

## SENATE AMENDMENTS TO SENATE BILL 1529

By COMMITTEE ON FINANCE AND REVENUE

February 6

1 On page 1 of the printed bill, line 2, after “308.215” insert “, 311.405”.

2 On page 2, after line 11, insert:

3 “(c) Real property and machinery and equipment listed on the assessment roll shall each bear  
4 a distinctive designation so that machinery and equipment can be identified with the real property  
5 upon which the machinery and equipment is located.”.

6 In line 12, delete “(c)(A)” and insert “(d)(A)”.

7 Delete lines 26 through 28 and insert:

8 “(2) For purposes of the classification of real property required under subsection (1)(a)(C) of this  
9 section, property listed in paragraph (a), (b) or (c) of this subsection must be classified, together with  
10 any other property listed in the respective paragraph, separately from all other property:

11 “(a) Machinery and equipment.

12 “(b) Property appraised under ORS 306.126, other than machinery and equipment.

13 “(c) Industrial property, other than property appraised under ORS 306.126, and commercial  
14 property.”.

15 On page 4, delete lines 23 through 28 and insert:

16 “**SECTION 5. (1) The tax collector of a county in which property taxes on machinery and  
17 equipment are delinquent may, at the tax collector’s discretion, collect the delinquent taxes  
18 pursuant to:**

19 “(a) The provisions of ORS chapter 311 applicable to personal property; or

20 “(b) The provisions of ORS chapter 312 establishing foreclosure proceedings with respect  
21 to liens against real property.

22 “(2) If machinery and equipment and the real property upon which the machinery and  
23 equipment is located are owned by the same persons, both the machinery and equipment and  
24 the real property may be included in a foreclosure proceeding pursuant to ORS chapter 312  
25 whenever the taxes on either the machinery and equipment or the real property are delin-  
26 quent.

27 “**SECTION 6.** ORS 311.405 is amended to read:

28 “311.405. (1)(a) All ad valorem property taxes lawfully imposed or levied on real or personal  
29 property are liens on such real and personal property, respectively. Such taxes include delinquent  
30 taxes on personal property made a lien on real property, and ad valorem property taxes on real or  
31 personal property added to an assessment or tax roll pursuant to ORS 311.216 to 311.232.

32 “(b) If machinery and equipment and the real property upon which the machinery and  
33 equipment is located are owned by the same persons, all ad valorem property taxes lawfully  
34 imposed or levied on the machinery and equipment are a lien on the real property on which  
35 the machinery and equipment is located.

1           “(2) Taxes on real property shall be a lien thereon from and including July 1 of the year in  
2 which they are levied until paid and, except as otherwise specifically provided by law, such lien  
3 shall not be voided or impaired.

4           “(3)(a) Taxes on personal property shall be a lien:

5           “(A) On any and all of the particular personal property assessed and on any and all of the per-  
6 sonal property assessed as the same category, as disclosed by the property tax return and assess-  
7 ment list; and

8           “(B) For purposes of distraint, on any and all of the taxable personal property owned by or in  
9 the possession or control of the person assessed.

10          “(b) The liens for taxes on personal property shall attach on and after July 1 of the year of as-  
11 sessment and shall continue until the taxes are paid, except as provided in subsection (4) or (5) of  
12 this section and ORS 311.410.

13          “(c) Notwithstanding paragraph (a) of this subsection, if possession of personal property that is  
14 subject to a perfected security interest is taken by a secured party on default, the lien for taxes on  
15 the property shall be limited to the taxes on the particular property and not the taxes on any other  
16 property of the debtor.

17          “(4)(a) If a manufactured structure or floating home is removed from the county in which it is  
18 assessed to another county in this state on or after January 1 and before July 1 of the assessment  
19 year, taxes on the manufactured structure or floating home shall be a lien on the manufactured  
20 structure or floating home that attaches as of the day preceding the date of removal.

21          “(b) If a manufactured structure or floating home is removed from the county in which it is as-  
22 sessed to a location that is outside this state on or after January 1 and before July 1 of the as-  
23 sessment year, the manufactured structure or floating home shall be removed from the assessment  
24 and tax roll for the corresponding tax year beginning July 1.

25          “(c) The taxes arising from a lien under this subsection may be paid to the tax collector prior  
26 to the completion of the next general property tax roll, pursuant to ORS 311.370.

27          “(d) As used in this subsection, ‘taxes’ means the amount computed using the assessed value  
28 then on the assessment and tax roll for the manufactured structure or floating home or the value  
29 that next would be used on the assessment and tax roll, if known at the time the lien is created,  
30 and the assessor’s best estimate of taxes, special assessments, fees and other charges for the tax  
31 year that corresponds to the assessment year in which the removal occurs.

32          “(5)(a) If taxable personal property, other than a manufactured structure or floating home, is  
33 removed from the county in which it is assessed, or is sold or otherwise transferred to another  
34 owner, on or after January 1 and before July 1 of the assessment year, taxes on the removed, sold  
35 or transferred personal property shall be a lien on the personal property described in subsection  
36 (3)(a)(A) of this section that attaches as of the day preceding the date of removal, sale or transfer.

37          “(b) The taxes arising from a lien under this subsection may be paid to the tax collector prior  
38 to the completion of the next general property tax roll, pursuant to ORS 311.370.

39          “(6) Where real or personal property is omitted from the assessment or tax roll prepared as of  
40 January 1 of the current tax year and notice is given pursuant to ORS 311.216 to 311.232 during  
41 such year and the property subsequently is added to such roll pursuant to ORS 311.216 to 311.232,  
42 the taxes shall be a lien on such property and on other property at the same time and in the same  
43 manner as taxes became liens on the taxable property not so omitted from the roll.

44          “(7) Taxes on real and personal property omitted from an assessment or tax roll prepared as of  
45 the assessment date of a prior calendar or tax year and added to such roll pursuant to ORS 311.216

1 to 311.232, shall be a lien on such property from and including the date the addition or correction  
2 is made on such roll. Where the omitted property consists of any building, structure or improvement  
3 which has been severed or removed from the land, the taxes on such property also shall be a lien  
4 against the land. Where the property omitted is personal property, the taxes also shall be a lien on  
5 any and all of the taxable personal property of the person assessed from such date of addition or  
6 correction. However, no taxes shall become a lien on real or personal property under this subsection  
7 where the property was transferred to a bona fide purchaser as defined in ORS 311.235 after the  
8 date the roll was certified in such prior tax year and prior to the lien date provided for hereunder.

9 “(8) Each lien, whether on real or personal property, shall include all interest, penalties and  
10 costs applicable by law to any of such taxes.

11 “(9)(a) Except as provided in paragraph (b) of this subsection, the liens for ad valorem taxes,  
12 including and not limited to the general lien provided by subsection (3)(a)(B) of this section, created  
13 under this section are superior to, have priority over and shall be fully satisfied before all other  
14 liens, judgments, mortgages, security interests or encumbrances on the property without regard to  
15 date of creation, filing or recording.

16 “(b) If it becomes necessary to charge personal property taxes against real property under ORS  
17 311.645, if the county obtains a judgment under ORS 311.455 or records a warrant under ORS  
18 311.625, or if in any other manner personal property taxes are made a lien against real property,  
19 any judgment, mortgage or other lien or encumbrance on the real property that is placed of record  
20 prior to the date the personal property tax becomes a lien on the real property has priority over the  
21 personal property tax lien.”.

22 In line 29, delete “6” and insert “7”.

23 Delete lines 34 through 36 and insert:

24 “**SECTION 8. Section 5 of this 2012 Act and the amendments to ORS 308.115, 308.149,  
25 308.215, 311.405 and 311.510 by sections 1 to 3, 6 and 7 of this 2012 Act apply to property tax  
26 years beginning on or after July 1, 2012.**”.

27 In line 37, delete “8” and insert “9”.

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