

**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)(a) Upon request of the owner or person in pos-**
4 **session or control of a solar project located in the county, the gov-**
5 **erning body of the county shall enter into an agreement with the**
6 **owner or person in possession or control that exempts from property**
7 **taxes the property constituting the solar project and allows the pay-**
8 **ment of a fee in lieu of property taxes imposed on the property. An**
9 **agreement may not be entered into for a term longer than 20 consec-**
10 **utive years.**

11 **“(b) If the solar project is located within the boundaries of an in-**
12 **corporated city, the city and the county shall enter into the agreement**
13 **under this section.**

14 **“(2) The fee in lieu of property taxes shall be computed at the rate**
15 **of \$7,000 per megawatt of nameplate capacity of the solar project for**
16 **each property tax year. Megawatt of nameplate capacity shall be car-**
17 **ried to the third decimal place.**

18 **“(3)(a) On or before December 31 preceding the first property tax**
19 **year to which an agreement entered into under this section relates,**
20 **the owner or person in possession or control of the solar project shall**
21 **file with the county assessor a copy of the agreement and a request**
22 **for computation of the fee in lieu of property taxes for the property**

1 constituting the solar project. The request must include any infor-
2 mation required by the assessor to compute the fee.

3 “(b) On or before December 31 preceding each subsequent property
4 tax year to which an agreement entered into under this section re-
5 lates, the owner or person in possession or control of the solar project
6 shall file with the county assessor a request for computation of the fee
7 in lieu of property taxes for the property constituting the solar project.
8 If the identity of the owner or person in possession or control, or the
9 nameplate capacity, of the solar project has changed, the request for
10 computation of the fee must include the new information.

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

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

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

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

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

24 “(c) On or before July 15 of each year, the county treasurer shall
25 distribute fee revenue collected under this section to each taxing dis-
26 trict in which a solar project is located on the basis of the ratio that
27 the taxing district’s total rate of ad valorem property taxes, excluding
28 the rates of taxes imposed to repay bonded indebtedness, bears to the
29 total rate of ad valorem property taxes, excluding the rates of taxes
30 imposed to repay bonded indebtedness, imposed by all taxing districts

1 in which the solar project is located.

2 “(5)(a) If the owner or person in possession or control of a solar
3 project that has entered into an agreement under this section fails to
4 pay the fee as required under this section, the property constituting
5 the solar project is not exempt for the following property tax year and
6 shall be assessed and taxed as other similar property is assessed and
7 taxed.

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

14 “(6)(a) If the owner or person in possession or control of the solar
15 project fails to pay the fee in lieu of property taxes for more than one
16 year during the term of an agreement entered into under this section,
17 notwithstanding the agreement, the property constituting the solar
18 project shall be disqualified for the exemption and payment of the fee
19 in lieu of property taxes.

20 “(b) Property that is disqualified under this subsection shall:

21 “(A) Be assessed and taxed as other similar property is assessed and
22 taxed.

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

27 “(7)(a) Property constituting a solar project that has received an
28 exemption under ORS 285C.350 to 285C.370 or 307.123 for any property
29 tax year is not eligible to pay a fee in lieu of property taxes under this
30 section.

1 “(b) Paragraph (a) of this subsection does not apply to property
2 constituting a solar project that was the subject of an application filed
3 pursuant to ORS 285C.350 to 285C.370 if the property did not receive the
4 exemption for any property tax year. The election to pay the fee in
5 lieu of property taxes for property described in this paragraph is not
6 a disqualifying event.

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

9 “SECTION 3. (1) Section 1 of this 2015 Act is repealed on January
10 2, 2022.

11 “(2) Notwithstanding subsection (1) of this section, property con-
12 stituting a solar project that is exempt from property taxes under
13 section 1 of this 2015 Act on the date specified in subsection (1) of this
14 section shall continue to be exempt and to pay the fee in lieu of
15 property taxes for the term specified in the agreement entered into
16 under section 1 of this 2015 Act.

17 “SECTION 4. This 2015 Act takes effect on the 91st day after the
18 date on which the 2015 regular session of the Seventy-eighth Legisla-
19 tive Assembly adjourns sine die.”.

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