

Senate Bill 1015

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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**.

Describes proposed boundary change as change that has not become final or effective on or before March 31 and that is certain to become final or effective before July 1 of same year or that is subject to voter approval in election held before July 1 and becomes final or effective before July 1. Applies to property tax years beginning on or after July 1, 2010.

Exempts from ad valorem taxation certain communications equipment, emergency response equipment and other tangible personal property used primarily to respond to shipboard fires or oil spills in navigable waters. Applies to property tax years beginning on or after July 1, 2010.

Exempts from ad valorem taxation property used for other than housing or residential purposes that is part of multiple-unit housing approved for exemption before August 26, 2009, for tax year beginning before July 1, 2009. Directs payment of refunds with interest. Sunsets January 2, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to property taxation; creating new provisions; amending ORS 308.225; and prescribing an
3 effective date.

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

5 **SECTION 1.** ORS 308.225 is amended to read:

6 308.225. (1) In preparing the assessment roll in any year, a county assessor shall disregard
7 changes or proposed changes described in subsections (3), (4) and (5) of this section in the boundary
8 lines of any taxing district levying ad valorem property taxes if the description and map showing
9 changes or proposed changes are not filed in final approved form, in accordance with and at the
10 time required by subsection (2) of this section.

11 (2)(a) If a boundary change is made or proposed, the person, governing body, officer, adminis-
12 trative agency or court [*making the determination that*] **that is or will be responsible for deter-**
13 **mining whether** the boundary change is final shall file with the county assessor and the
14 Department of Revenue the legal description of the [*boundary*] change or proposed change and an
15 accurate map showing the change or proposed change in final approved form, [*prior to the next*] **on**
16 **or before March 31 of the assessment year to which the boundary change applies.**

17 (b)(A) Except as [*is*] otherwise provided in subparagraph (B) of this paragraph, the legal de-
18 scription of the boundary change [*shall*] **must** consist of a series of courses in which the first course
19 [*shall start*] **starts** at a point of beginning and the final course [*shall end at that*] **ends at the** point
20 of beginning. Each course [*shall*] **must** be identified by bearings and distances and, when available,
21 refer to deed lines, deed corners and other monuments, or, in lieu of bearings and distances, be
22 identified by reference to:

23 (i) Township, range, section or section subdivision lines of the [*U.S. Rectangular survey system*]

24 **United States Public Land Survey System.**

25 (ii) Survey center line or right of way lines of public roads, streets or highways.

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 (iii) Ordinary high water or ordinary low water of tidal lands.

2 (iv) Right of way lines of railroads.

3 (v) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.

4 (vi) Donation land claims.

5 (vii) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined
6 in ORS 274.005, or the thread of rivers and streams.

7 (B) In lieu of the requirements of subparagraph (A) of this paragraph, boundary change areas
8 conforming to areas of the [*U. S. Rectangular survey*] **United States Public Land Survey System**
9 may be described by township, section, quarter-section or quarter-quarter section, or if the areas
10 conform to subdivision lots and blocks, may be described by lot and block description.

11 (c) [*A map shall be provided to the filing body by*] The county assessor or the department **shall**
12 **provide a map to the person, body, officer or agency making the filing** within 14 days after the
13 filing body notifies the assessor and department that a boundary change is being proposed. [*The*
14 *boundary line shall then be accurately entered thereon by the person, body, officer or agency making*
15 *the filing.*] **Upon receipt, the filing body shall accurately enter the boundary line on the map.**

16 (d) The description and map [*shall*] **must** be filed in final approved form [*not later than*] **on or**
17 **before** March 31 of the assessment year to which the **boundary** change applies. Proposed
18 [*boundary*] changes [*shall*] **must** be certified to the county assessor and the department in the same
19 manner as [*boundary*] changes. If the taxing district is located in more than one county, the de-
20 scription and map shall be filed with the assessor in each county and with the department within
21 the time provided in this subsection.

22 (3) For purposes of this section, boundary change means the change that occurs in the bounda-
23 ries of a district by reason of:

24 (a) The formation of a new district;

25 (b) The consolidation or merger of two or more districts or parts thereof;

26 (c) The annexation of territory by a district;

27 (d) The withdrawal of territory from a district; or

28 (e) The dissolution of a district.

29 (4) For purposes of this section, the establishment of tax zones within a district constitutes a
30 boundary change.

31 (5) For [*the*] purposes of this section, a proposed change means a boundary change [*which*] **that**
32 has not become final or effective [*by*] **on or before** March 31[, *but which*] **and that:**

33 (a) Is certain to become final or effective [*prior to*] **before** July 1 of the same year; **or**

34 (b) **Is subject to voter approval in an election held before July 1 of the same year and that**
35 **becomes final or effective before July 1 of the same year.**

36 (6) Each description and map filed under subsection (2) of this section shall be submitted to the
37 Department of Revenue and approved or disapproved within 30 days of receipt.

38 (7) Within five days of its determination, the Department of Revenue shall mail to each county
39 assessor with whom a filing has been made and to the filing body notice of its approval or disap-
40 proval under subsection (6) of this section. If disapproved, the department shall explain what steps
41 must be taken to correct the description or map, and shall cooperate with the filing body in helping
42 it meet the requirements of this section, and whenever possible, the filing [*date*] **deadline** of March
43 31. Corrected descriptions and maps must then be resubmitted to the department, and approved, and
44 filed with the assessor or assessors.

45 (8) The filing of the description and map under this section is for assessment and taxation pur-

1 poses only and does not affect or relate to filing for any other purpose.

2 **SECTION 2.** Section 3 of this 2010 Act is added to and made a part of ORS chapter 307.

3 **SECTION 3.** Communications equipment, emergency response equipment and other tan-
4 gible personal property is exempt from ad valorem property taxation if the equipment or
5 property is:

6 (1) Acquired or used primarily for the purposes of responding to and maintaining the
7 capability to respond to shipboard fires or oil spills in navigable waters;

8 (2) Owned by a nonprofit corporation organized under ORS chapter 65 that operates as
9 a maritime fire and safety association; and

10 (3) Made available by the nonprofit corporation for use by a federal, state or local emer-
11 gency response agency pursuant to a mutual aid compact.

12 **SECTION 4.** (1) Property used for other than housing or residential purposes that is a
13 part of multiple-unit housing is a part of multiple-unit housing within the meaning of ORS
14 307.612 (1)(a) and is exempt from ad valorem taxation under ORS 307.600 to 307.637 for the
15 period determined under ORS 307.612 if the property and the multiple-unit housing of which
16 the property is a part:

17 (a) Were first approved for exemption under ORS 307.600 to 307.637 before August 26,
18 2009, for a tax year beginning before July 1, 2009; and

19 (b) Otherwise continue to be eligible for exemption under ORS 307.600 to 307.637.

20 (2) If a city, county or county assessor terminated all or a portion of an exemption for
21 property described in subsection (1) of this section because the exemption had been approved
22 for or applied to nonhousing or nonresidential uses or improvements, or if the city, county
23 or county assessor issued a determination that an exemption for property described in sub-
24 section (1) of this section was in error because nonhousing and nonresidential uses and im-
25 provements did not qualify for the exemption, the termination or determination is reversed.

26 **SECTION 5.** (1) If taxes on the exempt value described in section 4 (1) of this 2010 Act
27 have not been paid, the taxes and any interest are abated.

28 (2) If taxes on the exempt value have been paid, the tax collector shall notify the gov-
29 erning body of the county of the refund required under this section. Upon receipt of notice
30 from the tax collector, the governing body shall cause a refund of the taxes and any interest
31 paid to be made from the refund reserve account, if the county has established a refund re-
32 serve account under ORS 311.807, or from the unsegregated tax collections account described
33 in ORS 311.385. A refund of taxes under this section shall be considered a refund described
34 in ORS 311.812 (2) and interest shall be paid in the manner provided in ORS 311.812 (3). The
35 county assessor and tax collector shall make the necessary corrections in the records of
36 their offices.

37 **SECTION 6.** Sections 4 and 5 of this 2010 Act are repealed on January 2, 2020.

38 **SECTION 7.** Section 3 of this 2010 Act and the amendments to ORS 308.225 by section 1
39 of this 2010 Act apply to property tax years beginning on or after July 1, 2010.

40 **SECTION 8.** This 2010 Act takes effect on the 91st day after the date on which the special
41 session of the Seventy-fifth Legislative Assembly adjourns sine die.

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