

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3492**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete page  
2 2 and insert:

3 **“SECTION 1. (1) Upon request of the owner or person in possession**  
4 **or control of a solar project located in the county, the governing body**  
5 **of the county shall enter into an agreement with the owner or person**  
6 **in possession or control that exempts from property taxes the property**  
7 **constituting the solar project and allows the payment of a fee in lieu**  
8 **of property taxes imposed on the property. An agreement may not be**  
9 **entered into for a period longer than 20 consecutive years.**

10 **“(2) The fee in lieu of property taxes shall be computed at the rate**  
11 **of \$7,000 per megawatt of nameplate capacity of the project for each**  
12 **property tax year. Megawatt of nameplate capacity shall be carried to**  
13 **the third decimal place.**

14 **“(3)(a) On or before December 31 preceding the first property tax**  
15 **year to which an agreement entered into under this section relates,**  
16 **the owner or person in possession or control of the solar project shall**  
17 **file with the county assessor a copy of the agreement entered into**  
18 **under subsection (1) of this section and a request for computation of**  
19 **the fee in lieu of property taxes for the property constituting the solar**  
20 **project. The request shall include any information required by the**  
21 **assessor to compute the fee.**

22 **“(b) On or before December 31 preceding each subsequent property**

1 tax year to which an agreement entered into under this section re-  
2 lates, the owner or person in possession or control of the solar project  
3 shall file with the county assessor a request for computation of the fee  
4 in lieu of property taxes for the property constituting the solar project.  
5 If the identity of the owner or person in possession or control, or the  
6 nameplate capacity, of the solar project has changed, the request for  
7 computation of the fee must include the new information.

8 “(c) A request for computation that is not filed on or before De-  
9 cember 31 must be accompanied by a late fee of \$200.

10 “(4)(a) On or before February 1 of each year to which the agreement  
11 relates, the county assessor shall compute the fee in lieu of property  
12 taxes for the property constituting the solar project and shall notify  
13 the owner or person in possession or control:

14 “(A) That the fee in lieu of property taxes must be paid to the  
15 county treasurer on or before March 1; and

16 “(B) Of the amount due and of the consequences of late payment  
17 or nonpayment.

18 “(b) Notwithstanding paragraph (a) of this subsection, payment of  
19 the fee in lieu of property taxes is not due until after the notice re-  
20 quired under paragraph (a) of this subsection has been sent.

21 “(c) On or before July 15 of each year, the county treasurer shall  
22 distribute fee revenue collected under this section to each taxing dis-  
23 trict in which a solar project is located on the basis of the ratio that  
24 the taxing district’s permanent limit on the rate of ad valorem prop-  
25 erty taxes bears to the total permanent rate limit on the rate of ad  
26 valorem property taxes applicable to all taxing districts in which the  
27 solar project is located.

28 “(5)(a) If the owner or person in possession or control of a solar  
29 project who has entered into an agreement under this section fails to  
30 pay the fee as required under this section, the property constituting

1 the solar project shall not be exempt for the following property tax  
2 year and shall be assessed and taxed as other similar property is as-  
3 sessed and taxed.

4 “(b) Notwithstanding paragraph (a) of this subsection, the property  
5 shall be exempt for the following property tax year upon payment,  
6 within one year of the date of delinquency, of the delinquent fee plus  
7 interest at the rate prescribed in ORS 311.505 (2). Delinquent fees and  
8 interest shall be collected in the manner provided for collection of  
9 delinquent property taxes on personal property.

10 “(6)(a) If the owner or person in possession or control of the solar  
11 project fails to pay the fee in lieu of property taxes for more than one  
12 year during the term of an agreement entered into under subsection  
13 (1) of this section, notwithstanding the agreement, the property con-  
14 stituting the solar project shall be disqualified for the exemption and  
15 payment of the fee in lieu of property taxes.

16 “(b) Property that is disqualified under this subsection shall:  
17 “(A) Be assessed and taxed as other similar property is assessed and  
18 taxed.

19 “(B) In addition, be assessed a penalty in an amount equal to one  
20 year of the fee in lieu of property taxes for the property. The penalty  
21 assessed under this subparagraph shall be credited to the general fund  
22 of the county in which the property is located.

23 “(7)(a) Property constituting a solar project that has received an  
24 exemption under ORS 285C.350 to 285C.370 for any property tax year is  
25 not eligible to pay a fee in lieu of property taxes under this section.

26 “(b) Paragraph (a) of this subsection does not apply to property  
27 constituting a solar project that was the subject of an application filed  
28 pursuant to ORS 285C.350 to 285C.370 if the property did not receive the  
29 exemption for any property tax year. The election to pay the fee in  
30 lieu of property taxes for property described in this paragraph is not

1 a disqualifying event requiring assessment of additional taxes under  
2 ORS 285C.240 (3).

3 **“SECTION 2. Section 1 of this 2015 Act applies to property tax years  
4 beginning on or after July 1, 2016.**

5 **“SECTION 3. This 2015 Act takes effect on the 91st day after the  
6 date on which the 2015 regular session of the Seventy-eighth Legisla-  
7 tive Assembly adjourns sine die.”.**

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