 27 subsection may be disclosed to:

28 (A) The Department of Revenue or its representative;

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

32 (C) The county assessor, the county tax collector, the assessor's representative or the tax  
 33 collector's representative for the purpose of:

34 (i) Collecting delinquent real or personal property taxes; or

35 (ii) Correctly reflecting on the tax roll information reported on returns filed by a business op-  
 36 erating in more than one county or transferring property between counties in this state during the  
 37 tax year;

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

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

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

45 (d) Notwithstanding paragraph (a) of this subsection:

1 (A) The Department of Revenue may exchange property tax information with the authorized  
2 agents of the federal government and the several states on a reciprocal basis, or with county  
3 assessors, county tax collectors or authorized representatives of assessors or tax collectors.

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

8 (12) If the assessed value of any personal property in possession of a lessee is less than the  
9 maximum amount of the assessed value of taxable personal property for which ad valorem property  
10 taxes may be canceled under ORS 308.250 (2)(a), the person in possession of the roll may disregard  
11 an election made under subsection (1)(a) of this section and assess the owner or lessor of the prop-  
12 erty.

13 **SECTION 3. The amendments to ORS 308.250 and 308.290 by sections 1 and 2 of this 2010**  
14 **Act apply to tax years beginning on or after July 1, 2010.**

15 **SECTION 4. This 2010 Act takes effect on the 91st day after the date on which the special**  
16 **session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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