

**PROPOSED AMENDMENTS TO
HOUSE BILL 2480**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 and 4 and insert “92.095, 294.368, 305.286, 307.244,
3 311.250, 311.392, 311.415, 311.465, 311.505, 311.507, 311.508, 496.340 and 757.883;
4 and prescribing an effective date.”.

5 Delete lines 6 through 30 and delete pages 2 through 6 and insert:

6 **“SECTION 1.** ORS 311.505 is amended to read:

7 “311.505. (1) Except as provided in subsection [(6)] **(7)** of this section, the
8 first one-third of all taxes and other charges due from the taxpayer or prop-
9 erty, levied or imposed and charged on the latest tax roll, shall be paid on
10 or before November 15, the second one-third on or before February 15, and
11 the remaining one-third on or before May 15 next following.

12 “(2) Interest shall be charged and collected on any taxes on property,
13 other charges, and on any additional taxes or penalty imposed for disquali-
14 fication of property for special assessment or exemption, or installment
15 thereof not paid when due, at the rate of one and one-third percent per
16 month, or fraction of a month until paid.

17 “(3) Discounts shall be allowed on partial or full payments of such taxes,
18 made on or before November 15 as follows:

19 “(a) Two percent on two-thirds of such taxes so paid.

20 “(b) Three percent where all of such taxes are so paid.

21 **“(4) Notwithstanding subsection (3) of this section, the governing**
22 **body of a county may provide by ordinance or resolution that dis-**

1 **counts shall be allowed on partial or full payments of taxes due with**
2 **respect to property located in the county, made on or before November**
3 **15 as follows:**

4 **“(a) Not more than two percent on two-thirds of such taxes so paid.**

5 **“(b) Not more than three percent where all of such taxes are so**
6 **paid.**

7 **“[(4)] (5) For purposes of this section, ‘taxes’ includes all taxes on prop-**
8 **erty as defined in ORS 310.140 and certified to the assessor under ORS**
9 **310.060 except taxes assessed on any other property which have by any means**
10 **become a lien against the property for which the payment was made.**

11 **“[(5)] (6) All interest collected and all discounts allowed shall be prorated**
12 **to the several municipal corporations, taxing districts and governmental**
13 **agencies sharing in the taxes or assessments.**

14 **“[(6)] (7) If the total property tax is less than \$40, no installment payment**
15 **of taxes shall be allowed.**

16 **“SECTION 2. ORS 92.095 is amended to read:**

17 **“92.095. (1) A subdivision or partition plat may not be recorded unless all**
18 **ad valorem taxes have been paid, including additional taxes, interest and**
19 **penalties imposed on land disqualified for any special assessment and all**
20 **special assessments, fees or other charges required by law to be placed upon**
21 **the tax roll that have become a lien upon the land or that will become a lien**
22 **during the tax year.**

23 **“(2) After July 1, and before the certification under ORS 311.105 of any**
24 **year, the subdivider or partitioner shall:**

25 **“(a) If the exact amount of taxes, penalties, special assessments, fees and**
26 **charges can be computed by the assessor, pay the amount to the tax collec-**
27 **tor. The assessor is authorized to levy and the tax collector is authorized to**
28 **collect the amount.**

29 **“(b) If the assessor is unable to compute the amount at the time, either:**

30 **“(A) Pay the amount estimated by the assessor to be needed to pay the**

1 taxes, penalties, special assessments, fees and other charges to become due;
2 or

3 “(B) Deposit with the tax collector a bond or irrevocable letter of credit
4 with a good and sufficient undertaking in an amount the assessor considers
5 adequate to ensure payment of the taxes to become due. The bond or irrev-
6 ovable letter of credit amount may not exceed twice the amount of the pre-
7 vious year’s taxes, special assessments, fees and other charges upon the land.

8 “(3) Taxes paid or for which security is given under subsection (2)(a) or
9 (b) of this section are entitled to [*the discount provided by*] **any discount**
10 **allowed under** ORS 311.505.

11 “(4) ORS 311.370 applies to all taxes levied and collected under subsection
12 (2) of this section, except that any deficiency constitutes a personal debt
13 against the person subdividing or partitioning the land and not a lien against
14 the land and must be collected as provided by law for the collection of per-
15 sonal property taxes.

16 “(5) If a subdivision or partition plat is recorded, any additional taxes,
17 interest or penalties imposed upon land disqualified for any special assess-
18 ment become a lien upon the land on the day before the plat was recorded.

19 **“SECTION 3.** ORS 294.368 is amended to read:

20 “294.368. (1) Each municipal corporation that has the power to levy an
21 ad valorem property tax shall estimate, in the manner provided in this sec-
22 tion, the amount of revenues that will be received in the ensuing year or
23 ensuing budget period through the imposition of taxes upon the taxable
24 property within the municipal corporation.

25 “(2) Subject to the additional adjustments required under subsection (4)
26 of this section, the estimated ad valorem taxes that will be received in the
27 ensuing year or ensuing budget period shall not exceed the following:

28 “(a) The amount derived by multiplying the estimated assessed value for
29 the ensuing year or each fiscal year of the ensuing budget period of the
30 taxable property within the municipal corporation, after boundary changes

1 have been filed in final approved form with the county assessor and the De-
2 partment of Revenue as provided in ORS 308.225, by whichever of the fol-
3 lowing is applicable to the municipal corporation:

4 “(A) The municipal corporation’s permanent rate limit on operating taxes,
5 as defined in ORS 310.202 (7); or

6 “(B) The municipal corporation’s statutory rate limit on operating taxes,
7 as defined in ORS 310.202 (10).

8 “(b) If the municipal corporation is authorized to levy a local option tax
9 that was authorized by the electors as a dollar amount, the dollar amount
10 of such local option tax that is authorized to be levied in the ensuing year
11 or ensuing budget period.

12 “(c) If the municipal corporation is authorized to levy a local option tax
13 that was authorized by the electors as a tax rate, the amount derived by
14 multiplying the authorized rate of such local option tax for the ensuing year
15 or ensuing budget period by the estimated assessed value for the ensuing
16 year or each fiscal year of the ensuing budget period of the taxable property
17 within the municipal corporation.

18 “(d) Subject to subsection (3) of this section, the municipal corporation’s
19 estimate of the amount required to pay the principal and interest on bonded
20 indebtedness that is not subject to limitation under section 11 (11) or section
21 11b, Article XI of the Oregon Constitution.

22 “(e) The municipal corporation’s estimate of the amount required to repay
23 taxing district bond obligations or pension and disability plan obligations
24 described in section 11 (5), Article XI of the Oregon Constitution.

25 “(3)(a) The estimate described in subsection (2)(d) of this section may in-
26 clude:

27 “(A) An amount equal to the total of the payments on the principal and
28 interest on bonded indebtedness that are due and payable in the fiscal period
29 following the fiscal period for which the budget is being prepared and before
30 a sufficient amount of property taxes to pay the bonded indebtedness are

1 collected in that fiscal period, pursuant to ORS 294.398.

2 “(B) Amounts to reimburse the municipal corporation for the payment of
3 principal and interest on exempt bonded indebtedness that the municipal
4 corporation made from other moneys because collections of taxes levied for
5 exempt bonded indebtedness were not sufficient to pay the exempt bonded
6 indebtedness.

7 “(b) If the bonded indebtedness is a tax credit bond or other bond that
8 bears interest that is includable in gross income under the Internal Revenue
9 Code, as amended and in effect on June 25, 2009, the payments described in
10 paragraph (a) of this subsection may include deposits that the municipal
11 corporation has agreed to make in a sinking fund that is dedicated to pay
12 the bonded indebtedness.

13 “(4) The amounts determined under subsection (2)(a), (b) and (c) of this
14 section shall be reduced by an amount equal to the estimated amount of such
15 taxes that will not be collected as a result of:

16 “(a) [The] Discounts allowed under ORS 311.505;

17 “(b) The limits imposed under ORS 310.150 (3); and

18 “(c) The failure of taxpayers to pay such taxes in the year for which they
19 are levied.

20 “(5)(a) The estimated ad valorem taxes determined in accordance with
21 subsection (2)(a), (b) and (c) of this section, prior to adjustment by subsection
22 (4) of this section, shall be used by the municipal corporation for purposes
23 of complying with the requirements of ORS 310.060 (1).

24 “(b) The amounts determined under subsection (2)(d) and (e) of this sec-
25 tion shall, for purposes of complying with the requirements of ORS 310.060
26 (1), be increased by an amount equal to the estimated amount of taxes that
27 will not be collected as a result of:

28 “(A) [The] Discounts allowed under ORS 311.505;

29 “(B) The limits imposed under ORS 310.150 (3); or

30 “(C) The failure of taxpayers to pay taxes in the year for which they are

1 levied.

2 **“SECTION 4.** ORS 305.286 is amended to read:

3 “305.286. (1)(a) Whenever any property value or claim for exemption or
4 cancellation of a property tax assessment is appealed, if the dollar amount
5 in dispute exceeds \$1 million, the assessor of the county in which the prop-
6 erty is located may order the officer in charge of the assessment and tax roll
7 to include a deferred billing credit in the property tax statement of the
8 property or in a separate notice of deferred billing.

9 “(b) If the appeal relates to property assessed under ORS 308.505 to
10 308.665, the assessor of each county to which a portion of the value is ap-
11 portioned may order inclusion of a deferred billing credit under paragraph
12 (a) of this subsection:

13 “(A) Even if the dollar amount in dispute with respect to the county is
14 \$1 million or less; and

15 “(B) Independently of the assessor of any other county.

16 “(2) For purposes of this section, the dollar amount in dispute means the
17 dollar amount of real market value or specially assessed value in dispute:

18 “(a) For all tax years to which the appeal relates and any tax year during
19 the pendency of the appeal; and

20 “(b)(A) For all property of a taxpayer that is the subject of an appeal,
21 regardless of whether the property is the subject of separate appeals; or

22 “(B) For property that is assessed under ORS 308.505 to 308.665, for all
23 current appeals relating to the property or to a unit of which the property
24 is a part.

25 “(3) For purposes of this section, the county assessor shall determine a
26 deferred billing credit as the dollar amount necessary to address the risk
27 presented to the county by an appeal with respect to the tax year that is the
28 subject of the property tax statement of the property, or of the separate no-
29 tice of deferred billing, in which the deferred billing credit is included.

30 “(4) The county assessor may order issuance of a separate notice of de-

1 ferred billing pursuant to this section at any time during a tax year to which
2 an appeal relates and any tax year during the pendency of the appeal.

3 “(5)(a) The portion of a deferred billing credit representing tax amounts
4 that have been paid shall be refunded without interest under ORS 311.806
5 as soon as practicable.

6 “(b) Any amount paid after notice of a deferred billing credit in a prop-
7 erty tax statement or a separate notice of deferred billing is mailed that ex-
8 ceeds the amount due after applying the deferred billing credit shall be
9 returned to the taxpayer without interest.

10 “(6) Inclusion of a deferred billing credit in a property tax statement or
11 a separate notice of deferred billing does not give rise to a cause of action
12 other than an action to ensure proper application of the provisions of this
13 section.

14 “(7)(a) If a deferred billing credit is included in a property tax statement
15 or a separate notice of deferred billing, tax amounts credited may not be
16 considered delinquent during the period beginning with the inclusion of the
17 credit and ending with the final resolution of the appeal to which the credit
18 relates.

19 “(b) During the period described in paragraph (a) of this subsection, in-
20 terest may not be charged or collected on tax amounts described in para-
21 graph (a) of this subsection.

22 “(8) If a refund is ordered upon final resolution of the appeal to which a
23 deferred billing credit relates, interest shall be paid as provided in ORS
24 311.812 for the period beginning on the later of the payment date or due date
25 and ending on the date of refund, on:

26 “(a) The amount refunded pursuant to subsection (5)(a) of this section
27 that is affirmed by order upon final resolution of the appeal; and

28 “(b) The amount by which the refund exceeds the deferred billing credit.

29 “(9) If the final resolution of the appeal results in additional taxes due,
30 the county assessor shall mail to the taxpayer as soon as practicable a notice

1 containing the amount of the taxes due and the information specified in
2 subsection (10) of this section.

3 “(10)(a) Additional taxes due upon final resolution of the appeal are pay-
4 able without interest and after application of [*the discount of three percent*
5 *under ORS 311.505*] **any discount allowed under ORS 311.505 (3)(b) or**
6 **(4)(b)** if paid within 45 days following the date on which the county assessor
7 mails the notice required under subsection (9) of this section.

8 “(b)(A) If the additional taxes are not paid within the period specified in
9 paragraph (a) of this subsection, except as provided in subsection (7) of this
10 section, the additional taxes shall be considered for all purposes of collection
11 and enforcement of payment as having been delinquent on the date the taxes
12 would normally have become delinquent if the additional taxes had been
13 timely extended on the roll.

14 “(B) Notwithstanding subparagraph (A) of this paragraph, interest on the
15 additional taxes shall be computed beginning on the 46th day after the date
16 on which the county assessor mails the notice required under subsection (9)
17 of this section.

18 “(11) The county assessor shall provide a quarterly report to the govern-
19 ing body of the county showing the status of all current deferred billing
20 credits and the status of the appeals to which the credits relate.

21 “(12) As used in this section:

22 “(a) ‘Property tax statement’ means the document described in ORS
23 311.250.

24 “(b) ‘Separate notice of deferred billing’ means a notice to the taxpayer,
25 other than the property tax statement, that the provisions of this section
26 apply and stating the amount of the deferred billing credit and the amount
27 of refund, if any.

28 “**SECTION 5.** ORS 307.244 is amended to read:

29 “307.244. (1) The assessor shall compute and list the value and compute
30 and list the amount of tax which would have been charged on each property

1 receiving an exemption under ORS 307.242 had the property not received an
2 exemption. On or before October 15, the county assessor shall certify the
3 total amounts so computed for each county to the Department of Revenue
4 and to the county treasurer.

5 “(2) Not later than November 15, the Department of Revenue shall pay
6 to each county treasurer the amount certified under subsection (1) of this
7 section, less any discount [*provided in*] **allowed under** ORS 311.505. The
8 payments made by the department under this section shall be made from the
9 suspense account referred to in ORS 310.692. If necessary, the payments may
10 be prorated as provided in ORS 310.692.

11 “(3) Payments made by the department to the various county treasurers
12 under this section shall be distributed to the taxing units of the county in
13 accordance with the schedule of percentages computed under ORS 311.390.

14 **“SECTION 6.** ORS 311.250 is amended to read:

15 “311.250. (1) Except as to real property assessed to ‘unknown owners’
16 pursuant to ORS 308.240 (2), on or before October 25 in each year, the tax
17 collector shall deliver or mail to each person (as defined in ORS 311.605)
18 shown on the tax roll as an owner of real or personal property, or to an
19 agent or representative authorized in writing pursuant to ORS 308.215 by
20 such person, a written statement of property taxes payable on the following
21 November 15.

22 “(2) The failure of a taxpayer to receive the statement described in this
23 section shall not invalidate any assessment, levy, tax, or proceeding to col-
24 lect tax.

25 “(3) The tax collector shall not be liable for failure to deliver or mail the
26 tax statements by October 25 as provided in subsection (1) of this section if
27 such failure was caused by not receiving the tax roll from the assessor by
28 the time provided by law or by reason of any other circumstance beyond the
29 control of the tax collector. In such case the tax collector shall deliver or
30 mail the statements as soon as possible.

1 “(4) Where, for any reason the taxes due on any property on the assess-
2 ment roll in any year cannot be ascertained from the tax roll by November
3 5 of that year, within 15 days thereafter the owner or other person liable for
4 or desiring to pay the taxes on such property may tender to the tax collector,
5 and the tax collector may collect, a payment of all or part of the taxes es-
6 timated by the tax collector to be due on such property. Immediately after
7 the taxes are actually extended on the tax roll, the tax collector shall credit
8 the amount paid as provided by law, [*allowing the*] **after any discount al-**
9 **lowed** under ORS 311.505 and not charging interest for the amount of taxes
10 satisfied by such payment. Where there has been an underpayment, addi-
11 tional taxes shall be collected, and where there has been an overpayment,
12 refund shall be made as otherwise provided by law.

13 “(5) The tax statement described in this section shall be designed by the
14 Department of Revenue and shall contain such information as the depart-
15 ment shall prescribe by rule including:

16 “(a) The real market value of the property for which the tax statement
17 is being prepared (or the property’s specially assessed value if the property
18 is subject to special assessment) for the current and prior tax year;

19 “(b) The property’s assessed value for the current and prior tax year; and

20 “(c) The total amount of taxes due on the property.

21 **“SECTION 7. ORS 311.392 is amended to read:**

22 “311.392. (1) If, in the discretion of the county court, it is more economical
23 to advance to those municipalities from the general fund of the county the
24 total amount of taxes, assessments or other charges levied against property
25 in the county, the county court may advance from the general fund of the
26 county the full amount of the taxes, assessments and charges levied by those
27 subdivisions and the county court may order the county tax collector to re-
28 vise the tax distribution schedule provided by ORS 311.390 so that all taxes,
29 assessments and charges advanced by the county will be allocated to the
30 county. If the county makes the payments provided in this section, it shall

1 have no recourse against the political subdivision for recovery of the
2 shrinkage in collections from that anticipated at the time the payment was
3 made.

4 “(2) If the county advances taxes under this subsection, before December
5 1 of each year, it may deduct from the levy [*the three percent discount*
6 *which*] **any discount that** would have been [*given*] **allowed** by the district
7 **under ORS 311.505 (3)(b) or (4)(b)** had all of the taxes been paid by No-
8 vember 15 and turned over to the district on or before December 1 of each
9 year. If the payment is made after December 1, no discount shall be taken
10 by the county.

11 **“SECTION 8.** ORS 311.415 is amended to read:

12 “311.415. (1) Before any judgment or final order shall be entered or be-
13 come operative in any court in this state in any of the causes listed in sub-
14 section (3) of this section, it shall first be shown to the satisfaction of the
15 court that all taxes due or owing from the defendant, judgment debtor, heir,
16 devisee, executor, administrator, trustee, agent, conservator or guardian, or
17 which may be collected by virtue of the assessment and taxation laws of this
18 state, have been paid.

19 “(2) If the judgment or final order is to be taken and entered after Janu-
20 ary 1, while the assessment roll is in the possession of the assessor, and
21 pertains to an assessment to be made as of January 1, the receipt for the
22 taxes shall be given by the assessor upon an assessment made as follows:

23 “(a) If the exact amount of taxes, special assessments, fees and charges
24 are able to be computed by the assessor, such amount shall be paid to the
25 tax collector. The assessor is authorized to levy and the tax collector is au-
26 thorized to collect such amount.

27 “(b) If the assessor is unable to compute the exact amount at the time,
28 [*either (A)*] there shall be paid the amount estimated by the assessor to be
29 needed to pay the taxes, special assessments, fees and other charges to be-
30 come due[,] or [*(B)*] there shall be deposited with the tax collector a bond

1 with good and sufficient undertaking in the amount that the assessor con-
2 sidered adequate to insure payment of the taxes to become due. In no event
3 shall the bond amount exceed twice the amount of the previous year's taxes,
4 special assessments, fees and other charges computed under this subsection.
5 Taxes paid or bonded for under this section shall be entitled to any discount
6 [provided by] **allowed under** ORS 311.505. ORS 311.370 shall apply to
7 amounts assessed and collected under this subsection.

8 “(3) This section applies to the following causes:

9 “(a) An assignment for the benefit of creditors.

10 “(b) The estate of a deceased person or any other proceeding in probate
11 involving the distribution of personal property.

12 “(c) Any proceeding to enforce the payment of a debt where the property
13 involved is assessable personal property.

14 **“SECTION 9.** ORS 311.465 is amended to read:

15 “311.465. (1) Subsection (2) of this section applies if:

16 “(a) The county assessor discovers personal property subject to assess-
17 ment for taxation in any year and taxes imposed on the property in a prior
18 year are delinquent; or

19 “(b) In the opinion of the assessor it seems probable that personal prop-
20 erty may be removed from the county, sold, dissipated or destroyed before the
21 taxes on the property otherwise become due and payable and it further ap-
22 pears that the owner or person liable for the taxes had no property subject
23 to taxation in the county during either of the two preceding tax years, or
24 was delinquent in the payment of any tax imposed during the two preceding
25 tax years in respect to property in any jurisdiction, whether within or
26 without the state, or is not financially responsible or intends to depart from
27 the state before the taxes become due.

28 “(2) The assessor may, immediately after listing and valuing the personal
29 property for assessment and taxation, levy, demand and collect for remit-
30 tance to the tax collector, or the tax collector may collect, the taxes on the

1 property as follows:

2 “(a) If the assessor is able to compute the exact amount of taxes, special
3 assessments, fees and charges, such amount shall be paid to the assessor for
4 remittance to the tax collector or directly to the tax collector; or

5 “(b) If the assessor is unable to compute the exact amount at the time,
6 either:

7 “(A) There shall be paid the amount that the assessor estimates is needed
8 to pay the taxes, special assessments, fees and other charges to become due;
9 or

10 “(B) There shall be deposited with the tax collector a bond with a good
11 and sufficient undertaking in the amount that the assessor considers ade-
12 quate to ensure payment of the taxes to become due. In no event shall the
13 bond amount exceed twice the amount of the taxes, special assessments, fees
14 and other charges computed by the assessor under this paragraph.

15 “(3) Taxes paid or bonded for under subsection (2) of this section shall
16 be entitled to [*the discount provided by*] **any discount allowed under ORS**
17 **311.505.** ORS 311.370 shall apply to the amounts assessed and collected under
18 subsection (2) of this section. Any taxes collected under subsection (2) of this
19 section, and subject to refund on order of the tax court under ORS 311.467,
20 shall be held in the special account mentioned in ORS 311.370 by the county
21 treasurer until the period for petitioning for review of the assessor’s action
22 has expired, or, when a review is had, until the review is determined. If the
23 tax court, upon review, orders a refund, the county treasurer shall make the
24 refund from the special account within three days after entry of the
25 department’s order.

26 “(4) If the owner or person liable for the taxes on the personal property
27 fails to pay the tax on demand by the assessor, the assessor shall certify the
28 assessment and tax levies made under this section to the tax collector of the
29 county. The taxes thereupon shall be collected by the tax collector in the
30 manner of collecting delinquent taxes on personal property. The taxes when

1 so certified by the assessor are delinquent and subject to the provisions of
2 law for the collection of delinquent taxes on personal property.

3 **“SECTION 10.** ORS 311.507 is amended to read:

4 “311.507. (1) Notwithstanding the requirement in ORS 311.505 [(3)] that
5 to receive a discount upon payment of taxes, the taxes must be paid on or
6 before November 15, [*the discount provided by ORS 311.505 (3)*] **a discount**
7 **under ORS 311.505** shall be allowed:

8 “(a) If the taxes are paid within 15 business days after the date the tax
9 statement is mailed by the tax collector, or by November 15, whichever is
10 the later;

11 “(b) If under ORS 311.252 (2) or 311.253, the mortgagee or other person
12 has received from the county a defective or inaccurate computer record, and
13 the taxes are paid within 15 business days after the corrected computer re-
14 cord is delivered to the mortgagee or person, or by November 15, whichever
15 is later;

16 “(c) If the reason for nonpayment by November 15 is on account of the
17 county not providing a computer record pursuant to a mutual agreement as
18 provided under ORS 311.253 and tax statements are substituted by the county
19 for the computer record. To receive a discount pursuant to this paragraph,
20 the taxes must be paid within 20 business days after the tax collector mails
21 the tax statements, or the taxpayer has been notified in writing by the tax
22 collector that the computer record will not be provided, whichever date is
23 later; or

24 “(d) Except under conditions described in ORS 311.229 (2), if property or
25 value is added to the tax roll under ORS 311.208 and the taxes becoming due
26 as a result of the addition are paid in the period prior to the 16th day of the
27 month next following the month of their extension.

28 “(2) Nothing in this section shall affect the due dates of the installment
29 payments or the computation of interest upon failure to pay the installment
30 on the date due. As used in this section, business days mean days other than

1 Saturdays and legal holidays.

2 **“SECTION 11.** ORS 311.508 is amended to read:

3 “311.508. (1) Except as provided under subsection (2) of this section and
4 notwithstanding ORS 311.505 [(5)] **(6)**:

5 “(a) Twenty-five percent of the interest charged and collected under ORS
6 311.505 shall be deposited and credited to the County Assessment and Taxa-
7 tion Fund created under ORS 294.187; and

8 “(b) An additional 25 percent of the interest charged and collected under
9 ORS 311.505 shall be deposited and credited to the County Assessment and
10 Taxation Fund created under ORS 294.187 to the extent the interest would
11 otherwise be distributed to cities or other taxing districts that are not
12 counties or districts within the public school system.

13 “(2) On or before June 15 of each year, the Department of Revenue shall
14 estimate the amount of interest that will be deposited and credited to the
15 County Assessment Function Funding Assistance Account created under
16 ORS 294.184 for the ensuing fiscal year. If the estimate is less than \$13
17 million, the department shall certify to each county treasurer an increase in
18 the percentage specified under subsection (1)(a) of this section to the end
19 that the estimate reaches \$13 million. However, no increase in percentage
20 shall be certified that will raise and make available for deposit and credit
21 to the County Assessment Function Funding Assistance Account for the en-
22 suing fiscal year an amount that is in excess of \$3 million over the amount
23 estimated under this subsection to be received under subsection (1)(a) of this
24 section for the ensuing fiscal year.

25 “(3) Upon receipt of certification from the department under subsection
26 (2) of this section, the county treasurer shall deposit and credit to the
27 County Assessment and Taxation Fund for the fiscal year to which the cer-
28 tification applies the percentage of the interest charged and collected under
29 ORS 311.505 so certified.

30 “(4) The percentage of the interest on unpaid taxes and penalties required

1 to be deposited and credited to the County Assessment and Taxation Fund
2 under this section shall be deposited and credited in the same manner that
3 the remaining interest is deposited and credited under ORS 311.385.

4 **“SECTION 12.** ORS 496.340 is amended to read:

5 “496.340. (1) Except as provided in subsection (3) of this section, whenever
6 real property owned by the State Fish and Wildlife Commission is exempt
7 from taxation on January 1 of any year by reason of its ownership by the
8 state, the commission shall pay to the county in which the property is situ-
9 ated an amount equal to the ad valorem taxes that would have been charged
10 against the property if it had been assessed to a taxable owner as of January
11 1 of such year as provided in subsection (2) of this section. The county
12 assessor shall determine the value of such property and shall notify the
13 commission of the determination of the county assessor. Upon request of the
14 commission, the Department of Revenue shall review the determination of
15 value and shall redetermine the value if it concludes the value initially de-
16 termined was substantially incorrect.

17 “(2)(a) Except as provided in paragraph (b) or (c) of this subsection, the
18 value of the property shall be computed at its assessed value under ORS
19 308A.107 or for forestland use, whichever is applicable.

20 “(b) Paragraph (a) of this subsection shall not apply to any property upon
21 which open field burning takes place. If open field burning takes place on
22 any property described in this section, the property shall be valued at its
23 highest and best use rather than the values authorized in paragraph (a) of
24 this subsection on the January 1 following the date of the open field burning.
25 If in the next year, the open field burning is discontinued, paragraph (a) of
26 this subsection shall apply the next January 1 and each year thereafter as
27 long as no open field burning occurs.

28 “(c) Paragraph (a) of this subsection shall not apply to any property ac-
29 quired by the commission after September 9, 1971, if such property was val-
30 ued under farm use or forestland use special assessment provisions, at the

1 time the property was acquired by the commission. However, no payments
2 in lieu of taxes made to a county pursuant to this section prior to January
3 1, 1974, shall be refunded to the commission.

4 “(3) This section does not apply to real property used for bird farms, fish
5 hatcheries, office quarters, fishing access sites or impoundments, capital im-
6 provements or real property acquired pursuant to the Act of May 19, 1948
7 (62 Stat. 240), Public Law 80-537.

8 “(4) The amount prescribed in subsection (1) of this section shall be de-
9 termined annually by the assessor of the county in which the property is
10 situated and certified by the assessor to the county court or the board of
11 county commissioners. A notice of the determination, signed by the county
12 judge or the chairperson of the board of county commissioners, shall be
13 mailed to the principal office of the commission not later than October 15.
14 The notice shall contain a statement of the value of the property and a
15 complete explanation of the method used in computing the amount claimed
16 pursuant to subsection (1) of this section. Not later than November 15, the
17 commission shall pay each amount, less a discount equivalent to [*that which*
18 *is provided in*] **any discount allowed the property under** ORS 311.505.
19 Payment shall be made to the county treasurer, who shall distribute the
20 payment to the taxing districts of the county in accordance with the schedule
21 of percentages computed under ORS 311.390.

22 “(5) Notwithstanding any other provision of the wildlife laws, the com-
23 mission shall make the payments to counties required by this section annu-
24 ally from the moneys in the State Wildlife Fund established by ORS 496.300.

25 **“SECTION 13.** ORS 757.883 is amended to read:

26 “757.883. (1) Oregon Community Power shall make payments in lieu of
27 property taxes on all property that would otherwise be subject to assessment
28 under ORS 308.505 to 308.665 if owned by a taxable owner. Oregon Commu-
29 nity Power shall pay to each county in which property of Oregon Community
30 Power is located an amount equal to the ad valorem property taxes that

1 would have been charged by the county if Oregon Community Power prop-
2 erty had been assessed to a taxable owner as of January 1 of the assessment
3 year for which payment is being made.

4 “(2) The Department of Revenue shall determine the assessed value of
5 Oregon Community Power property as if the property were subject to as-
6 sessment under ORS 308.505 to 308.665, and shall transmit the value infor-
7 mation as provided in ORS 308.505 to 308.665 to the appropriate county
8 assessor. Oregon Community Power shall comply with property reporting
9 requirements under ORS 308.505 to 308.665 as if the property were subject
10 to assessment under ORS 308.505 to 308.665.

11 “(3) The amount of the in lieu payment to be made to each county under
12 this section shall be determined and certified annually by the county
13 assessor of the county. A notice of the determination and certification shall
14 be mailed to Oregon Community Power not later than October 15. The notice
15 shall contain a statement of the value of the property and a complete ex-
16 planation of the method used in computing the amount of the in lieu payment
17 due under this section. Not later than November 15, Oregon Community
18 Power shall pay the amount due to each county under this section, less a
19 discount equivalent to [*that which is provided in*] **any discount allowed the**
20 **property under** ORS 311.505. Payment shall be made to the county treas-
21 urer. The county treasurer shall distribute the payment to the taxing dis-
22 tricts of the county in accordance with the schedule of percentages computed
23 under ORS 311.390.

24 **“SECTION 14. The amendments to ORS 92.095, 294.368, 305.286,**
25 **307.244, 311.250, 311.392, 311.415, 311.465, 311.505, 311.507, 311.508, 496.340**
26 **and 757.883 by sections 1 to 13 of this 2013 Act apply to property tax**
27 **years beginning on or after July 1, 2014.**

28 **“SECTION 15. This 2013 Act takes effect on the 91st day after the**
29 **date on which the 2013 regular session of the Seventy-seventh Legis-**
30 **lative Assembly adjourns sine die.”.**

