

House Bill 2949

Sponsored by Representative GORSEK

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**.

Authorizes governing body of county with population of more than 570,000 to set maximum dollar amount of \$25,000 or more for total assessed value of all of taxpayer's manufactured structures taxable as personal property below which such manufactured structures are not subject to ad valorem property taxation for assessment year.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to property taxation of manufactured structures; creating new provisions; amending ORS
3 308.250, 308.290 and 446.525; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308.250 is amended to read:

6 308.250. (1) All personal property not exempt from ad valorem taxation or subject to special
7 assessment shall be valued at 100 percent of its real market value, as of January 1, at 1:00 a.m. and
8 shall be assessed at its assessed value determined as provided in ORS 308.146.

9 (2) Notwithstanding subsection (1) of this section,[:]

10 [(a)] if the total assessed value of all taxable personal property required to be reported under
11 ORS 308.290 in any county of any taxpayer is less than \$12,500 in any assessment year, the property
12 is not subject to ad valorem property taxation for that year.

13 [(b)] **(3) Notwithstanding subsection (1) of this section**, manufactured structures of a tax-
14 payer are not subject to ad valorem property taxation for any assessment year in which:

15 [(A)] **(a)** In a county with a population of more than 340,000 but less than or equal to 570,000,
16 the total assessed value of all manufactured structures taxable as personal property under ORS
17 308.875 of the taxpayer is less than \$12,500.

18 [(B)] **(b)** In a county with a population of more than 570,000, the total assessed value of all
19 manufactured structures taxable as personal property under ORS 308.875 of the taxpayer is less
20 than:

21 **(A)** \$25,000; or

22 **(B) A maximum dollar amount of \$25,000 or more, if adopted by the governing body of**
23 **the county for the assessment year. The governing body of a county that adopts a maximum**
24 **dollar amount under this subparagraph must notify the county assessor on or before January**
25 **1 of the assessment year for which the county first intends the maximum dollar amount to**
26 **apply.**

27 [(3)(a)] **(4)(a)** On or around January 1 of each year, the county assessor may provide notice to
28 each taxpayer whose taxable personal property is not subject to ad valorem property taxation for
29 the current property tax year under subsection [(2)(a)] **(2)** of this section.

30 (b) Notice provided under this subsection shall:

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 (A) State that the taxpayer's personal property is not subject to ad valorem property taxation
 2 for the current property tax year.

3 (B) Include a form prescribed by the Department of Revenue by rule on which the taxpayer may
 4 attest by signing the form that the taxpayer has not added or deleted any taxable personal property
 5 since the prior assessment year.

6 (C) State that, if the taxpayer has added or deleted personal property since the prior assessment
 7 year, the taxpayer is required to submit to the county assessor a signed business personal property
 8 return with an updated asset detail list on or before March 15.

9 (c) A signed form returned to the county assessor within the time required under ORS 308.290
 10 shall be sufficient to make the taxable personal property of the taxpayer identified in the notice not
 11 subject to ad valorem property taxation for the subsequent property tax year.

12 [(4)(a)] **(5)(a)** For each tax year beginning on or after July 1, 2003, the Department of Revenue
 13 shall recompute the maximum amount of the assessed value of taxable personal property in [sub-
 14 section (2)(a) and (b)] **subsections (2) and (3)(a) and (b)(A)** of this section as follows:

15 (A) Divide the average [U.S. City Average] Consumer Price Index **for All Urban Consumers,**
 16 **West Region,** for the prior calendar year by the average U.S. City Average Consumer Price Index
 17 for 2002.

18 (B) Recompute the maximum amount of assessed value under [subsection (2)(a) or (b)] **sub-**
 19 **sections (2) and (3)(a) and (b)(A)** of this section by multiplying \$12,500 or \$25,000, as applicable,
 20 by the appropriate indexing factor determined as provided in subparagraph (A) of this paragraph.

21 (b) As used in this subsection[,]:

22 (A) **“Consumer Price Index for All Urban Consumers, West Region” means the Consumer**
 23 **Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau**
 24 **of Labor Statistics of the United States Department of Labor.**

25 (B) **“U.S. City Average Consumer Price Index” means the U.S. City Average Consumer Price**
 26 **Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the**
 27 **United States Department of Labor.**

28 (c) If any change in the maximum amount of assessed value determined under paragraph (a) of
 29 this subsection is not a multiple of \$500, the increase shall be rounded to the nearest multiple of
 30 \$500.

31 **SECTION 2.** ORS 308.290 is amended to read:

32 308.290. (1)(a) Except as provided in paragraph (b) of this subsection, every person and the
 33 managing agent or officer of any business, firm, corporation or association owning, or having in
 34 possession or under control taxable personal property shall make a return of the property for ad
 35 valorem tax purposes to the assessor of the county in which the property has its situs for taxation.
 36 As between a mortgagor and mortgagee or a lessor and lessee, however, the actual owner and the
 37 person in possession may agree between them as to who shall make the return and pay the tax, and
 38 the election shall be followed by the person in possession of the roll who has notice of the election.
 39 Upon the failure of either party to file a personal property tax return on or before March 15 of any
 40 year, both parties shall be jointly and severally subject to the provisions of ORS 308.296.

41 (b) Paragraph (a) of this subsection does not apply to personal property exempt from taxation
 42 under ORS 307.162.

43 (2) Every person and the managing agent or officer of any business, firm, corporation or asso-
 44 ciation owning or in possession of taxable real property shall make a return of the property for ad
 45 valorem tax purposes when so requested by the assessor of the county in which the property is sit-

1 uated.

2 (3)(a) Each return of personal property shall contain a full listing of the property and a state-
 3 ment of its real market value, including a separate listing of those items claimed to be exempt as
 4 imports or exports. Each statement shall contain a listing of the additions or retirements made since
 5 the prior January 1, indicating the book cost and the date of acquisition or retirement. Each return
 6 shall contain the name, assumed business name, if any, and address of the owner of the personal
 7 property and, if it is a partnership, the name and address of each general partner or, if it is a cor-
 8 poration, the name and address of its registered agent.

9 (b) Each return of real property shall contain a full listing of the several items or parts of the
 10 property specified by the county assessor and a statement exhibiting their real market value. Each
 11 return shall contain a listing of the additions and retirements made during the year indicating the
 12 book cost, book value of the additions and retirements or the appraised real market value of re-
 13 tirements as specified in the return by the assessor.

14 (c) There shall be annexed to each return the affidavit or affirmation of the person making the
 15 return that the statements contained in the return are true. All returns shall be in a form that the
 16 county assessor, with the approval of the Department of Revenue, may prescribe.

17 (4) All returns shall be filed on or before March 15 of each year.

18 (5)(a) In lieu of the returns required under subsection (1)(a) or (2) of this section, every person
 19 and the managing agent or officer of any business, firm, corporation or association owning or having
 20 in possession or under control taxable real and personal property that is state-appraised industrial
 21 property as defined in ORS 306.126 shall file a combined return of the real and personal property
 22 with the Department of Revenue.

23 (b) The contents and form of the return shall be as prescribed by rule of the department. Any
 24 form shall comply with ORS 308.297. Notwithstanding ORS 308.875, a manufactured structure that
 25 is a part of a state-appraised industrial property shall be included in a combined return.

26 (c) In order that the county assessor may comply with ORS 308.295, the department shall provide
 27 a list to the assessor of all combined returns that are required to be filed with the department under
 28 this subsection but that were not filed on or before the due date.

29 (d) If the department has delegated appraisal of the state-appraised industrial property to the
 30 county assessor under ORS 306.126 (3), the department shall notify the person otherwise required
 31 to file the combined return under this subsection as soon as practicable after the delegation that the
 32 combined return is required to be filed with the assessor.

33 (e) Notwithstanding subsection (2) of this section, a combined return of real and personal prop-
 34 erty that is state-appraised industrial property shall be filed with the department on or before March
 35 15 of each year.

36 (6) A return is not in any respect controlling on the county assessor or on the Department of
 37 Revenue in the assessment of any property. On any failure to file the required return, the property
 38 shall be listed and assessed from the best information obtainable from other sources.

39 (7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are
 40 confidential records of the Department of Revenue or the county assessor's office in which the re-
 41 turns are filed or of the office to which the returns are forwarded under paragraph (b) of this sub-
 42 section.

43 (b) The assessor or the department may forward any return received in error to the department
 44 or the county official responsible for appraising the property described in the return.

45 (c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this

1 subsection may be disclosed to:

2 (A) The Department of Revenue or its representative;

3 (B) The representatives of the Secretary of State or to an accountant engaged by a county under
4 ORS 297.405 to 297.555 for the purpose of auditing the county's personal property tax assessment
5 roll (including adjustments to returns made by the Department of Revenue);

6 (C) The county assessor, the county tax collector, the assessor's representative or the tax
7 collector's representative for the purpose of:

8 (i) Collecting delinquent real or personal property taxes; or

9 (ii) Correctly reflecting on the tax roll information reported on returns filed by a business op-
10 erating in more than one county or transferring property between counties in this state during the
11 tax year;

12 (D) Any reviewing authority to the extent the return being disclosed relates to an appeal
13 brought by a taxpayer;

14 (E) The Division of Child Support of the Department of Justice or a district attorney to the
15 extent the return being disclosed relates to a case for which the Division of Child Support or the
16 district attorney is providing support enforcement services under ORS 25.080; or

17 (F) The Legislative Revenue Officer for the purpose of preparation of reports, estimates and
18 analyses required by ORS 173.800 to 173.850.

19 (d) Notwithstanding paragraph (a) of this subsection:

20 (A) The Department of Revenue may exchange property tax information with the authorized
21 agents of the federal government and the several states on a reciprocal basis, or with county
22 assessors, county tax collectors or authorized representatives of assessors or tax collectors.

23 (B) Information regarding the valuation of leased property reported on a property return filed
24 by a lessor under this section may be disclosed to the lessee or other person in possession of the
25 property. Information regarding the valuation of leased property reported on a property return filed
26 by a lessee under this section may be disclosed to the lessor of the property.

27 (8) If the assessed value of any personal property in possession of a lessee is less than the
28 maximum amount described in ORS 308.250 [(2)(a)] (2), the person in possession of the roll may dis-
29 regard an election made under subsection (1)(a) of this section and assess the owner or lessor of the
30 property.

31 **SECTION 3.** ORS 446.525 is amended to read:

32 446.525. (1) Except as provided in ORS 308.250 [(2)(b)] (3), a special assessment is levied annually
33 upon each manufactured dwelling that is assessed for ad valorem property tax purposes as personal
34 property. The amount of the assessment is \$10.

35 (2) On or before July 15 of each year, the county assessor shall determine and list the manu-
36 factured dwellings in the county that are assessed for the current assessment year as personal
37 property. Upon making a determination and list, the county assessor shall cause the special assess-
38 ment levied under subsection (1) of this section to be entered on the general assessment and tax roll
39 prepared for the current assessment year as a charge against each manufactured dwelling so listed.
40 Upon entry, the special assessment shall become a lien, be assessed and be collected in the same
41 manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes
42 in this state.

43 (3) Any amounts of special assessment collected pursuant to subsection (2) of this section shall
44 be deposited in the county treasury, paid over by the county treasurer to the State Treasury and
45 credited to the Mobile Home Parks Account to be used exclusively for carrying out ORS 446.380,

1 446.385, 446.392 and 446.543, implementing the policies described in ORS 446.515 and compensating
 2 the county for billing and collecting any special assessment under subsection (2) of this section. The
 3 Housing and Community Services Department shall pay to a county \$1.50 for each special assess-
 4 ment account that the county bills under subsection (2) of this section.

5 (4) In lieu of the procedures under subsection (2) of this section, the Director of the Housing
 6 and Community Services Department may make a direct billing of the special assessment to the
 7 owners of manufactured dwellings and receive payment of the special assessment from those owners.
 8 In the event that under the billing procedures any owner fails to make payment, the unpaid special
 9 assessment shall become a lien against the manufactured dwelling and may be collected under con-
 10 tract or other agreement by a collection agency or may be collected under ORS 293.250, or the lien
 11 may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to
 12 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited
 13 in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclu-
 14 sively for carrying out ORS 446.380, 446.385, 446.392 and 446.543 and implementing the policies de-
 15 scribed in ORS 446.515.

16 **SECTION 4. The amendments to ORS 308.250, 308.290 and 446.525 by sections 1 to 3 of this**
 17 **2019 Act apply to assessment years beginning on or after January 1, 2019.**

18 **SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**
 19 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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