

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2343

By COMMITTEE ON REVENUE

May 25

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 22 and delete pages 2 and 3  
2 and insert:

3 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS**  
4 **285C.050 to 285C.250.**

5 **“SECTION 2. (1)(a) Notwithstanding ORS 285C.203 (1)(a), the governing body of a sponsor**  
6 **may adopt a resolution to suspend, as provided in ORS 285C.203, the obligation of a qualified**  
7 **business firm to meet the employment requirements of ORS 285C.200 if the reduced employ-**  
8 **ment or financial distress of the firm is a result of the COVID-19 pandemic for which the**  
9 **Governor declared a state of emergency on March 8, 2020.**

10 **“(b) A resolution may be adopted pursuant to this subsection under any procedures or**  
11 **authority permitted under state and local law applicable in a declared public health emer-**  
12 **gency.**

13 **“(c) A resolution adopted pursuant to this subsection must set forth criteria for estab-**  
14 **lishing that the COVID-19 pandemic prevented the qualified business firm from meeting the**  
15 **employment requirements of ORS 285C.200, including:**

16 **“(A) Compliance with mandatory public health safety measures or closures;**

17 **“(B) Mandatory limitations on facility capacity;**

18 **“(C) A decrease in receipts;**

19 **“(D) A reduction in sales;**

20 **“(E) Disruption of the firm’s access to markets or supply chains; or**

21 **“(F) Other factors attributable to the COVID-19 pandemic.**

22 **“(d) A resolution adopted pursuant to this subsection is not subject to the alternative**  
23 **deadline in ORS 285C.203 (3)(a)(B).**

24 **“(2)(a) The resolution described in subsection (1) of this section is not effective unless**  
25 **adopted by the governing body of the enterprise zone on or before the later of June 30 im-**  
26 **mediately preceding the property tax year for which suspension is sought or 45 days following**  
27 **the effective date of this 2021 Act.**

28 **“(b) The resolution may provide that the suspension applies to either or both of the**  
29 **property tax years beginning on July 1, 2021, and July 1, 2022.**

30 **“(3) A resolution for suspension adopted pursuant to this section has the following ef-**  
31 **fects:**

32 **“(a) Tolling the deadline for claiming exemption for additional property under ORS**  
33 **285C.225 (3)(b) until after the period of suspension has ended, if so provided in the resolution.**

34 **“(b) Converting the denial under ORS 285C.175 of an exemption on qualified property that**  
35 **would otherwise have begun on July 1, 2021, into a one-year period of suspension beginning**

1 on that date.

2 “(4) Any curtailment of operations that is permitted under a resolution adopted pursuant  
3 to this section is not subject to ORS 285C.240 (1)(b).

4 “**SECTION 3.** (1) The qualified property of an authorized business firm may be granted  
5 an exemption, or continuation of an exemption, under ORS 285C.175 notwithstanding the fact  
6 that the firm does not meet the qualifications under ORS 285C.200 (1)(c), (d) or (e) or (2) if  
7 the failure of the firm to meet the qualifications is a result of the COVID-19 pandemic for  
8 which the Governor declared a state of emergency on March 8, 2020, and:

9 “(a) The governing body of the sponsor adopts a resolution, on or before the later of June  
10 30 immediately preceding the property tax year for which exemption is sought or 45 days  
11 following the effective date of this 2021 Act, that sets forth:

12 “(A) Procedures for allowing the sponsor to grant the exemption;

13 “(B) Standards for establishing a minimum number of employees of an authorized busi-  
14 ness firm; and

15 “(C) Criteria for establishing that the COVID-19 pandemic prevented the authorized  
16 business firm from meeting the qualifications under ORS 285C.200 (1)(c), (d) or (e) or (2),  
17 including:

18 “(i) Compliance with mandatory public health safety measures or closures;

19 “(ii) Mandatory limitations on facility capacity;

20 “(iii) A decrease in receipts;

21 “(iv) A reduction in sales;

22 “(v) Disruption of the firm’s access to markets or supply chains; or

23 “(vi) Other factors attributable to the COVID-19 pandemic;

24 “(b) A copy of the resolution is provided to the county assessor, the Department of Re-  
25 venue and the Oregon Business Development Department within 30 days following the  
26 adoption of the resolution;

27 “(c) Within 30 days following the date on which the sponsor grants the exemption, the  
28 sponsor provides the county assessor with written notice that the exemption has been  
29 granted; and

30 “(d) The authorized business firm satisfies the requirements established under the re-  
31 solution adopted pursuant to this subsection and any otherwise applicable requirements un-  
32 der ORS 285C.050 to 285C.250, including, but not limited to, filing a claim that contains  
33 employment data for purposes of ORS 285C.220.

34 “(2) A resolution may be adopted pursuant to subsection (1) of this section under any  
35 procedures or authority permitted under state and local law applicable in a declared public  
36 health emergency.

37 “(3) A resolution adopted pursuant to subsection (1) of this section may grant an ex-  
38 emption, or continuation of an exemption, for property tax years beginning on or after July  
39 1, 2021, and before July 1, 2023.

40 “(4) Failure of an authorized business firm to meet any requirement adopted pursuant  
41 to subsection (1) of this section shall be subject to the notice requirements and disqualifica-  
42 tion of the authorized business firm’s qualified property under ORS 285C.240, unless the firm  
43 satisfies the requirements of ORS 285C.200 without the exceptions allowed under subsection  
44 (1) of this section.

45 “(5) Any curtailment of operations that is permitted under a resolution adopted pursuant

1 to this section is not subject to ORS 285C.240 (1)(b).

2 “(6) A county assessor is not obligated to verify compliance of an authorized business  
3 firm with any requirement imposed on the firm by a sponsor pursuant to this section.

4 “(7) The governing body of a sponsor that adopts a resolution pursuant to subsection (1)  
5 of this section shall submit a written report to the Oregon Business Development Depart-  
6 ment detailing the implementation of the resolution.

7 “SECTION 4. (1) This section applies to:

8 “(a) A qualified business firm to which a resolution to suspend adopted pursuant to sec-  
9 tion 2 of this 2021 Act applies; and

10 “(b) An authorized business firm whose qualified property is exempt under a resolution  
11 adopted pursuant to section 3 of this 2021 Act.

12 “(2)(a) Notwithstanding ORS 285C.240 (6)(b), the sponsor that adopted the applicable re-  
13 solution and that collected from the business firm under ORS 285C.240 (6)(a) an amount equal  
14 to the property taxes for qualified property of the business firm that would otherwise have  
15 been due for the property tax years beginning on July 1, 2021, or July 1, 2022, may refund to  
16 the business firm, without interest, all or any part of the amount so collected.

17 “(b) The notice given by the business firm to the county assessor under ORS 285C.240 (1)  
18 with respect to paragraph (a) of this subsection shall not count as the first notice given by  
19 the business firm for purposes of ORS 285C.240 (6)(c).

20 “SECTION 5. Sections 2 and 3 of this 2021 Act are repealed on the date that is one year  
21 following the date on which the declaration of a state of emergency issued by the Governor  
22 on March 8, 2020, and any extension of the declaration, is no longer in effect.

23 “SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021  
24 regular session of the Eighty-first Legislative Assembly adjourns sine die.”