

**PROPOSED AMENDMENTS TO
HOUSE BILL 4041**

1 On page 1 of the printed bill, line 2, after “property;” insert “creating new
2 provisions;” and after “307.112” insert “, 307.162”.

3 On page 3, after line 17, insert:

4 **“SECTION 3.** ORS 307.162 is amended to read:

5 “307.162. (1)(a) Before any real or personal property may be exempted from
6 taxation under ORS 307.115, 307.118, 307.130 to 307.140, 307.145, 307.147,
7 307.150, 307.160, **307.181 (3)** or 307.580 for any tax year, the institution or
8 organization entitled to claim the exemption must file a claim with the
9 county assessor, on or before April 1 preceding the tax year for which the
10 exemption is claimed. The claim must contain statements, verified by the
11 oath or affirmation of the president or other proper officer of the institution
12 or organization, that:

13 “(A) List all real property claimed to be exempt and show the purpose for
14 which the real property is used; and

15 “(B) Cite the statutes under which exemption for personal property is
16 claimed.

17 “(b) If the ownership of all property included in the claim filed with the
18 county assessor for a prior year remains unchanged, a new claim is not re-
19 quired.

20 “(c) When the property designated in the claim for exemption is acquired
21 after March 1 and before July 1, the claim for that year must be filed within
22 30 days from the date of acquisition of the property.

1 “(2)(a) Notwithstanding subsection (1) of this section, a claim may be filed
2 under this section for the current tax year:

3 “(A) On or before December 31 of the tax year, if the claim is accompa-
4 nied by a late filing fee of the greater of \$200, or one-tenth of one percent
5 of the real market value as of the most recent assessment date of the prop-
6 erty to which the claim pertains.

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

11 “(b)(A) Notwithstanding subsection (1) of this section, a claimant that
12 demonstrates good and sufficient cause for failing to file a timely claim, is
13 a first-time filer or is a public entity described in ORS 307.090 may file a
14 claim under this section for the five tax years prior to the current tax year:

15 “(i) Within 60 days after the date on which the county assessor mails
16 notice of additional taxes owing under ORS 311.206 for the property to which
17 the claim filed under this subparagraph pertains; or

18 “(ii) At any time if no notice is mailed.

19 “(B) A claim filed under this paragraph must be accompanied by a late
20 filing fee of the greater of \$200, or one-tenth of one percent of the real
21 market value as of the most recent assessment date of the property to which
22 the claim pertains, multiplied by the number of prior tax years for which
23 exemption is claimed.

24 “(c) If a claim filed under this subsection is not accompanied by the late
25 filing fee or if the late filing fee is not otherwise paid, an exemption may
26 not be allowed for the tax years sought by the claim. A claim may be filed
27 under this subsection notwithstanding that there are no grounds for hardship
28 as required for late filing under ORS 307.475.

29 “(d) The value of the property used to determine the late filing fee under
30 this subsection and the determination of the county assessor relative to a

1 claim of good and sufficient cause are appealable in the same manner as
2 other acts of the county assessor.

3 “(e) A late filing fee collected under this subsection must be deposited in
4 the county general fund.

5 “(3) As used in this section:

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

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

9 “(B) Did not receive notice from the county assessor on or before De-
10 cember 1 of the tax year for which exemption is claimed regarding the po-
11 tential property tax liability of the property.

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

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

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

20 “(4)(a) Notwithstanding subsection (1) of this section, if an institution or
21 organization owns property that is exempt from taxation under a provision
22 of law listed in subsection (1) of this section and fails to file a timely claim
23 for exemption under subsection (1) of this section for additions or improve-
24 ments to the exempt property, the additions or improvements may neverthe-
25 less qualify for exemption.

26 “(b) The organization must file a claim for exemption with the county
27 assessor to have the additions or improvements to the exempt property be
28 exempt from taxation. The claim must:

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

30 “(B) Describe the current use of the property that is the subject of the

1 application;

2 “(C) Identify the tax year and any preceding tax years for which the ex-
3 emption is sought;

4 “(D) Contain any other information required by the Department of Reve-
5 nue; and

6 “(E) Be accompanied by a late filing fee equal to the product of the
7 number of tax years for which exemption is sought multiplied by the greater
8 of \$200 or one-tenth of one percent of the real market value as of the most
9 recent assessment date of the property that is the subject of the claim.

10 “(c) Upon the county assessor’s receipt of a completed claim and late fil-
11 ing fee, the assessor shall determine for each tax year for which exemption
12 is sought whether the additions or improvements that are the subject of the
13 claim would have qualified for exemption had a timely claim been filed under
14 subsection (1) of this section. Any property that would have qualified for
15 exemption had a timely claim been filed under subsection (1) of this section
16 is exempt from taxation for each tax year for which the property would have
17 qualified.

18 “(d) A claim for exemption under this subsection may be filed only for tax
19 years for which the time for filing a claim under subsections (1) and (2)(a)
20 of this section has expired. A claim filed under this subsection, however, may
21 serve as the claim required under subsection (1) of this section for the cur-
22 rent tax year.

23 “(e) A late filing fee collected under this subsection must be deposited in
24 the county general fund.

25 “(5) For each tax year for which an exemption granted pursuant to sub-
26 section (2) or (4) of this section applies:

27 “(a) Any tax, or interest attributable thereto, that was paid with respect
28 to the property that is declared exempt from taxation must be refunded. Re-
29 funds must be made without interest from the unsegregated tax collections
30 account established under ORS 311.385.

1 “(b) Any tax, or interest attributable thereto, that remains unpaid as of
2 the date the exemption is granted must be abated.

3 “(6) If an institution or organization owns property that is exempt from
4 taxation under a provision of law listed in subsection (1) of this section and
5 changes the use of the property to a use that would not entitle the property
6 to exemption from taxation, the institution or organization must notify the
7 county assessor of the change to a taxable use within 30 days.

8 “**SECTION 4. The amendments to ORS 307.162 by section 3 of this**
9 **2012 Act apply to tax years beginning on or after July 1, 2012.”.**

10 In line 18, delete “3” and insert “5”.

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