

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4003**

1 On page 1 of the printed bill, line 4, after “307.147,” insert “307.162,”.

2 On page 10, line 9, after “310.800” insert “and section 31 of this 2014  
3 Act”.

4 On page 28, after line 24 insert:

5 **“SECTION 31. (1) As used in this section:**

6 **“(a) ‘History museum, natural history museum or science  
7 museum’ means an institution organized to display historical or sci-  
8 entific exhibits, or both, to the public.**

9 **“(b) ‘Internal Revenue Code’ has the meaning given that term in  
10 section 15 of this 2014 Act.**

11 **“(2) Upon compliance with ORS 307.162, the real and personal  
12 property of a history museum, natural history museum or science  
13 museum is exempt from property taxation if:**

14 **“(a) The museum is exempt from income taxation under section  
15 501(a) of the Internal Revenue Code as an organization described in  
16 section 501(c)(3) of the Internal Revenue Code; and**

17 **“(b) The property of the museum is the land on which the museum  
18 is situated, including open land not in agricultural use, or is used:**

19 **“(A) In conjunction with the public displays of the museum;**

20 **“(B) To educate the public about history or science;**

21 **“(C) To sell or hold out for sale goods related to the displays or  
22 educational purpose of the museum, or goods and services providing**

1 **refreshment to the public while visiting the museum, unless the real**  
2 **or personal property used in such sales is leased to a for-profit entity;**  
3 **or**

4 **“(D) As a theater for presentations about history or science.**

5 **“SECTION 32.** ORS 307.162 is amended to read:

6 “307.162. (1)(a) Before any real or personal property may be exempted from  
7 taxation under ORS 307.092, 307.110 (3)(h), 307.115, 307.118, 307.130 to 307.140,  
8 307.145, 307.147, 307.150, 307.160, 307.181 (3) or 307.580 **or section 31 of this**  
9 **2014 Act** for any tax year, the institution or organization entitled to claim  
10 the exemption must file a claim with the county assessor, on or before April  
11 1 preceding the tax year for which the exemption is claimed. The claim must  
12 contain statements, verified by the oath or affirmation of the president or  
13 other proper officer of the institution or organization, that:

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

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

18 “(b) If the ownership of all property, other than property described in  
19 ORS 307.110 (3)(h), included in the claim filed with the county assessor for  
20 a prior year remains unchanged, a new claim is not required.

21 “(c) When the property designated in the claim for exemption is acquired  
22 after March 1 and before July 1, the claim for that year must be filed within  
23 30 days from the date of acquisition of the property.

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

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

30 “(B) On or before April 1 of the tax year, if the claim is accompanied by

1 a late filing fee of \$200 and the claimant demonstrates good and sufficient  
2 cause for failing to file a timely claim, is a first-time filer or is a public  
3 entity described in ORS 307.090.

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

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

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

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

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

22 “(d) The value of the property used to determine the late filing fee under  
23 this subsection and the determination of the county assessor relative to a  
24 claim of good and sufficient cause are appealable in the same manner as  
25 other acts of the county assessor.

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

28 “(3)(a) In a claim for exemption of property described in ORS 307.110  
29 (3)(h), the county or city, town or other municipal corporation or political  
30 subdivision of this state that is filing the claim must substantiate that the

1 property is used for affordable housing or that it is leased or rented to per-  
2 sons of lower income, as applicable.

3 “(b) A claim filed under this subsection must be filed annually on a form  
4 prescribed by the Department of Revenue.

5 “(4) 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 “(5)(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; and

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

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

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

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

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

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

30 “(b) Any tax, or interest attributable thereto, that remains unpaid as of

1 the date the exemption is granted must be abated.

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

7 **“SECTION 33. (1) Except as provided in subsection (2) of this sec-**  
8 **tion, section 31 of this 2014 Act applies to property tax years beginning**  
9 **on or after July 1, 2014.**

10 **“(2) Section 31 of this 2014 Act applies to property tax years begin-**  
11 **ning on or after July 1, 2011, and before July 1, 2014, with respect to**  
12 **any property tax disputes that are materially affected by section 31 of**  
13 **this 2014 Act and that are not final on the effective date of this 2014**  
14 **Act.”.**

15 In line 25, delete “31” and insert “34”.

16

---