

A-Engrossed
House Bill 2569

Ordered by the House March 31
Including House Amendments dated March 31

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

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.

Authorizes county assessor to order deferred billing credit to taxpayer if dollar amount [*at issue*] **in dispute** in property tax appeal exceeds \$1 million.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to property tax appeals; and prescribing an effective date.

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

4 **SECTION 1. (1)(a) Whenever any property value or claim for exemption or cancellation**
5 **of a property tax assessment is appealed, if the dollar amount in dispute exceeds \$1 million,**
6 **the assessor of the county in which the property is located may order the officer in charge**
7 **of the assessment and tax roll to include a deferred billing credit in the property tax state-**
8 **ment of the property or in a separate notice of deferred billing.**

9 **(b) If the appeal relates to property assessed under ORS 308.505 to 308.665, the assessor**
10 **of each county to which a portion of the value is apportioned may order inclusion of a de-**
11 **ferred billing credit under paragraph (a) of this subsection:**

12 **(A) Even if the dollar amount in dispute with respect to the county is \$1 million or less;**
13 **and**

14 **(B) Independently of the assessor of any other county.**

15 **(2) For purposes of this section, the dollar amount in dispute means the dollar amount**
16 **of real market value or specially assessed value in dispute:**

17 **(a) For all tax years to which the appeal relates and any tax year during the pendency**
18 **of the appeal; and**

19 **(b)(A) For all property of a taxpayer that is the subject of an appeal, regardless of**
20 **whether the property is the subject of separate appeals; or**

21 **(B) For property that is assessed under ORS 308.505 to 308.665, for all current appeals**
22 **relating to the property or to a unit of which the property is a part.**

23 **(3) For purposes of this section, the county assessor shall determine a deferred billing**
24 **credit as the dollar amount necessary to address the risk presented to the county by an ap-**
25 **peal with respect to the tax year that is the subject of the property tax statement of the**
26 **property, or of the separate notice of deferred billing, in which the deferred billing credit is**
27 **included.**

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 (4) The county assessor may order issuance of a separate notice of deferred billing pur-
2 suant to this section at any time during a tax year to which an appeal relates and any tax
3 year during the pendency of the appeal.

4 (5)(a) The portion of a deferred billing credit representing tax amounts that have been
5 paid shall be refunded without interest under ORS 311.806 as soon as practicable.

6 (b) Any amount paid after notice of a deferred billing credit in a property tax statement
7 or a separate notice of deferred billing is mailed that exceeds the amount due after applying
8 the deferred billing credit shall be returned to the taxpayer without interest.

9 (6) Inclusion of a deferred billing credit in a property tax statement or a separate notice
10 of deferred billing does not give rise to a cause of action other than an action to ensure
11 proper application of the provisions of this section.

12 (7)(a) If a deferred billing credit is included in a property tax statement or a separate
13 notice of deferred billing, tax amounts credited may not be considered delinquent during the
14 period beginning with the inclusion of the credit and ending with the final resolution of the
15 appeal to which the credit relates.

16 (b) During the period described in paragraph (a) of this subsection, interest may not be
17 charged or collected on tax amounts described in paragraph (a) of this subsection.

18 (8) If a refund is ordered upon final resolution of the appeal to which a deferred billing
19 credit relates, interest shall be paid as provided in ORS 311.812 for the period beginning on
20 the later of the payment date or due date and ending on the date of refund, on:

21 (a) The amount refunded pursuant to subsection (5)(a) of this section that is affirmed by
22 order upon final resolution of the appeal; and

23 (b) The amount by which the refund exceeds the deferred billing credit.

24 (9) If the final resolution of the appeal results in additional taxes due, the county
25 assessor shall mail to the taxpayer as soon as practicable a notice containing the amount
26 of the taxes due and the information specified in subsection (10) of this section.

27 (10)(a) Additional taxes due upon final resolution of the appeal are payable without in-
28 terest and after application of the discount of three percent under ORS 311.505 if paid within
29 45 days following the date on which the county assessor mails the notice required under
30 subsection (9) of this section.

31 (b)(A) If the additional taxes are not paid within the period specified in paragraph (a) of
32 this subsection, except as provided in subsection (7) of this section, the additional taxes shall
33 be considered for all purposes of collection and enforcement of payment as having been de-
34 linquent on the date the taxes would normally have become delinquent if the additional taxes
35 had been timely extended on the roll.

36 (B) Notwithstanding subparagraph (A) of this paragraph, interest on the additional taxes
37 shall be computed beginning on the 46th day after the date on which the county assessor
38 mails the notice required under subsection (9) of this section.

39 (11) The county assessor shall provide a quarterly report to the governing body of the
40 county showing the status of all current deferred billing credits and the status of the appeals
41 to which the credits relate.

42 (12) As used in this section:

43 (a) "Property tax statement" means the document described in ORS 311.250.

44 (b) "Separate notice of deferred billing" means a notice to the taxpayer, other than the
45 property tax statement, that the provisions of this section apply and stating the amount of

1 **the deferred billing credit and the amount of refund, if any.**

2 **SECTION 2. Section 1 of this 2011 Act applies to appeals active on, or filed on or after,**
3 **the effective date of this 2011 Act.**

4 **SECTION 3. This 2011 Act takes effect on the 91st day after the date on which the 2011**
5 **regular session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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