

House Bill 3089

Sponsored by Representative G SMITH

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**.

Reschedules to earlier in year Department of Revenue's process for completing examination, review, correction and apportionment of assessment roll for centrally assessed property. Establishes right of local jurisdiction to conference and mediation with department regarding modification of tentative assessment of property located in local jurisdiction.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to central assessment of property; creating new provisions; amending ORS 308.520, 308.580,
3 308.582, 308.585, 308.600 and 308.810; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308.580 is amended to read:

6 308.580. (1) The Department of Revenue shall give public notice by publication at least once a
7 week for three successive weeks in a newspaper printed at the state capital, setting forth that on
8 [June] **March** 15 of the assessment year the department shall:

9 (a) Publicly examine and review the tentative assessment roll made by the department;

10 (b) Correct all errors in valuation, description, quantity and quality of property assessable by
11 the department under ORS 308.505 to 308.665; and

12 (c) Correct all errors in the apportionment to counties of the assessments made by the depart-
13 ment under ORS 308.505 to 308.665.

14 (2) Interested persons and companies may appear at the time and place given in the notice.
15 Proof of the notice may be made by affidavit as provided by law and filed with the Director of the
16 Department of Revenue on or before the day on which the department begins its examination and
17 review.

18 **SECTION 2.** ORS 308.582 is amended to read:

19 308.582. (1) In addition to the notice made by publication under ORS 308.580, the Department
20 of Revenue shall, **no later than February 25 of the assessment year:**

21 (a) Mail a notice to each person or company assessed under ORS 308.505 to 308.665 that states
22 the amount the department intends to place on the assessment roll as the assessment of the property
23 of the person or company that is assessable under ORS 308.505 to 308.665. [*The department shall*
24 *mail the notice of tentative assessment no later than May 25 of the assessment year.*]

25 (b) **Post on the department's Internet website the information described in paragraph (a)**
26 **of this subsection.**

27 (2) The notice **required under subsection (1)(a) of this section** shall be mailed to the last-
28 known address of the person or company.

29 (3) A failure by the department to [*properly*] give [*the*] notice **as** required [*by*] **under** this section
30 does not invalidate any assessment made by the department.

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) On and after the date that notice is mailed under this section and before the date of com-
 2 pletion of the review of the roll, the department shall make the tentative assessment roll and the
 3 apportionment of the assessments to counties available for inspection by a person or company re-
 4 ceiving notice under this section.

5 **SECTION 3.** Section 4 of this 2011 Act is added to and made a part of ORS chapter 308.

6 **SECTION 4.** (1) After the Department of Revenue has posted tentative assessment
 7 amounts on the department's Internet website pursuant to ORS 308.582 (1)(b), a local juris-
 8 diction in which property subject to a tentative assessment under ORS 308.505 to 308.665 is
 9 located may make a request for a conference regarding modification of the tentative as-
 10 sessment of the property.

11 (2) The request shall be made to the Director of the Department of Revenue on or before
 12 March 15 of the assessment year. If the department fails to post the information on the
 13 website, a request for a conference may be made on or before March 25 of the assessment
 14 year.

15 (3) The director shall hold a conference under this section not later than April 15 of the
 16 assessment year and shall issue an order modifying or affirming the tentative assessment
 17 within one week after the conference.

18 (4)(a) If the local jurisdiction is not satisfied with the department's order, not later than
 19 one week after the order is issued, the local jurisdiction may request the magistrate division
 20 of the tax court to assign the matter to mediation.

21 (b) The mediation shall be expedited and an agreed settlement or a decision to end the
 22 mediation must be concluded not later than May 25 of the assessment year.

23 (c) An agreed settlement concluded under this subsection:

24 (A) Is binding between the department and the local jurisdiction for purposes of com-
 25 pleting the examination, review, correction and apportionment of the assessment roll under
 26 ORS 308.590;

27 (B) Is not binding on any other person; and

28 (C) Does not prevent the department from agreeing to a lower valuation of any property
 29 to which the agreed settlement relates at any stage of an appeal of the assessment to which
 30 the taxpayer is a party.

31 **SECTION 5.** ORS 308.585 is amended to read:

32 308.585. The Department of Revenue shall prepare the tentative assessment roll of property
 33 subject to assessment under ORS 308.505 to 308.665 on or before [*June*] **March** 15 of the assessment
 34 year.

35 **SECTION 6.** ORS 308.600 is amended to read:

36 308.600. The Director of the Department of Revenue shall complete the examination, review,
 37 correction and apportionment of the assessment roll under ORS 308.590 by [*August*] **June** 1 of the
 38 tax year.

39 **SECTION 7.** ORS 308.520 is amended to read:

40 308.520. [(1)] Each company shall make and file with the Department of Revenue, on or before
 41 February 1 of each year, in such form as the department may provide, a statement, under oath, made
 42 by the president, secretary, treasurer, superintendent or chief officer of the company, covering a
 43 period of at least one year, as may be required by the department[; *except that Class I railroads,*
 44 *Class A electric companies, communication companies, gas companies, large water transportation com-*
 45 *panies, pipeline companies, air transportation companies and private railcar companies shall file such*

1 *statement on or before March 15 of each year].*

2 *[(2) As used in this section, "large water transportation company" means a water transportation*
3 *company with annual gross revenue exceeding \$2 million, of which at least 50 percent of the gross re-*
4 *venue is derived from the transportation of freight.]*

5 **SECTION 8.** ORS 308.810 is amended to read:

6 308.810. (1) Every association referred to in ORS 308.805 shall make and file with the Depart-
7 ment of Revenue, on or before [*March*] **February** 1 of each year, in such form and on such blanks
8 as the department may prescribe and provide, the statement required under ORS 308.520 and
9 308.525, and shall include therein the amount of all its gross revenue subject to the tax levied by
10 ORS 308.805 for the calendar year preceding the making of such statement. The association shall
11 compute and forward on or before July 1 of each year the lesser of the tax calculated under ORS
12 308.807 (1) on such gross revenue or the tax calculated under ORS 308.807 (2) on the real market
13 value of the transmission and distribution lines used or operated by the association.

14 (2) The department shall notify the association of the real market value of the transmission and
15 distribution lines used or operated by the association on or before the date fixed for notices of as-
16 sessment to be issued under ORS 308.582 or 308.595.

17 **SECTION 9.** **This 2011 Act takes effect on the 91st day after the date on which the 2011**
18 **regular session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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