

Corrected

**A-Engrossed**  
**Senate Bill 808**

Ordered by the Senate April 16  
Including Senate Amendments dated April 16

Sponsored by Senator OLSEN

**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.

Allows higher property tax exemption on property of veterans with service-connected disabilities of 100 percent. **Allows exemption for surviving spouse who remarries for first time after death of veteran after age of 56 years.**

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to the taxation of property of disabled veterans; creating new provisions; amending ORS  
3 307.250 and 307.260; and prescribing an effective date.

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

5 **SECTION 1.** ORS 307.250 is amended to read:

6 307.250. (1) As used in this section and ORS 307.260, 307.262 and 307.270, "veteran" has the  
7 meaning given that term in ORS 408.225.

8 (2) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed  
9 \$15,000 of the assessed value of the homestead or personal property of any of the following residents  
10 of this state other than those described in subsection (3) of this section:

11 (a) Any veteran who is officially certified by the United States Department of Veterans Affairs  
12 or any branch of the Armed Forces of the United States as having disabilities of 40 percent or more.

13 (b) Any veteran having served with the United States Armed Forces who, as certified by one  
14 duly licensed physician, is rated as having disabilities of 40 percent or more. However, a veteran  
15 shall be entitled to the exemption granted under this paragraph only if the veteran during the cal-  
16 endar year immediately preceding the assessment year for which the exemption is claimed had total  
17 gross income, including pensions, disability compensation or retirement pay, or any combination of  
18 such payments from the United States Government on account of such service, of not more than 185  
19 percent of federal poverty guidelines.

20 *[(c) The surviving spouse remaining unmarried of a veteran, but the exemption shall apply only to*  
21 *the period preceding the date of the first remarriage of the surviving spouse.]*

22 **(c)(A) The surviving spouse of a veteran, if the spouse:**

23 **(i) Is 56 years of age or younger and remains unmarried; or**

24 **(ii) Remarried for the first time after the death of the veteran after the age of 56 years.**

25 **(B) With respect to a surviving spouse described in subparagraph (A)(i) of this paragraph,**  
26 **the exemption applies to the period before the date on which the surviving spouse remarries**

**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 **for the first time after the death of the veteran.**

2 (3) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed  
3 \$18,000 of the assessed value of the homestead or personal property of any of the following residents  
4 of this state:

5 (a) Any veteran who is officially certified by the United States Department of Veterans Affairs  
6 or any branch of the Armed Forces of the United States as having service-connected disabilities of  
7 **at least 40 percent [or more] but less than 100 percent.**

8 (b) *[The surviving spouse remaining unmarried of a veteran]* **The surviving spouse of a veteran**  
9 **described in paragraph (c) of this subsection**, if the veteran died as a result of service-connected  
10 injury or illness or if the veteran received at least one year of the maximum exemption from taxa-  
11 tion allowed under paragraph (a) of this subsection after 1981 for a veteran certified as having  
12 service-connected disabilities of **at least 40 percent [or more] but less than 100 percent.**

13 (c)(A) **The surviving spouse of a veteran referred to in paragraph (b) of this subsection**  
14 **is a surviving spouse who:**

15 (i) **Is 56 years of age or younger and remains unmarried; or**

16 (ii) **Remarried for the first time after the death of the veteran after the age of 56 years.**

17 (B) **With respect to a surviving spouse described in subparagraph (A)(i) of this paragraph,**  
18 **the exemption applies to the period before the date on which the surviving spouse remarries**  
19 **for the first time after the death of the veteran.**

20 (4) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed  
21 \$60,000 of the assessed value of the homestead or personal property of any of the following  
22 residents of this state:

23 (a) Any veteran who is officially certified by the United States Department of Veterans  
24 Affairs or any branch of the Armed Forces of the United States as having service-connected  
25 disabilities of 100 percent.

26 (b) The surviving spouse of a veteran described in paragraph (c) of this subsection, if the  
27 veteran died as a result of service-connected injury or illness or if the veteran received at  
28 least one year of the maximum exemption from taxation allowed under paragraph (a) of this  
29 subsection after 1981 for a veteran certified as having service-connected disabilities of 100  
30 percent.

31 (c)(A) **The surviving spouse of a veteran referred to in paragraph (b) of this subsection**  
32 **is a surviving spouse who:**

33 (i) **Is 56 years of age or younger and remains unmarried; or**

34 (ii) **Remarried for the first time after the death of the veteran after the age of 56 years.**

35 (B) **With respect to a surviving spouse described in subparagraph (A)(i) of this paragraph,**  
36 **the exemption applies to the period before the date on which the surviving spouse remarries**  
37 **for the first time after the death of the veteran.**

38 [(4)] (5) The amount of the exemption allowed under subsection [(2) or (3)] (2), (3) or (4) of this  
39 section shall equal 103 percent of the amount of the exemption for the prior tax year.

40 **SECTION 2.** ORS 307.260 is amended to read:

41 307.260. (1)(a) Each veteran or surviving spouse *[qualifying for the]* **seeking** exemption under  
42 ORS 307.250 *[shall]* **must** file with the county assessor, on forms supplied by the assessor, a claim  
43 *[therefor]* **for exemption** in writing on or before April 1 of the assessment year for which the ex-  
44 emption is claimed, except that when the property designated is acquired after March 1 but prior  
45 to July 1 the claim *[shall]* **must** be filed within 30 days after the date of acquisition.

1 (b) A claim [*need not be filed*] **is not required** under this section in order to be allowed the  
2 exemption described in ORS 307.250 if:

3 (A) The homestead or personal property of the veteran or surviving spouse was allowed the  
4 exemption under ORS 307.250 for the preceding tax year;

5 (B) The individual claiming the exemption is a veteran described in ORS 307.250 (2)(a) [*or*], (3)(a)  
6 **or (4)(a)** or a surviving spouse who meets the requirements of ORS 307.250 (2)(c) [*or*], (3)(b) **or**  
7 **(4)(b)**; and

8 (C) As of the filing date for the current tax year, the ownership and use of the homestead or  
9 personal property and all other qualifying conditions for the homestead or personal property to be  
10 allowed the exemption remain unchanged.

11 (c)(A) If the individual claiming the exemption is a veteran described in ORS 307.250 (2)(b), the  
12 claimant [*shall*] **must** file a claim annually that satisfies the requirements of subsection (2) of this  
13 section on or before the date required in paragraph (a) of this subsection.

14 (B) If the county assessor has not received a claim filed under this paragraph on or before April  
15 1 of the current year, not later than April 10 of each year, the county assessor shall notify the  
16 veteran in the county who [*secured*] **was allowed** an exemption under ORS 307.250 (2)(b) in the  
17 preceding year but who did not [*make application therefor*] **file a claim for the exemption** on or  
18 before April 1 of the current year. The county assessor may provide the notification on an unsealed  
19 postal card. A veteran so notified may [*secure*] **be allowed** the exemption, if still qualified, by  
20 [*making application therefor*] **filing a claim for the exemption** to the county assessor not later than  
21 May 1 of the current year, accompanied by a late-filing fee of \$10, which shall be deposited in the  
22 general fund of the county for general governmental expenses. If the claim for any tax year is not  
23 filed within the time specified, the exemption may not be allowed on the assessment roll for that  
24 year.

25 (2)(a) [*The claim shall*] **A claim filed under this section must** set out the basis of the claim  
26 and designate the property to which the exemption may apply. Except as provided in subsection (3)  
27 of this section, **there must be affixed to** claims for exemptions under ORS 307.250 (2)(a), [*and*] (3)(a)  
28 **and (4)(a)** [*shall have affixed thereto*] the certificate last issued by United States Department of  
29 Veterans Affairs or the branch of the Armed Forces of the United States, as [*the case may be*] **ap-**  
30 **plicable**, but dated within three years prior to the date of the claim for exemption, certifying the  
31 rate of disability of the claimant.

32 (b) **Except as provided in subsection (3) of this section, there must be affixed to** claims for  
33 exemption under ORS 307.250 (2)(b) [*shall, except as provided in subsection (3) of this section, have*  
34 *affixed thereto*], in addition to the certificate last issued by a licensed physician and dated within  
35 one year prior to the date of the claim for exemption, certifying the rate of disability of the claim-  
36 ant, a statement by the claimant under oath or affirmation setting forth the total gross income re-  
37 ceived by the claimant from all sources during the last calendar year.

38 (c) There **must** also [*shall*] be affixed to each claim the affidavit or affirmation of the claimant  
39 that the statements contained [*therein*] **in the claim** are true.

40 (3) The provisions of subsection (2) of this section that require a veteran to affix to the claim  
41 certificates of the United States Department of Veterans Affairs, a branch of the Armed Forces of  
42 the United States or a licensed physician do not apply to a veteran who has filed the required cer-  
43 tificate after attaining the age of 65 years or to a veteran who has filed, on or after September 27,  
44 1987, a certificate certifying a disability rating that, under federal law, is permanent and cannot be  
45 changed.

1 (4)(a) Notwithstanding subsection (1) of this section, a surviving spouse may file a claim for the  
2 exemption under ORS 307.250 at any time during the tax year if:

3 (A) The veteran died during the previous tax year; or

4 (B) The property designated as the homestead was acquired after March 1 but prior to July 1  
5 of the assessment year and the veteran died within 30 days of the date the property was acquired.

6 (b) *[The claim shall be allowed by]* The county assessor **shall allow the claim** if the surviving  
7 spouse meets all of the qualifications for an exemption under ORS 307.250 other than the timely  
8 filing of a claim under subsection (1) of this section.

9 (c) If taxes on the exempt value have been paid, the taxes shall be refunded in the manner  
10 prescribed in paragraph (d) of this subsection. If taxes on the exempt value have not been paid, the  
11 taxes and any interest *[thereon shall be]* **are** abated.

12 (d) The tax collector shall notify the governing body of the county of any refund required under  
13 this section and the governing body shall cause a refund of the taxes and any interest paid to be  
14 made from the unsegregated tax collections account described in ORS 311.385. The refund under this  
15 subsection shall be made without interest. The county assessor and tax collector shall make the  
16 necessary corrections in the records of their offices.

17 **SECTION 3. The amendments to ORS 307.250 and 307.260 by sections 1 and 2 of this 2013**  
18 **Act apply to property tax years beginning on or after July 1, 2013.**

19 **SECTION 4. This 2013 Act takes effect on the 91st day after the date on which the 2013**  
20 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

21