

Senate Bill 808

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 **as introduced**.

Allows higher property tax exemption on property of veterans with service-connected disabilities of 100 percent.

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
21 to the period preceding the date of the first remarriage of the surviving spouse.

22 (3) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed
23 \$18,000 of the assessed value of the homestead or personal property of any of the following residents
24 of this state:

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

28 (b) The surviving spouse remaining unmarried of a veteran, if the veteran died as a result of
29 service-connected injury or illness or if the veteran received at least one year of the maximum ex-
30 emption from taxation allowed under paragraph (a) of this subsection after 1981 for a veteran cer-
31 tified as having service-connected disabilities of **at least 40 percent [or more] but less than 100**

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 **percent.**

2 **(4) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed**
 3 **the greater of the amount allowable under subsection (3)(a) of this section or 50 percent of**
 4 **the assessed value of the homestead or personal property of any of the following residents**
 5 **of this state:**

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

9 **(b) The surviving spouse remaining unmarried of a veteran, if the veteran died as a result**
 10 **of service-connected injury or illness or if the veteran received at least one year of the**
 11 **maximum exemption from taxation allowed under paragraph (a) of this subsection after 1981**
 12 **for a veteran certified as having service-connected disabilities of 100 percent.**

13 [(4)] (5) The amount of the exemption allowed under subsection (2) or (3) of this section shall
 14 equal 103 percent of the amount of the exemption for the prior tax year.

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

16 307.260. (1)(a) Each veteran or surviving spouse [*qualifying for the*] **seeking** exemption under
 17 ORS 307.250 [*shall*] **must** file with the county assessor, on forms supplied by the assessor, a claim
 18 [*therefor*] **for exemption** in writing on or before April 1 of the assessment year for which the ex-
 19 emption is claimed, except that when the property designated is acquired after March 1 but prior
 20 to July 1 the claim [*shall*] **must** be filed within 30 days after the date of acquisition.

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

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

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

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

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

34 (B) If the county assessor has not received a claim filed under this paragraph on or before April
 35 1 of the current year, not later than April 10 of each year, the county assessor shall notify the
 36 veteran in the county who [*secured*] **was allowed** an exemption under ORS 307.250 (2)(b) in the
 37 preceding year but who did not [*make application therefor*] **file a claim for the exemption** on or
 38 before April 1 of the current year. The county assessor may provide the notification on an unsealed
 39 postal card. A veteran so notified may [*secure*] **be allowed** the exemption, if still qualified, by
 40 [*making application therefor*] **filing a claim for the exemption** to the county assessor not later than
 41 May 1 of the current year, accompanied by a late-filing fee of \$10, which shall be deposited in the
 42 general fund of the county for general governmental expenses. If the claim for any tax year is not
 43 filed within the time specified, the exemption may not be allowed on the assessment roll for that
 44 year.

45 (2)(a) [*The claim shall*] **A claim filed under this section must** set out the basis of the claim

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

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

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

15 (3) The provisions of subsection (2) of this section that require a veteran to affix to the claim
 16 certificates of the United States Department of Veterans Affairs, a branch of the Armed Forces of
 17 the United States or a licensed physician do not apply to a veteran who has filed the required cer-
 18 tificate after attaining the age of 65 years or to a veteran who has filed, on or after September 27,
 19 1987, a certificate certifying a disability rating that, under federal law, is permanent and cannot be
 20 changed.

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

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

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

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

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

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

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

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