

# House Bill 3218

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

## 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**.

Imposes property tax on severable interests in minerals and rights to mine minerals, rights to generate power from wind and solar energy and on interests in parts of real property used for mining or generating wind and solar power.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the taxation of severable interests in real property; creating new provisions; amending  
3 ORS 307.030 and 308.115; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308.115 is amended to read:

6 308.115. (1) Whenever any mineral, coal, oil, gas or other severable interest in or part of real  
7 property, **or the right to mine the mineral, coal, oil or gas**, is owned separately and apart from  
8 the rights and interests owned in the surface ground of the real property, such minerals, coal, oil,  
9 gas or other interest or parts **or the right to mine the mineral, coal, oil or gas** shall [*not*] be  
10 assessed and taxed **as real or personal property in accordance with existing law in the name**  
11 **of the owner of the severable parts or interest, separately from the surface rights and in-**  
12 **terests in the real property, and may be collected in the same manner that taxes on real and**  
13 **personal property are collected under ORS chapter 311.**

14 (2) [*Notwithstanding subsection (1) of this section, if the property is actively being mined as of the*  
15 *assessment date, the severable interest described in subsection (1) of this section shall be assessed and*  
16 *taxed as real or personal property in accordance with existing law in the name of the owner, separately*  
17 *from the surface rights and interests in the real property and may be sold for taxes in the same manner*  
18 *and with the same effect as other interests in real property are sold for taxes.] **Whenever an interest***

19 **in part of real property or the right to use the real property for the purpose of generating**  
20 **power from wind or solar energy on the real property is owned separately and apart from**  
21 **the rights and interests in the real property, the severable parts or interest shall be assessed**  
22 **and taxed as real or personal property in accordance with existing law in the name of the**  
23 **owner of the severable parts or interest, separately from the surface rights and interests in**  
24 **the real property, and may be collected in the same manner that taxes on real and personal**  
25 **property are collected under ORS chapter 311.**

26 (3) Whenever any building, structure, improvement, machinery or equipment is owned separately  
27 and apart from the land or real property on which it stands or to which it is affixed, such building,  
28 structure, improvement, machinery or equipment shall be assessed and taxed in the name of the  
29 owner.

30 (4) Nothing in this section alters the tax-exempt status of a mining claim described in ORS

**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.

1 307.080.

2 **SECTION 2.** ORS 307.030 is amended to read:

3 307.030. (1) All real property within this state and all tangible personal property situated within  
4 this state, except as otherwise provided by law, shall be subject to assessment and taxation in equal  
5 and ratable proportion.

6 (2) Except as provided in ORS **308.115 and** 308.505 to 308.665, intangible personal property is  
7 not subject to assessment and taxation.

8 **SECTION 3.** **The amendments to ORS 307.030 and 308.115 by sections 1 and 2 of this 2015**  
9 **Act apply to property tax years beginning on or after July 1, 2016.**

10 **SECTION 4.** **This 2015 Act takes effect on the 91st day after the date on which the 2015**  
11 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

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