

# Enrolled Senate Bill 1559

Sponsored by Senators GORSEK, FREDERICK, Representative HUDSON; Representatives DEXTER, POWER, RUIZ, SANCHEZ (Presession filed.)

CHAPTER .....

## AN ACT

Relating to the taxation of floating homes; creating new provisions; amending ORS 308.250, 308.290 and 308.875; and prescribing an effective date.

### Be It Enacted by the People of the State of Oregon:

**SECTION 1.** ORS 308.290 is amended to read:

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

(b) **The requirement to file a return under** paragraph (a) of this subsection does not apply to:

(A) Personal property exempt from taxation under ORS 307.162.

(B) **Manufactured structures classified as personal property under ORS 308.875.**

(C) **Floating homes as defined in ORS 830.700, unless, as of the assessment date of the current assessment year, new property or new improvements, as defined in ORS 308.149, have been added to the property tax account since the assessment date of the preceding assessment year.**

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

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

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

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

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

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

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

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

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

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

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

(7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

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

(c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this subsection may be disclosed to:

(A) The Department of Revenue or its representative;

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

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

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

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

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

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

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

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

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

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

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

**SECTION 2.** ORS 308.875 is amended to read:

308.875. (1) If *[the]* a manufactured structure and the land upon which the manufactured structure is situated are owned by the same person, the assessor shall assess the manufactured structure as real property.

(2) If *[the]* a manufactured structure is owned separately and apart from the land upon which it is located, the assessor shall assess and tax the manufactured structure as personal property.

(3) A change in the property classification of a manufactured structure for ad valorem tax purposes does not change the property classification of the structure with respect to any transactions between the owner and security interest holders or other persons. *[Manufactured structures classified as personal property need not be returned under ORS 308.290.]*

**SECTION 3.** ORS 308.250 is amended to read:

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

(2) Notwithstanding subsection (1) of this section:

(a) If the total assessed value of all taxable personal property **of any taxpayer assessable in any county that is** required to be reported under ORS 308.290 *[in any county of any taxpayer]*, **and of all floating homes of the taxpayer assessable in the county that are not required to be reported under ORS 308.290 (1)(b)(C)**, is less than \$12,500 in any assessment year, the property is not subject to ad valorem property taxation for that year.

(b) Manufactured structures of a taxpayer are not subject to ad valorem property taxation for any assessment year in which, in a county with a population of more than 340,000 but less than or equal to 570,000, the total assessed value of all manufactured structures taxable as personal property under ORS 308.875 of the taxpayer is less than \$12,500.

(3)(a) Notwithstanding subsection (1) of this section, manufactured structures of a taxpayer are not subject to ad valorem property taxation for any assessment year in which, in a county with a population of more than 570,000, the total assessed value of all manufactured structures taxable as personal property under ORS 308.875 of the taxpayer is less than:

(A) \$25,000; or

(B) A maximum dollar amount of \$25,000 or more, if adopted by the governing body of the county for the assessment year.

(b) Notwithstanding subsection (1) of this section, the governing body of a county with a population of more than 570,000 may grant a partial exemption for all manufactured structures taxable as personal property in a dollar amount adopted by the county. The dollar amount shall be subtracted from the total assessed value of the property.

(c) The governing body of a county that adopts a dollar amount under paragraph (a)(B) or (b) of this subsection must notify the county assessor on or before January 1 of the assessment year for which the county first intends the dollar amount to apply.

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

(b) Notice provided under this subsection shall:

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

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

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

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

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

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

(B) Recompute the maximum amount of assessed value under subsection (2)(a) or (b) of this section by multiplying \$12,500 or \$25,000, as applicable, by the appropriate indexing factor determined as provided in subparagraph (A) of this paragraph.

(b) As used in this subsection:

(A) "Consumer Price Index for All Urban Consumers, West Region" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

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

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

**SECTION 4. The amendments to ORS 308.250, 308.290 and 308.875 by sections 1 to 3 of this 2022 Act apply to assessment years beginning on or after January 1, 2022.**

**SECTION 5. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

**Passed by Senate February 22, 2022**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House March 3, 2022**

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Dan Rayfield, Speaker of House

**Received by Governor:**

.....M,....., 2022

**Approved:**

.....M,....., 2022

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2022

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Shemia Fagan, Secretary of State