

**PROPOSED AMENDMENTS TO
SENATE BILL 938**

1 On page 2 of the printed bill, after line 2, insert:

2 **“SECTION 4.** ORS 307.130, as amended by section 16, chapter 52, Oregon
3 Laws 2014, is amended to read:

4 “307.130. (1) As used in this section:

5 “(a) ‘Art museum’ means a nonprofit corporation organized to display
6 works of art to the public.

7 **“(b) ‘History museum or science museum’ means a nonprofit cor-**
8 **poration organized to display historical or scientific exhibits, or both,**
9 **to the public.**

10 “[*(b)*] (c) ‘Nonprofit corporation’ means a corporation that:

11 “(A) Is organized not for profit, pursuant to ORS chapter 65 or any
12 predecessor of ORS chapter 65; or

13 “(B) Is organized and operated as described under section 501(c) of the
14 Internal Revenue Code as defined in section 15, chapter 52, Oregon Laws
15 2014.

16 “[*(c)*] (d) ‘Volunteer fire department’ means a nonprofit corporation or-
17 ganized to provide fire protection services in a specific response area.

18 “(2) Upon compliance with ORS 307.162, the following property owned or
19 being purchased by art museums, volunteer fire departments, or incorporated
20 literary, benevolent, charitable and scientific institutions shall be exempt
21 from taxation:

22 “(a) Except as provided in ORS 748.414, only such real or personal prop-

1 erty, or proportion thereof, as is actually and exclusively occupied or used
2 in the literary, benevolent, charitable or scientific work carried on by such
3 institutions.

4 “(b) Parking lots used for parking or any other use as long as that park-
5 ing or other use is permitted without charge for no fewer than 355 days
6 during the tax year.

7 “(c) All real or personal property of a rehabilitation facility or any retail
8 outlet thereof, including inventory. As used in this subsection, ‘rehabilitation
9 facility’ means either those facilities defined in ORS 344.710 or facilities
10 which provide individuals who have physical, mental or emotional disabili-
11 ties with occupational rehabilitation activities of an educational or
12 therapeutic nature, even if remuneration is received by the individual.

13 “(d) All real and personal property of a retail store dealing exclusively
14 in donated inventory, where the inventory is distributed without cost as part
15 of a welfare program or where the proceeds of the sale of any inventory sold
16 to the general public are used to support a welfare program. As used in this
17 subsection, ‘welfare program’ means the providing of food, shelter, clothing
18 or health care, including dental service, to needy persons without charge.

19 “(e) All real and personal property of a retail store if:

20 “(A) The retail store deals primarily and on a regular basis in donated
21 and consigned inventory;

22 “(B) The individuals who operate the retail store are all individuals who
23 work as volunteers; and

24 “(C) The inventory is either distributed without charge as part of a wel-
25 fare program, or sold to the general public and the sales proceeds used ex-
26 clusively to support a welfare program. As used in this paragraph,
27 ‘primarily’ means at least one-half of the inventory.

28 “(f) The real and personal property of an art museum that is used in
29 conjunction with the public display of works of art or used to educate the
30 public about art, but not including any portion of the art museum’s real or

1 personal property that is used to sell, or hold out for sale, works of art, re-
2 productions of works of art or other items to be sold to the public.

3 “(g) All real and personal property of a volunteer fire department that is
4 used in conjunction with services and activities for providing fire protection
5 to all residents within a fire response area.

6 “(h) All real and personal property, including inventory, of a retail store
7 owned by a nonprofit corporation if:

8 “(A) The retail store deals exclusively in donated inventory; and

9 “(B) Proceeds of the retail store sales are used to support a not-for-profit
10 housing program whose purpose is to:

11 “(i) Acquire property and construct housing for resale to individuals at
12 or below the cost of acquisition and construction; and

13 “(ii) Provide loans bearing no interest to individuals purchasing housing
14 through the program.

15 **“(3)(a) Upon compliance with ORS 307.162, real and personal prop-**
16 **erty owned or leased by a history museum or science museum shall**
17 **be exempt from property taxes if the property:**

18 **“(A) Is used to fulfill the mission of the museum as provided in the**
19 **articles of incorporation and bylaws of the museum; and**

20 **“(B) Is used or occupied for one or more of the following purposes:**

21 **“(i) As a food service facility or concession stand selling food and**
22 **refreshments to museum visitors, volunteers or staff within the mu-**
23 **seum buildings or on museum grounds.**

24 **“(ii) As a retail store selling inventory, at least 90 percent of which**
25 **is museum-related, within the museum buildings or on museum**
26 **grounds.**

27 **“(iii) As a parking lot, the use of which is permitted without charge**
28 **for not fewer than 355 days during the property tax year, for museum**
29 **visitors, volunteers or staff employed by the museum.**

30 **“(iv) As a theater located in a museum building showing enter-**

1 **tainment or educational features, at least 75 percent of which are**
2 **museum-related.**

3 **“(v) As unimproved land that is not specially assessed and that is**
4 **contiguous with the land on which the museum is situated.**

5 **“(vi) For displays, storage areas, educational classrooms or meeting**
6 **areas.**

7 **“(b) The exemption granted under this subsection does not apply to**
8 **property used or occupied as a hotel, water park or chapel or for any**
9 **commercial enterprise.**

10 **“[(3)] (4) An art museum or institution shall not be deprived of an ex-**
11 **emption under this section solely because its primary source of funding is**
12 **from one or more governmental entities.**

13 **“[(4)] (5) An institution shall not be deprived of an exemption under this**
14 **section because its purpose or the use of its property is not limited to re-**
15 **lieving pain, alleviating disease or removing constraints.**

16 **“SECTION 5. The amendments to ORS 307.130 by section 4 of this**
17 **2015 Act apply to property tax years beginning on or after July 1, 2015.**

18 **“SECTION 6. ORS 307.130, as amended by section 16, chapter 52, Oregon**
19 **Laws 2014, and section 4 of this 2015 Act, is amended to read:**

20 **“307.130. (1) As used in this section:**

21 **“(a) ‘Art museum’ means a nonprofit corporation organized to display**
22 **works of art to the public.**

23 **“[(b) ‘History museum or science museum’ means a nonprofit corporation**
24 **organized to display historical or scientific exhibits, or both, to the public.]**

25 **“[(c)] (b) ‘Nonprofit corporation’ means a corporation that:**

26 **“(A) Is organized not for profit, pursuant to ORS chapter 65 or any**
27 **predecessor of ORS chapter 65; or**

28 **“(B) Is organized and operated as described under section 501(c) of the**
29 **Internal Revenue Code as defined in section 15, chapter 52, Oregon Laws**
30 **2014.**

1 “[(d)] (c) ‘Volunteer fire department’ means a nonprofit corporation or-
2 ganized to provide fire protection services in a specific response area.

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4 being purchased by art museums, volunteer fire departments, or incorporated
5 literary, benevolent, charitable and scientific institutions shall be exempt
6 from taxation:

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8 erty, or proportion thereof, as is actually and exclusively occupied or used
9 in the literary, benevolent, charitable or scientific work carried on by such
10 institutions.

11 “(b) Parking lots used for parking or any other use as long as that park-
12 ing or other use is permitted without charge for no fewer than 355 days
13 during the tax year.

14 “(c) All real or personal property of a rehabilitation facility or any retail
15 outlet thereof, including inventory. As used in this subsection, ‘rehabilitation
16 facility’ means either those facilities defined in ORS 344.710 or facilities
17 which provide individuals who have physical, mental or emotional disabili-
18 ties with occupational rehabilitation activities of an educational or
19 therapeutic nature, even if remuneration is received by the individual.

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21 in donated inventory, where the inventory is distributed without cost as part
22 of a welfare program or where the proceeds of the sale of any inventory sold
23 to the general public are used to support a welfare program. As used in this
24 subsection, ‘welfare program’ means the providing of food, shelter, clothing
25 or health care, including dental service, to needy persons without charge.

26 “(e) All real and personal property of a retail store if:

27 “(A) The retail store deals primarily and on a regular basis in donated
28 and consigned inventory;

29 “(B) The individuals who operate the retail store are all individuals who
30 work as volunteers; and

1 “(C) The inventory is either distributed without charge as part of a wel-
2 fare program, or sold to the general public and the sales proceeds used ex-
3 clusively to support a welfare program. As used in this paragraph,
4 ‘primarily’ means at least one-half of the inventory.

5 “(f) The real and personal property of an art museum that is used in
6 conjunction with the public display of works of art or used to educate the
7 public about art, but not including any portion of the art museum’s real or
8 personal property that is used to sell, or hold out for sale, works of art, re-
9 productions of works of art or other items to be sold to the public.

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11 used in conjunction with services and activities for providing fire protection
12 to all residents within a fire response area.

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16 “(B) Proceeds of the retail store sales are used to support a not-for-profit
17 housing program whose purpose is to:

18 “(i) Acquire property and construct housing for resale to individuals at
19 or below the cost of acquisition and construction; and

20 “(ii) Provide loans bearing no interest to individuals purchasing housing
21 through the program.

22 “[*(3)(a) Upon compliance with ORS 307.162, real and personal property*
23 *owned or leased by a history museum or science museum shall be exempt from*
24 *property taxes if the property:]*

25 “[*(A) Is used to fulfill the mission of the museum as provided in the articles*
26 *of incorporation and bylaws of the museum; and]*

27 “[*(B) Is used or occupied for one or more of the following purposes:]*

28 “[*(i) As a food service facility or concession stand selling food and*
29 *refreshments to museum visitors, volunteers or staff within the museum*
30 *buildings or on museum grounds.]*

1 “(ii) As a retail store selling inventory, at least 90 percent of which is
2 museum-related, within the museum buildings or on museum grounds.]

3 “(iii) As a parking lot, the use of which is permitted without charge for
4 not fewer than 355 days during the property tax year, for museum visitors,
5 volunteers or staff employed by the museum.]

6 “(iv) As a theater located in a museum building showing entertainment
7 or educational features, at least 75 percent of which are museum-related.]

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9 uous with the land on which the museum is situated.]

10 “(vi) For displays, storage areas, educational classrooms or meeting
11 areas.]

12 “(b) The exemption granted under this subsection does not apply to prop-
13 erty used or occupied as a hotel, water park or chapel or for any commercial
14 enterprise.]

15 “[(4)] (3) An art museum or institution shall not be deprived of an ex-
16 emption under this section solely because its primary source of funding is
17 from one or more governmental entities.

18 “[(5)] (4) An institution shall not be deprived of an exemption under this
19 section because its purpose or the use of its property is not limited to re-
20 lieving pain, alleviating disease or removing constraints.

21 “**SECTION 7. The amendments to ORS 307.130 by section 6 of this**
22 **2015 Act apply to property tax years beginning on or after July 1,**
23 **2019.”.**

24 In line 3, delete “4” and insert “8”.

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