

Requested by HOUSE COMMITTEE ON REVENUE

**PROPOSED AMENDMENTS TO
HOUSE BILL 4110**

1 On page 1 of the printed bill, line 2, after “ORS” insert “311.411 and”.

2 In line 6, after “(1)” insert “(a)”.

3 Delete lines 10 through 17 and insert:

4 “(b) Notwithstanding paragraph (a) of this subsection, for a taxpayer with
5 a dependent under the age of three at the close of the tax year, the credit
6 allowed under this section shall be in an amount equal to 11 percent of the
7 earned income credit allowable to the individual for the same tax year under
8 section 32 of the Internal Revenue Code.”.

9 In lines 18 through 28, restore the bracketed material and delete the
10 boldfaced material.

11 On page 2, line 4, restore “(6)” and delete “(7)”.

12 In line 7, restore “(7)” and delete “(8)”.

13 After line 10, insert:

14 **“SECTION 3.** ORS 311.411 is amended to read:

15 “311.411. (1) As used in this section:

16 “(a) ‘Authorized agent’ means an agent who is responsible for closing and
17 settlement services in a conveyance.

18 “(b) ‘Charges against the real property’ means all ad valorem property
19 taxes, additional taxes and potential additional taxes, fees, interest, penal-
20 ties, costs and other charges that have been or will be charged or listed
21 during the property tax year on the assessment roll or the tax roll with re-

1 spect to real property that is the subject of an instrument described in sub-
2 section (2) of this section.

3 “(c) ‘Closing and settlement services’ means services that are provided by:

4 “(A) A licensed escrow agent in a real estate closing escrow within the
5 meaning of ORS 696.505 to 696.590; or

6 “(B) An attorney for the benefit of a transferor or a transferee in a
7 conveyance, if, simultaneously with the conveyance, the attorney deposits
8 the unpaid purchase price into the attorney’s client trust account for dis-
9 bursal pursuant to the written instructions of, or the agreement between, the
10 transferor and transferee.

11 “(d) ‘Consideration’ means the amount of cash paid for a conveyance.

12 “(e) ‘Conveyance’ means the transfer of, or a contract to transfer, fee title
13 to any real property located in this state to a transferee whose property is
14 exempt from taxation under ORS 307.040 or 307.090. **‘Conveyance’ does not**
15 **include a transfer of fee title of less than an entire parcel of property**
16 **for state highway, county road or city street purposes.**

17 “(2) Notwithstanding ORS 205.130, a county clerk may not record or cause
18 to be recorded an instrument conveying or contracting to convey fee title to
19 real property to an entity whose property is exempt from taxation under ORS
20 307.040 or 307.090 unless the instrument is accompanied by a certificate is-
21 sued by the assessor of the county in which the real property is located at-
22 testing that all charges against the real property as of the date of the
23 recording have been paid.

24 “(3)(a) On or after July 1 of any year, and before the date on which the
25 assessor makes a certificate pursuant to ORS 311.105, a person seeking to
26 record an instrument described in subsection (2) of this section shall pay to
27 the tax collector of the county:

28 “(A) If the exact amount of charges against the real property can be
29 computed by the county assessor, the exact amount.

30 “(B) If the exact amount cannot be computed, an amount equal to the

1 county assessor's estimate of the exact amount.

2 "(b) The county assessor shall levy and the tax collector shall collect the
3 exact amount or the county assessor's estimate of the exact amount under
4 this subsection.

5 "(c) Payment made pursuant to this subsection may be made less any
6 discount allowed under ORS 311.505.

7 "(4)(a) Pursuant to written instructions from the transferor, an authorized
8 agent in a conveyance may withhold from the consideration payable to the
9 transferor an amount equal to the amount of charges against the real prop-
10 erty as of the date of the conveyance.

11 "(b) Amounts withheld pursuant to this subsection are held in trust for
12 the taxing districts within the county in which the real property is located
13 and shall be paid to the county tax collector before the consideration, net
14 of the amounts withheld, may be paid to the transferor.

15 "(5)(a) If all charges against the real property as of the date of the re-
16 cording have been paid, the county assessor shall issue the certificate de-
17 scribed in subsection (2) of this section and may not unreasonably withhold
18 delivery of the certificate.

19 "(b) The certificate shall be in a form prescribed by the Department of
20 Revenue.

21 "(6) Any deficiency in the amount required to be paid under this section:

22 "(a) Notwithstanding ORS 311.405, is not a lien on the real property that
23 is the subject of the instrument described in subsection (2) of this section;

24 "(b) Constitutes a personal debt of the person who has conveyed or con-
25 tracted to convey the real property under the instrument described in sub-
26 section (2) of this section; and

27 "(c) Shall be collected as provided by law for the collection of delinquent
28 property taxes on personal property."

29 In line 11, delete "3" and insert "4".

30