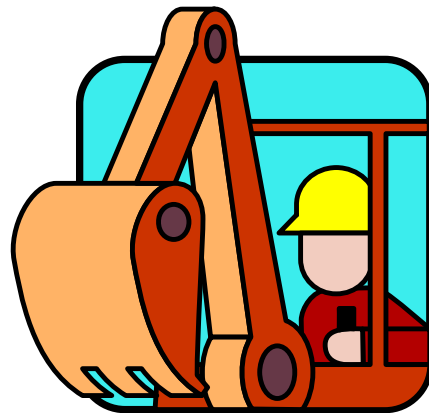


Methods for Valuing Personal Property

2008

Published by
Oregon Department of Revenue



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**Published by
Oregon Department of Revenue
Property Tax Division
Assessment and Taxation Standards Section
503-945-8278
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www.oregon.gov/DOR**

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Introduction

Personal property assessment depends on a taxpayer providing self-reporting property data to county assessors. This reported data is the primary source used by the assessor to determine assessed value. There are, however, other data the assessor's staff can gather to use to determine value, including comparison of similar businesses, desk audits, phone audits, or field audits. The assessor must use the best information available to make sure all taxable personal property is being assessed accurately.

This manual provides methods and resources to help county assessors and their staffs develop personal property assessments. The assessor can use this manual as an aid in the discovery, audit, and assessment of personal property. Topics include valuation theory and methods, discovery sources, audit procedures, and laws. The intent of this manual is to provide a guide to developing a sound personal property program throughout the state of Oregon.

Elements of a good personal property program include:

- Written office policies and procedures to provide for:
 - Mailing, receiving, and processing returns.
 - Communicating with taxpayers.
 - Verifying assessments.
 - Handling extension requests.
 - Valuing noninventory supplies.

- Reporting and discovery. An active program which helps taxpayers report taxable personal property is essential. This includes sending out forms, educating taxpayers about filing requirements, and checking for new taxable property.
- Valuation standards. Fair and uniform valuation standards from the market should be developed and applied to all taxable personal property.
- Audit procedures. Questionable personal property accounts should be identified and reviewed.

Finally, this manual relates to personal property valuation and assessment. For a more detailed discussion of valuation theory, consult additional appraisal texts provided by professional appraisal groups, such as *Property Appraisal and Assessment Administration*, by The International Association of Assessing Officers; *The Appraisal of Real Estate*, by American Institute of Real Estate Appraisers; and *Appraisal Methods for Real Property*, by the Oregon Department of Revenue.

If you have questions about this manual or the assessment of personal property, call 503-945-8278 and ask for personal property or write to:

Oregon Department of Revenue
Property Tax Division
955 Center Street NE
Salem OR 97301
www.oregon.gov/DOR

Personal Property Timeline

Prior to

Dec. 31	Blank forms distributed by county.		Jan. 1	Assessment date at 1:00 A.M.
March 1	Last date to request extensions from DOR.			
March 1	Last day to request extension from the assessor.			
March 1	Returns are due.			
March 2	Late returns subject to penalty.		April 1	Department provides list of industrial accounts to county.
			April 1	Deadline for taxpayer to file exemption application.
			April 15	Last day to receive department returns with extensions granted by the department (postmark accepted).
			April 15	Last day to receive county returns with extension granted by the department (postmark accepted).
			April 15	Last day to file returns with extensions granted by assessor's office.
June 2	Late returns subject to penalty.		July 1	Lien date for personal property.
			July 1	First day to issue advance demand.
Aug. 2	Late returns subject to penalty.		Sept. 25	Last day for counties to change values.
Oct. 25	Tax statements are mailed on or before this date.			
Oct. 26	First day to file appeals with BOPTA is the day following the date tax statements are mailed.		Dec. 31	Last day to file appeals with BOPTA.
			Dec. 31	Last day to petition BOPTA to excuse late filing penalty.

Calendar of Events

(tangible taxable personal property)

Prior to			
Dec.	31	Assessor distributes blank forms by mail.	308.290(2)(c)
Jan.	1	The assessment date as of 1:00 A.M.	308.250
March	1	Last day to request an extension from the assessor.	OAR 150-308.290-(A)
	1	Last day to request extension from the Department of Revenue.	OAR 150-308.290-(A)
	1	Deadline for filing personal property returns without an extension.	308.290
	2	Late filed returns subject to penalty.	308.296
		<ul style="list-style-type: none"> • Returns filed after March 1 (April 15 with extension) but on or before June 1 are subject to late filing penalty of five percent of the tax owed. • Returns filed after June 1 but on or before Aug. 1 are subject to a penalty of 25 percent of the tax owed. • Returns filed after Aug. 1 are subject to a penalty of 50 percent of the tax owed. 	
April	1	Deadline to file exemption application for certain exempt organizations.	307.112
	1	Department provides list of industrial accounts to county.	OAR 150-306.126(1)
	15	Last day to file a timely return with the assessor's office, if an extension has been granted.	OAR 150-308.290-(A)
	15	Last day to file a timely return with the department or assessor's office for an extension granted by the Department of Revenue.	OAR 150-308.290-(A)
July	1	Lien date for personal property.	311.405
	1	First day to issue advance demand for personal property sold or moved after July 1.	311.465
Sept.	25	Last day to change values on the assessment roll.	308.242
Oct.	25	Tax statements are mailed on or before this date.	311.115
		First day board of property tax appeals accepted by the clerk is the day following the date that tax statements are mailed.	309.100
Dec.	31	Last day to file appeals with the board of property tax appeals.	309.100
	31	Last day to petition the board of property tax appeals to excuse late filing penalty on returns.	308.295 309.100

Section 1: Valuation

Fundamental Appraisal Concepts

The final product of any appraisal is an estimate of value and, according to Oregon Revised Statute (ORS) 308.232, all real or personal property . . . shall be valued at 100 percent of its real market value. While there are many definitions of “value” and kinds of value, ORS 308.205 defines Real Market Value (RMV), or market value. The definition of **Real Market Value** is as follows:

ORS 308.205 states in part:

1. Real market value of all property, real and personal, means the amount in cash which could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion, in an arm’s-length transaction occurring as of the assessment date for the tax year.
2. Real market value in all cases shall be determined by methods and procedures in accordance with rules adopted by the Department of Revenue and in accordance with the following:
 - a. The amount a typical seller would accept or the amount a typical buyer would offer which could reasonably be expected by a seller of property.
 - b. An amount in cash shall be considered the equivalent of a financing method that is typical for a property.

Appraising is not an exact science. There are, however, certain fundamentals and basic appraisal methods which will enable the appraiser to arrive at a logical and supportable estimate of value. Although these principles generally pertain to real property, the theory behind them also applies to personal property.

Basic appraisal fundamentals to consider when valuing property include anticipation, competition, contribution, opportunity cost, and substitution.

The principle of **anticipation** is that value or present worth is created by the anticipation of future benefits arising from the ownership and use of the property.

The principle of **competition** states that when substantial profits are being made, competition will move in to dissipate that profit. If the profits become excessive, then the competition will become excessive.

The principle of **contribution**, also known as marginal productivity, addresses the fact that cost does not always equal value. It is the amount of value added or subtracted by a component’s presence or absence on a property as it contributes to the total value.

The principle of **opportunity cost**, considered by many texts to be the same as the principle of substitution, states that the value of a property is measured by the benefits

of ownership foregone, or given up, by not choosing or selecting an alternative or competing property.

The principle of **substitution** says that a property’s value can be based upon the value of an equally desirable substitute property. People tend to pay no more for a property than it would cost to acquire substitute property of equivalent utility, assuming there are no costly delays. The principle also recognizes that the substitute property with the lowest price will attract the greatest demand and widest distribution in the market.

Three Approaches

Appraising generally involves three approaches used to develop indications of value independently from one another. These approaches are known as the cost, sales comparison (market), and income approaches to value. These indications of value are then reconciled into one final conclusion of market value.

Each of the three approaches has a recognized format, or procedure, to be used to process the data applicable to that approach into an indication of value. The fundamentals of these approaches are relatively simple, but the application is often complex. The appraiser will be dealing with what are often unpredictable quantities and qualities which cannot be reduced to inflexible rules, regulations, formulas, and tables. The appraiser must have an understanding of the basics involved in each approach, the ability to recognize pertinent data, and the skill to select the proper method and apply it to the specific problem involved.

Anyone interested in a more complete discussion of fundamental appraisal theory may consult the following texts: *Property Appraisal and Assessment Administration*, (Chicago: International Association of Assessing Officer, 1990); *Assessment of Personal Property*, (Chicago: International Association of Assessing Officers, 1988); *The Appraisal of Real Estate*, (Chicago: American Institute of Real Estate Appraiser, 9th Ed.); *A Basic Library for Assessors*, (International Association of Assessing Officer, 1989).

The Valuation Process

The valuation process is the step-by-step approach which allows appraisers a framework or methodology to solve valuation assignments. This systematic process should lead the appraiser to a defensible and supportable value conclusion.

The valuation process involves the following:

1. Determination and identification of the property to be appraised.

2. Data Collection.

a. General Data.

- 1) Social.
- 2) Economic.
- 3) Governmental.
- 4) Environmental.

b. Specific data.

- 1) Sales verification.
- 2) Property characteristics.

3. Data analysis and highest and best use conclusion.

4. Estimating value by the three approaches.

5. Reconciliation of the three approaches to value.

6. Final estimate of value.

In mass appraisal, the process may not be readily identifiable due to overlapping areas of responsibility. However, all elements of the appraisal process are involved in any appraisal which estimates market value.

Three Approaches to Value: The Income Approach

The income approach is one method of valuing personal property. This approach is based on the principle of anticipation which states that the market value is the present worth of future benefits (monetary or other) to be received from the ownership of the property.

Income producing property is purchased for the right to receive the future income stream of that property. The appraiser evaluates this income stream in terms of quantity, quality, duration, and shape, and then converts it by means of an appropriate capitalization rate into an estimate of present worth. This estimate is the amount that a prudent investor would be willing to pay now for the right to receive the income stream produced by a particular property. Care must be taken that the rent, expenses, and rates reflect those expected by the typical investor for the type of property being valued. The appraiser must keep in mind that the objective of the appraisal is to estimate market value, allowing the mathematics to reflect the concerns of the typical investor.

Steps in the Income Approach to Value

The basic steps in the income approach are:

1. Estimate potential gross income (monthly payments \times 12 months = annual gross income).
2. Deduct allowable expenses such as transportation costs and special installation costs to compute effective gross income.
3. Estimate expenses before discount, recapture, and taxes.
4. Deduct allowable expenses from gross income to

determine net operating income (to be capitalized into an estimate of value).

5. Select the proper capitalization rate (reflects recognition of return of investment, return on investment, and effective tax rate).
6. Determine the proper capitalization procedure to be used.
7. Capitalize the net income into an indication of present value.

The capitalization process expressed in terms of a mathematical formula is:

Potential Gross Income – Allowable Expenses =
Net income before discount, recapture, and taxes

Net Income \div Capitalization Rate = Value

Summary

The validity of this approach requires that the appraiser follow three guidelines:

1. Build a realistic capitalization rate.
2. Make appropriate adjustments for expenses.
3. Select a proper income approach method.

Small errors in capitalization rates or allowable expenses can make a considerable variation in the final estimate of value. When using the income approach, it should be correlated with the cost and market approaches to arrive at the final value estimate. When properly developed, the income approach can be effectively used to value leased property. It may also be used to value machinery and equipment.

Cost Approach

The cost approach to value is the most commonly used method to estimate real market value for the assessment of personal property. The cost approach to value is based partly upon the principle of substitution which states that a person will generally pay no more for an item than the cost of acquiring an equally desirable substitute, assuming no unusual delay.

There are two basic variations for appraising personal property with the cost approach. Mathematically the two basic formulas are:

1. $(\text{Original Acquisition Cost} \times \text{Cost Trend Index}) - \text{Accrued Depreciation} = \text{Real Market Value}$
2. $\text{Replacement or Reproduction Cost New} - \text{Accrued Depreciation} = \text{Real Market Value}$

Original acquisition cost is the cost of acquiring a particular item of personal property at the appropriate level of trade. Total acquisition costs include freight, installation, taxes, and fees. Acquisition costs must be adjusted to current cost new by the use of cost indexes which are available from several sources. Examples of cost trending tables can be found in Marshall and Swift Appraisal Cost Services.

Reproduction cost is defined as the estimated cost to construct, at current price, an exact duplicate of the item of personal property being appraised using the same material, construction standards, design, quality, and having the same production capacity and all of the item's deficiencies, super adequacies, and obsolescence. Reproduction means a facsimile or replica as nearly like the present property as possible.

Replacement cost is the cost of constructing a substitute item equal to the existing item in quality and utility and/or capacity, but using current technology and materials.

Because the assessor will usually have only the original acquisition costs as reported on the personal property listing, the indexed acquisition cost minus accrued depreciation will typically be used to estimate the value of personal property. The indexed acquisition cost is derived by applying a trending index to adjust the acquisition cost to the relative replacement cost new consistent with the current assessment date. Trending tables have been established which follow changes in price levels for various industry types of property over time.

Depreciation

After the acquisition cost adjustment, replacement or reproduction cost new is calculated as of the base appraisal date. Elements of depreciation must then be considered to derive a final estimate of current value.

Sources of depreciation include physical, functional, and external (economic). Depreciation caused by these sources may be either curable or incurable.

Physical deterioration is loss in value caused by wear and tear or damage. It is deemed curable if the cost to cure is economically justified as of the date of appraisal. If the cost to cure is not economically justified as of the date of appraisal, it is incurable.

Functional obsolescence is loss in value caused by outdated or incorrect design; the cost to cure is economically justified as of the date of the appraisal. Incurable functional obsolescence is permanent loss in value caused by outdated or incorrect design that is physically or economically impractical to correct as of the date of the appraisal.

External or economic obsolescence is value loss caused by economic forces outside the property. It is seldom curable.

Depreciation in personal property is loss in value from any cause including physical deterioration, functional obsolescence, and/or external obsolescence. Physical depreciation of the item results from usage and sometimes environmental effects. Obsolescence is attributable to either functional or economic considerations. Functional obsolescence is relative to the item itself. It generally results from changing styles and technology, causing an item of personal property to be outmoded by constantly changing techniques, designs, and production standards. External obsolescence results from factors that are external to the item of property such as legislation, regulation, commercial and industrial relocation pattern trends, consumer actions for the product of the time, etc. Generally, factors of depreciation will interact to cause items of personal property to have relatively short physical or economic life spans when compared to real property. Together these forces are referred to as accrued depreciation. Accrued depreciation is the difference between the cost new as of the appraisal date and the present value of an item of personal property. It is a measurement of the total loss in value which has already occurred as of the date of the appraisal.

The formula for calculating accrued depreciation is:

$\text{Effective Age of the Item} \times \text{Reproduction or Replacement Cost New} = \text{Accrued Depreciation}$.

A physical inspection of the various items of personal property will aid the appraiser in the estimation of accrued depreciation. Inspection of the company's books and maintenance records will greatly assist the appraiser in determining age, use, utility, and physical condition of the item. All of these factors

must be considered in order to arrive at an estimate of depreciation.

Measuring Depreciation

Measuring depreciation is the weakest part of the cost approach when appraising personal property. Accrued depreciation can be measured in several ways. A loss in productivity can be capitalized into an indication of value loss using the income approach. Accrued depreciation can also be estimated by direct market comparison using sales of comparable units of personal property. Many county assessors apply the appropriate depreciation percentages listed in the "Personal Property Valuation Guidelines" manual, provided by the Oregon Department of Revenue.

Useful life tables, such as those provided by the department, are helpful in estimating the accrued depreciation applicable to personal property. These tables represent what is typically average for a particular category of items. With few exceptions, they do not distinguish between specific items within a particular business activity. If a particular item is suffering from

economic obsolescence, additional consideration for that condition must be added. Although using the department's depreciation schedule is often the most convenient, easiest, and fastest way to value personal property, it may not be the most accurate.

Summary

The cost approach will generally be the principal method of valuing personal property for mass appraisal purposes. Overlooking the inherent weaknesses of the cost approach, the positive aspects promote the use of this method for tax administration. The application of accrued depreciation is a critical step when using the cost approach to value. Depreciation tables create a generally acceptable standard from which appropriate judgments may be determined. Consistent use of such tables when valuing personal property will aid in achieving uniform and equitable assessments. When assessments are challenged, the appraiser must correlate the cost approach with the other two approaches to value.

Sales Comparison Approach

The sales approach, like the cost approach, is based upon the principle of substitution, that is the belief that a person will pay no more for a property than the price of an equally desirable substitute within reasonable time limits. In this approach, value is estimated by comparing the subject property to similar properties that have sold. The comparison reflects the most direct evidence of market value because the data is based wholly on the actions of the market place.

Proper collection and analysis of sales data, together with the selection of appropriate units of comparison, is critical in applying the sales comparison approach. This sales data must be adjusted based on market conditions and then applied to the subject of the appraisal.

The use of the sales comparison approach may have limited application in the mass appraisal of personal property due to the difficulty of obtaining enough valid market data.

Sales Data

Comparable sales data for personal property may not be readily available to the assessor. Sales which are available may not represent the market at the correct level of trade. There may not sufficient data available to allow meaningful and objective analysis. Sales prices on many items of personal property fluctuate with the seasons of the year. Technological changes render many items obsolete overnight. Local, regional and/or national economics, styles, fads, supply, and demand all affect the stability of the personal property markets. The variable nature of personal property further complicates the estimation of market value. If the conditions of a sale give doubt as to the knowledge, ability, or willingness of the parties involved, the sale may not be usable for appraisal purposes.

Many public and private commercial services publish personal property sales and exchange information, commonly referred to as pricing guides, available to assist the appraiser in valuing personal property. These guides are compiled from analysis of large amounts of data, usually on a regional or national basis. They represent what is considered the typical market price for an item in average condition. Many guides also list prices for accessories related to the basic unit. The guides represent regional or national price levels and frequently must be adjusted in consideration of local market conditions.

Pricing guides are useful as aids to the assessor in verifying values as reported by taxpayers. They will provide an indication of value, but must be used in conjunction with other sources of sales data to arrive at a reasonable estimate of market value.

Steps in the Sales Comparison Approach to Value

The sales comparison approach assumes the typical buyer will compare sales and asking prices in order to make the best possible purchase. Realizing the market is subject to error, the appraiser must select a sufficient number of sales at the retail level of trade which reflect the highest degree of comparability possible to reflect the market pattern. Comparable properties which require excessive adjustments may yield indications of value that cannot be substantiated.

Five steps are generally used in the comparison process:

1. Sort the personal property into common categories; list manufacturer, model, and vintage year.
2. Research and select sales of comparable items of personal property at the current level of trade.
3. Document and confirm sales data.
4. Tabulate and adjust relevant units of comparisons.
5. Reconcile value indications and estimate value of each item of personal property.

Adjustments are always made from the comparable to the subject. If the comparable is better than the subject in a particular feature, a minus adjustment is applied to the sale price of the comparable property. If the comparable property is inferior in some feature, a plus adjustment is applied.

Unlike sales of comparable real property which are normally adjusted upward for time, the sales of personal property normally must be adjusted downward. This negative adjustment is required because depreciation of personal property typically exceeds the effects of inflation.

Summary

When sufficient market data is available, the assessor should take advantage of using the market approach to value. Generally, the assessor will need to develop market comparables to support the assessment of a unit of personal property when the taxpayer contests the assessment. Using the market approach can help the assessor avoid errors inherent in either the income or cost approach. When appropriately developed, the sales comparison approach can be used for:

- Machinery and equipment.
- Leased equipment.
- Motorized vehicles.
- Boats and trailers.

Trade Level Valuation Concept

Property is appraised at the retail level of trade. In appraising tangible personal property, recognize the trade level at which the property is situated. Also recognize that tangible property normally increases in value as it progresses through production and distribution channels. Such property attains its maximum value as it reaches the consumer level. Personal property is valued at the retail consumer level.

The concept of trade level is important to maintain equity in the appraisal system.

The concept of trade level requires that:

1. Ownership in determining value is disregarded.
2. Determining value does not depend on costs.
3. Property carries all increments of value as it moves through the channels of trade.

Trade Levels

There are five levels of trade to understand. Trade level is a concept recognized by professional appraisers, attorneys, and the courts. Some statutes mandate the trade level concept in the appraisal process. Many court cases through the years have supported this concept.

1. Manufacturer's Level

This level should only be used in the appraisal process when the property is in the hands of the manufacturer and in the local manufacturer's plant.

2. Wholesale Level

As property moves through the channels of trade, it increases in cost by virtue of freight, installation, fees, permits, overhead, intracompany profit, etc. These cost factors added to the property result in equity regardless of ownership. Thus, when property moves from the manufacturer's level to the wholesale level, the increments of value must be recognized at that level.

3. Distributor Level

In some cases, this level is synonymous with the wholesale level. However, in certain cases there is a difference and, if so, the difference must be recognized in the appraisal process.

4. Retail Level

The retail level is relevant in the appraisal of many properties. This includes the full "laid down cost" of the inventory up to this point. The increment of cost here is substantial since the inventory has moved to the level where it will be sold to the user or consumer.

5. User or Consumer Level

This level contains all costs and is the market cost to the consumer since the property has reached its final destination. In the case of "leased equipment" owned by the manufacturer, the user or consumer level is appropriate.

Real Property vs. Personal Property

Why Classify Property?

Oregon law defines real property and personal property for property tax purposes in Oregon Revised Statutes 307.010 and ORS 307.020. The Oregon Tax Court has also decreed that real property must be assessed as real property and personal property assessed as personal property (First National Bank vs. Marion County–169 Oregon 595).

Classification Procedures

Classification of property as either real or personal is based on ORS 307.010 and ORS 307.020. The Oregon Department of Revenue is responsible for clarifying those statutes, when necessary, with Oregon Administrative Rules (OARs). Administrative rules have the same authority as statutes. The rules which clarify the above-mentioned statutes are OAR 150-307.010, OAR 150-307.020 and OAR 150-307.020(3).

The Oregon Tax Court ruling in Seven-Up Bottling Co. of Salem Inc. vs. Oregon Department of Revenue (case #2398), 3/87, provides a guide for determining real and personal property. Based on this case, the test for real vs. personal property for assessment purposes is actually a test of affixed or erected upon vs. moveable.

The current view states that if the item of property is “affixed to” or “erected upon” land or buildings and is not “moveable” it is real property. Conversely, if it is not “affixed to” or “erected upon” land or buildings and is “moveable,” it is personal property. According to the Tax Court opinion in the Seven-Up Bottling Co. case “ . . . As a general rule, the Assessor is not required to consider the intention of the parties or the adaptability of the property.”

Defining the Terms

Affixed or Erected Upon. Items of machinery and equipment that are bolted to, screwed to, nailed to, or attached to the building or land in a permanent manner or are, by virtue of their weight, rendered immovable are considered real property. A freestanding

walk-in cooler in a convenience store is not considered moveable because of its weight. A service counter or gondola in the same store may be screwed, glued, nailed or otherwise attached to the land or building and, therefore, classed as real property. On the other hand, these items may be held in place by virtue of their weight and be readily moveable and, therefore, classed as personal property.

Moveable. Items of property which can be and are readily moved are personal property. A desk, though heavy, is generally considered moveable. A chair with casters is obviously moveable. Freestanding appliances may be heavy but are generally classed as personal property.

Assessment Process

In an 1891 Oregon Supreme Court case, Helm vs. Gilroy (20 Oregon 517), the court stated that the line between real property and personal property is so fine that no rule can fit all cases. A century later the statement is still accurate. For every clear-cut case there is an exception. Consider the case of DOR appeal #90-3006, California-Oregon Broadcasting Inc. vs. Jackson County, Oregon. It is clear that, except for eleven foam panels that are attached to the building and are therefore correctly classed as real property, the machinery and equipment is moveable and should be classed as personal property. In other cases, the determination will not be so clear.

Some real property items may be assessed as personal property when it is administratively practical. For example, trade fixtures such as signs, gondolas, check-out stands, range hoods, bars, and restaurant booths are actually real property, due to being affixed to a building. However, when a tenant owns them, they may be assessed to the tenant taxpayer.

Judgments between real and personal property must be made with cooperation between the real and personal property sections in the assessor’s office. This is so that assessable property is not overlooked or double assessed. Arriving at accurate assessments and providing equitable treatment is the primary goal.

Taxable Personal Property

All personal property that enhances or promotes the business is assessable. This includes decor or furnishings unless exempt by statute. Items of tangible personal property described by ORS 307.190(2)(a) are taxable whether or not they are fully depreciated for income tax purposes. Decor and furnishings might include:

- Paintings, posters, pictures, or other forms of art used to decorate the office or business.
- Scale models, sculptures, or carvings located in the building or on the grounds.
- Show cases displaying company products that are new, used, or broken.
- Mobiles, rugs, and tapestries.
- Taxidermist work.
- Aquarium displays and equipment used by the business for decoration.
- Vases or pottery.
- Displays.
- Books.
- Antiques.

EXAMPLES OF TAXABLE PERSONAL PROPERTY TO BE REPORTED

This list is not complete

Air conditioners
Aircraft equipment
Amusement devices
Appliances—free standing
Art work
ATM machines—portable
Auto diagnostic electric
Auto repair equipment
Backbars
Bakery equipment
Bank vaults (doors)
Barber shop equipment
Battery chargers
Beauty shop equipment
Bowling equipment
Bulk plant equipment
Butcher shop equipment
Cabinet shop equipment
Cable TV systems
Calculators
Cameras
Car wash equipment
Cash register
Chain saws
Chairs
Child care furniture
Coin-op laundry equipment
Computers
Construction tools
Copiers
Costume/tuxedo rentals
Decor
Dental equipment
Desks
Dictation equipment
Dies
Dry cleaning equipment
Dryers
Electronic manufacturing equipment
Fiberglass/boat molds
Filing cabinets
Fish processing equipment
Fitness equipment
Foster home furniture and supplies
Freezers

Frozen food cabinets
Golf carts
Golf course equipment
Handpieces (dental)
Heavy equipment
Hospital equipment
Hotel/motel equipment
Ice cream machines
Ice making machines
Juke boxes
Landscaping equipment
Laser equipment
Lathes
Libraries
Lift trucks
Linens
Logging equipment
Machine shop equipment
Manufacturing—general
Meat processing equipment
Medical lab equipment
Medical office equipment
Mining equipment
Mobile radio/phones
Mobile yard equipment
Modular offices
Molds
Movie production equipment
Motel furniture/ fixtures
Musical instrument rentals
Newspaper equipment
Nursing home equipment
Office fixtures
Office furniture
Office machines
Pallet jacks
Pallets/bins/crates
Pay phones (leased)
Photographic equipment
Pinball machines
Pool tables
Popcorn machines
Printing equipment
Professional equipment
Radio and TV broadcast
Radio & TV repair equipment
Recording studio equipment

Rental equipment
Restaurant equipment
Retail store fixtures
Road construction equipment
Safe deposit boxes
Safes
Satellite dish relays
Saw mills—portable
Scanners
Scientific equipment
Service station equipment
Sewing/apparel equipment
Shake mills—portable
Sheet metal fabrication
Shelving
Shingle mills—portable
Signs
Small tools (mechanics)
Small tools (medical)
Soft drink equipment
Steam cleaners
Survey equipment
Tanning equipment
Tavern equipment
Telephone systems
Testing equipment
Theatre/projection
Tire recapping equipment
Tool boxes
Tractors
TV sets
Typewriters
Unlicensed vehicles
Utility trailers—unlicensed
VCRs
Vending carts
Vending machines
Ventilating fans
Video cases
Video games
Video recording equipment
Video tape rental equipment
Walk-in coolers
Warehouse equipment
Washers
Winery equipment
Woodworking equipment

Workbenches
X-ray equipment

FIXED LOAD AND MOBILE EQUIPMENT

Air compressors
Air drills
Asphalt/rock crushing plants
Asphalt spreaders
Backhoes
Bituminous mixer
Bituminous plants
Bituminous spreaders
Bucket loaders
Cement mixers
Concrete batch plants
Cranes
Crawlers
Ditchers
Earthmoving equipment
Electric generators
Excavators
Fork lifts
Front end loaders
High lifts
Levelling graders
Lighting plants
Mixmobiles
Motor graders
Paving equipment
Portable storage bins
Portable storage tanks
Power plants
Rotary screens
Sand classifiers
Scrap metal balers
Scrapers
Skidders
Tractors
Welding equipment
Yarders

Section 2: Confidentiality

Confidentiality

This chapter is intended to clarify your role in providing taxpayer assistance without violating disclosure laws and policies. Another source of information is the County Disclosure Handbook, 150-303-429. If you have questions about any inquiries for confidential information, talk to your supervisor.

ORS 308.290(10) describes the confidential material for personal property returns. The law states:

“(10)(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.”

The requirements of confidentiality are further described in ORS 192.501.

Under certain conditions, the personal property returns may become public record. When an appeal of value on a personal property return is heard by the board of property tax appeals, the petitioner will be asked if the items listed in the appeal petition are included in a real or personal property return. If the information on the return will be used as evidence to support the petition, the board chair will advise the petitioner of the petitioner’s right to a confidential hearing.

If the petitioner waives the right to a confidential hearing, the minutes of the hearing along with the board’s decision become public record. If the petitioner requests a confidential hearing, the board chair will clear the room of disinterested parties. The hearing is held in confidence until the board is ready to make its decision. Any taped or written minutes of the confidential hearing are kept separately. The results of the hearing become public record.

Information that appears on the certified tax roll is available to the public unless otherwise noted.

Authorization to Disclose

The law protects all returns from unauthorized disclosure and provides penalties to safeguard confidentiality. The taxpayer, however, may authorize the disclosure of all or part of their records to certain people in a number of ways.

The best way is to have the owner of record submit a signed confidentiality waiver request called “Authorization to Represent Taxpayer and/or Disclose Information.” This form removes all doubt about what records may be revealed. A letter signed by the owner with the same information is also acceptable. Copies of confidential tax returns or reports should not be provided without written authorization.

Even if the taxpayer doesn’t give direct authorization, implied consent is permissible under certain

circumstances. If an attorney, tax practitioner, or knowledgeable employee of the taxpayer calls about a billing which was recently sent to the taxpayer, it can be assumed that the taxpayer referred the matter to them to help resolve. Failure to file notices, verification or an accounting of payments received, penalties, and payoff balance can be included in this category. The fact that there is no signed authorization on file is not a reason to refuse help to a taxpayer.

Telephone Disclosures

Confidential tax information can be disclosed over the telephone if the caller clearly establishes identification as the owner or authorized representative on file. If the employee has any doubt about the identity of the caller or the caller's right to receive such information, a written request may be requested or arrangements may be made to mail the requested information to the taxpayer's address.

Warrants

When a warrant for the collection of delinquent personal property taxes is recorded at the county courthouse, it becomes a matter of public record. This does not mean that the tax return and all details surrounding the case have lost their confidential status. The public record includes all information contained on the warrant, including the meaning of any codes. This means you can disclose the tax year, type of tax, what penalties were assessed, etc.

Secrecy Laws Certificate

You must sign this certificate as a condition of employment by the county. Your signature means you have read and understood the disclosure statutes and you are aware of the penalties for unauthorized disclosure.

People working for the county under a contract should sign the certificate if they have potential exposure to confidential materials.

Even though a person has signed the certificate, he or she does not have automatic access to confidential materials. As in all cases, a "need-to-know" must be present to gain access.

Penalties

Be careful! Revealing confidential information to the wrong person is serious. Improper disclosure of

certain confidential tax information could result in criminal penalties. See ORS 305.990 and 308.990(3). This means you could be fined up to \$10,000 or by imprisonment for not more than one year in jail, or both. In addition, you could be liable for civil damages, which are not limited by statute, and dismissed from county service.

Subpoena

Subpoenas should be referred to county counsel for handling.

Any prepaid fees accompanying the subpoena must be turned over with the subpoena. In most cases, they are returned to the issuing party.

Tax Court

Generally, taxpayer information presented to the Tax Court loses its confidential status. The court may close the courtroom and seal the records in some cases.

Third-party information received from other taxpayers cannot be revealed in Tax Court unless the court agrees beforehand to keep the information confidential, unless permission is obtained from the third party to disclose the information.

Public Records

Every person has the right to inspect any public record of a public body unless otherwise prohibited by law. The disclosure laws prevent personal property records from being examined by unauthorized persons.

An owner has the right to inspect his or her own return. This does not include any third-party information submitted in confidence that may have been attached to the return. The owner under a public records request may examine correspondence, other notes or contact sheets in a file.

Disposal of Confidential Materials

Any letters, documents, notes, printouts, microfiche, or carbons containing confidential taxpayer information must be disposed of separately from normal trash. Even simple notes containing nothing more than a taxpayer's name, address, or Social Security number are considered confidential. These materials must be disposed of according to county procedures.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Accountant	Confidential information as specified by taxpayer with prior written authorization from the taxpayer.	Taxpayer letter of authorization.	ORS 321.684 305.230 314.840(1)(a) 118.525(2)	Written authorization must include tax year(s), type of return, and the taxpayer's signature.
Administrative Law Judge (presiding over Public Utility Commission Water Company hearings)	Confidential information as specified by the taxpayer without written authorization.	Written authorization from the taxpayer.	ORS 308.290(7)	Written authorization must include tax year(s), type of return, and the taxpayer's signature.
Adult and Family Services	Information about the income and property of parents who abandon or fail to support children receiving public assistance.	Requests must be in writing. Signed secrecy certificates.	ORS 25.620(6) 308.290(7) 418.135	Information to be used only to administer public assistance programs for children.
Archivist	May examine and receive any information for storage purposes.	Signed secrecy certificate.	ORS 357.875	Archivist must protect confidentiality of information.
Assessor	Industrial property tax information. Personal property and real property return information.	Signed secrecy certificates by employees of office.	ORS 308.413 308.290 OAR 150-308.413	On a need-to-know basis in the office where the return is filed, returns filed in more than one county, or transferring property between counties.
Authorized Representative	Information from the documents specified in the authorization form. No third-party information will be disclosed.	Taxpayer letter of authorization to represent.	ORS 321.684 305.230 314.840(1)(a) 118.525(2)	An associate or employee of the representative may have information only if the authorization is broad enough to include that person.
Bankruptcy Court/ Trustee	Information from the return required for filing a claim.	Notification of bankruptcy.	ORS 308.290 311.480	A trustee is the legal custodian of a bankrupt estate and has responsibility and authority to pay claims.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Board of Property Tax Appeals	Industrial property tax information. Personal and real property return		ORS 308.290 308.411	On a need-to-know basis only.
Bookkeeper	Confidential information as specified by taxpayer with prior written authorization.	Taxpayer letter to represent.	ORS 321.684 305.230 314.840(1)(a) 118.525(2)	Written authorization must include tax year(s), type of return, and the taxpayer's signature.
Consumer Counseling Services	Confidential information as specified by taxpayer with prior written authorization.	Written authorization from the taxpayer.	ORS 314.835 314.840	Written authorization must include tax year(s), type of return, and the taxpayer's signature.
Contractors for the County	Information or access to the extent the county deems necessary to do the contracted work.	Signed secrecy certificate.	ORS 314.840(2) (g) 118.525(3)	Contractors may include vendors, plumbers, telephone repair/installation, guards, and others.
Corporation Officer	Information from the return, utility assessments, and property appraisals.	Proper ID and authorization on corporate letterhead or listing from return.	ORS 308.290	Information may be provided to a current corporate officer for any tax year of the corporation.
County Assessor	Industrial property tax information. Personal property and real property return information.	Signed secrecy certificates by employees of office.	ORS 308.413 308.290 OAR 150-308.413	On a need-to-know basis in the office where the return is filed, returns filed in more than one county, or accounts transferring property from one county to another.
County Governing Body	Confidential information as specified by the taxpayer with prior written authorization from the taxpayer.	Authorization from the taxpayer.	ORS 308.290	
County Legal Counsel	Any confidential information required for the administration of tax laws.	Signed secrecy certificates.	ORS 308.290 203.145	Has access to files of assessor for purpose of rendering legal services to assessor.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Department of Revenue Employees	Any confidential information required for the administration of the tax laws.	Signed secrecy certificates.	ORS 308.260 314.840 321.684 OAR 150 308.290(7)-(B)	All information is provided on a strict need-to-know basis.
District Attorney	Location, income, and property of parents who abandon or fail to support children receiving public assistance. Also, information on fraud, perjury, theft, and forgery cases.	Signed secrecy certificates.	ORS 305.120 305.225 314.840(2)(j) 418.135(1)	Information to be used for the administration of public assistance for children. Information to be used for criminal prosecution of tax laws.
Division of Child Support, Department of Justice	May have information about the location, income, and property of parents who abandon or fail to support the children receiving public assistance.	Signed secrecy certificate. Requests must be in writing.	ORS 321.684 308.290(7) 180.320 418.135(1)	Information to be used only to administer the public assistance program for children.
Grand Jury	Information submitted for the prosecution of violations of the criminal laws in connection with the filing of a return or claim.	Signed secrecy certificates.	ORS 305.225	May not be used for prosecution of non-related crimes. Information loses its confidentiality when it is presented as evidence during a trial.
Guardian Tax Court	A guardian of an incapacitated person may have information from that person's return. A guardian of a minor may have information from the minor's return.	Letters of guardianship.	ORS 314.840(1)(a)	
Husband or Wife	Information from any property return.	Proper identification or written authorization for separately filed returns.	ORS 308.290(7)	A spouse cannot have information from a separately filed tax return without written authorization.
Individual Taxpayer	Information from their own return.	Proper identification.	ORS 192.420 192.501 308.290	
Informant	No information, even if the information provided was useful.		ORS 314.855	

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Internal Revenue Service (IRS)	Information on tax returns of individuals, corporations, partnerships, fiduciaries, and estates.	Must be authorized to request information or have written authorization from taxpayer.	ORS 308.290(7) 118.525(3) 314.840(2)(b) 321.684 321.381	Information may be exchanged only through the Department of Revenue's IRS liaison or with written authorization from the taxpayer.
Law Enforcement Agencies (State)	Taxpayer name, address, ID number, amount of check, check date, altered name and address, and the document itself.	Signed secrecy certificates.	ORS 305.225 314.840(2)(p) 321.684	Disclosure can only occur when investigation is for mail theft, forgery, counterfeiting, or check altering.
Legislative Revenue Office	Information needed for revenue research and estimates.	Signed secrecy certificates.	ORS 321.684(2) (e) 314.840(2) (h) 118.525(3) 308.290(5) 173.850 321.381	Information revealing a taxpayer's identity may not be removed from the office.
Lessee	Information regarding valuation of leased property reported on property return filed by lessor.	Proper documentation and identification.	ORS 308.290(7) (c)(B)	
Lessor	Information regarding valuation of leased property reported on the property return filed by lessee.	Proper documentation and identification.	ORS 308.290(7) (c)(B)	
Magistrate Court	Records submitted as evidence in a court case. Once entered, the information normally loses its confidentiality.		ORS 118.525(1) 305.430(2) 314.835	Certain records can retain confidentiality if prior arrangements are made with the court.
Oregon State Police	Information from a tax return for criminal investigations in connection with the filing of a return, report, or claim. Violations include perjury, theft, and forgery.	Signed secrecy certificates.	ORS 305.225 314.840(2)(f), (j),(p) 321.684	Information requested for evidence in crimes unrelated to the validity of a return, report, or claim cannot be disclosed.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Oregon State University	Timber tax information for surveys and programs related to forest management.	Signed timber tax secrecy certificate.	ORS 321.684(1)(e)	Information is limited to names and addresses of taxpayers filing timber tax returns under the small owner election.
Partner of a Partnership	Information from a return, utility assessment, or property appraisal of the partnership.	Proper identification.	ORS 308.290	Individual must have been a partner during any part of the requested tax year.
Relative (other than spouse)	Any information pertaining to an authorized year regarding the return, billing, refunds, payments, penalty and interest, or financial information. No restricted third-party information when the information was obtained after the return was filed or in the course of an investigation.	Letter of authorization to represent or power of attorney.	ORS 118.525(2) 305.230 314.840(1)(a) 321.684	
Reporter	General information only. May not have specific taxpayer information.		ORS 308.290(7)	Refer reporter questions to appointed authority.
Secretary of State	Information necessary for audit of the county or the Department of Revenue.	Signed secrecy certificates.	ORS 118.525(3) 297.060 308.290(7) 314.840(2)(j) 321.684(2)(f)	
Spouse	Information from any property return.	Proper ID or written authorization for separately filed returns.	ORS 308.290(7)	A spouse cannot have information from a separately filed tax return without written authorization.
State Archivist	May examine and receive any information for storage purposes.	Signed secrecy certificates.	ORS 118.525(3) 314.840(2)(j) 321.684(2)(f) 357.875	Archivist must protect confidentiality of information.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Stockholder/ Shareholder	Confidential information only with prior written authorization from corporation officer.	Written authorization from corporation officer.	ORS 308.290(7)	Stockholders and/or shareholders cannot have access to corporation returns without prior authorization.
Tax Collector	Information needed to collect delinquent personal property taxes.	Signed secrecy certificate.	ORS 308.290(7)	
Tax Court	Records submitted as evidence in a court case. Once entered, the information normally loses its confidentiality.		ORS 118.525(1) 305.430(2) 314.835	Certain records can retain confidentiality if prior arrangements are made with the court.
Tax Preparer	Confidential information only with prior written authorization from the taxpayer.	Written authorization to represent.	ORS 305.430(2)	Written authorization must include tax years, tax program, and the taxpayer's original signature.
Taxpayer	Any information from taxpayer's own return, billings and refunds, payment information, correspondence, or other information/data.	Proper identification.	ORS 192.420 192.501 314.840(1) (a)	
Taxpayer's Authorized Representative	Any information pertaining to an authorized tax year regarding the return, billings, refunds, payments, penalty and interest, or financial information. No restricted third-party information when the information was obtained after the return was filed or in the course of an investigation.	Written authorization to represent.	ORS 118.525(2) 305.230 314.840(1)(a) 321.684	An associate or employee of the representative may have information only if the authorization is broad enough to include that person.

Person, Agency, or Public Official	May Obtain	Required Documentation	Reference	Notes
Title/Escrow Companies	Confidential information only with prior written authorization from the taxpayer. For Senior and Disabled Deferral program, payoff information is not confidential and may be disclosed.	Written authorization from taxpayer.	ORS 314.835 314.840	Information may be disclosed from a recorded warrant.
Trustee of a Trust	Copy of trust agreement.	Written request by trustee.	ORS 128.650	Trustee is the person requested to file the return for the deceased.
Wife or Husband	Information from any property return.	Proper ID or written authorization for separately filed returns.	ORS 308.290(7)	A spouse cannot have information from a separately filed tax return without written authorization.

Section 3: Discovery/Audit Process

Discovery

All taxable personal property is assessed as of the January 1 assessment date in the county where it is located. Taxable personal property is to be reported by March 1 each year. This includes machinery, furniture, equipment, etc., used previously or presently in a business, including items which have been fully depreciated or expensed for income tax purposes.

Individuals, partnerships, firms, and corporations that fail to file a return are subject to assessment through the discovery process. Complete discovery depends upon county funding, cooperation of the taxpayer (owner, lessee, or lessor), and the resources available. Basic office policies and procedures should be developed that govern the discovery of personal property.

Two of the most common methods of discovering personal property are the self-reporting of the taxpayer and field research by county staff members. A taxpayer who has taxable personal property must report it to the county in which the property has situs. Situs is its location on the assessment date (January 1 of any year). The property is taxable for the entire year at its situs. As county staff do appraisals in the field, they should watch for new businesses and relay that information to the personal property personnel.

The following lists are the most usable and proven methods; however, this list is not inclusive.

At the local level information may be obtained from numerous sources.

- Aerial photographs: Aerial photos, if available, can show the location of equipment and new business construction.
- Building permits: Local cities and counties can often provide lists of permits for new commercial construction and remodeling.
- Bulletin boards in stores, cafes, and other places of business: Bulletin boards can be a good source of information on “repair,” “maintenance,” and “personal services” types of companies.
- Business directories: Commercially produced directories can provide listings of businesses by address, business name, telephone number, and “doing business as” (dba). A reverse telephone directory also can be useful.
- Business vehicles: Business names and telephone numbers on vehicles can be a starting point for discovering new businesses.
- Chambers of Commerce: Local Chambers of Commerce can supply names of member businesses or provide membership listings for a specific geographic location.

- City and county business license listings: Local business license listings are one of the most efficient and effective ways to find new businesses.
- Local newspapers: In addition to news stories, some papers publish lists of new businesses and commercial leases. When you scan the newspaper advertisements, pay special attention to “Grand Opening” sales and other indicators of change.
- Public Health Department: A municipal health department may have lists of registered restaurants, hotels/motels, adult foster care homes, and day care centers with the current operators.
- Publications: Phone books newspapers ads, television, trade journals, and the Contractor’s Board directory provide useful information.
- Small business associations: Like chambers of commerce, business associations may be able to provide lists of member businesses.
- Tenant lists: Shopping mall or commercial building managers can supply a listing of the tenants, what the lease covers, when the business started operating, and who owns what fixtures in the building. These listings can be used in conjunction with the directories in building lobbies and hallways. Sometimes tenants in sublet space don’t appear on the tenant listing, but are shown on building directory.
- Trade directory and reports: Professional directories, if available, can help in identifying certain types of businesses.
- Utility companies: Natural gas, electric, cable television, and other utilities may provide business names, owners, and addresses of businesses.

There are also a number of sources at the state level.

Many business activities require state licensing or registration (See Section 9, Licensing/Registration, page 9-1.) Other departments with information include:

- Construction Contractor’s Board: The CCB has telephone access for information on builders and landscapers.
- Forestry Department: The Forestry Department can provide information on timber sales. They tell who the purchasers are and where the logging operations are conducting business.
- Marine Board: The Marine Board can provide a list of registered boats. Information includes the name and address of any business that has boats in the state and a description of the property. The Department of Fish and Wildlife can provide information on commercial fishing vessels.

- Oregon Liquor Control Commission: The OLCC can provide license lists and ownership information for businesses over which they have jurisdiction.
- Secretary of State’s office—corporate charters: New corporate charters are recorded with the Secretary of State’s office in Salem. Lists of new and existing businesses may be requested.
- Secretary of State’s office—Uniform Commercial Code (UCC) forms: A UCC form is filed when a piece of equipment is encumbered with a commercial lien. These forms are filed with the Secretary of State’s office in Salem.
- State Lottery: The Lottery office can tell you what equipment is being leased and who is the lessor. See the Appendix for the names and addresses of providers of leased lottery equipment to the state. The lottery equipment leased by the state from a taxable entity is taxable.

Other methods of discovery:

- Drive the county with a tape recorder dictating every business name. Transcribe the information and cross check it with the assessment roll.
- Dexknows.com. This site will list all like businesses, including names, addresses, and telephone numbers. This can also be cross-checked with the assessment roll.

Once the property has been discovered and the owner or person with control identified, the assessor should establish an account for the business and add the account to the assessment roll. If the discovery occurs after the tax roll is certified in October, the property is added to the assessment and tax rolls using the statutory methods described in the section, “Corrections to the Roll.” The assessor determines the value to be added from the best available information.

Under ideal conditions, appraisers would physically list individual personal property items. Time and personnel constraints, however, usually dictate the use of a reporting system on a form completed by the taxpayer or agent, and supplemented by periodic audits.

The Internet

A vast amount of information is available on the internet. The State of Oregon has a website, www.oregon.gov; the available information is intended to inform the public about state programs and regulations and may be useful for discovery purposes.

Commercial online services have been created to promote local businesses and may be useful for discovery.

Audit

The assessor should establish an audit program designed to ensure a full and proper listing of all personal property in the county on the assessment date. It is the assessor's responsibility to assure all property is being assessed and appraised in a uniform manner. The assessor should establish staff needed, funds required, and programs necessary to accomplish this objective.

It is important to audit for the following reasons:

- Ensure uniformity.
- Ensure correctness of property listed.
- Ensure complete listing of all property.
- Verify that costs listed conform to office standards; i.e., cost includes freight, fees, permits, licenses, material, and installation.

Emphasis should be placed on:

- Major accounts.
- Accounts with significant changes from the previous year.
- Accounts which have leased equipment.
- Accounts that are suspected of being improperly reported.

This could include accounts with poor filing habits. All accounts should be physically audited periodically. Remember that the purpose of an audit is to verify that all personal property items have been reported and the information given is accurate.

In determining whether all assessable items have been reported, special attention should be directed to standby, permanently idled, retired, fully depreciated, and uninstalled equipment. Regardless of book value, such equipment should be listed and valued unless specifically exempted. The status and sites of personal property as of the assessment date determines its assessability for tax purposes.

Additional criteria that may be used when selecting accounts to audit include:

- Chose a value range, compare similar businesses, and audit those with variances.
- Using the state recommended classification system (or the county's version of it), select types of businesses and compare the assessed value of the businesses.
- Review returns of all new businesses and use the review as an opportunity to train the persons responsible for completing the form.

A carefully planned, managed and properly administered audit program is a tremendous asset to any county. The program usually is cost effective and, if properly managed, gives credibility to the assessor's office.

Typical Audit Program (step-by-step approach)

Desk/Office Audits: Since Oregon counties utilize a self-declaration system, a review of each return is necessary. These audits are conducted in the office using guidelines established by the assessor to make sure the return is complete. The return should contain correct information as to the type of business, situs, owner, mailing address, and other useful information. It should also contain an adequate listing of personal property for the type of business being conducted. Changes should be identified and those needing more information should be set aside for the next phase.

Telephone Audits: These are one of the quickest and least expensive ways to discover personal property. They are conducted in the office by phone and are used to verify reported data and gather the "additional information" needed after desk audits. Questions should be direct and to the point. Let the taxpayer volunteer information about size, market share, number of employees, expansion, and whatever information gives the auditor a clearer picture of the business and the equipment. Many businesses have a "bare minimum" of equipment. Use benchmark listings as a "checklist" if necessary. This type of audit can be used for a majority of small to moderate sized businesses. All non-filers should be contacted.

Correspondence Audits: These are generally the same as telephone audits but are more formal. Details can be requested by correspondence when a taxpayer's listing is reviewed. Care must be taken to follow-up on correspondence; it is very easy for the taxpayer to ignore a letter. They are more productive if "targeted" to specific taxpayers rather than general form letters.

Tax Return Audits: These are more in-depth audits in which information on an income tax return is compared with information on the personal property return. Request a copy of the federal or state income tax return from the taxpayer. Ask for records including the fixed asset list, depreciation schedule, expensed items, and records of assets no longer listed. Comparing the information on the returns will reveal any items which are expended and not reported.

Physical Inspections: This can range from the "drive by and see" inspection to the "visit, list, and count" inspection. It can be the most expensive and time

consuming of all audit methods. They can be very productive if a systematic method (cycle area, map and tax lot, like business type, etc.) is used. Staff must be adequately trained in communication skills and appraisal methods. Useful tools are "benchmark" lists, copies of prior returns, business trade journals, etc. These help inform the appraiser as to what to look for and typical real market value.

Field Audits: These audits should be conducted by the personal property staff on a regular basis. Purpose of the field audit is to verify that all personal property items have been reported accurately. Compare the findings with the prior year return. When commercial appraisers visit accounts, they could take a listing of the prior year's return information and compare it with the assets currently on site.

Corrections to the Roll

Corrections or modifications to the roll are handled differently depending on the time of year they are made. For most of the year, the assessor updates and corrects the assessment roll; for part of the year, it is the collector who corrects the tax roll. The roll is the assessment roll while it is in the assessor's office; when it is delivered to the tax collector, it becomes the tax roll or, in some counties, the assessment and tax roll.

The assessor determines the value as of January 1 of all taxable property within county; this becomes the assessment roll. The assessor has control of the roll from January 1 through the date the roll is certified and delivered to the tax collector.

The assessor must deliver the roll to the tax collector in time to ensure tax statements will be mailed by October 25. Once the assessment roll is delivered to the collector, it becomes the tax roll (ORS 311.115). It is the collector who has control of the roll for the remainder of the fiscal/tax year.

Updates and Changes

From the January 1 assessment date through September 25, the assessor updates values, revises account information, and does the work necessary to make the assessment roll as accurate as possible.

After September 25, the assessor can make no changes to the roll unless otherwise provided by law. (ORS 308.242, 311.208).

Changes authorized by statute include: consolidations and divisions of property, ownership of record, and value updating (those values that existed January 1 but were not in existence in the prior assessment year). These changes may be made between September 25 and the time rate calculation is finalized if there is time to ensure tax statements will be mailed on or before October 25.

The authority for making these changes derives from ORS 308.219(2), which states that the entire assessment and tax roll is to be printed as of the date the roll is delivered to the tax collector. This printed roll is the roll as prepared September 25 with all corrections, changes, and additions that have occurred up to the date the roll is delivered to the tax collector.

Additional Changes by the Assessor

The passage of Ballot Measure 50 in May 1997 and the resulting enabling legislation provided the assessor with two more changes that can be made after the assessment roll is delivered to the tax collector.

The first is a correction that increases value on the current year roll only. ORS 311.208 states that the correction applies only to errors that would be subject to correction under ORS 311.205. The correction must be initiated before December 1. The owner must be notified by mail and the notice must be sent prior to December 1. The notice must state the date and amount of correction, the amount of any additional tax, the date any additional tax due, and the owner's right to appeal to BOPTA. The correction is made using the process described in ORS 311.205(3).

The second change the assessor can make after the roll has been certified is value reduction under ORS 308.242. This statute prohibits changes in the assessment roll after September 25 except under certain conditions. The statute says the assessor "may make changes in valuation judgment that result in a reduction in the value of the property" after the assessment roll has been certified and on or before December 31 if no petition has been filed with board of property tax appeals (BOPTA).

The assessor follows the error correction process in ORS 311.205 and ORS 311.216 to 311.232 to make these changes.

If a petition with BOPTA has been filed, the assessor may, up to the time of the convening of the board, stipulate to valuation judgment change that will result in a reduction in the value of the property. The assessor uses the process for correcting errors or omissions outlined in ORS 311.205 to make the reduction on the roll.

Collector Corrections

After the assessor delivers the roll to the tax collector, the tax collector, as officer in charge of the roll, may correct the roll to conform with facts. Corrections are made with the agreement of the assessor or the Department of Revenue. Direction for correction must be in writing and must state the type of error and statutory authority for correction [ORS 311.205 (2)(a)].

The roll may be corrected for any year, or years, not exceeding five years prior to the last tax roll certified. The tax resulting from a value correction is deemed assessed and imposed for the year to which correction applies and is not considered in calculating the limitation (Measure 5) impact for the year in which it is billed. The additional value and resulting tax is considered in calculating the limitation impact on an individual account for the year to which the correction applies. The difference between the original tax imposed and the newly calculated imposed tax is added to the roll.

Three specific kinds of roll corrections are authorized by statute after the collector receives the roll: error or omission of another kind, clerical error, and omitted property. The general statute for corrections to the roll is ORS 311.205, and ORS 311.216-232 for omitted property.

Clerical Error

ORS 311.205(1)(a) allows the roll to be corrected for clerical errors. Clerical errors are limited to those errors that can be identified just using the records of the assessor or the Department of Revenue. A clerical error is an error in the records which would have been corrected if it had been found prior to the certification of the assessment and tax roll in the year of assessment.

Clerical error is an arithmetic or copying error or misstatement of property value that is apparent from the office records. It is not a value judgment. Administrative rule 150-311.205(1)(a) further defines clerical errors.

The omitted property notification process is used to notify the taxpayer of additional taxes imposed due to clerical error.

Other Errors or Omissions

The tax collector, as officer in charge of the roll, may correct any other error or omission of any kind except valuation judgment [ORS 311.205(1)(b)], except when the account is under appeal to Tax Court if the correction would result in a reduction of tax owed. Examples of other errors or omissions include correction of the tax limit calculation, elimination of an inaccurate assessment (such as property belonging to another on assessment date), the correction of an error in the assessed value of property resulting from an error in the identification of a unit of property, and correction of value change on appeal.

The process for notifying the taxpayer of additional taxes imposed due to the correction of an error or omission of any kind parallels the omitted property notification process.

Errors of this type are further defined in administrative rule 150-311.205(1)(c)-(B).

Omitted Property

The assessor may correct the roll to add omitted property using the authority in ORS 311.216-311.232. Omitted property is defined as any part of any real, personal, or centrally assessed property that has been omitted due to the assessor's lack of knowledge of its existence. However, undervaluation of a property due to the assessor's failure to consider a portion of the property is not omitted property.

When the assessor discovers omitted property, the property may be added to the current roll and up to the five preceding rolls (ORS 311.216). Upon discovering omitted property, the assessor must notify the property owner of the intention to add the omitted property to the roll (ORS 311.219). The taxpayer has 20 days to show cause why the omitted property should not be added to the roll (ORS 311.219). Unless cause is found, the assessor corrects the assessment roll and gives the collector a written statement instructing the collector to make changes in the tax roll. The assessor at the time also notifies the taxpayer by written notice, sent by certified mail, of the date and amount of correction (ORS 311.223). The taxpayer may appeal the value of the omitted property to the Magistrate Division of the Tax Court [ORS 311.223(4)]. The taxpayer may not appeal the omitted property value, or correction, to BOPTA. The taxpayer is sent a billing for additional taxes and allowed a discount if these taxes are paid by the sixteenth of the following month (ORS 311.229). To bill the additional tax in October of the current year, the roll must have been corrected no later than June 30.

Administrative rule 150-311.207(2)(b) further clarifies omitted property corrections.

Interest and Discount

Interest accrues on all additional tax from the sixteenth of the month following the month the taxes are billed. Interest accrues at the statutory rate.

The added taxes are treated as though they were extended on the tax roll timely in the year billed. The taxes are considered delinquent when other taxes from the year to which these taxes are added become delinquent.

When value is added to the tax roll under ORS 311.205, 311.206, or 311.216 to 311.232 and the tax that becomes due as a result of the addition is paid before the sixteenth of the month following the month of the extension, a discount is allowed.

Valuation Judgment

ORS 311.205(1)(b) states that the officer may correct an error in valuation judgment at any time, in any account, when an appeal has been filed in the tax court alleging that the value on the roll is incorrect if the correction results in a reduction of the tax owed on the account. Any corrections to accounts that are valued by the Department of Revenue under ORS 306.126 and 308.505 to 308.665 may not be made without the prior approval of the department.

Errors in valuation judgment are those where the assessor or the department would arrive at a different opinion of value. Corrections that are not correction of

valuation judgment errors include, but are not limited to, the elimination of an assessment to one taxpayer of property belonging to another on the assessment date, the correction of a tax limit calculation, the correction of a value changed on appeal, or the correction of an error in the assessed value of property resulting from an error in the identification of a unit of property, but not an error in a notice filed under ORS 310.060.

If the correcting officer is uncertain whether an error or omission is a valuation judgment error, or a correctable error under ORS 311.205, the determination should be considered a valuation judgment [OAR 150-311.205(1)(b)-(A)-(2)].

Situs

All personal property must be assessed at its situs as of January 1 at 1 A.M. unless specifically provided otherwise (ORS 308.250). This includes property temporarily located in Oregon, not in transit, if:

- It is the intention of the owner that the property be here for the time being,
- The property is performing the function of service for which it was designed in the course of the owner's business, and

- It is not in the state solely for repair.

These same guidelines apply to property with a home base in a county (within the state) other than where it is located. (An example of this is logging equipment in county A, owned by a company with a home base in county B. The equipment in county A is performing its function for the benefit of its owner and is taxable in county A.)

Section 4: Returns

Extensions

An administrative rule based on ORS 308.290 allows extension of the deadline for filing property returns. The rules give authority to the assessor and to the Department of Revenue to grant extensions.

Extension Requests to the Assessor for Filing Property Returns

Oregon Administrative Rule (OAR) 150-308.290-(A) states that for those accounts that are the responsibility of the assessor, the assessor may extend the due date of real and personal property returns to April 15 for **good cause** or for **administrative need**.

Good Cause

“Good cause” is defined as an extraordinary circumstance beyond the control of the taxpayer, or the taxpayer’s agent or representative.

Extraordinary circumstances are described in OAR 150-307.475 and may include, but are not limited to:

- (a) A delay caused by the unavoidable absence of the person who is solely responsible for filing the return.
- (b) A delay caused by the destruction by fire, natural disaster, or other casualty of the taxpayer’s records needed to prepare the return.

An extension granted for “good cause” is only valid for the year it is approved.

Administrative Need

An extension for administrative need may be granted because the information needed to complete the return cannot be accurately gathered by the March 1 filing deadline due to the large volume of data to be collected or because of fiscal year end requirements.

The administrative extension may be granted as a permanent extension if the taxpayer so desires. This extension will continue for future years until the assessor or taxpayer chooses to cancel it. The assessor may cancel the permanent extension in cases where the taxpayer consistently fails to meet the additional filing requirements noted below.

The Extension Request

The extension request must be in writing to the appropriate assessor’s office and postmarked on or before March 1. The request must be signed by the taxpayer, an officer of the taxpayer, or a representative authorized by the taxpayer. The request must include the

taxpayer’s name, the name of the business (“doing business as”), situs address, and account number if known by the person requesting the extension. The request must contain all of the facts needed to justify the extension.

If the request is denied, the taxpayer shall have 10 days from the date of denial, or March 1, whichever is later, to file a complete return.

If the request for extension is approved, the assessor sends the taxpayer instructions for completing the return. The instructions include trending and depreciation factors where applicable. Computer media transfer instructions may also be provided.

Filing the Return

When the return is filed, it must have appropriate valuation factors applied to all property according to schedules supplied by the county. The asset listing, which must be included, may be a complete listing describing each item of real and/or personal property or, if agreed to by the assessor, a summary by classification of assets with specific real and/or personal property additions and retirements for the current year. The filing must include all assets in the possession and control of the taxpayer including those items that are fully depreciated for income tax purposes. A copy of the letter granting the extension must also be included with the filed return.

If the taxpayer receiving the extension is a leasing company, the company must have sole responsibility for payment of taxes charged to all property items reported. The equipment listing must identify the situs of the property for both real and personal property reported.

All returns with extensions must be postmarked on or before April 15 to be considered timely filed as described in ORS 305.820. The return may also be hand delivered on or before the April 15 filing deadline.

Verification of Taxpayer Information

Returns approved for extension of the filing deadline are subject to correction of errors made by the taxpayer in:

- (a) The age/life classification of each item of property.
- (b) The application of the valuation factors to the items reported, including calculation errors.
- (c) The accurate listing of all assessable property (omissions).

There is no time limit in either statute or administrative rule on the period of time that self-assessed personal property accounts may be subject to audit and correction.

Extension Requests to the Department for Filing Property Returns

The Department of Revenue may extend the due date for filing real, personal, and combined returns to April 15 for “good cause” or for administrative needs. OAR 150-308.290-(A) explains the department policy regarding extension requests. The request must be in writing and filed with the department on or before March 1 and must contain the facts explaining the need for the extension.

The “good cause” definition in this rule is the same as noted above. It applies only to state appraised principal or secondary industrial accounts. An extension granted for “good cause” is only applicable to the current year’s return.

To receive an extension for administrative need, the taxpayer must meet the following criteria:

- (a) The taxpayer is an industrial account as described in ORS 306.126 or the taxpayer has reporting requirements for property in more than one county;
- (b) Accounting period information cannot be accurately reflected by the required filing date due to

volume of information necessary to file a return or fiscal year end requirements;

- (c) Taxpayer can demonstrate the ability to comply with certain format requirements;
- (d) The lessor must have sole responsibility for payment of taxes charged to property items if a leasing company is reporting the real or personal property.

An extension granted for administrative reasons continues for subsequent tax years unless canceled by the taxpayer or revoked by the department.

Additional Information

If the request is denied, the taxpayer shall have 10 days from the date of denial, or March 1, whichever is later, to file the completed return(s) with the department or the assessor, whichever has responsibility for the account.

Filing requirements for returns granted an extended deadline are outlined in OAR 150-308.290-(A) and are similar to the filing requirements listed above.

A copy of the letter granting the request must be included with the return when it is filed.

These returns are also subject to correction of errors in classification, trending, and depreciation and omission of property.

Computation of the Personal Property Return

This is a general guide for computing the personal property return. It deals with most of the problems that arise during the assessment process of personal property, but cannot cover all circumstances. Each county will have to develop specific guidelines depending on the system it uses.

Pre-Examination of the Returns

- Check the returns for changes in mailing address, situs, name, and dba (“doing business as”).
- Remove for later processing accounts to be assessed penalties and accounts to be deleted.
- Retain the envelopes from returns postmarked after the due date; the postmark is the primary evidence of late filing.
- Review returns for completeness. Check to see if the taxpayer has completed the form correctly.
- Make sure entries under schedule 2 are not totals of all equipment. Often the taxpayer will summarize all equipment in this section.
- Verify that equipment entered in schedule 5 as owned by the taxpayer is not listed as leased equipment in schedule 1.
- Review the prior year’s return, the file folder, and the current return for any special notations.

Schedule 1—Leased or Rented Property

If leased equipment is reported, check the leasing company list or file to see if the lessor is already being assessed. If the lessor is being assessed, write “lessor” in the total column for that lessor. If the lessor is not being assessed, assess the equipment listed to the lessee’s account. Develop a system for cross-referencing leased equipment to avoid either double assessment or not assessing leased equipment.

Schedule 2—Noninventory Supplies

Noninventory supplies include paper sacks, printed forms, stationary, business cards, pallets, fuels, medical and dental supplies, carpet samples, cleaning supplies, spare parts, office supplies, fast food containers, restaurant supplies, and all other consumable items. These items do not become a part of the finished product and will not be directly sold to the customer. If no supplies are reported, estimate a value based on similar businesses, add a percentage of the assessed value (i.e., $3\% \times 50,000 \text{ AV} = \$1,500 \text{ NIS}$) or refer to prior years’ returns to see what was reported. Review the values entered in each of the supply categories and

the total for excessively low or high values.

Schedule 3—Floating Property

This schedule is designed to record assessment data about houseboats, boathouses, commercial watercraft, barges, tugs, and similar vessels.

Schedule 4—Libraries

Professional libraries; reference manuals, CDs, and books; technical documents and manuals; federal, state, and local law libraries, etc., are to be reported by the taxpayer along with acquisition dates and costs. Law libraries may be valued by the taxpayer using the market data provided in the Oregon Bar Bulletin. Data provided on compact disc (CD) such as law libraries, graphics files, clip art, photographs, and music are all assessable as library data and should be reported and valued.

Schedule 5—All Other Property

Most of the furniture, fixtures, machinery, and equipment found in a business will be reported on this schedule unless everything used in the business is leased. Each item of property should be reported clearly enabling the correct classification of the item into the appropriate age/life group. The acquisition date and cost of the item also must be reported. Using the appropriate valuation factor from the personal property valuation guidelines, depreciate the equipment to arrive at real market value. If the information is incomplete, contact the taxpayer for clarification.

Establish office procedures for assessing and taxing reported leasehold improvements. Work with the commercial real property appraisers to be sure all taxable property is assessed but not double assessed.

Most returns should have a value for small hand tools, as there is in-house maintenance in virtually every type of business. Be aware that taxpayers may include values for larger tools that should be reported separately. Verify that the total shown for small hand tools is not the total estimate of value for schedule 5. The value given for small hand tools is accepted at the taxpayer’s estimate.

Total Value

Enter the total real market value for each schedule on the appropriate line in the upper right hand corner on the front of the return. Add all value totals from schedules 1 through 5 and enter the total real market value on the front of the return.

Because the penalty for late filing or not filing a return are based on the tax levied, the penalty cannot be determined until taxes are calculated in October. You will need to record the date the return was received so the applicable penalty can be computed.

Compare the total value against last year's total. If there is a large difference in value, review the additions/deletions. If there is no explanation for the large increase/decrease, re-check your depreciation factors, calculations, and entries. If there are still unexplained differences, contact the taxpayer.

Be aware that certain items of property shown on the taxpayer's list of depreciable assets may be exempt from taxation such as licensed motor vehicles, aircraft, and watercraft and computer software other than the operating system. Some items listed may be real property such as leased office space, wall-to-wall floor covering, or sprinkler systems. These items should not be included in the determination of the real market value of the taxable personal property.

Depreciation

Depreciation is a loss or reduction in value from any cause. Depreciation can be divided into three categories: physical, functional, and economic. Under each of these types of depreciation there is curable and incurable.

- Curable physical deterioration is loss in value due to breakage, damage, or wear and tear; the financial benefit of curing the problem must exceed the cost of the cure.
- Incurable physical deterioration is loss in value due to breakage, damage, or wear and tear; the cost of the cure must exceed the financial benefit of the cure.
- Curable functional obsolescence is a loss in value due to inadequate, super adequate, or obsolete design; the financial benefit of curing the problem exceeds the cost of the cure.
- Incurable functional obsolescence is a loss in value due to inadequate, super adequate, or obsolete design; the cost to cure exceeds the financial benefit of the cure.
- External or economic obsolescence is a loss in value due to diminished desirability or utility as a result of economic forces outside the property, e.g., changes in government regulations.

Physical deterioration in machinery and equipment is loss of value due to breakage, normal disintegration, and wear and tear on the machinery in service.

Functional obsolescence in machinery and equipment is usually measured in terms of the impact that cost of operation has on the income the machine yields, or the impact that reduced production capacity has on the potential income.

Economic obsolescence in machinery and equipment is the loss in value arising from forces outside the

property itself. This might be caused by laws enacted. For example: logging on federal land compared to private land.

Accrued depreciation is the difference between the property's replacement cost and its market value. Accrued depreciation is generally estimated based on the relationship of effective age to total economic life:

$$\text{Effective age} \div \text{Total economic life} = \text{\% of depreciation}$$

Effective age is defined as the age indicated by the condition and utility of the property.

Economic life is defined as the estimated period of time that the property will contribute value.

Percent Good

When using the market-related cost approach, the appraiser develops a market depreciation (remaining percent good) which does not separate these categories of depreciation. Extraordinary properties may require special analysis.

To accurately and uniformly measure market depreciation, the appraiser must develop depreciation benchmarks. The benchmarks should be established for personal property by category.

After categorizing the personal property and estimating replacement cost new, estimate the remaining percent good. Percent good is the key to the market-related cost approach. However, depreciation measurement is the weakest part of the cost approach applied to personal property units.

The percent good ties the cost approach to the market by measuring the remaining percent good after all forms of depreciation have been determined.

Appeals

Taxpayers have the right to appeal the value of personal property when the taxpayer believes the county assessor has wrongly estimated the value of the property. They may also appeal the penalties charged for late filing of a current year's real or personal property return.

BOPTA appeals

The taxpayer may appeal to the board of property tax appeals (BOPTA). The petition may be filed with the clerk of the board anytime after the date tax statements are mailed, but no later than December 31.

When the taxpayer appeals, the burden of proof is on the taxpayer. Convincing evidence must be presented that the assessor's estimate of value is wrong. The taxpayer must show the value requested is correct. When appealing to BOPTA, the taxpayer must deal with the value of the property as it existed on the January 1 assessment date of the tax year.

The county BOPTA may determine:

- Whether the assessor's value fairly reflects real market value for the tax year;
- The physical description of the personal property; and
- The type of property which the taxpayer has in his possession.

The board may waive all or a portion of a penalty imposed for the late filing of a return if:

- The taxpayer can prove there was good and sufficient cause for the late filing, or
- The year for which the return was filed was both the first year that a return was required to be filed and the first year you filed a return.

An appeal to BOPTA must contain a list of the individual items or the schedules/categories that identify the property being appealed, the value(s) on the tax roll, and the value(s) being requested. The board does not have jurisdiction to act on an incomplete or incorrect (defective) petition. If a petition is defective, it should be returned to the petitioner for correction. If not corrected within the time limit allowed, the board must dismiss the appeal.

After logging the original petition, the clerk should attach a copy of the original petition to the "Notice of Defective Petition" and return the copy to the petitioner. The clerk may stamp the copy of the petition "amended" for easy reference when it is returned.

- The petitioner has no less than 20 days from the mailing date of the notice, or until the time of the hearing, to amend the petition.
- The petition must be dismissed as defective if it is not amended as of the time of the hearing.

Board procedures

The taxpayer does not have to appear before BOPTA. If the petitioner elects not to appear, evidence must be included with the petition.

If the petitioner elects to appear before the board, evidence does not need to be included with the petition. The petitioner will receive at least five days written notice of the hearing. When the petitioner appears, a copy of any evidence to be considered must be given to the board. This information will not be returned. Neither side needs to be represented by legal counsel.

The board will consider evidence from the petitioner and the county assessor. If the board is reviewing information contained in a confidential personal property return, the hearing will be in executive session unless the taxpayer waives the right to a confidential hearing.

The board will notify both parties in writing of the decision. If either side is not satisfied with the decision, they have a right to appeal.

Appeals filed with county assessor

Taxpayers have the right to appeal the penalty imposed for late filing. Upon application of the taxpayer, the assessor may waive the liability for property tax late filing penalties if the taxpayer:

- Has never filed a personal property tax return in this state;
- Has failed to file a property tax return for one or more consecutive years;
- Has not previously received relief from property tax late filing penalties under ORS 308.295(7) or 308.296(8); and
- Files an application for relief from property tax late filing penalties that satisfies the following:
 - An application for relief from property tax late filing penalties shall include a statement by the taxpayer setting forth the basis for relief from property tax late filing penalties and a statement under oath or affirmation that the basis for relief from property tax late filing penalties as stated in the application is true.

The county assessor may allow the application for relief from property tax late filing penalties if the assessor finds the reason given by the taxpayer in the application are sufficient to excuse the failure to file property tax returns at issue in the application. If the assessor allows the application, the assessor may deny or grant relief from property tax late filing penalties in whole or in part. The determination of the assessor whether to grant the application in whole or in part and whether to permit the taxpayer to pay the owing tax penalties, if any, in installments is final. The assessor shall notify the taxpayer of the decision.

Appealing county board decisions

Step 1. The petitioner may appeal to the Magistrate's Division of the Oregon Tax Court. The filing fee for all Magistrate Division appeals is \$25.

Decisions made under the standard procedure of the Magistrate's Division can be appealed to the Regular Division of the Oregon Tax Court and then to the Oregon Supreme Court.

Step 2. File an appeal petition.

To appeal, a petition must be filed within 30 days (not a month) after the board's order is mailed.

Trial and hearing procedure

Both the trials and hearings at the Magistrate's Division are informal. Since neither party is bound by the decision of the county board, new evidence and arguments may be presented at this level of hearing. When a decision is reached, both parties will be contacted by mail.

Appealing the Magistrate's Division decision to the Oregon Tax Court

If an appeal is made to the Magistrate's Division and either party disagrees with the decision, an appeal may be filed with the Regular Division of the Oregon Tax Court. To appeal, a petition must be filed with the court clerk within 60 days (not two months) after the date of the Magistrate's decision. The clerk will notify all parties of the trial date and time.

Appealing the Tax Court decision to the Oregon Supreme Court

If either party is not satisfied with the Tax Court decision, there is one final step in the appeal process: appeal to the Oregon Supreme Court.

For more information, read the section on appeals in the *Board of Property Tax Appeals Manual* published by the Oregon Department of Revenue. Additional information can be found in information circulars published by the Oregon Department of Revenue.

Where Do I Appeal?

	Magistrate	DOR	Time to Appeal
From BOPTA Order? ORS 305.275 & 305.280	×		30 days
Supervisory Appeals? Gross Error—ORS 306.116	×	×	Current & two prior years
	Residential Only	All Other	
Good & Sufficient Cause—ORS 306.115	×	×	
Agreement to Facts or other items of interest to DOR—ORS 306.115		×	
Exemption Denial or Disqualification for any reason other than a late filed application (includes Farm, Forest and other special assessments)—ORS 305.275 & 305.280	×		90 days
Exemption Denial due to late filing of an application for exemption—ORS 307.475		×	By Dec. 15
Omitted Property Notice—ORS 311.216	×		90 Days
Prior Act of DOR, Tax Court or Supreme Court—ORS 305.285		×	Dec. 15 or within 6 months
Denial of Senior Citizen Deferral—ORS 311.668	×		90 Days
Denial of Enterprise Zone Exemption—ORS 285.615	×		90 Days
Other Acts of Assessors & Tax Collectors, i.e., interest waiver, denial of discount— ORS 305.275 & 305.280	×		90 Days
Centrally Assessed Property—ORS 308.595		×	Second Monday in June

Section 5: Using Computers

Automation

The use of computers by counties to capture the information for the assessment and tax rolls is widespread. Many counties use personal computers (PCs) in conjunction with large mainframes or networks. For other counties, personal computers alone can meet their needs.

If a county is capturing the assessment roll information on a computer, then the information needed to develop a process for listing data from the personal property returns is available.

Programs to access the information must be designed carefully. The information should be easy to input, easy to modify, and easy to extract in a useful format. Key elements needed from the database include account number, name of business, owner, mailing address, situs address, map/tax lot, tax code, value, date received, and timely/late file notation. Other useful information includes telephone number(s), business type classification, identification of all industrial accounts and whether the state or county has jurisdiction, whether one owner has multiple properties, and cross references to leased equipment and to the real property account.

A typical automation cycle is incorporated in processing returns. After changes are noted on existing accounts, these changes are entered into the database, printed out (called a hard copy), then reviewed for accuracy. Many systems use this routine to apply valuation factors to a database of equipment. It reduces errors because information entered correctly will not

change unless it is done manually. This eliminates the need to calculate a return item by item and then total those calculations.

With proper design, valuation factors can be entered once each year and applied to each account. The equipment list can be updated once each year for additions and deletions for each account. This list is then carried over to subsequent years.

Counties may want to consider encouraging taxpayers to file their equipment database on computer disk if the information can be easily adapted to the county's system. Utilizing an asset list on disk would eliminate the need for individual line-item data entry. Elements necessary would include an asset description, age, purchase date, and cost. Details on saving the file in a compatible format, completing the rest of the filing form, and signing the "Taxpayer's Declaration" could be addressed by the taxpayer and county representative.

Many counties have used automation to set up a classification system for personal property. Other uses include developing typical values for non-filers and for unreported items in businesses.

Another benefit of automation is the ability to use information for audit lists, trending analysis, benchmark studies, and comparative analysis (conformity testing). A well-designed program can save countless hours of manual labor.

Personal Property Classification System

A standardized personal property classification system is available for use by county assessors' offices. Using the system provides easy and rapid identification of types of businesses and simplifies research for appeals, studies, annual maintenance, and field reviews. The system can facilitate internal audit procedures and expedite error checking. A classification system can enhance the efficiency of the assessor's office.

This system, when fully implemented, would consist of a three-digit property class number placed on each account. Counties are encouraged to use the full system. If a county were not able to incorporate the full system, an abbreviated version using the ten main categories would work.

The primary category number is always the first digit of the class. Classes are:

- 1 – Industrial.
- 2 – Small Manufacturing/Shops.
- 3 – Contractors.
- 4 – Professional Offices.
- 5 – Stores.
- 6 – Dining/Entertainment.

7 – Housing/Rental/Accommodations.

8 – Service (personal and other).

9 – Exempt Accounts.

0 – Miscellaneous.

This system is designed to be refined by subdividing the primary categories into smaller units with the second and third digit providing small units of comparison. For example, a logging company would be found in the "Contractors" category and the first digit would be a "3." The subclass would be "1" for logging and the last digit would further identify the size and type of operation. A large operator, such as Weyerhaeuser, would be a class "311." See an example of the system on the following page.

Exempt accounts are those with a first digit of "9." These are accounts that, for a variety of reasons, have no taxable value. This classification would include accounts of a taxpayer with less than \$10,000 of total personal property value in the county and accounts of tax exempt entities.

Miscellaneous accounts are, for the most part, leasing and rental companies, many of which file one return for several different locations.

3. Contractors	1. Logging	1. Logging—X-Large
		2. Logging—Large \$500K-\$1M
		3. Logging—Average \$100K-\$500K
		4. Logging—Average \$50K-\$100K
		5. Logging—Small \$25K-\$50K
		6. Logging—Small, less than \$25K
		7. Logging—Chipping Equipment
		8. Logging—Aerial Services
		9. Logging—Reforestation Salvage
		0.
	2. Road Construction & Excavation	1. Construction—Road
		2. Oiling—Road Maintenance
		3. Pipe Line Installation
		4. Cable Installation—TV, Phone, etc.
		5. Asphalt—Road Building/Excavation/Concrete Paving
		6.
		7.
		8. Septic Systems—Installation/Service
		9. Backhoe—Excavation, Excavation-Small
		0. Gravel—Except Industrial Quarry & Sand (not Ind.)
	3. Marine	1. Dredging—Marine
		2.
		3. Pile Driving Salvage—Marine Contractor
		4. Stevedoring
		5. Booming Contractor—Marine Log Storage Contractor
6.		
7.		
8.		
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Section 6: Addendum

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		830.790	Certificate or registration fees.

Oregon Revised Statutes

192.501 Public records conditionally exempt from disclosure. The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice;

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected;

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding;

(6) Information relating to the appraisal of real estate prior to its acquisition;

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850;

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180;

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732;

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction;

(12) A personnel discipline action, or materials or documents supporting that action;

(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species;

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented;

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually;

(16) Data and information provided by participants to mediation under ORS 36.256;

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation;

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity;

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721;

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967;

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(l) Housing assistance payment requests;

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body;

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6);

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or the Oregon University System about a person who has or who is interested in donating money or property to the university, the system or a state institution of higher education, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation;

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to the Oregon University System;

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030;

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number;

(28) Social Security numbers as provided in ORS 107.840;

(29) The electronic mail address of a student who attends a state institution of higher education listed in ORS 352.002 or Oregon Health and Science University;

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public;

(31) If requested by a public safety officer as defined in ORS 181.610, by a district attorney or deputy district attorney or by an assistant attorney general designated by the Attorney General, the home address and home telephone number of the public safety officer or attorney contained in the voter registration records for the public safety officer or attorney;

(32) If requested by a public safety officer as defined in ORS 181.610, by a district attorney or deputy district attorney or by an assistant attorney general designated by the Attorney General, the name of the public safety officer or attorney contained in county real property assessment or taxation records. This exemption:

(a) Applies only to the name of the public safety officer or attorney and any other owner of the property in connection with a specific property identified by the officer or attorney in a request for exemption from disclosure;

(b) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(c) Applies until the public safety officer or attorney requests termination of the exemption;

(d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(e) May not result in liability for a county if the name of a public safety officer or attorney is disclosed after a request for exemption from disclosure is made under this subsection; and

(33) Land management plans required for voluntary stewardship agreements entered into under ORS 541.423. [1987 c.373 §§23c,23d; 1987 c.764 §2 (enacted in lieu of 192.500); 1989 c.70 §1; 1989 c.171 §26; 1989 c.967 §§11,13; 1989 c.1083 §10; 1991 c.636 §§1,2; 1991 c.678 §§1,2; 1993 c.616 §§4,5; 1993 c.787 §§1,2; 1995 c.604 §§2,3; 1999 c.155 §3; 1999 c.169 §§1,2; 1999 c.234 §§1,2; 1999 c.291 §§21,22; 1999 c.380 §§1,2; 1999 c.1093 §§3,4; 2001 c.104 §66; 2001 c.621 §85; 2001 c.915 §1; 2003 c.217 §1; 2003 c.380 §2; 2003 c.524 §1; 2003 c.604 §98; 2003 c.674 §26; 2003 c.803 §12; 2003 c.807 §§2,3; 2005 c.203 §§1,2; 2005 c.232 §§33,34; 2005 c.455 §1; 2007 c.608 §6; 2007 c.687 §1]

Note: The amendments to 192.501 by section 3, chapter 455, Oregon Laws 2005, become operative January 2, 2010. See section 4, chapter 455, Oregon Laws 2005. The text that is operative on and after January 2, 2010, including amendments by section 7, chapter 608, Oregon Laws 2007, and section 2, chapter 687, Oregon Laws 2007, is set forth for the user's convenience.

297.405 Definitions for ORS 297.020, 297.230, 297.405 to 297.740 and 297.990. As used in ORS 297.020, 297.230, 297.405 to 297.740 and 297.990:

(1) "Accountants" means all accountants whose names are included in the roster prepared and maintained by the Oregon Board of Accountancy as required by ORS 297.670.

(2) "Accounts" means all books, papers, files, letters and records of any nature or in any form used in conducting the affairs of the municipal corporation or in recording the transactions thereof.

(3) "Board" means the Oregon Board of Accountancy.

(4) "Fiscal affairs" means and includes all activities of any nature giving rise to or resulting from financial transactions, including compliance with legal requirements applicable to the operation of a municipal corporation.

(5) "Municipal corporation" means a:

(a) City;

(b) County;

(c) Special district;

(d) Corporation, except a municipal corporation established pursuant to ORS 441.525 to 441.595, upon which is conferred powers of the state for the purpose of local government; or

(e) Public corporation, including a cooperative body formed between municipal corporations.

(6) "Public corporation" means a corporation the operation of which is subject to control by local government or its officers and which, at least in part, is organized to serve a public purpose of, and receives public funds or other support having monetary value from, such government. [1977 c.774 §2; 1979 c.286 §7; 1987 c.423 §1; 2005 c.443 §15]

297.555 Short title. ORS 297.405 to 297.555 and 297.990 may be cited as the Municipal Audit Law. [1977 c.774 §1; 1979 c.286 §12]

305.275 Persons who may appeal due to acts or omissions. (1) Any person may appeal under this subsection to the magistrate division of the Oregon Tax Court as provided in ORS 305.280 and 305.560, if all of the following criteria are met:

(a) The person must be aggrieved by and affected by an act, omission, order or determination of:

(A) The Department of Revenue in its administration of the revenue and tax laws of this state;

(B) A county board of property tax appeals other than an order of the board;

(C) A county assessor or other county official, including but not limited to the denial of a claim for exemption, the denial of special assessment under a special assessment statute, or the denial of a claim for cancellation of assessment; or

(D) A tax collector.

(b) The act, omission, order or determination must affect the property of the person making the appeal or property for which the person making the appeal holds an interest that obligates the person to pay taxes imposed on the property. As used in this paragraph, an interest that obligates the person to pay taxes includes a contract, lease or other intervening instrumentality.

(c) There is no other statutory right of appeal for the grievance.

(2) Except as otherwise provided by law, any person having a statutory right of appeal under the revenue and tax laws of the state may appeal to the tax court as provided in ORS 305.404 to 305.560.

(3) Subject to ORS 305.403, if a taxpayer may appeal to the board of property tax appeals under ORS 309.100, then no appeal shall be allowed under this section. The appeal under this section is from an order of the board as a result of the appeal filed under ORS 309.100 or from an order of the board that certain corrections, additions to or changes in the roll be made.

(4) A county assessor who is aggrieved by an order of the county board of property tax appeals may appeal from the order as provided in this section, ORS 305.280 and 305.560. [1977 c.870 §5; 1985 c.85 §10; 1987 c.512 §4; 1991 c.459 §12; 1993 c.270 §7; 1995 c.79 §107; 1995 c.650 §7; 1997 c.541 §§52,52a,53,53a; 1999 c.314 §62; 1999 c.340 §2]

305.280 Time for filing appeals; denial of appeal. (1) Except as otherwise provided in this section, (1) an appeal under ORS 305.275 (1) or (2) shall be filed within 90 days after the act, omission, order or determination becomes actually known to the person, but in no event later than one year after the act or omission has occurred, or the order or determination has been made. An appeal under ORS 308.505 to 308.665 shall be filed within 90 days after the date the order is issued under ORS 308.584 (3). An appeal from a supervisory order or other order or determination of the Department of Revenue shall be filed within 90 days after the date a copy of the order or determination or notice of the order or determination has been served upon the appealing party by mail as provided in ORS 306.805.

(2) An appeal under ORS 323.416 or 323.623 or from any notice of assessment or refund denial issued by the Department of Revenue with respect to a tax imposed under ORS chapter 118, 308, 308A, 310, 314, 316, 317, 318, 321 or this chapter, or collected pursuant to ORS 305.620, shall be filed within 90 days after the date of the notice. An appeal from a proposed adjustment under ORS 305.270 shall be filed within 90 days after the date the notice of adjustment is final.

(3) Notwithstanding subsection (2) of this section, an appeal from a notice of assessment of taxes imposed under ORS chapter 314, 316, 317 or 318 may be filed within two years after the date the amount of tax, as shown on the notice and including appropriate penalties and interest, is paid.

(4) Except as provided in subsection (2) of this section or as specifically provided in ORS chapter 321, an appeal to the tax court under ORS chapter 321 or from an order of a county board of property tax appeals shall be filed within 30 days after the date of the notice of the determination made by the department or date of mailing of the order, date of publication of notice of the order or date of mailing of the notice of the order to the taxpayer, whichever is applicable.

(5) If the tax court denies an appeal made pursuant to this section on the grounds that it does not meet the requirements of this section or ORS 305.275 or 305.560, the tax court shall issue a written decision rejecting the petition and shall set forth in the decision the reasons the tax court considered the appeal to be defective. [1977 c.870 §6; 1979 c.687 §1; 1985 c.61 §2; 1991 c.67 §76; 1993 c.270 §8; 1995 c.650 §8; 1997 c.99 §§32,33; 1997 c.541 §§55,56; 1999 c.249 §2; 1999 c.314 §90; 1999 c.340 §3; 2003 c.804 §63a; 2007 c.616 §11]

Note: Section 17, chapter 616, Oregon Laws 2007, provides:

Sec. 17. Sections 2 [308.582], 3 [308.584] and 7 to 10 [308.624 to 308.636] of this 2007 Act and the amendments to ORS 305.280, 308.540, 308.580, 308.585, 308.590, 308.595, 308.600, 308.605, 308.610 and 308.810 by sections 1, 4 to 6 and 11 to 16 of this 2007 Act apply to assessment rolls initially prepared or corrected on or after the effective date of this 2007 Act [January 1, 2008]. [2007 c.616 §17]

305.501 Appeals to tax court to be heard by magistrate division; exception; mediation; conduct of hearings; decisions; appeal de novo to tax court judge. (1) Except as provided in subsection (2) of this section, an appeal to the tax court shall be heard by a tax court magistrate unless specially designated by the tax court judge for hearing in the regular division. In any matter arising under the property tax laws and involving a county or county assessor that is designated for hearing in the regular division, the Department of Revenue shall be substituted for the county as a party.

(2) A party to the appeal may request mediation, or the tax court on its own motion may assign the matter to mediation. If the mediation does not result in an agreed settlement within 60 days after the end of the mediation session, the appeal shall, absent a showing of good cause for a continuance, be assigned to a magistrate for hearing.

(3) The tax court, with the assistance of the State Court Administrator, shall establish procedures for magistrate division hearings and mediation.

(4)(a) Subject to the rules of practice and procedure established by the tax court, a magistrate is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, and may conduct the hearing in any manner that will achieve substantial justice. A hearing may be conducted in person or by telephone. Magistrates may confer with each other in order to reach a decision on any matter.

(b) All written magistrate decisions shall be mailed to the parties to the appeal and to the Department of Revenue within five days after the date of entry of the written decision.

(5)(a) Any party dissatisfied with a written decision of a magistrate may appeal the decision to the judge of the tax court by filing a complaint in the regular division of the tax court within 60 days after the date of entry of the written decision.

(b) If a decision of a magistrate involves any matter arising under the property tax laws and a county was a party to the proceeding before the magistrate, the Department of Revenue may file a notice of appeal whether or not the department had intervened in the proceeding before the magistrate. In such cases, the department shall appear before the tax court judge in any proceeding on appeal.

(c) If a decision of a magistrate involves any matter arising under the property tax laws and a party other than a county appeals the decision to the tax court judge, the Department of Revenue shall be the defendant.

(d) Appeal to the judge of the tax court is the sole and exclusive remedy for review of a written decision of a magistrate.

(6) Appeal of a final decision of a magistrate before the judge of the tax court shall be as provided in ORS 305.425 (1) and 305.570.

(7) If no appeal is taken to the tax court judge within 60 days, the decision of the magistrate shall become final. The tax court shall enter a judgment enforcing all final decisions of the magistrate, which judgment shall be binding upon all parties. ORS 305.440 (2) applies to the final determination of any property tax matter. [1995 c.650 §11; 1997 c.872 §20; 1999 c.340 §1; 2005 c.345 §9; 2007 c.283 §1]

Note: Section 2, chapter 283, Oregon Laws 2007, provides:

Sec. 2. The amendments to ORS 305.501 by section 1 of this 2007 Act apply to matters assigned to mediation on or after the effective date of this 2007 Act [January 1, 2008]. [2007 c.283 §2]

305.820 Date when writing, remittance or electronic filing deemed received by tax officials. (1) Any writing or remittance required by law to be filed with or made to the Department of Revenue, county board of property tax appeals, county assessor or tax collector (designated in this section as the "addressee") which is:

(a) Transmitted through the United States mail or by private express carrier, shall be deemed filed or received on the date shown by the cancellation mark or other record of transmittal, or on the date it was mailed or deposited if proof satisfactory to the addressee establishes that the actual mailing or deposit occurred on an earlier date.

(b) Filed electronically pursuant to a rule of the department adopted under ORS 306.265 and 309.104 that authorizes the electronic filing and that meets the specifications and requirements of the rule, shall be deemed to be filed and received on the date actually received by the addressee, or on the date stated on the electronic acknowledgment of receipt that is sent by the addressee.

(c) Lost in transmission through the United States mail or private express carrier, shall be deemed filed and received on the date it was mailed or deposited for transmittal if the sender:

(A) Can establish by competent evidence satisfactory to the addressee that the writing or remittance was deposited on or before the date due for filing in the United States mail, or with a private express carrier, and addressed correctly to the addressee; and

(B) Files with the addressee a duplicate of the lost writing or remittance within 30 days after written notification is given by the addressee of its failure to receive such writing or remittance.

(2) Whenever any writing or remittance is required by law to be filed or made on a day which falls on a Saturday, or on a Sunday or any legal holiday, the time specified shall be extended to include the next business day.

(3) As used in this section:

(a) "Private express carrier" means a carrier described under ORS 293.660.

(b) "Writing or remittance" includes, but is not limited to, "report," "tax return," "claim for credit," "claim for refund," "statement," "notice of appeal," "petition for review," "notice of election," "documentary proof," a claim for exemption, a claim for deferral, a return of property, a claim for cancellation of an assessment, an application for a special assessment, and remittances. [Formerly 306.440; 1965 c.344 §27; 1993 c.44 §2; 1993 c.270 §23; 1997 c.154 §11; 1997 c.541 §87]

305.990 Criminal penalties. (1) Any person who willfully presents or furnishes to the Department of Revenue any statement required under ORS 305.160, which statement is false or fraudulent, is guilty of perjury and upon conviction shall be punished as provided by law therefor.

(2) Any person who gives testimony before the Director of the Department of Revenue which is false or fraudulent, is guilty of perjury and upon conviction shall be punished as provided by law therefor.

(3) Any public officer who neglects or refuses to perform any of the duties imposed on the public officer by law as to the assessment, levying or collection of taxes shall be punished, upon conviction, by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding one year.

(4) Violation of ORS 305.815 is punishable, upon conviction, by a fine of not more than \$1,000 or by imprisonment for not more than one year in the county jail, or both.

(5) Violation of ORS 305.260 is punishable, upon conviction, as a Class A misdemeanor, as provided in ORS chapter 161. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter. [Formerly 306.990; 1973 c.402 §6; subsection (5) enacted as 1973 c.402 §25(2); subsection (6) enacted as 1977 c.790 §5; 1985 c.105 §2]

306.245 Standard forms for tax statement and personal property tax return. (1) In order to achieve uniformity in assessment and collection of property taxes throughout the state, the Department of Revenue shall prescribe a form for use by counties using automated data processing equipment and a form for use by counties not using automated data processing equipment for each of the following categories:

(a) The tax statement referred to in ORS 311.250.

(b) The personal property tax return referred to in ORS 308.290.

(2) Counties must use the forms prescribed by the department under subsection (1) of this section.

(3) In prescribing the forms under subsection (1) of this section, the department shall consult with the appropriate county officers and employees and shall take into account the equipment available in each county.

(4) The department shall provide and shall bear the cost of each category of form described in subsection (1) of this section for each year in which the county uses the form prescribed under subsection (1) of this section for the category. [1979 c.241 §52; 1981 c.804 §110; 1987 c.158 §178; 1991 c.459 §34; 2003 c.400 §1]

307.020 Definition of "personal property"; inapplicability to certain utilities. (1) As used in the property tax laws of this state, unless otherwise specifically provided:

(a) "Intangible personal property" or "intangibles" includes but is not limited to:

(A) Money at interest, bonds, notes, claims, demands and all other evidences of indebtedness, secured or unsecured, including notes, bonds or certificates secured by mortgages.

(B) All shares of stock in corporations, joint stock companies or associations.

(C) Media constituting business records, computer software, files, records of accounts, title records, surveys, designs, credit references, and data contained therein. "Media" includes, but is not limited to, paper, film, punch cards, magnetic tape and disk storage.

(D) Goodwill.

(E) Customer lists.

(F) Contracts and contract rights.

(G) Patents, trademarks and copyrights.

(H) Assembled labor force.

(I) Trade secrets.

(b) "Personal property" means "tangible personal property."

(c) "Tangible personal property" includes but is not limited to all chattels and movables, such as boats and vessels, merchandise and stock in trade, furniture and personal effects, goods, livestock, vehicles, farming implements, movable machinery, movable tools and movable equipment.

(2) Subsection (1) of this section does not apply to any person, company, corporation or association covered by ORS 308.505 to 308.665. [Amended by 1959 c.82 §1; 1977 c.602 §1; 1993 c.353 §1; 1997 c.154 §27; 2005 c.94 §30]

307.030 Property subject to assessment generally. (1) All real property within this state and all tangible personal property situated within this state, except as otherwise provided by law, shall be subject to assessment and taxation in equal and ratable proportion.

(2) Except as provided in ORS 308.505 to 308.665, intangible personal property is not subject to assessment and taxation. [Amended by 1993 c.353 §2; 1997 c.154 §28]

307.040 Property of the United States. Except as provided in ORS 307.050, 307.060, 307.070 and 307.080, all property of the United States, its agencies or instrumentalities, is exempt from taxation to the extent that taxation thereof is forbidden by law. [Amended by 1953 c.698 §7]

307.050 Property of the United States held under contract of sale. Whenever real and personal property of the United States or any department or agency of the United States is the subject of a contract of sale or other agreement whereby on certain payments being made the legal title is or may be acquired by any person and that person uses and possesses the property or has the right of present use and possession, then a real market value for the property shall be determined, as required under ORS 308.232, without deduction on account of any part of the purchase price or other sum due on such property remaining unpaid. The property shall have an assessed value determined under ORS 308.146 and shall be subject to tax on the assessed value so determined. The lien for the tax shall neither attach to, impair, nor be enforced against any interest of the United States in the real or personal property. This section does not apply to real or personal property held and in immediate use and occupation by this state or any county, municipal corporation or political subdivision of this state, or to standing timber, prior to severance, of the United States or any department or agency of the United States that is the subject of a contract of sale or other agreement. [Amended by 1953 c.698 §7; 1965 c.159 §1; 2001 c.509 §6]

307.060 Property of the United States held under lease or other interest less than fee; deduction for restricted use. Real and personal property of the United States or any department or agency of the United States held by any person under a lease or other interest or estate less than a fee simple, other than under a contract of sale, shall have a real market value determined under ORS 308.232, subject only to deduction for restricted use. The property shall have an assessed value determined under ORS 308.146 and shall be subject to tax on the assessed value so determined. The lien for the tax shall attach to and be enforced against only the leasehold, interest or estate in the real or personal property. This section does not apply to real property held or occupied primarily for agricultural purposes under the authority of a federal wildlife conservation agency or held or occupied primarily for purposes of grazing livestock. This section does not apply to real or personal property held by this state or any county, municipal corporation or political subdivision of this state that is:

(1) In immediate use and occupation by the political body; or

(2) Required, by the terms of the lease or agreement, to be maintained and made available to the federal government as a military installation and facility. [Amended by 1953 c.698 §7; 1959 c.298 §1; 1961 c.433 §1; 1969 c.241 §1; 1975 c.656 §1; 1981 c.405 §2; 1991 c.459 §38; 1997 c.541 §99; 2001 c.509 §7]

307.090 Property of the state, counties and other municipal corporations; certain property of cities or public entities of other states; payments in lieu of taxes on city-owned electric utility property. (1) Except as provided by law, all property of the state and all public or corporate property used or intended for corporate purposes of the several counties, cities, towns, school districts, irrigation districts, drainage districts, ports, water districts, housing authorities and all other public or municipal corporations in this state, is exempt from taxation.

(2) Any city may agree with any school district to make payments in lieu of taxes on all property of the city located in any such school district, and which is exempt from taxation under subsection (1) of this section when such property is outside the boundaries of the city and owned, used or operated for the production, transmission, distribution or furnishing of electric power or energy or electric service for or to the public.

(3)(a) Notwithstanding ORS 308.505 to 308.665, the property described in paragraph (b) of this subsection is exempt from taxation if the owner of the property described in paragraph (b) of this subsection is a city or public entity of a state other than Oregon and the city or public entity does not own a fee title interest in any real property in Oregon.

(b) The property that is subject to exemption under paragraph (a) of this subsection is tangible or intangible property, property rights or property interests in or related to the Pacific Northwest AC Intertie, as referenced in a written capacity ownership agreement executed before November 4, 2005, between the United States Department of Energy and the city or public entity described in paragraph (a) of this subsection. [Amended by 1953 c.698 §7; 1957 c.649 §1; 1975 c.568 §1; 1977 c.673 §1; 1991 c.851 §2; 2005 c.832 §1]

307.100 Public property held by taxable owner under contract of purchase. Whenever real and personal property of the state or any institution or department thereof, or any county, municipal corporation or political subdivision of the state is the subject of a contract of sale or other agreement whereby on certain payments being made the legal title is or may be acquired by any person and such person uses and possesses such property or has the right of present use and possession, then such property shall be considered, for all purposes of taxation, as the property of such person. No deed or bill of sale to such property shall be executed until all taxes and municipal charges are fully paid thereon. This section shall not apply to standing timber, prior to severance thereof, of the state or any political entity referred to above which is the subject of a contract of sale or other agreement. [Amended by 1965 c.159 §2]

307.110 Public property leased or rented by taxable owner; exceptions. (1) Except as provided in ORS 307.120, all real and personal property of this state or any institution or department thereof or of any county or city, town or other municipal corporation or political subdivision of this state, held under a lease or other interest or estate less than a fee simple, by any person whose real property, if any, is taxable, except employees of the state, municipality or political subdivision as an incident to such employment, shall be subject to assessment and taxation for the assessed or specially assessed value thereof uniformly with real property of nonexempt ownerships.

(2) Each leased or rented premises not exempt under ORS 307.120 and subject to assessment and taxation under this section which is located on property used as an airport and owned by and serving a municipality or port shall be separately assessed and taxed.

(3) Nothing contained in this section shall be construed as subjecting to assessment and taxation any publicly owned property described in subsection (1) of this section that is:

(a) Leased for student housing by a school or college to students attending such a school or college.

(b) Leased to or rented by persons, other than sublessees or subrenters, for agricultural or grazing purposes and for other than a cash rental or a percentage of the crop.

(c) Utilized by persons under a land use permit issued by the Department of Transportation for which the department's use restrictions are such that only an administrative processing fee is able to be charged.

(d) County fairgrounds and the buildings thereon, in a county holding annual county fairs, managed by the county fair board under ORS 565.230, if utilized, in addition to county fair use, for any of the purposes described in ORS 565.230 (2), or for horse stalls or storage for recreational vehicles or farm machinery or equipment.

(e) The properties and grounds managed and operated by the State Parks and Recreation Director under ORS 565.080, if utilized, in addition to the purpose of holding the Oregon State Fair, for horse stalls or for storage for recreational vehicles or farm machinery or equipment.

(f) State property that is used by the Oregon University System or the Oregon Health and Science University to provide parking for employees, students or visitors.

(g) Property of a housing authority created under ORS chapter 456 which is leased or rented to persons of lower income for housing pursuant to the public and governmental purposes of the housing authority. For purposes of this paragraph, "persons of lower income" has the meaning given the phrase under ORS 456.055.

(h) Property of a health district if:

(A) The property is leased or rented for the purpose of providing facilities for health care practitioners practicing within the county; and

(B) The county is a frontier rural practice county under rules adopted by the Office of Rural Health.

(4) Property determined to be an eligible project for tax exemption under ORS 285C.600 to 285C.626 and 307.123 that was acquired with revenue bonds issued under ORS 285B.320 to 285B.371 and that is leased by this state, any institution or department thereof or any county, city, town or other municipal corporation or political subdivision of this state to an eligible applicant shall be assessed and taxed in accordance with ORS 307.123. The property's continued eligibility for taxation and assessment under ORS 307.123 is not affected:

(a) If the eligible applicant retires the bonds prior to the original dates of maturity; or

(b) If any applicable lease or financial agreement is terminated prior to the original date of expiration.

(5) The provisions of law for liens and the payment and collection of taxes levied against real property of nonexempt ownerships shall apply to all real property subject to the provisions of this section. Taxes remaining unpaid upon the termination of a lease or other interest or estate less than a fee simple, shall remain a lien against the real or personal property.

(6) If the state enters into a lease of property with, or grants an interest or other estate less than a fee simple in property to, a person whose real property, if any, is taxable, then within 30 days after the date of the lease, or within 30 days after the date the interest or estate less than a fee simple is created, the state shall file a copy of the lease or other instrument creating or evidencing the interest or estate with the county assessor. This section applies notwithstanding that the property may otherwise be entitled to an exemption under this section, ORS 307.120 or as otherwise provided by law. [Amended by 1953

c.698 §7; 1961 c.449 §1; 1969 c.675 §18; 1971 c.352 §1; 1971 c.431 §1; 1979 c.689 §4; 1981 c.381 §1; 1987 c.487 §1; 1989 c.659 §2; 1991 c.459 §40; 1991 c.851 §3; 1993 c.655 §2; 1993 c.737 §7; 1995 c.337 §1; 1995 c.376 §3; 1995 c.698 §9; 1995 c.748 §2; 1997 c.541 §101; 1997 c.819 §12; 1999 c.760 §1; 2001 c.67 §2; 2001 c.114 §8; 2003 c.662 §11a; 2005 c.777 §17]

307.112 Property held under lease, sublease or lease-purchase by institution, organization or public body other than state. (1) Real or personal property of a taxable owner held under lease, sublease or lease-purchase agreement by an institution, organization or public body, other than the State of Oregon, granted exemption or the right to claim exemption for any of its property under ORS 307.090, 307.130, 307.136, 307.140, 307.145 or 307.147, is exempt from taxation if:

(a) The property is used by the lessee or, if the lessee is not in possession of the property, the entity in possession of the property in the manner, if any, required by law for the exemption of property owned, leased, subleased or being purchased by it; and

(b) It is expressly agreed within the lease, sublease or lease-purchase agreement that the rent payable by the institution, organization or public body has been established to reflect the savings below market rent resulting from the exemption from taxation.

(2) The lessee or, if the lessee is not in possession of the property, the entity in possession of the property shall file a claim for exemption with the county assessor, verified by the oath or affirmation of the president or other proper officer of the institution or organization, or head official of the public body or legally authorized delegate, showing:

(a) A complete description of the property for which exemption is claimed.

(b) If applicable, all facts relating to the use of the property by the lessee or, if the lessee is not in possession of the property, all facts relating to the use of the property by the entity in possession of the property.

(c) A true copy of the lease, sublease or lease-purchase agreement covering the property for which exemption is claimed.

(d) Any other information required by the claim form.

(3) If the assessor is not satisfied that the rent stated in the lease, sublease or lease-purchase agreement has been established to reflect the savings below market rent resulting from the tax exemption, before the exemption may be granted the lessor shall provide documentary proof, as specified by rule of the Department of Revenue, that the rent has been established to reflect the savings below market rent resulting from the tax exemption.

(4)(a) The claim shall be filed on or before April 1, except as follows:

(A) If the lease, sublease or lease-purchase agreement is entered into after March 1 but not later than June 30, the claim shall be filed within 30 days after the date the lease, sublease or lease-purchase agreement is entered into if exemption is claimed for that year; or

(B) Notwithstanding that no hardship grounds exist, if a late filing fee is determined, paid and distributed in the manner provided in ORS 307.162 (2), the claim shall be filed on or before December 31 of the tax year for which exemption is first claimed.

(b) The exemption first shall apply for the tax year beginning July 1 of the year for which the claim is filed. The exemption shall continue so long as the use of the property remains unchanged and during the period of the lease, sublease or lease-purchase agreement. If the use changes, a new claim shall be filed as provided in this section. If the use changes due to sublease of the property or any portion of the property from the tax exempt entity described in subsection (1) of this section to another tax exempt entity, the entity in possession of the property shall file a new claim for exemption as provided in this section. If the lease, sublease or lease-purchase agreement expires before July 1 of any year, the exemption shall terminate as of January 1 of the same calendar year. [1977 c.673 §2; 1987 c.756 §20; 1991 c.459 §41; 1991 c.851 §4; 1993 c.19 §3; 1993 c.777 §4; 1995 c.513 §1; 1997 c.434 §1; 1997 c.541 §102; 1999 c.579 §18; 2003 c.117 §1; 2007 c.817 §1]

Note: Section 3, chapter 817, Oregon Laws 2007, provides:

Sec. 3. (1) Notwithstanding the time periods set forth in ORS 307.112, for the tax year beginning July 1, 2007, a sublessee qualifying for exemption from property taxation under ORS 307.112 may file a claim in writing with the county assessor, on forms supplied by the assessor, by December 31 next following the effective date of this 2007 Act [September 27, 2007].

(2) If taxes on the exempt value have been paid, the taxes shall be refunded in the manner prescribed in subsection (3) of this section. If taxes on the exempt value have not been paid, the taxes and any interest thereon shall be abated.

(3) The tax collector shall notify the governing body of the county of any refund required under this section. Upon receipt of notice from the tax collector, the governing body shall cause a refund of the taxes and any interest paid to be made from the unsegregated tax collections account described in ORS 311.385. The refund under this subsection shall be made without interest. The county assessor and tax collector shall make the necessary corrections in the records of their offices. [2007 c.817 §3]

307.120 Property owned or leased by municipalities, dock commissions, airport districts or ports; exception; payments in lieu of taxes to school districts. (1) Real property owned or leased by any municipality and real and personal property owned or leased by any dock commission of any city or by any airport district or port organized under the laws of this state is exempt from taxation to the extent to which such property is:

(a) Leased, subleased, rented or preferentially assigned for the purpose of the berthing of ships, barges or other watercraft (exclusive of property leased, subleased, rented or preferentially assigned primarily for the purpose of the berthing of floating homes, as defined in ORS 830.700), the discharging, loading or handling of cargo therefrom or for storage of such cargo directly incidental to transshipment, or the cleaning or decontaminating of agricultural commodity cargo, to the extent the property does not further alter or process an agricultural commodity;

(b) Held under lease or rental agreement executed for any purpose prior to July 5, 1947, except that this exemption shall continue only during the term of the lease or rental agreement in effect on that date; or

(c) Used as an airport owned by and serving a municipality or port of less than 300,000 inhabitants as determined by the latest decennial census. Property owned or leased by the municipality, airport district or port that is located within or contiguous to the airport is exempt from taxation under this subsection if the proceeds of the lease, sublease or rental are used by the municipality, airport district or port exclusively for purposes of the maintenance and operation of the airport.

(2) Those persons having on January 1 of any year a lease, sublease, rent or preferential assignment or other possessory interest in property exempt from taxation under subsection (1)(a) of this section, except dock area property, shall make payments in lieu of taxes to any school district in which the exempt property is located as provided in subsection (3) of this section. The annual payment in lieu of taxes shall be one quarter of one percent (0.0025) of the real market value of the exempt property and the payment shall be made to the county treasurer on or before May 1 of each year.

(3)(a) On or before December 31 preceding any year for which a lease, sublease, rental or preferential assignment or other possessory interest in property is to be held, or within 30 days after acquisition of such an interest, whichever is later, any person described in subsection (2) of this section shall file with the county assessor a request for computation of the payment in lieu of tax for the exempt property in which the person has a possessory interest. The person shall also provide any information necessary to complete the computation that may be requested by the assessor. The request shall be made on a form prescribed by the Department of Revenue.

(b) On or before April 1 of each assessment year the county assessor shall compute the in lieu tax for the property subject to subsection (2) of this section for which a request for computation has been filed under paragraph (a) of this subsection and shall notify each person who has filed such a request:

(A) That the person is required to pay the amount in lieu of taxes to the county treasurer on behalf of the school district;

(B) Of the real market value of the property subject to the payment in lieu of taxes; and

(C) Of the amount due, the due date of the payment in lieu of taxes and of the consequences of late payment or non-payment.

(c) On or before July 15 of each tax year the county treasurer shall distribute to the school districts the amounts received for the respective districts under subsection (2) of this section. If the exempt property is located in more than one school district, the amount received shall be apportioned to the school districts on the basis of the ratio that each school district's permanent limit on the rate of ad valorem property taxes bears to the total permanent limit on the rate of ad valorem property taxes applicable to all of the school districts in which the property is located.

(4) If a person described in subsection (2) of this section fails to request a computation or make a payment in lieu of taxes as provided in this section, the property shall not be exempt for the tax year but shall be assessed and taxed as other property similarly situated is assessed and taxed.

(5) Upon granting of a lease, sublease, rental, preferential assignment or other possessory interest in property described in subsection (1)(a) of this section, except dock area property, the municipality, dock commission, airport district or port shall provide the county assessor with the name and address of the lessee, sublessee, renter, preferential assignee or person granted the possessory interest.

(6)(a) Not later than 15 days prior to the date that a request is required to be made under subsection (3)(a) of this section, the municipality, dock commission, airport district or port granting a lease, sublease, rental, preferential assignment or other possessory interest in its exempt property for which in lieu tax payments are imposed under subsection (2) of this section, shall notify the person granted the interest:

(A) Of the obligation to file with the county assessor a request for appraisal and computation of in lieu tax no later than December 31 or within 30 days after the interest is granted, whichever is later.

(B) Of the obligation to pay the in lieu tax, in the amount of one-quarter of one percent (0.0025) of the real market value of the exempt property held, to the county treasurer before May 1 following the date of the request.

(C) That, if the request is not made within the time prescribed, or if the in lieu tax is not paid, or both, that the property shall not be exempt from taxation but shall be assessed and taxed in the same manner as other property similarly situated is assessed and taxed.

(b) Failure of a municipality, dock commission, airport district or port to give the notice as prescribed under this subsection does not relieve any person from the requirements of this section.

(7) As used in this section:

(a) "Dock" means a structure extended from the shore or area adjacent to deep water for the purpose of permitting the mooring of ships, barges or other watercraft.

(b) "Dock area" means that part of the dock situated immediately adjacent to the mooring berth of ships, barges or other watercraft which is used primarily for the loading and unloading of waterborne cargo, but which shall not encompass any area other than that area from which cargo is hoisted or moved aboard a vessel, or to which cargo is set down when unloaded from a vessel when utilizing shipboard or dockside machinery.

(c) "Dock area property" means all real property situated in the dock area, and includes all structures, machinery or equipment affixed to that property.

(d) "School district" means a common or union high school district, but does not include a county education bond district, an education service district, a community college service district or a community college district. [Amended by 1955 c.267 §1; 1973 c.234 §1; 1977 c.615 §1; 1979 c.705 §1; 1981 c.160 §1; 1983 c.740 §86; 1987 c.583 §5; 1987 c.756 §10; 1991 c.459 §42; 1995 c.337 §2; 1997 c.271 §4; 1997 c.541 §103; 1997 c.600 §5; 1999 c.570 §1; 2001 c.114 §9; 2003 c.119 §1; 2003 c.169 §1]

307.125 Property of forest protection agencies. All the real and personal property of districts, organizations, associations and agencies organized for the purposes of forest protection and fire suppression under ORS chapter 477 is exempt from taxation if such property is used exclusively for such protection and suppression. [1957 c.189 §1; 1965 c.253 §138]

307.130 Property of art museums, volunteer fire departments or literary, benevolent, charitable and scientific institutions. (1) As used in this section:

(a) "Art museum" means a nonprofit corporation organized to display works of art to the public.

(b) "Internal Revenue Code" means the federal Internal Revenue Code as amended and in effect on December 31, 2006.

(c) "Nonprofit corporation" means a corporation that:

(A) Is organized not for profit, pursuant to ORS chapter 65 or any predecessor of ORS chapter 65; or

(B) Is organized and operated as described under section 501(c) of the Internal Revenue Code.

(d) "Volunteer fire department" means a nonprofit corporation organized to provide fire protection services in a specific response area.

(2) Upon compliance with ORS 307.162, the following property owned or being purchased by art museums, volunteer fire departments, or incorporated literary, benevolent, charitable and scientific institutions shall be exempt from taxation:

(a) Except as provided in ORS 748.414, only such real or personal property, or proportion thereof, as is actually and exclusively occupied or used in the literary, benevolent, charitable or scientific work carried on by such institutions.

(b) Parking lots used for parking or any other use as long as that parking or other use is permitted without charge for no fewer than 355 days during the tax year.

(c) All real or personal property of a rehabilitation facility or any retail outlet thereof, including inventory. As used in this subsection, "rehabilitation facility" means either those facilities defined in ORS 344.710 or facilities which provide individuals who have physical, mental or emotional disabilities with occupational rehabilitation activities of an educational or therapeutic nature, even if remuneration is received by the individual.

(d) All real and personal property of a retail store dealing exclusively in donated inventory, where the inventory is distributed without cost as part of a welfare program or where the proceeds of the sale of any inventory sold to the general public are used to support a welfare program. As used in this subsection, "welfare program" means the providing of food, shelter, clothing or health care, including dental service, to needy persons without charge.

(e) All real and personal property of a retail store if:

(A) The retail store deals primarily and on a regular basis in donated and consigned inventory;

(B) The individuals who operate the retail store are all individuals who work as volunteers; and

(C) The inventory is either distributed without charge as part of a welfare program, or sold to the general public and the sales proceeds used exclusively to support a welfare program. As used in this paragraph, "primarily" means at least one-half of the inventory.

(f) The real and personal property of an art museum that is used in conjunction with the public display of works of art or used to educate the public about art, but not including any portion of the art museum's real or personal property that is used to sell, or hold out for sale, works of art, reproductions of works of art or other items to be sold to the public.

(g) All real and personal property of a volunteer fire department that is used in conjunction with services and activities for providing fire protection to all residents within a fire response area.

(h) All real and personal property, including inventory, of a retail store owned by a nonprofit corporation if:

(A) The retail store deals exclusively in donated inventory; and

(B) Proceeds of the retail store sales are used to support a not-for-profit housing program whose purpose is to:

(i) Acquire property and construct housing for resale to individuals at or below the cost of acquisition and construction; and

(ii) Provide loans bearing no interest to individuals purchasing housing through the program.

(3) An art museum or institution shall not be deprived of an exemption under this section solely because its primary source of funding is from one or more governmental entities.

(4) An institution shall not be deprived of an exemption under this section because its purpose or the use of its property is not limited to relieving pain, alleviating disease or removing constraints. [Amended by 1955 c.576 §1; 1959 c.207 §1; 1969 c.342 §1; 1971 c.605 §1; 1974 c.52 §3; 1979 c.688 §1; 1987 c.391 §1; 1987 c.490 §49; 1989 c.224 §50; 1991 c.93 §4; 1993 c.655 §3; 1995 c.470 §4; 1997 c.599 §1; 1999 c.90 §31; 1999 c.773 §1; 2001 c.660 §26; 2003 c.77 §4; 2005 c.832 §16; 2007 c.70 §75; 2007 c.614 §4a; 2007 c.694 §1]

307.190 Tangible personal property held for personal use; inapplicability of exemption to property required to be registered, floating homes, boathouses and manufactured structures. (1) All items of tangible personal property held by the owner, or for delivery by a vendor to the owner, for personal use, benefit or enjoyment, are exempt from taxation.

(2) The exemption provided in subsection (1) of this section does not apply to:

(a) Any tangible personal property held by the owner, wholly or partially for use or sale in the ordinary course of a trade or business, for the production of income, or solely for investment.

(b) Any tangible personal property required to be licensed or registered under the laws of this state.

(c) Floating homes or boathouses, as defined in ORS 830.700.

(d) Manufactured structures as defined in ORS 446.561. [Amended by 1953 c.698 §7; 1969 c.648 §1; 1977 c.615 §2; 1985 c.614 §1; 1987 c.601 §5; 2003 c.655 §63]

307.315 Nursery stock. Nursery stock, as defined in ORS 571.005 (5), whether bare root, or whether balled or heeled or growing in containers in or upon the ground, is exempt from ad valorem taxation in the hands of the grower or wholesalers. [1971 c.285 §2; 1979 c.692 §1]

307.325 Agricultural products in possession of farmer. (1) The items of personal property described in subsection (2) of this section which, on the assessment date, are owned and in the actual or constructive possession of the farmer who produced them or who has procured them for use or consumption in the farm operations of the farmer, shall be exempt from taxation.

(2) The items referred to in subsection (1) of this section are as follows:

- (a) Grain.
- (b) Seed.
- (c) Hay.
- (d) Fruit.
- (e) Vegetables.
- (f) Nuts.
- (g) Hops.
- (h) Wool.
- (i) Fish.
- (j) Poultry.
- (k) Butter, cheese and evaporated, condensed or concentrated milk.
- (L) Mint.
- (m) Bivalve mollusks.
- (n) Livestock.
- (o) Fur-bearing animals.
- (p) Bees.
- (q) Vermiculture supplies and products. [1965 c.429 §2; 1979 c.692 §2; 1987 c.691 §1; 2001 c.753 §11; 2005 c.657 §5]

307.390 Mobile field incinerators. Mobile field incinerators owned by farmers or by groups of farmers that are exclusively used for sanitizing grass seed fields by means other than open field burning shall be exempt from taxation if they are purchased within five years after they are certified as a feasible alternative to open field burnings by the Department of Environmental Quality pursuant to ORS 468A.555 to 468A.620 and 468A.992. [1971 c.678 §2; 1977 c.650 §12]

307.391 Field burning smoke management equipment. Radio communications equipment, meteorological equipment or other tangible personal property used in connection with the operation of the field burning smoke management program established under ORS 468A.555 to 468A.620 and 468A.992 is exempt from ad valorem property taxation. [2001 c.753 §18]

307.394 Farm machinery and equipment; personal property used in farm operations; limitation. (1) The following tangible personal property is exempt from ad valorem property taxation:

(a) Farm machinery and equipment used primarily in the preparation of land, planting, raising, cultivating, irrigating, harvesting or placing in storage of farm crops;

(b) Farm machinery and equipment used primarily for the purpose of feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or bees or for dairying and the sale of dairy products; or

(c) Farm machinery and equipment used primarily in any other agricultural or horticultural use or animal husbandry or any combination of these activities.

(2)(a) Items of tangible personal property, including but not limited to tools, machinery and equipment that are used predominantly in the construction, reconstruction, maintenance, repair, support or operation of farm machinery, and equipment and other real or personal farm improvements that are used primarily in animal husbandry, agricultural or horticultural activities, or any combination of these activities, are exempt from ad valorem property taxation.

(b) An item of tangible personal property described in paragraph (a) of this subsection is exempt from ad valorem property taxation only if the person that owns, possesses or controls the item also:

(A) Owns, possesses or controls the farm machinery, equipment and other real and personal farm improvements for which the item is used; and

(B) Carries on the animal husbandry, agricultural or horticultural activity, or combination of activities, in which the farm machinery, equipment or other real and personal farm improvements are used. [2001 c.753 §15]

307.397 Certain machinery and equipment used in agricultural, aquacultural or fresh shell egg industry operations. The following items of real property machinery and equipment or tangible personal property are exempt from ad valorem property taxation:

(1) Frost control systems used in agricultural or horticultural activities carried on by the farmer;

(2) Trellises used for hops, beans or fruit or for other agricultural or horticultural purposes;

(3) Hop harvesting equipment, including but not limited to hop pickers;

(4) Oyster racks, trays, stakes and other in-water structures used to raise bivalve mollusks; or

(5) Equipment used for the fresh shell egg industry that is directly related and reasonably necessary to produce, prepare, package and ship fresh shell eggs from the place of origin to market, whether bolted to the floor, wired or plumbed

to interconnected equipment, including but not limited to grain bins, conveyors for transporting grain, grain grinding machinery, feed storage hoppers, cages, egg collection conveyors and equipment for washing, drying, candling, grading, packaging and shipping fresh shell eggs. [2001 c.753 §16]

307.398 Irrigation equipment. (1) Center pivots, wheel lines or movable set lines are exempt from ad valorem property taxation.

(2) As used in this section:

(a) "Center pivot" means a piece of self-propelled machinery that rotates around a riser for the purpose of sprinkling a circular tract of land. "Center pivot" includes all of the component parts of the center pivot irrigation system that are ordinarily located above the ground on the land to be irrigated and that can be disconnected from the riser and moved to another point. A center pivot constitutes personal property.

(b) "Center pivot irrigation system" means an irrigation system that uses pumping stations and pipelines to convey water from its source to a riser to which a center pivot may be connected and used for sprinkling.

(c) "Riser" means a pipe located in the field to be irrigated that rises vertically through the surface of the ground. [2001 c.753 §17]

307.400 Inventory. Items of tangible personal property consisting of inventory, including but not limited to materials, supplies, containers, goods in process, finished goods and other personal property owned by or in possession of the taxpayer, that are or will become part of the stock in trade of the taxpayer held for sale in the ordinary course of business, are exempt from ad valorem property taxation. [Formerly 310.608; 1983 c.600 §2; 1987 c.691 §2; part renumbered 307.402 in 1991; 1995 c.379 §1; 1997 c.325 §22; 2001 c.753 §12]

307.402 Beverage containers. Any beverage container having a refund value as required under ORS 459A.700 to 459A.740 is exempt from ad valorem taxation. [Formerly 310.608; 1983 c.600 §2; 1987 c.691 §2; formerly part of 307.400]

307.580 Property of industry apprenticeship or training trust. (1) If not otherwise exempt by law and upon compliance with ORS 307.162, all real and personal property or proportion thereof owned or being purchased by an industry apprenticeship or training trust is exempt from property taxation if:

(a) The trust is organized pursuant to a trust instrument solely for the purpose of aiding or assisting in the implementation or operation of one or more apprenticeship or training programs that conform to and are conducted under ORS 660.002 to 660.210;

(b) The property or proportion thereof that is the subject of the exemption is actually and exclusively occupied and used in the implementation or operation of an apprenticeship or training program or programs that are established under, conform to and are conducted under ORS 660.002 to 660.210; and

(c) The trust is considered an organization exempt from federal income taxes under the federal Internal Revenue Code or other laws of the United States relating to federal income taxes.

(2) If property described under subsection (1) of this section would be exempt from taxation except that it is held under lease or lease-purchase agreement by the trust rather than owned or being purchased by it, the property shall be exempt from taxation upon compliance with and subject to ORS 307.112.

(3) No exemption shall be allowed under subsection (1) or (2) of this section if the property is used in the implementation or operation of an apprenticeship or training program that discriminates with respect to its participants on the basis of age, race, religion, sex or national origin. [1983 c.619 §2]

307.824 Findings and declarations. The Legislative Assembly finds and declares that:

(1) The public policy of this state is to facilitate the transition of older logging equipment to newer equipment designed and manufactured to be as environmentally sensitive as current technology can provide, consistent with the need to match the equipment to the specifics of the site being harvested.

(2) Personal property taxes paid on logging equipment act as a disincentive to a transition to environmentally sensitive technology, because older equipment has a lower assessed value and therefore generates a correspondingly reduced property tax liability. In contrast, newer equipment, the use of which benefits the environment more than the use of older equipment, has a higher assessed value and a correspondingly higher property tax liability.

(3) A property tax incentive is a means of facilitating the transition to newer, environmentally sensitive equipment and accomplishing the declared public policy. [1999 c.957 §2]

307.827 Environmentally sensitive logging equipment. (1) Environmentally sensitive logging equipment is exempt from ad valorem property taxation.

(2) As used in this section:

(a) "Environmentally sensitive logging equipment" means logging equipment that was originally manufactured not more than eight years preceding the assessment date for the tax year for which exemption under this section is claimed.

(b) "Logging equipment" means machinery and equipment:

(A) Used in logging or forest management operations involving timber harvest, including the felling, bucking, yarding, loading or utilization of timber, logs or wood fiber in the forest, or used in reforestation, forest vegetation restoration, site preparation, vegetation control, stand and tree improvement or thinning;

(B) That is specifically designed for activities related to water quality or fish and wildlife habitat protection in the forest; or

(C) Consisting of excavators used in logging road construction, maintenance, reconstruction or improvements, including the closing or obliterating of existing forest roads.

(c) "Logging equipment" does not include:

(A) Equipment used in nonforest applications for more than 20 percent of the tax year, as measured by the operating hours of the equipment.

(B) Equipment used in the manufacturing or milling of forest products.

(C) Power saws, hand tools, blocks or pulleys that are not a part of the equipment, rigging, shop equipment or support equipment.

(D) Logging equipment that is exempt from tax under ORS 307.831. [1999 c.957 §3]

Note: Sections 4 and 5, chapter 957, Oregon Laws 1999, provide:

Sec. 4. ORS 307.827 applies to tax years beginning on or after July 1, 2000, and before July 1, 2012. [1999 c.957 §4; 2003 c.795 §1]

Sec. 5. (1) Notwithstanding section 3 of this 1999 Act [307.827], environmentally sensitive logging equipment that qualifies for the exemption under section 3 of this 1999 Act for any tax year beginning on or after July 1, 2000, and before July 1, 2006, shall qualify for the exemption for at least five tax years if the equipment continues to meet the definition of logging equipment under section 3 of this 1999 Act during that period.

(2) This section does not apply to tax years beginning on or after July 1, 2008. [1999 c.957 §5]

307.831 Skyline and swing yarders. Logging equipment consisting of a skyline yarder and carriage in the form of a mobile tower or swing yarder that is capable of full log suspension during inhaul is exempt from ad valorem property taxation. [1999 c.957 §6]

Note: Section 7, chapter 957, Oregon Laws 1999, provides:

Sec. 7. ORS 307.831 applies to tax years beginning on or after July 1, 2000, and before July 1, 2012. [1999 c.957 §7; 2003 c.795 §2]

307.835 Cargo containers. All cargo containers principally used for the transportation of cargo by vessels in trade and ocean commerce shall be exempt from taxation. The term "cargo container" means a receptacle:

(1) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(2) Specially designed to facilitate the carriage of goods, by one or more modes of transport, one of which shall be by vessels, without intermediate reloading; and

(3) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another. [1979 c.783 §1]

Note: Section 2, chapter 783, Oregon Laws 1979, provides:

Sec. 2. Cargo containers, as defined in section 1, chapter 783, Oregon Laws 1979 [307.835], are exempt from taxation for tax years beginning on or after July 1, 1974, but prior to July 1, 2010. [1979 c.783 §2; 1987 c.583 §1; 1995 c.748 §7; 2003 c.218 §1]

Note: 307.835 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 307 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

307.990 Penalties. If any person shall willfully deliver any statement to the officer charged with assessment of property for tax purposes in the county of the person containing a false statement of a material fact, whether it be an owner, shipper, the agent of the person, or a storageman or warehouseman of the agent of the person, the person shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than six months. [1959 c.659 §5]

308.105 Personal property. (1) Except as otherwise specifically provided, all personal property shall be assessed for taxation each year at its situs as of the day and hour of assessment prescribed by law.

(2) Personal property may be assessed in the name of the owner or of any person having possession or control thereof. Where two or more persons jointly are in possession or have control of any personal property, in trust or otherwise, it may be assessed to any one or all of such persons. [Amended by 1955 c.720 §1; 1961 c.683 §1]

308.120 Partnership property; liability of either partner for whole tax. Partners in mercantile or other business may be jointly taxed in their partnership name, or severally taxed for their individual shares for all personal property employed in such business. If they are jointly taxed, either or any of such partners shall be liable for the whole tax.

308.149 Definitions for ORS 308.149 to 308.166. As used in ORS 308.149 to 308.166:

(1) "Property class" means the classification of property adopted by the Department of Revenue by rule, except that in the case of property assessed under ORS 308.505 to 308.665, "property class" means the total of all property set forth in the assessment roll prepared under ORS 308.540.

(2) "Area" means the county in which property, the maximum assessed value of which is being adjusted, is located except that "area" means this state, if the property for which the maximum assessed value is being adjusted is property that is centrally assessed under ORS 308.505 to 308.665.

(3)(a) "Average maximum assessed value" means the value determined by dividing the total maximum assessed value of all property in the same area in the same property class by the total number of properties in the same area in the same property class.

(b) In making the calculation described under this subsection, the following property is not taken into account:

- (A) New property or new improvements to property;
- (B) Property that is partitioned or subdivided;
- (C) Property that is rezoned and used consistently with the rezoning;
- (D) Property that is added to the assessment and tax roll as omitted property; or
- (E) Property that is disqualified from exemption, partial exemption or special assessment.

(c) Paragraph (b)(B), (C), (D) and (E) of this subsection does not apply to the calculation of average maximum assessed value in the case of property centrally assessed under ORS 308.505 to 308.665.

(4)(a) "Average real market value" means the value determined by dividing the total real market value of all property in the same area in the same property class by the total number of properties in the same area in the same property class.

(b) In making the calculation described under this subsection, the following property is not taken into account:

- (A) New property or new improvements to property;
- (B) Property that is partitioned or subdivided;
- (C) Property that is rezoned and used consistently with the rezoning;
- (D) Property that is added to the assessment and tax roll as omitted property; or
- (E) Property that is disqualified from exemption, partial exemption or special assessment.

(c) Paragraph (b)(B), (C), (D) and (E) of this subsection does not apply to the calculation of average real market value in the case of property centrally assessed under ORS 308.505 to 308.665.

(5)(a) "New property or new improvements" means changes in the value of property as the result of:

- (A) New construction, reconstruction, major additions, remodeling, renovation or rehabilitation of property;
- (B) The siting, installation or rehabilitation of manufactured structures or floating homes; or
- (C) The addition of machinery, fixtures, furnishings, equipment or other taxable real or personal property to the property tax account.

(b) "New property or new improvements" does not include changes in the value of the property as the result of:

- (A) General ongoing maintenance and repair; or
- (B) Minor construction.

(c) "New property or new improvements" includes taxable property that on January 1 of the assessment year is located in a different tax code area than on January 1 of the preceding assessment year.

(6) "Minor construction" means additions of real property improvements, the real market value of which does not exceed \$10,000 in any assessment year or \$25,000 for cumulative additions made over five assessment years.

(7) "Lot line adjustment" means any addition to the square footage of the land for a real property tax account and a corresponding subtraction of square footage of the land from a contiguous real property tax account. [1997 c.541 §9; 1999 c.579 §20]

308.205 Real market value defined; rules. (1) Real market value of all property, real and personal, means the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm's-length transaction occurring as of the assessment date for the tax year.

(2) Real market value in all cases shall be determined by methods and procedures in accordance with rules adopted by the Department of Revenue and in accordance with the following:

(a) The amount a typical seller would accept or the amount a typical buyer would offer that could reasonably be expected by a seller of property.

(b) An amount in cash shall be considered the equivalent of a financing method that is typical for a property.

(c) If the property has no immediate market value, its real market value is the amount of money that would justly compensate the owner for loss of the property.

(d) If the property is subject to governmental restriction as to use on the assessment date under applicable law or regulation, real market value shall not be based upon sales that reflect for the property a value that the property would have if the use of the property were not subject to the restriction unless adjustments in value are made reflecting the effect of the restrictions. [Amended by 1953 c.701 §2; 1955 c.691 §§1, 2; 1977 c.423 §2; 1981 c.804 §34; 1989 c.796 §30; 1991 c.459 §88; 1993 c.19 §6; 1997 c.541 §152]

308.210 Assessing property; record as assessment roll; changes in ownership or description of real property and manufactured structures assessed as personal property. (1) The assessor shall proceed each year to assess the value of all taxable property within the county, except property that by law is to be otherwise assessed. The assessor shall maintain a full and complete record of the assessment of the taxable property for each year as of January 1, at 1:00 a.m. of the assessment year, in the manner set forth in ORS 308.215. Such record shall constitute the assessment roll of the county for the year.

(2) Except as provided in subsections (3) and (4) of this section, the ownership and description of all real property and manufactured structures assessed as personal property shall be shown on the assessment roll as of January 1 of such year or as it may subsequently be changed by divisions, transfers or other recorded changes. This subsection is intended to permit the assessor to reflect on the assessment roll the divisions of property or the combining of properties after January 1 so as to reflect the changes in the ownership of that property and to keep current the descriptions of property. The assessor shall also have authority to change the ownership of record after January 1 of a given year so that the assessment roll will reflect as nearly as possible the current ownership of that property.

(3) The assessor shall not indicate any changes, divisions or transfers of properties which occurred before, on or after January 1 as a result of the division of a larger parcel of land until all ad valorem taxes, fees and other charges placed upon

the tax roll on the entire parcel of property that have been certified for collection under ORS 311.105 and 311.110 have been paid. However, if the owner of one of the portions of the larger property is a public body only the change, division or transfer of that portion shall be recognized.

(4) The assessor shall not reflect on the assessment roll any combining of properties unless all ad valorem taxes, fees or other charges charged to the tax accounts to be combined that have been certified for collection under ORS 311.105 and 311.110 have been paid. However, if the owner of the affected property is a public body, this subsection shall not apply.

(5) The assessor shall notify the planning director of a city of all divisions of land within the corporate limits of the city and the planning director of a county of all divisions of land outside the corporate limits of all cities and within the county, including, but not limited to, divisions of land by lien foreclosure, divisions of land pursuant to court order and subdivisions within 30 days after the date the change in the tax lot lines was processed by the assessor. The requirements of this subsection do not apply to divisions for assessment purposes only.

(6) As used in this section, "public body" means the United States, its agencies and instrumentalities, the state, a county, city, school district, irrigation or drainage district, a port, a water district and all other public or municipal corporations in the state exempt from tax under ORS 307.040 or 307.090. [Amended by 1957 c.324 §1; 1969 c.454 §1; 1977 c.718 §1; 1981 c.632 §2; 1983 c.473 §1; 1983 c.718 §1; 1991 c.459 §90; 1991 c.763 §27; 1993 c.6 §4; 1995 c.610 §1; 1997 c.541 §154]

308.232 Property to be valued at 100 percent real market value and assessed at assessed value. All real or personal property within each county not exempt from ad valorem property taxation or subject to special assessment shall be valued at 100 percent of its real market value. Unless the property is subject to maximum assessed value adjustment under ORS 308.149 to 308.166, the property shall be assessed at the property's assessed value determined under ORS 308.146. [1953 c.701 §2; 1959 c.519 §1; 1961 c.243 §1; 1967 c.293 §6; 1979 c.241 §33; 1981 c.804 §39; 1985 c.613 §8; 1991 c.459 §97; 1997 c.541 §159]

308.242 Assessor's authority to change roll after September 25 limited; when changes permitted; stipulations. (1) The assessor may not make changes in the roll after September 25 of each year except as provided in subsections (2) and (3) of this section or as otherwise provided by law.

(2) After the assessment roll has been certified and on or before December 31, the assessor may make changes in valuation judgment that result in a reduction in the value of property, if so requested by the taxpayer or upon the assessor's own initiative. Corrections under this section to accounts appraised by the Department of Revenue pursuant to ORS 306.126 and 308.505 to 308.665 may not be made without the approval of the department.

(3)(a) If a petition for reduction has been filed with the board of property tax appeals, the assessor may change the roll if the assessor and the petitioner stipulate to a change in valuation judgment that results in a reduction in value. The stipulation may be made at any time up until the convening of the board.

(b) Stipulations agreed to by the assessor and the petitioner under this subsection shall be delivered to the clerk of the board prior to the convening of the board.

(c) As used in this subsection, "stipulation" means a written agreement signed by the petitioner and the assessor that specifies a reduction in value to be made to the assessment and tax roll.

(4) Any change in value made under subsection (2) or (3) of this section shall be made in the manner specified in ORS 311.205 and 311.216 to 311.232. [1957 c.324 §7; 1981 c.804 §40a; 1983 s.s. c.5 §4; 1991 c.459 §100; 1993 c.270 §27; 1997 c.541 §162; 2001 c.423 §1; 2003 c.36 §1; 2007 c.590 §1]

308.250 Valuation and assessment of personal property; cancellation of assessment and short form return in certain cases; verified statements. (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) If the total assessed value of all taxable personal property required to be reported under ORS 308.290 in any county of any taxpayer is less than \$12,500 in any assessment year, the county assessor shall cancel the ad valorem tax assessment for that year.

(3) In any assessment year or years following an assessment year for which taxes are canceled under subsection (2) of this section, the taxpayer may meet the requirements of ORS 308.290 by filing, within the time required or extended under ORS 308.290, a verified statement with the county assessor indicating that the total assessed value of all taxable personal property of the taxpayer required to be reported under ORS 308.290 in the county is less than \$12,500. The statement shall contain the name and address of the taxpayer, the information needed to identify the account and other pertinent information, but shall not be required to contain a listing or value of property or property additions or retirements.

(4)(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 for which ad valorem property taxes may be canceled under this section. The computation shall be as follows:

(A) Divide the average U.S. City Average Consumer Price Index 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 for which taxes may be canceled by multiplying \$12,500 by the appropriate indexing factor determined as provided in subparagraph (A) of this paragraph.

(b) As used in this subsection, "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. [Amended by 1953 c.349 §3; 1959 c.553 §1; 1965 c.429 §3; 1971 c.529 §34; 1971 c.610 §1; 1973 c.62 §1; 1979 c.529 §3; 1979 c.692 §4; 1981 c.804 §41; 1985 c.422 §1; 1985 c.613 §9; 1991 c.459 §101; 1993 c.813 §1; 1995 c.513 §4; 1997 c.541 §163; 1997 c.819 §1; 2001 c.479 §1; 2003 c.63 §1; 2007 c.613 §2]

Note: Section 3, chapter 613, Oregon Laws 2007, provides:

Sec. 3. The amendments to ORS 308.250 and 308.290 by sections 1a and 2 of this 2007 Act apply to returns filed for property tax years beginning on or after July 1, 2008. [2007 c.613 §3; 2007 c.613 §3a]

308.256 Assessment, taxation and exemption of watercraft and materials of shipyards, ship repair facilities and offshore drilling rigs. (1) Watercraft of water transportation companies shall be assessed as provided in ORS 308.505 to 308.665.

(2) Watercraft described in ORS 308.260 shall be assessed as provided in ORS 308.260.

(3) The following watercraft shall be exempt from taxation:

(a) Watercraft not owned or operated by water transportation companies, as described in ORS 308.515, and that are customarily engaged in the transportation of persons or property for hire wholly outside the boundaries of this state.

(b) Watercraft owned or operated by water transportation companies, as described in ORS 308.515, and not assessed by the Department of Revenue, that are customarily engaged in the transportation of persons or property for hire wholly or in part outside the boundaries of this state. The exemption under this paragraph does not apply to watercraft that engage in the transportation for hire of persons on offshore trips that originate and terminate at the same port, and that have a valid marine document issued by the United States Coast Guard or any other federal agency that succeeds the United States Coast Guard in the duty of issuing marine documents.

(c) The assessed value of the property of a water transportation company, as described in ORS 308.515, that is not subject to assessment by the Department of Revenue under the provisions of ORS 308.550 (3).

(4)(a) Watercraft over 16 feet in length in the process of original construction, or undergoing major remodeling, renovation, conversion, reconversion or repairs on January 1 are exempt from taxation. For the purposes of this subsection, the term "major" shall include all remodeling, renovation, conversion, reconversion or repairs to a watercraft in which the expenditures for parts, materials, labor and accessorial services exceed 10 percent of the market value of the watercraft immediately prior to the remodeling, renovation, conversion, reconversion or repairs.

(b) Watercraft subject to assessment by the Department of Revenue under ORS 308.505 to 308.665 are exempt under paragraph (a) of this subsection only if on or before the due date for filing the statement described in ORS 308.520 for the year for which exemption is claimed, the owner or operator files with the department sufficient documentary evidence that the property qualifies for the exemption.

(c) The owner or operator of watercraft subject to local assessment shall file the documentary evidence required under paragraph (b) of this subsection with the county assessor on or before April 1 of the year for which exemption is claimed.

(5) All other watercraft not otherwise specifically exempt from taxation nor licensed in lieu thereof shall be assessed in the county in which they are customarily moored when not in service or if there is no customary place of moorage in the county in which their owner or owners reside or, if neither situs applies, then in the county in which any one of the owners maintains a place of business.

(6) Watercraft described in subsection (5) of this section shall be assessed at assessed value, except as follows:

(a) Ships and vessels whose home ports are in the State of Oregon and that ply the high seas or between the high seas and inland water ports or terminals shall be assessed at four percent of the assessed value thereof.

(b) Vessels that are self-propelled, offshore oil drilling rigs whose home ports are in the State of Oregon shall be assessed at four percent of the assessed value thereof.

(c) All other ships and vessels whose home ports are in the State of Oregon shall be assessed at 40 percent of the assessed value thereof.

(7) The assessor shall cancel the assessment in whole or proportionate part on all parts and materials in the inventory of shipyards and ship repair facilities as of January 1 of the assessment year, but only upon receipt prior to April 1 of the assessment year of sufficient documentary proof that prior to April 1 of the assessment year the parts or materials so assessed were physically attached to or incorporated in watercraft undergoing major remodeling, renovation, conversion, reconversion or repairs as described in subsection (4) of this section, within the boundaries of this state. [1957 c.342 §2 (enacted in lieu of 308.110 and 308.255); 1965 c.431 §1; 1967 c.293 §32; 1987 c.347 §1; 1991 c.459 §103; 1993 c.18 §69; 1993 c.270 §29; 1997 c.541 §164; 1999 c.398 §1; 2005 c.94 §45]

308.260 Watercraft used for reduction or processing of deep-sea fish; machinery and equipment; assessment; taxation.

(1) Any ship, vessel or other watercraft shall be assessed and taxed in the manner provided in this section if:

(a) On or after January 1 of any assessment year, the ship, vessel or other watercraft is docked or moored in any waters subject to the jurisdiction of the State of Oregon; and

(b) The ship, vessel or other watercraft is employed or used as a plant for the reduction or processing, but excluding canning, of deep-sea fish.

(2) Immediately on docking or mooring, the owner or person in charge of a ship, vessel or other watercraft described in subsection (1) of this section shall notify the county assessor. The county assessor shall assess it, together with all machinery and equipment thereon, at its assessed value determined under ORS 308.146 and 308.232. Upon determination of value, the owner or person in charge shall:

(a) Pay the exact amount of taxes, special assessments, fees and charges, if the assessor is able to compute the exact amount; or

(b) If the assessor is unable to compute the exact amount at the time the property is assessed, either pay to the tax collector the amount estimated by the assessor to be needed to pay the taxes, special assessments, fees and other charges to become due, or deposit with the tax collector a bond with a good and sufficient undertaking in the amount that the assessor considers adequate to ensure payment of the taxes to become due. The bond amount may not exceed twice the amount of the taxes, special assessments, fees and other charges computed by the assessor under this subsection.

(3) It shall be unlawful to operate a floating reduction or processing plant until the county assessor has been notified and the tax paid as provided in this section. If the owner or person in charge fails to notify the assessor, or proceeds to operate the plant before full payment of the tax, the owner or person in charge shall forfeit to the county, for the use of the several taxing jurisdictions interested, a sum equal to twice the amount of the tax. The forfeiture may be recovered by the assessor in an action brought in the name of the county in any court having jurisdiction over the action. In the action, the penalty shall be preferred before all other debts or claims.

(4) No mistake in the name of the owner of any floating reduction or processing plant shall affect the right to collect the tax or to recover the penalty under this section.

(5) The county assessor is authorized to levy, collect and remit to the tax collector, or the tax collector is authorized to collect, taxes under conditions described in this section. Either the assessor or tax collector is authorized to allow any discount or rebate otherwise provided by law for payment of taxes before the regular due date or dates. ORS 311.370 shall apply to all taxes collected before the regular due date or dates.

(6) Appeals of assessments of floating reduction or processing plants shall:

(a) Be heard by the county board of property tax appeals in the same manner as assessments of other properties are appealed; and

(b) Be made as provided in ORS 308.146 and 308.232. [Amended by 1975 c.780 §5; 1979 c.350 §4; 1981 c.804 §42; 1991 c.459 §104; 1993 c.270 §30; 1997 c.541 §165; 2005 c.94 §46]

308.285 Requiring taxpayer to furnish list of taxable property. Every county assessor may require any taxpayer to furnish a list of all the taxable real and personal property owned by, or in the possession of the taxpayer and situated in the county. The list shall be signed by the taxpayer, or the managing agent or officer, and shall be verified by oath. Only information that will aid the assessor in arriving at the maximum assessed value, assessed value and real market value shall be required in the list. [Amended by 1971 c.574 §1; 1981 c.804 §48; 1991 c.459 §107; 1997 c.541 §168]

308.290 Returns; personal property; real property; combined real and personal returns for industrial property; contents; filing; extensions; confidentiality and disclosure; lessor-lessee elections; rules. (1)(a) 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 1 of any year, both parties shall be jointly and severally subject to the provisions of ORS 308.296.

(b) 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.

(2)(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. Prior to December 31 preceding the assessment year, the department or assessor shall cause blank forms for the returns to be prepared and distributed by mail, but failure to receive or secure the form does not relieve the person, managing agent or officer from the obligation of making any return required by this section.

(3) All returns shall be filed on or before March 1 of each year, but the county assessor or the Department of Revenue may grant an extension of time to April 15 within which to file the return as provided by subsection (5), (6) or (7) of this section.

(4)(a) In lieu of the returns required under subsection (1)(a) or (b) 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 either principal industrial property or secondary industrial property as defined by ORS 306.126 (1) and is appraised by the Department of Revenue shall file a combined return of the real and personal property with the department.

(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 an 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 or within the time allowed by an extension.

(d) If the department has delegated appraisal of the 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 (1) of this section, a combined return of real and personal property that is industrial property appraised by the department shall be filed with the department on or before March 1 of the year.

(5)(a) Any person required to file a return under subsection (4) of this section may apply to the Department of Revenue for an extension of time to April 15, within which to file the return.

(b) Extensions granted under this subsection may be based on a finding by the department that:

(A) Good or sufficient cause exists for granting an extension for the property tax year of the return; or

(B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term voluntary compliance. An extension granted under this subparagraph shall continue in effect for each subsequent property tax year until the taxpayer cancels the extension or the department revokes the extension.

(c) An extension granted under this subsection shall apply to returns required to be filed under subsection (4) of this section with either the county assessor or the department.

(d) The department shall notify assessors in affected counties when the department grants extensions under this subsection.

(6)(a) Except as provided in subsection (5) of this section, any person required to file a return with the county assessor under this section may apply to the assessor for an extension of time to April 15 within which to file the return.

(b) Extensions granted under this subsection may be based on a finding by the assessor that:

(A) Good or sufficient cause exists for granting an extension for the property tax year of the return; or

(B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term voluntary compliance. An extension granted under this subparagraph shall continue in effect for each subsequent property tax year until the taxpayer cancels the extension or the assessor revokes the extension.

(7)(a) Any person required to file returns in more than one county may apply to the Department of Revenue for an extension of time to April 15 within which to file the returns. The department may grant extensions to a person required to file returns in more than one county.

(b) Extensions granted under this subsection may be based on a finding by the department that:

(A) Good or sufficient cause exists for granting an extension for the property tax year of the return; or

(B) Granting an extension enhances the accuracy of the filing by the taxpayer and long-term voluntary compliance. An extension granted under this subparagraph shall continue in effect for each subsequent property tax year until the taxpayer cancels the extension or the department revokes the extension.

(c) Whenever the department grants an extension to a person required to file returns in more than one county, the department shall notify the assessors in the counties affected by the extensions.

(8) The Department of Revenue shall, by rule, establish procedures and criteria for granting, denying or revoking extensions under this section after consultation with an advisory committee selected by the department that represents the interests of county assessors and affected taxpayers.

(9) 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.

(10)(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.

(11) If the assessed value of any personal property in possession of a lessee is less than the maximum amount of the assessed value of taxable personal property for which ad valorem property taxes may be canceled under ORS 308.250, the person in possession of the roll may disregard an election made under subsection (1) of this section and assess the owner or lessor of the property. [Amended by 1953 c.218 §2; 1961 c.683 §2; 1963 c.436 §1; 1965 c.16 §1; 1967 c.50 §1; 1971 c.568 §2; 1971 c.574 §2; 1975 c.789 §12; 1977 c.124 §6; 1977 c.774 §24; 1979 c.286 §14; 1981 c.623 §2; 1981 c.804 §49; 1987 c.312 §3; 1991 c.191 §5; 1991 c.459 §108; 1993 c.726 §56; 1993 c.813 §2; 1995 c.609 §3; 1997 c.154 §30; 1997 c.541 §169; 1997 c.819 §2; 2001 c.479 §2; 2003 c.541 §1; 2005 c.94 §47; 2007 c.226 §1; 2007 c.227 §1; 2007 c.613 §1a; 2007 c.824 §1]

Note: Section 2, chapter 226, Oregon Laws 2007, provides:

Sec. 2. The amendments to ORS 308.290 by section 1 of this 2007 Act apply to property tax returns filed on or after January 1, 2008. [2007 c.226 §2]

Note: Section 3, chapter 227, Oregon Laws 2007, provides:

Sec. 3. The amendments to ORS 308.290 and 308.810 by sections 1 and 2 of this 2007 Act apply to property tax returns filed on or after January 1, 2008, for tax years beginning on or after July 1, 2008. [2007 c.227 §3]

Note: See note under 308.250.

308.295 Penalties for failure to file real property or combined return on time; notice; waiver of penalty. (1) Each person, business, firm, corporation or association required by ORS 308.290 to file a return, other than a return reporting only taxable personal property, who or which has not filed a return within the time fixed in ORS 308.290 or as extended, is delinquent.

(2) A delinquent taxpayer, except a taxpayer described in subsection (3) of this section, is subject to a penalty of \$1 for each \$1,000 (or fraction thereof) of assessed value of the property as determined under ORS 308.146, but the penalty may not be less than \$10 or more than \$250.

(3) A delinquent taxpayer required by ORS 308.290 to file a return reporting principal or secondary industrial property, as defined in ORS 306.126, is subject to a penalty of \$10 for each \$1,000 (or fraction thereof) of assessed value of the property as determined under ORS 308.146, but the penalty may not be less than \$10 or more than \$5,000.

(4) If a delinquency penalty provided in this section is imposed, the tax statement for the year in which the penalty is imposed shall reflect the amount of the penalty and shall constitute notice to the taxpayer.

(5)(a) Unless the penalty is the subject of an appeal under ORS 311.223, the county board of property tax appeals, upon application of the taxpayer, may waive the liability:

(A) For all or a portion of the penalty upon a proper showing of good and sufficient cause; or

(B) For all of the penalty if the year for which the return was filed was both the first year that a return was required to be filed by the taxpayer and the first year for which the taxpayer filed a return.

(b) Unless the taxpayer files a timely application in the same manner as an appeal under ORS 309.100, the board may not consider an application made under this subsection.

(c) An appeal may not be taken from the determination of the board under this subsection.

(6) If the board waives all or a portion of a penalty already imposed and entered on the roll, the person in charge of the roll shall cancel the waived penalty and enter the cancellation on the roll as an error correction under ORS 311.205 and, if the waived penalty has been paid, it shall be refunded without interest under ORS 311.806.

(7)(a) Upon application of the taxpayer, the assessor may waive the liability for property tax late filing penalties under this subsection if the taxpayer:

(A) Has never filed a personal property tax return in this state;

(B) Has failed to file a property tax return for one or more consecutive years;

(C) Has not previously received relief from property tax late filing penalties under this subsection; and

(D) Files an application for relief from property tax late filing penalties that satisfies the requirements of paragraph (b) of this subsection.

(b) An application for relief from property tax late filing penalties shall include a statement by the taxpayer setting forth the basis for relief from property tax late filing penalties and a statement under oath or affirmation that the basis for relief from property tax late filing penalties as stated in the application is true.

(c) The county assessor may allow the application for relief from property tax late filing penalties if the assessor finds the reasons given by the taxpayer in the application are sufficient to excuse the failure to file the property tax returns at issue in the application. If the assessor allows the application, the assessor may deny or grant relief from property tax late filing penalties in whole or in part. The determination of the assessor whether to grant the application or deny the application in whole or in part and whether to permit the taxpayer to pay the owing tax penalties, if any, in installments is final. The assessor shall notify the taxpayer of the decision.

(d) Nothing in this subsection affects the obligation of the taxpayer to file property tax returns or to pay property taxes owing from the current or delinquent tax years. [Amended by 1963 c.436 §2; 1967 c.405 §1; 1969 c.280 §1; 1971 c.472 §2; 1981 c.804 §50; 1983 c.604 §1; 1985 c.162 §4; 1985 c.318 §1; 1989 c.330 §1; 1991 c.459 §109a; 1997 c.541 §170; 1997 c.819 §6; 1999 c.655 §3; 2001 c.303 §2; 2003 c.317 §2; 2007 c.451 §1; 2007 c.824 §2]

308.296 Penalty for failure to file return reporting only personal property; notice; waiver of penalty. (1) Each person, business, firm, corporation or association required by ORS 308.290 to file a return reporting only taxable personal property, who or which has not filed a return within the time fixed in ORS 308.290 or as extended, shall be subject to a penalty as provided in this section.

(2) A taxpayer who files a return to which this section applies after March 1, or after April 15, if the taxpayer received an extension, but on or before June 1, is subject to a penalty equal to five percent of the tax attributable to the taxable personal property of the taxpayer.

(3) A taxpayer who files a return to which this section applies after June 1, but on or before August 1, is subject to a penalty equal to 25 percent of the tax attributable to the taxable personal property of the taxpayer.

(4) After August 1, a taxpayer who files a return to which this section applies or who fails to file a return shall be subject to a penalty equal to 50 percent of the tax attributable to the taxable personal property of the taxpayer.

(5) If a delinquency penalty provided in this section is imposed, the tax statement for the year in which the penalty is imposed shall reflect the amount of the penalty and shall constitute notice to the taxpayer.

(6)(a) Unless the penalty is the subject of an appeal under ORS 311.223, the county board of property tax appeals, upon application of the taxpayer, may waive the liability:

(A) For all or a portion of the penalty upon a proper showing of good and sufficient cause; or

(B) For all of the penalty if the year for which the return was filed was both the first year that a return was required to be filed by the taxpayer and the first year for which the taxpayer filed a return.

(b) Unless the taxpayer files a timely application in the same manner as an appeal under ORS 309.100, the board may not consider an application made under this subsection.

(c) An appeal may not be taken from the determination of the board under this subsection.

(7) If the board waives all or a portion of a penalty already imposed and entered on the roll, the person in charge of the roll shall cancel the waived penalty and enter the cancellation on the roll as an error correction under ORS 311.205 and, if the waived penalty has been paid, it shall be refunded without interest under ORS 311.806.

(8)(a) Upon application of the taxpayer, the assessor may waive the liability for property tax late filing penalties under this subsection if the taxpayer:

(A) Has never filed a personal property tax return in this state;

(B) Has failed to file a property tax return for one or more consecutive years;

(C) Has not previously received relief from property tax late filing penalties under this subsection; and

(D) Files an application for relief from property tax late filing penalties that satisfies the requirements of paragraph (b) of this subsection.

(b) An application for relief from property tax late filing penalties shall include a statement by the taxpayer setting forth the basis for relief from property tax late filing penalties and a statement under oath or affirmation that the basis for relief from property tax late filing penalties as stated in the application is true.

(c) The county assessor may allow the application for relief from property tax late filing penalties if the assessor finds the reasons given by the taxpayer in the application are sufficient to excuse the failure to file the property tax returns at issue in the application. If the assessor allows the application, the assessor may deny or grant relief from property tax late filing penalties in whole or in part. The determination of the assessor whether to grant the application or deny the application in whole or in part and whether to permit the taxpayer to pay the owing tax penalties, if any, in installments is final. The assessor shall notify the taxpayer of the decision.

(d) Nothing in this subsection affects the obligation of the taxpayer to file property tax returns or to pay property taxes owing from the current or delinquent tax years. [1997 c.819 §5; 1999 c.655 §1; 2001 c.303 §3; 2001 c.925 §14; 2003 c.63 §3; 2007 c.451 §2; 2007 c.824 §3]

308.297 Personal property returns to note penalty for delinquency. Any personal property tax return form given to a taxpayer by an assessor or the Department of Revenue shall contain within it a printed notice, or be accompanied by a printed notice, of the penalty, for delinquency in filing a personal property tax return. [1967 c.405 §2; 1985 c.604 §7]

308.300 Penalty for neglecting to file real property or combined return with intent to evade taxation. (1) Except as provided in subsection (2) of this section, any person, managing agent or officer who, with intent to evade taxation, refuses or neglects to make any return required by ORS 308.290 and to file it with the assessor or the Department of Revenue within the time specified, or as extended, shall be subject to a penalty of \$10 for each day of the continuance of such refusal or neglect. Such penalty may be recovered in a proper action brought in the name of the county in any court of competent jurisdiction or as provided for a penalty for delinquency.

(2) This section does not apply to the failure to file a personal property return. [Amended by 1991 c.459 §109; 1997 c.819 §7]

308.302 Disposition of penalties. All penalties collected pursuant to ORS 308.030, 308.295, 308.296 or 308.300 shall be credited to the general fund of the county. [1953 c.49 §2; 1977 c.884 §31; 1999 c.655 §4]

308.316 Examining witnesses, books and records; reference of matter to department upon failure to produce records or testify. (1) The county assessor, for the purpose of ascertaining the correctness of any assessment or for the purpose of making any assessment, and the officer having possession of the roll, for the purpose of discovering any omitted value or property under ORS 311.216 to 311.232, may examine or cause to be examined by any agent or representative designated by the assessor or officer any books, papers, records or memoranda bearing on the value, possession, ownership or location of any property, and may require the attendance of the taxpayer or any other person having knowledge in the premises. The assessor may administer oaths to such persons, take their testimony, and require proof material to the information requested. Examination shall be made and testimony taken during regular business hours at the taxpayer's or person's place of business in the county, or at another place convenient to the parties.

(2) If any person fails to permit the examination of any books, papers or documents considered by the assessor to be pertinent to the investigation or inquiry being made, or to testify to any matter in the premises, the assessor shall refer the matter to the Department of Revenue, stating in full the facts governing the request and refusal. The department may require the assessor to present additional facts, or the department may conduct other inquiries necessary to a consideration of the matter. If the department finds that the examination should be made or the testimony taken, it shall take any action it considers appropriate under the powers granted to it by law, including the subpoenaing and examination of witnesses, books and papers pursuant to ORS 305.190, to the end that the property under consideration is ratably assessed according to law.

(3) For the purposes of this section the words "county assessor" or "assessor" mean both the county assessor and the officer described in ORS 311.216 to 311.232 having possession of the roll. [1955 c.610 §2; 1981 c.804 §51]

308.325 Certificate of assessment to person assessed. Any person assessed for any year may demand of the assessor an official certificate of that fact. Upon the refusal of the assessor to give the certificate, the assessor shall be fined \$100, to be collected by the person demanding the certificate in an action in the name of the party injured before any justice of the peace in the county.

308.330 Duty of assessor to assess properly. No assessor shall willfully or knowingly:

(1) Omit to assess any person or property assessable.

(2) Assess any property or class of property under or over its value, as provided in ORS 308.146. [Amended by 1981 c.804 §53; 1997 c.541 §172]

308.335 Department testing work of county assessors; supplementing assessment list; special assessor. (1) The Department of Revenue, upon its own volition or at the request of the county governing body, may examine and test the work of county assessors at any time, and shall have and possess all rights and powers of such assessors for the summoning of witnesses and examination of persons and property, and for the discovery of property subject to taxation.

(2) If the department ascertains that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring that fact to the attention of the assessor of the proper county in writing. If the assessor neglects or refuses to comply with the request of the department to place the property on the assessment list, or to correct the incorrect assessment or valuation, the department may prepare a supplement to the assessment list, which supplement shall include all property required by the department to be placed on the assessment list and all corrections required to be made. The supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith.

(3) If the department ascertains that the work of a county assessor is not being carried out as provided by law, the department shall notify the governing body of that fact by written report. If applicable, the report shall contain recommendations for appointment of a special assessor as provided under ORS 308.055. [Amended by 1989 c.796 §19; 1993 c.270 §32]

308.425 Taxes on destroyed or damaged property; proration; reduction; effect of repair. (1) If, during any tax year, any real or personal property is destroyed or damaged by fire or act of God, the owner or purchaser under a recorded instrument of sale in the case of real property, or the person assessed, person in possession or owner in the case of personal property, may apply to the tax collector for proration of the taxes imposed on the property for the tax year.

(2) Application for proration of taxes under subsection (1) of this section shall be made not later than the end of the tax year or 60 days after the date the property was destroyed or damaged, whichever is later.

(3)(a) For property that is totally destroyed, the tax collector shall collect only one-twelfth of the taxes imposed on the property for the tax year, for each month or fraction of a month that the property was in existence during the tax year. The tax collector shall cancel the remainder of the taxes imposed on the property for the tax year.

(b) For property that is damaged, the tax collector shall collect only one-twelfth of the taxes imposed on the property for the tax year, for each month or fraction of a month that preceded the month during which the property was damaged. For the month in which the property was damaged, and for each month of the tax year thereafter in which the property remains damaged, the tax collector shall collect that percentage of one-twelfth of the taxes imposed on the property that the real market value or the assessed value of the property after the damage (whichever is less) bears to the assessed value of the property before the damage. The assessor shall advise the tax collector of the value percentage required under this paragraph. The tax collector shall cancel any taxes not to be collected due to this paragraph.

(4) That portion of the property that is damaged property and that is subsequently repaired shall be considered to be new property or new improvements to property under ORS 308.153 for the assessment year in which the repairs or replacements are first taken into account. [1971 c.497 §1; 1974 c.14 §1; 1975 c.778 §1; 1975 c.780 §20; 1981 c.804 §61; 1983 c.85 §1; 1991 c.459 §132a; 1997 c.541 §196; 1999 c.20 §1; 2003 c.655 §64; 2007 c.450 §2]

308.558 Taxation of aircraft; criteria; apportionment; exemption of aircraft of foreign-owned carriers. (1) Aircraft shall be subject to assessment, taxation and exemption, as provided in this section.

(2) Any aircraft used or held for use by an air transportation company that is operating pursuant to a certificate of convenience and necessity issued by an agency of the federal government shall be assessed and taxed under ORS 308.505 to 308.665.

(3) Any aircraft used or held for use by an air transportation company to provide scheduled passenger service, whether or not the company is operating pursuant to a certificate of convenience and necessity issued by a federal agency, shall be assessed and taxed under ORS 308.505 to 308.665.

(4) Any aircraft that is required to be registered under ORS 837.040 for all or any part of the calendar year is exempt from ad valorem property taxation for the tax year beginning in the calendar year.

(5) Any aircraft that is used or held for use by a foreign-owned carrier is exempt from ad valorem property taxation.

(6) Subject to allocation or apportionment for out-of-state service, all other aircraft not otherwise specifically exempt from taxation or licensed in lieu thereof, and not subject to assessment by the Department of Revenue under ORS 308.505 to 308.665, shall be assessed in the county from which they are customarily operated when not in service, or if there is no customary place from which operated, then in the county in which their owner or owners reside, or if neither situs applies, then in the county in which any one of the owners maintains a place of business. [1987 c.601 §4; 1993 c.18 §70; 1995 c.79 §131; 2005 c.135 §1]

308.865 Notice and payment of taxes before movement of mobile modular unit. (1) A person may not move a mobile modular unit to a new situs within the same county or outside the county until the person has:

(a) Given notice of the move to the county tax collector; and

(b) Paid all property taxes and special assessments for the current tax year and all outstanding delinquent property taxes and special assessments for all past tax years.

(2) Upon receiving notice of a move, the county tax collector shall send copies of the notice to the county assessor and the Department of Transportation.

(3) In computing taxes and special assessments on a mobile modular unit that will become due, the following apply:

(a) If the assessor can compute the exact amount of taxes, special assessments, fees and charges, the assessor is authorized to levy and the tax collector is authorized to collect such amount.

(b) If the assessor is unable to compute such amount at such time, the owner shall either pay an amount computed using the value then on the assessment roll for the mobile modular unit or that value which next would be used on an assessment roll and the assessor's best estimate of taxes, special assessments, fees and other charges.

(c) ORS 311.370 applies to all taxes collected under this subsection. [1969 c.605 §14; 1971 c.529 §31; 1973 c.91 §5; 1977 c.884 §10; 1979 c.350 §10; 1983 c.311 §1; 1985 c.16 §455; 1985 c.416 §§1, 1a; 1991 c.459 §172; 1993 c.551 §3; 1993 c.696 §12; 1997 c.541 §§221,221a; 1999 c.359 §8; 2003 c.655 §65]

Note: 308.865, 308.866, 308.875, 308.880 and 308.905 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 308 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

308.866 Definition of mobile modular unit; statement of value; receipt. (1) As used in ORS 308.865 and this section, "mobile modular unit" means a prefabricated structure that is more than eight and one-half feet wide, is used for commercial or business purposes and is capable of being moved on the highway.

(2) The owner as of January 1 of each year of a mobile modular unit that is taxed as personal property shall submit no later than the following March 1 a statement of the value of the unit and of its location. The owner shall submit the statement to the county assessor of the county in which the unit is located on January 1 of the year for which the statement is submitted. An owner who fails to provide the statement is subject to the late filing penalty as provided in ORS 308.295. The Department of Revenue shall prescribe the form of statement.

(3) When taxes on a mobile modular unit have been paid in accordance with the provisions of ORS 308.865, the tax collector shall issue the owner of the unit a receipt indicating that the taxes have been paid.

(4) Notwithstanding any other provision of law, the county tax collector shall accept a cashier's check or money order in payment of taxes on a mobile modular unit. [1993 c.551 §§1,2; 1995 c.256 §4; 1997 c.541 §223; 2003 c.655 §66]

Note: See note under 308.865.

308.875 Manufactured structures classified as real or personal property; effect of classification on other transactions. If the 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. If the 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. 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. [1969 c.605 §16; 1971 c.529 §12; 1973 c.91 §6; 1983 c.748 §4; 1985 c.16 §456; 1993 c.696 §13; 2003 c.655 §67]

Note: See note under 308.865.

308.880 Travel or special use trailer eligible for ad valorem taxation upon application of owner. (1) The owner of any travel trailer described in ORS 801.565 that is being used either as a permanent home or for other than recreational purposes may apply to the assessor in the county in which it has situs to have the travel trailer assessed for ad valorem taxation. If

the assessor determines that the travel trailer is being used either as a permanent home or for other than recreational uses, the assessor shall place the travel trailer on the assessment and tax rolls the same as if it were a manufactured structure. The assessor shall accept the travel trailer plate for the vehicle and return the plate to the Department of Transportation, and shall, as appropriate, record the travel trailer in the county deed records or assist in obtaining an ownership document for the travel trailer under ORS 446.571. Any travel trailer placed on the assessment and tax rolls under this section is considered a manufactured structure for all purposes.

(2) The owner of any special use trailer described in ORS 801.500 that is eight and one-half feet or less in width may apply to the assessor of the county in which it has situs to have the special use trailer assessed for ad valorem taxation. If the assessor determines that the special use trailer is eight and one-half feet or less in width and is permanently situated in one place, the assessor shall place the special use trailer on the assessment and tax rolls in the same way as if it were a manufactured structure. The assessor shall accept any special use trailer plate for the vehicle and return the plate to the Department of Transportation, and shall, as appropriate, record the special use trailer in the county deed records or assist in obtaining an ownership document for the special use trailer under ORS 446.571. Any special use trailer placed on the assessment and tax rolls under this section is considered a manufactured structure for all purposes. [1969 c.605 §59; 1971 c.529 §5; 1983 c.338 §907; 1993 c.696 §14; 1995 c.79 §135; 2003 c.655 §68; 2005 c.94 §56]

Note: See note under 308.865.

308.990 Penalties. (1) Violation of ORS 308.320 (3) or of ORS 308.330 is a misdemeanor. The judgment of conviction of any assessor for such a violation shall of itself work a forfeiture of the office of the assessor.

(2) Any taxpayer or managing officer thereof who fails to furnish, after written demand so to do by the assessor or the county board of property tax appeals having jurisdiction or the Department of Revenue, any information or, upon like demand, fails to produce any books, records, papers or documents required by ORS 308.285 or 308.335 to be furnished by the taxpayer or managing officer to the county assessor, the county board of property tax appeals or the Department of Revenue, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$25 nor more than \$1,000. Circuit courts shall have jurisdiction in the trial of such offenses.

(3) Any person, firm, association or corporation, or agent or managing officer thereof, who presents or furnishes to the Director of the Department of Revenue any statement, required by ORS 308.335 or required by the director under the authority of ORS 308.335, that is willfully false or fraudulent, commits a Class A violation and upon conviction the court shall impose a fine of not less than \$100.

(4) Any person who willfully presents or furnishes to the director any statement required by ORS 308.505 to 308.665 that is false or fraudulent is guilty of perjury and, upon conviction, shall be punished as otherwise provided by law for such crime.

(5) Subject to ORS 153.022, any willful violation of ORS 308.413 or of any rules adopted under ORS 308.413 is punishable, upon conviction, by a fine not exceeding \$10,000, or by imprisonment in the county jail for not more than one year, or by both. [Subsections (3) and (4) of 1959 Replacement Part enacted as 1955 c.488 §2; subsections (3) and (4) of 1959 Replacement Part renumbered as part of 321.991; subsection (7) enacted as 1969 c.605 §58; 1971 c.529 §33; 1977 c.884 §11; subsection (5) enacted as 1981 c.139 §4; 1997 c.154 §44; 1997 c.541 §88; 1999 c.21 §22; 1999 c.1051 §174]

309.026 Sessions; hearing of petitions; applications to excuse penalty; adjournment. (1) The board of property tax appeals may convene on or after the first Monday in February of each year, but not later than the date necessary for the board to complete the functions of the board by April 15. The board shall meet at the courthouse or courthouse annex. If the meeting place is other than the courthouse or annex, notice of the meeting place shall be posted daily in the courthouse. The board shall continue its sessions from day to day, exclusive of legal holidays, until the functions provided in subsections (2) and (3) of this section are completed.

(2) The board shall hear petitions for the reduction of:

(a) The assessed value or specially assessed value of property as of January 1 or as determined under ORS 308.146 (6) (a) or 308.428;

(b) The real market value of property as of January 1 or as determined under ORS 308.146 (6)(a) or 308.428;

(c) The maximum assessed value of property as of January 1 or as determined under ORS 308.146 (5)(a) and 308.428; and

(d) Corrections to value made under ORS 311.208.

(3) The board shall hear petitions for the reduction of value as provided in subsection (2) of this section, but only if the value that is the subject of the petition was added to the roll prior to December 1 of the tax year.

(4) The board shall consider applications to waive liability for all or a portion of the penalty imposed under ORS 308.295 or 308.296.

(5) The board shall adjourn no later than April 15. [1955 c.709 §4; 1957 c.326 §3; 1959 c.519 §3; 1971 c.377 §3; 1975 c.753 §3; 1979 c.241 §35; 1981 c.804 §3; 1983 s.s. c.5 §9; 1985 c.318 §3; 1989 c.330 §4; 1991 c.459 §190; 1993 c.270 §41; 1997 c.541 §227; 1999 c.579 §10; 1999 c.655 §5; 2001 c.422 §1]

309.100 Petitions; contents; verification; filing; hearings; notice of hearing; representation at hearing. (1) The owner or an owner of any taxable property or any person who holds an interest in the property that obligates the person to pay taxes imposed on the property, may petition the board of property tax appeals for relief as authorized under ORS 309.026. As used in this subsection, an interest that obligates the person to pay taxes includes a contract, lease or other intervening instrumentality.

(2) Petitions filed under this section shall be filed with the clerk of the board during the period following the date the tax statements are mailed for the current tax year and ending December 31.

(3) Each petition shall:

(a) Be made in writing.

(b) State the facts and the grounds upon which the petition is made.

(c) Be signed and verified by the oath of a person described in subsection (1) or (4) of this section.

(d) State the address to which notice of the action of the board shall be sent. The notice may be sent to a person described in subsection (1) or (4) of this section.

(e) State if the petitioner or a representative desires to appear at a hearing before the board.

(4)(a) The following persons may sign a petition and appear before the board on behalf of a person described in subsection (1) of this section:

(A) A relative, as defined by rule adopted by the Department of Revenue, of an owner of the property.

(B) A person duly qualified to practice law or public accountancy in this state.

(C) A legal guardian or conservator who is acting on behalf of an owner of the property.

(D) A real estate broker or principal real estate broker licensed under ORS 696.022.

(E) A state certified appraiser or a state licensed appraiser under ORS 674.310 or a registered appraiser under ORS 308.010.

(F) The lessee of the property.

(G) An attorney-in-fact under a general power of attorney executed by a principal who is an owner of the property.

(b) A petition signed by a person described in this subsection, other than a legal guardian or conservator of a property owner, an attorney-in-fact described in paragraph (a)(G) of this subsection or a person duly qualified to practice law in this state, shall include written and signed authorization from the owner or other person described in subsection (1) of this section for the person to act on their behalf.

(c) In the case of a petition signed by a legal guardian or conservator, the board may request the guardian or conservator to authenticate the guardianship or conservatorship.

(d) In the case of a petition signed by an attorney-in-fact described in paragraph (a)(G) of this subsection, the petition shall be accompanied by a copy of the general power of attorney.

(5) If the petitioner has requested a hearing before the board, the board shall give such petitioner at least five days' written notice of the time and place to appear. If the board denies any petition upon the grounds that it does not meet the requirements of subsection (3) of this section, it shall issue a written order rejecting the petition and set forth in the order the reasons the board considered the petition to be defective.

(6) Notwithstanding ORS 9.160 or 9.320, the owner or other person described in subsection (1) of this section may appear and represent himself or herself at the hearing before the board, or may be represented at the hearing by any authorized person described in subsection (4) of this section. [Amended by 1955 c.709 §14; 1959 c.56 §1; 1967 c.78 §5; 1969 c.561 §2; 1971 c.377 §9; 1973 c.402 §34; 1981 c.804 §16; 1983 c.603 §2; 1983 s.s. c.5 §16; 1987 c.808 §1; 1989 c.330 §12; 1991 c.5 §25; 1991 c.459 §196; 1993 c.270 §42; 1995 c.79 §136; 1995 c.467 §1; 1997 c.541 §232; 1999 c.579 §§11,11a; 2001 c.300 §60; 2003 c.120 §1]

309.150 Appeals of value upon summary or accelerated collection of taxes. Appeals of the value of personal property, on which the tax is required to be paid as provided in ORS 311.465 and 311.480, shall be heard by a board of property tax appeals in the same manner that other assessments of property are heard. [Amended by 1975 c.365 §2; 1981 c.804 §22; 1991 c.459 §201; 1995 c.226 §12; 1997 c.541 §238]

311.205 Correcting errors or omissions in rolls. (1) After the assessor certifies the assessment and tax roll to the tax collector, the officer in charge of the roll may correct errors or omissions in the roll to conform to the facts, as follows:

(a) The officer may correct a clerical error. A clerical error is an error on the roll which either arises from an error in the ad valorem tax records of the assessor, or the records of the Department of Revenue for property assessed under ORS 306.126, or which is a failure to correctly reflect the ad valorem tax records of the assessor, or the records of the Department of Revenue for property assessed under ORS 306.126, and which, had it been discovered by the assessor or the department prior to the certification of the assessment and tax roll of the year of assessment would have been corrected as a matter of course, and the information necessary to make the correction is contained in such records. Such errors include, but are not limited to, arithmetic and copying errors, and the omission or misstatement of a land, improvement or other property value on the roll.

(b) The officer may correct an error in valuation judgment at any time in any account when an appeal has been filed in the tax court alleging that the value on the roll is incorrect, if the correction results in a reduction of the tax owed on the account. Corrections under this paragraph to accounts appraised by the department pursuant to ORS 306.126 and 308.505 to 308.665 may not be made without the approval of the department. Errors in valuation judgment are those where the assessor or the department would arrive at a different opinion of value. The officer may correct any other error or omission of any kind. Corrections that are not corrections of valuation judgment errors include, but are not limited to, the elimination of an assessment to one taxpayer of property belonging to another on the assessment date, the correction of a tax limit calculation, the correction of a value changed on appeal, or the correction of an error in the assessed value of property resulting from an error in the identification of a unit of property, but not an error in a notice filed under ORS 310.060.

(c) The officer shall make any change requested by the Department of Revenue which relates to an assessment of property made by the department under ORS 308.505 to 308.665.

(d) The officer shall make any change ordered by the tax court or the Department of Revenue under ORS 305.288 (1) to (6) or 306.115.

(e) The officer shall make any change required under ORS 308A.089.

(2)(a) The officer in charge of the roll shall make corrections with the assent and concurrence of the assessor or the department. The direction for the correction shall be made in writing and state the type of error and the statutory authority for the correction. Corrections may be made to the roll for any year or years not exceeding five years prior to the last roll so certified.

(b) Any additional taxes resulting from corrections for years prior to the current year shall be deemed assessed and imposed in the particular year or years as to which the corrections apply. Addition of tax to a prior year's tax roll, due to corrections under this section, shall not be considered in calculating the effect of the tax limitation under section 11b, Article XI of the Oregon Constitution for the current year.

(3) A correction made pursuant to this section shall be made in whatever manner necessary to make the assessment, tax or other proceeding regular and valid. The correction shall be distinguishable upon the roll, shall include the date of the correction and shall identify the officer making the correction. Whenever a correction is to be made after the assessor has delivered the roll to the tax collector, the effect of which is to increase the assessment to which it relates, except where made by order of the department, the procedure prescribed in ORS 311.216 to 311.232 shall be followed; and the provisions therein with respect to appeals shall likewise apply.

(4) Corrections which would result in less than a \$1,000 change in assessed value or real market value shall not change the value for purposes of computing the taxes levied against the property, but shall be made only for purposes of correcting the office records.

(5) The remedies under this section are in addition to other remedies provided by law. [Amended by 1953 c.26 §2; 1957 c.324 §8; 1959 c.181 §2; 1961 c.234 §1; 1963 c.267 §1; 1965 c.344 §16; 1971 c.472 §3; 1973 c.402 §28; 1977 c.606 §2; 1979 c.687 §3; 1983 c.605 §5; 1991 c.459 §231; 1993 c.18 §73; 1993 c.270 §54; 1995 c.79 §146; 1995 c.127 §4; 1997 c.541 §278; 1999 c.21 §27; 2001 c.509 §2; 2007 c.590 §2]

311.208 Notice required when current roll corrections increase value; time for payment of additional taxes. (1) The assessor shall notify the property owner of record or other person claiming to own the property or occupying the property or in possession of the property, if:

(a) A correction is made that applies only to the current roll;

(b) The correction is made after roll certification under ORS 311.105 and prior to December 1 of the current tax year; and

(c) The correction increases the value of the property.

(2) If a correction described in subsection (1) of this section results in additional taxes being added to the current roll, the additional taxes shall be due and payable without interest if paid prior to the 16th of the month next following the date the notice was sent under this section.

(3) If the additional taxes described in subsection (2) of this section are not paid prior to the 16th of the month next following the date the notice was sent under this section, the additional taxes shall be considered for all purposes of collection and enforcement of payment as having become delinquent on the date the taxes would normally have become delinquent if the taxes had been timely extended on the roll.

(4) The notice described in subsection (1) of this section shall:

(a) Be mailed prior to December 1 to the last-known address of the person described in subsection (1) of this section;

(b) Specify the date and the amount of the correction;

(c) If additional tax is imposed, specify the date by which the additional tax may be paid without interest; and

(d) Include the owner's right to file a petition with the county board of property tax appeals not later than December 31 of the current tax year.

(5) The correction shall be made by the officer in charge of the roll in the manner described in ORS 311.205 (3).

(6) A correction made under this section may be appealed to the board of property tax appeals in the manner provided in ORS 309.100. [1997 c.541 §280; 2001 c.303 §10]

311.216 Notice of intention to add omitted property to rolls; treatment of unreported property; treatment of understated property; duty of tax collector. (1) Whenever the assessor discovers or receives credible information, or if the assessor has reason to believe that any real or personal property, including property subject to assessment by the Department of Revenue, or any buildings, structures, improvements or timber on land previously assessed without the same, has from any cause been omitted, in whole or in part, from assessment and taxation on the current assessment and tax rolls or on any such rolls for any year or years not exceeding five years prior to the last certified roll, the assessor shall give notice as provided in ORS 311.219.

(2) Property or the excess cost of property, after adjustment to reflect real market value, shall be presumed to be omitted property subject to additional assessment as provided in ORS 311.216 to 311.232 whenever the assessor discovers or receives credible information:

(a) That the addition of any building, structure, improvement, machinery or equipment was not reported in a return filed under ORS 308.285 or 308.290; or

(b) That the cost as of January 1 of any building, structure, improvement, machinery or equipment reported in a return required by the assessor under ORS 308.285 or 308.290 exceeds the cost stated in the return.

(3) If the tax collector discovers or receives credible information or if the tax collector has reason to believe that any property subject to taxation has been omitted from the tax roll, the tax collector shall immediately bring this to the attention of the assessor by written notice. [Formerly 311.207; 1999 c.21 §28; 1999 c.500 §4; 2003 c.46 §27]

311.219 Notice of intention to assess omitted property. Notice shall be given to the person claiming to own the property or occupying it or in possession thereof of the assessor's intention to add the property to the assessment or tax roll under ORS 311.216 to 311.232 and to assess the property in such person's name. Where the assessor has reason to believe the property is either no longer in existence or is outside the county, the assessor shall give the notice to the owner or the person in possession on the assessment date of the year or years as to which the property was omitted. The notice shall be in writing, mailed to the person's last-known address. It shall describe the property in general terms, and require the person to appear at a specified time, not less than 20 days after mailing the notice, and to show cause, if any, why the property should not be added to the assessment and tax roll and assessed to such person. [Formerly 311.209]

311.223 Correction of rolls; filing statement of facts; notice to taxpayer; powers of assessor; appeal. (1) If the person or party notified as provided in ORS 311.219 does not appear or if the person or party appears and fails to show any good and sufficient cause why the assessment shall not be made, the assessor shall proceed to correct the assessment or tax roll or rolls from which the property was omitted. The assessor shall add the property thereto, with the proper valuation, and extend thereon taxes at the consolidated rate under ORS 310.147 that is applicable in the code area in which the property was located for each year as to which it was omitted. To carry out the correction of a tax roll or rolls the assessor shall send a written statement to the tax collector instructing the tax collector to make the necessary changes on the tax roll. The statement shall contain all of the information needed by the tax collector to make the changes in the roll and it shall be dated and signed by the assessor or the deputy of the assessor. The tax collector shall then correct the tax roll.

(2) Immediately after the assessor corrects the assessment or tax roll the assessor shall file in the office of the assessor a statement of the facts or evidence on which the assessor based the correction and notify the taxpayer by written notice, sent by certified mail to the taxpayer's last-known address, of:

(a) The date and amount of the correction;

(b) If a penalty for failing to timely file a real, combined or personal property return as required by ORS 308.290 is being imposed under ORS 308.295 or 308.296, the amount of the penalty;

(c) An explanation of the collection procedures applicable to the corrected amount, or applicable to the penalty; and

(d) An explanation of the taxpayer's right to appeal under subsection (4) of this section and the procedures for making the appeal.

(3) To enable the assessor to comply with this section, the assessor is invested with all the powers of the county clerk under the law in force during the years for which correction may be made under ORS 311.216 to 311.232 and thereafter.

(4) Any person aggrieved by an assessment made under ORS 311.216 to 311.232 may appeal to the tax court within 90 days after the correction of the roll as provided in ORS 305.280 and 305.560. If a penalty under ORS 308.295 or 308.296 is imposed for failing to timely file a real, combined or personal property return with respect to the assessment under ORS 311.216 to 311.232, the imposition of the penalty may be appealed to the tax court. The appeal of the penalty must be brought within the same period of time as an assessment under ORS 311.216 to 311.232 may be appealed to the tax court. An appeal of the value assigned under this section, or of any penalty described in subsection (2)(b) of this section, may not be made to the board of property tax appeals under ORS 309.100. [Formerly 311.211; 2001 c.114 §27; 2001 c.303 §1; 2007 c.452 §1]

Note: Section 2, chapter 452, Oregon Laws 2007, provides:

Sec. 2. The amendments to ORS 311.223 by section 1 of this 2007 Act apply to appeals filed on or after the effective date of this 2007 Act [September 27, 2007]. [2007 c.452 §2]

311.229 Taxes added to rolls become liens; delinquency of additional taxes; interest. (1) When the taxes are added to an assessment or tax roll under ORS 311.216 to 311.232, the additional taxes shall be added to the tax extended against the property on the general property tax roll for the tax year following the current tax year, to be collected and distributed in the same manner as other ad valorem property taxes imposed on the property. Notwithstanding ORS 311.226, for purposes of collection and enforcement, the additional taxes added to the roll under this subsection shall be considered delinquent as of the date the other taxes for the year in which the additional taxes are added to the roll become delinquent.

(2) When it appears to the satisfaction of the assessor that the omission of the property was due to a willful attempt to evade the payment of taxes on the property, then the assessor shall so advise the tax collector and interest at the rate provided in ORS 311.505 (2) shall be added to the amounts so charged, which interest shall be computed from the date or dates that payment of the charges were properly due, and which interest shall continue to run until payment of the charges.

(3) Additional taxes arising from the assessment of omitted property under ORS 311.216 to 311.232 may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(4) For purposes of this section, "additional taxes" includes increases in taxes that have already been extended on the roll. [Formerly 311.213; 1999 c.862 §2; 2001 c.303 §8]

311.232 Mandamus to require placing of omitted property on roll. If any officer described in ORS 311.216 to 311.232 fails to comply with ORS 311.216 to 311.232 on the discovery by the officer, or on credible information being furnished by another person, that property has been omitted from taxation, the state, on the relation of any state officer or of any taxpayer of the county in which the failure occurs, may proceed against the officer in any court of competent jurisdiction by mandamus to compel the officer to comply with ORS 311.216 to 311.232. In the trial of the suit the question of what constitutes credible information is a question of fact to be determined by the court trying the case in the same manner other issues of

fact are determined. If judgment is rendered that credible information has been discovered by or furnished to the officer, or that the officer has reason to believe that property has been omitted from taxation, the officer shall forthwith place the omitted property on the assessment and tax roll in accordance with ORS 311.216 to 311.232. If judgment is rendered against the officer, the officer shall be liable for all costs of the mandamus suit, and for a reasonable attorney fee at trial and on appeal for relator's attorney, which shall be taxed as a part of the costs of the suit. If proceedings are instituted under this section on the relation of any private citizen, the relator shall give bond to the satisfaction of the court to pay all costs which may be recovered against the relator. [Formerly 311.215]

311.235 Bona fide purchaser; when taxes become lien. No ad valorem taxes imposed on real property, a manufactured structure or a floating home purchased by a bona fide purchaser shall be a lien on the real property, manufactured structure or floating home unless at the time of purchase the taxes were a matter of public record. For the purposes of this section, if the tax roll has not been prepared for the tax year in which the purchase occurred, taxes levied or to be levied for the tax year of purchase are taxes which are a matter of public record. A bona fide purchaser is an individual purchaser of a fee simple interest in a single property, who acquires the property in good faith, in an arm's-length transaction and for fair market value and adequate consideration. [Formerly 311.220]

311.250 Tax statements; rules. (1) Except as to real property assessed to "unknown owners" pursuant to ORS 308.240 (2), on or before October 25 in each year, the tax collector shall deliver or mail to each person (as defined in ORS 311.605) shown on the tax roll as an owner of real or personal property, or to an agent or representative authorized in writing pursuant to ORS 308.215 by such person, a written statement of property taxes payable on the following November 15.

(2) The failure of a taxpayer to receive the statement described in this section shall not invalidate any assessment, levy, tax, or proceeding to collect tax.

(3) The tax collector shall not be liable for failure to deliver or mail the tax statements by October 25 as provided in subsection (1) of this section if such failure was caused by not receiving the tax roll from the assessor by the time provided by law or by reason of any other circumstance beyond the control of the tax collector. In such case the tax collector shall deliver or mail the statements as soon as possible.

(4) Where, for any reason the taxes due on any property on the assessment roll in any year cannot be ascertained from the tax roll by November 5 of that year, within 15 days thereafter the owner or other person liable for or desiring to pay the taxes on such property may tender to the tax collector, and the tax collector may collect, a payment of all or part of the taxes estimated by the tax collector to be due on such property. Immediately after the taxes are actually extended on the tax roll, the tax collector shall credit the amount paid as provided by law, allowing the discount under ORS 311.505 and not charging interest for the amount of taxes satisfied by such payment. Where there has been an underpayment, additional taxes shall be collected, and where there has been an overpayment, refund shall be made as otherwise provided by law.

(5) The tax statement described in this section shall be designed by the Department of Revenue and shall contain such information as the department shall prescribe by rule including:

(a) The real market value of the property for which the tax statement is being prepared (or the property's specially assessed value if the property is subject to special assessment) for the current and prior tax year;

(b) The property's assessed value for the current and prior tax year; and

(c) The total amount of taxes due on the property. [1963 c.311 §2; 1965 c.344 §19; 1967 c.293 §21; 1967 c.568 §2; 1985 c.613 §26; 1991 c.459 §238; 1993 c.18 §74; 1993 c.270 §57; 1997 c.541 §286; 2003 c.400 §2]

311.405 Tax as lien; priority; effect of removal, sale or transfer of personal property. (1) All ad valorem property taxes lawfully imposed or levied on real or personal property are liens on such real and personal property, respectively. Such taxes include delinquent taxes on personal property made a lien on real property, and ad valorem property taxes on real or personal property added to an assessment or tax roll pursuant to ORS 311.216 to 311.232.

(2) Taxes on real property shall be a lien thereon from and including July 1 of the year in which they are levied until paid and, except as otherwise specifically provided by law, such lien shall not be voided or impaired.

(3)(a) Taxes on personal property shall be a lien:

(A) On any and all of the particular personal property assessed and on any and all of the personal property assessed as the same category, as disclosed by the property tax return and assessment list; and

(B) For purposes of distraint, on any and all of the taxable personal property owned by or in the possession or control of the person assessed.

(b) The liens for taxes on personal property shall attach on and after July 1 of the year of assessment and shall continue until the taxes are paid, except as provided in subsection (4) or (5) of this section and ORS 311.410.

(c) Notwithstanding paragraph (a) of this subsection, if possession of personal property that is subject to a perfected security interest is taken by a secured party on default, the lien for taxes on the property shall be limited to the taxes on the particular property and not the taxes on any other property of the debtor.

(4)(a) If a manufactured structure or floating home is removed from the county in which it is assessed to another county in this state on or after January 1 and before July 1 of the assessment year, taxes on the manufactured structure or floating home shall be a lien on the manufactured structure or floating home that attaches as of the day preceding the date of removal.

(b) If a manufactured structure or floating home is removed from the county in which it is assessed to a location that is outside this state on or after January 1 and before July 1 of the assessment year, the manufactured structure or floating home shall be removed from the assessment and tax roll for the corresponding tax year beginning July 1.

(c) The taxes arising from a lien under this subsection may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(d) As used in this subsection, "taxes" means the amount computed using the assessed value then on the assessment and tax roll for the manufactured structure or floating home or the value that next would be used on the assessment and tax roll, if known at the time the lien is created, and the assessor's best estimate of taxes, special assessments, fees and other charges for the tax year that corresponds to the assessment year in which the removal occurs.

(5)(a) If taxable personal property, other than a manufactured structure or floating home, is removed from the county in which it is assessed, or is sold or otherwise transferred to another owner, on or after January 1 and before July 1 of the assessment year, taxes on the removed, sold or transferred personal property shall be a lien on the personal property described in subsection (3)(a)(A) of this section that attaches as of the day preceding the date of removal, sale or transfer.

(b) The taxes arising from a lien under this subsection may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(6) Where real or personal property is omitted from the assessment or tax roll prepared as of January 1 of the current tax year and notice is given pursuant to ORS 311.216 to 311.232 during such year and the property subsequently is added to such roll pursuant to ORS 311.216 to 311.232, the taxes shall be a lien on such property and on other property at the same time and in the same manner as taxes became liens on the taxable property not so omitted from the roll.

(7) Taxes on real and personal property omitted from an assessment or tax roll prepared as of the assessment date of a prior calendar or tax year and added to such roll pursuant to ORS 311.216 to 311.232, shall be a lien on such property from and including the date the addition or correction is made on such roll. Where the omitted property consists of any building, structure or improvement which has been severed or removed from the land, the taxes on such property also shall be a lien against the land. Where the property omitted is personal property, the taxes also shall be a lien on any and all of the taxable personal property of the person assessed from such date of addition or correction. However, no taxes shall become a lien on real or personal property under this subsection where the property was transferred to a bona fide purchaser as defined in ORS 311.235 after the assessment date for such prior tax year and prior to the lien date provided for hereunder.

(8) Each lien, whether on real or personal property, shall include all interest, penalties and costs applicable by law to any of such taxes.

(9)(a) Except as provided in paragraph (b) of this subsection, the liens for ad valorem taxes, including and not limited to the general lien provided by subsection (3)(a)(B) of this section, created under this section are superior to, have priority over and shall be fully satisfied before all other liens, judgments, mortgages, security interests or encumbrances on the property without regard to date of creation, filing or recording.

(b) If it becomes necessary to charge personal property taxes against real property under ORS 311.645, if the county obtains a judgment under ORS 311.455 or records a warrant under ORS 311.625, or if in any other manner personal property taxes are made a lien against real property, any judgment, mortgage or other lien or encumbrance on the real property that is placed of record prior to the date the personal property tax becomes a lien on the real property has priority over the personal property tax lien. [Amended by 1953 c.707 §2; 1955 c.720 §3; 1981 c.346 §1; 1985 c.794 §1; 1991 c.459 §249; 1991 c.903 §4; 1997 c.541 §293; 2001 c.42 §1; 2001 c.229 §1]

311.410 Effect of property transfer or lease termination on lien and on taxability of property. (1) Real property or personal property that is subject to taxation on July 1 shall remain taxable and taxes levied thereon for the ensuing tax year shall become due and payable, notwithstanding any subsequent transfer of the property to an exempt ownership or use. Taxes that are unpaid as of the termination of a lease, lease purchase agreement or other instrument resulting in the taxation of the property shall remain a lien on the property as of the day prior to the termination of the lease, lease purchase agreement or other instrument. Real or personal property exempt from taxation on July 1 shall remain exempt for the ensuing tax year, notwithstanding any transfer within the tax year to a taxable ownership or use.

(2) A sale or transfer of personal property or any part of personal property does not affect the lien under ORS 311.405 (3)(a)(A), (4) or (5). Taxes on personal property transferred from a tax exempt to a taxable ownership or use shall be a lien on any and all of the personal property assessed to the person and on any and all of the taxable personal property of the person assessed from and including the date of transfer until paid. The liens shall be subject to this section and ORS 311.405.

(3) Notwithstanding ORS 311.405 (4) or (5), real or personal property is exempt for the ensuing tax year if the property is transferred or changed from a taxable to an exempt ownership or use at any time before July 1 of any year. However, if the property is exempt under a provision of ORS chapter 307 that requires the filing of a claim for exemption, the transfer does not operate to render the property exempt from taxation for the ensuing tax year unless the required claim for exemption is filed on or before the date specified in the applicable statute or within 30 days after the date of acquisition or, if relevant under the applicable exemption statute, the change of use of the property, whichever is later. This section does not limit other statutes that prescribe filing dates for claiming an exemption.

(4) Real or personal property is taxable for the ensuing tax year if the property is transferred or changed at any time before July 1 of any year from an exempt ownership to a taxable ownership or taxable use. Transfer of real or personal property from a tax-exempt use to a taxable use at any time between January 1 and June 30 of any year constitutes notice to the transferee, owner or person in control of the property that the property will be subject to taxation for the ensuing tax year. In the case of real property, the transferee, owner or person in control of the property shall advise the county assessor of the transfer. In the case of personal property, the transferee, owner or person in control of the property shall make a return of the property that lists the information required by ORS 308.290 within 30 days after the transfer.

(5) Real property that is the subject of eminent domain proceedings instituted by a public body shall, for the purposes of this section, be deemed to have been transferred as of the date of payment therefor, the date of entry into possession by the public body or the date of entry of judgment in the eminent domain proceedings, whichever is earlier. [Amended by 1953 c.707 §2; 1963 c.233 §1; 1969 c.237 §2; 1973 c.402 §16; 1977 c.884 §18; 1979 c.692 §11; 1979 c.704 §2; 1981 c.346 §2; 1987 c.756 §9; 1991 c.459 §250; 1993 c.270 §59; 1995 c.513 §3; 1997 c.819 §13; 2001 c.42 §2; 2001 c.229 §2; 2005 c.94 §63; 2007 c.524 §1]

311.465 Summary collection of delinquent tax or tax on property about to be removed, sold or destroyed. (1) Subsection (2) of this section applies if:

(a) The county assessor discovers personal property subject to assessment for taxation in any year and taxes imposed on the property in a prior year are delinquent; or

(b) In the opinion of the assessor it seems probable that personal property may be removed from the county, sold, dissipated or destroyed before the taxes on the property otherwise become due and payable and it further appears that the owner or person liable for the taxes had no property subject to taxation in the county during either of the two preceding tax years, or was delinquent in the payment of any tax imposed during the two preceding tax years in respect to property in any jurisdiction, whether within or without the state, or is not financially responsible or intends to depart from the state before the taxes become due.

(2) The assessor may, immediately after listing and valuing the personal property for assessment and taxation, levy, demand and collect for remittance to the tax collector, or the tax collector may collect, the taxes on the property as follows:

(a) If the assessor is able to compute the exact amount of taxes, special assessments, fees and charges, such amount shall be paid to the assessor for remittance to the tax collector or directly to the tax collector; or

(b) If the assessor is unable to compute the exact amount at the time, either:

(A) There shall be paid the amount that the assessor estimates is needed to pay the taxes, special assessments, fees and other charges to become due; or

(B) There shall be deposited with the tax collector a bond with a good and sufficient undertaking in the amount that the assessor considers adequate to ensure payment of the taxes to become due. In no event shall the bond amount exceed twice the amount of the taxes, special assessments, fees and other charges computed by the assessor under this paragraph.

(3) Taxes paid or bonded for under subsection (2) of this section shall be entitled to the discount provided by ORS 311.505. ORS 311.370 shall apply to the amounts assessed and collected under subsection (2) of this section. Any taxes collected under subsection (2) of this section, and subject to refund on order of the tax court under ORS 311.467, shall be held in the special account mentioned in ORS 311.370 by the county treasurer until the period for petitioning for review of the assessor's action has expired, or, when a review is had, until the review is determined. If the tax court, upon review, orders a refund, the county treasurer shall make the refund from the special account within three days after entry of the department's order.

(4) If the owner or person liable for the taxes on the personal property fails to pay the tax on demand by the assessor, the assessor shall certify the assessment and tax levies made under this section to the tax collector of the county. The taxes thereupon shall be collected by the tax collector in the manner of collecting delinquent taxes on personal property. The taxes when so certified by the assessor are delinquent and subject to the provisions of law for the collection of delinquent taxes on personal property. [Amended by 1955 c.710 §2; 1975 c.780 §12; 1979 c.350 §14; 1981 c.804 §89; 1995 c.650 §67; 1999 c.21 §29]

311.470 Distraint property about to be removed from state or dissipated. If at any time the tax collector has reason to believe that personal property, including property classified as real property machinery and equipment, is being removed or is about to be removed from the state, is being dissipated or is about to be dissipated, the tax collector immediately shall distraint sufficient of the property or cause sufficient property to be distrained to pay the taxes, together with interest, penalties and costs, on all the property being removed or about to be removed, being dissipated or about to be dissipated. The tax collector shall cause such property to be sold or sell such property in the manner provided in ORS 311.640. [Amended by 1973 c.305 §7; 1981 c.346 §8; 2001 c.41 §1]

446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

(4) "Board" means the Manufactured Structures and Parks Advisory Board.

(5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.

(6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.

(7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.

(8) "Dealer" means any person engaged in selling or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.

(9) "Department" means the Department of Consumer and Business Services.

(10) "Director" means the Director of the Department of Consumer and Business Services.

(11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.

(12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.

(13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(14) "Fire Marshal" means the State Fire Marshal.

(15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

(16) "Insignia of compliance" means:

(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

(b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.

(17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(18) "Installation" in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

(19) "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers licensed under ORS 672.002 to 672.325.

(20) "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(23) "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

(24)(a) "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

(25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recreational structure.

(b) "Manufactured structure" does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(29) "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was

constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(30) "Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

(31) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

(32) "Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(35) "Sale" means rent, lease, sale or exchange.

(36) "Skirting" means a weather resistant material used to enclose the space below the manufactured structure.

(37) "Tiedown" means any device designed to anchor a manufactured structure securely to the ground.

(38) "Transitional housing accommodations" means accommodations described under ORS 446.265.

(39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured structure. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1; 1983 c.707 §1; 1987 c.274 §1; 1987 c.414 §21; 1989 c.527 §1; 1989 c.648 §§1,1a; 1989 c.683 §1; 1989 c.919 §6b; 1991 c.226 §1; 1991 c.844 §21; 1993 c.744 §47; 1995 c.251 §1; 1997 c.205 §1; 1999 c.758 §7; 2003 c.675 §6; 2005 c.22 §313]

446.525 Special assessment; collection. (1) A special assessment is levied annually upon each manufactured dwelling that is assessed for ad valorem property tax purposes as personal property. The amount of the assessment is \$6.

(2) On or before July 15 of each year, the county assessor shall determine and list the manufactured dwellings in the county that are assessed for the current assessment year as personal property. Upon making a determination and list, the county assessor shall cause the special assessment levied under subsection (1) of this section to be entered on the general assessment and tax roll prepared for the current assessment year as a charge against each manufactured dwelling so listed. Upon entry, the special assessment shall become a lien, be assessed and be collected in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state.

(3) Any amounts of special assessment collected pursuant to subsection (2) of this section shall be deposited in the county treasury, shall be paid over by the county treasurer to the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for carrying out ORS 446.380, 446.385, 446.392 and 446.543 and implementing the policies described in ORS 446.515.

(4) In lieu of the procedures under subsection (2) of this section, the Director of the Housing and Community Services Department may make a direct billing of the special assessment to the owners of manufactured dwellings and receive payment of the special assessment from those owners. In the event that under the billing procedures any owner fails to make payment, the unpaid special assessment shall become a lien against the manufactured dwelling and may be collected under contract or other agreement by a collection agency or may be collected under ORS 293.250, or the lien may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for carrying out ORS 446.380, 446.385, 446.392 and 446.543 and implementing the policies described in ORS 446.515. [1989 c.918 §3; 1999 c.676 §28; 2007 c.71 §134; 2007 c.906 §43]

Note: See note under 446.515.

508.270 Fishing, boat license fees in lieu of other taxes and licenses on crab pots; reports to county assessor. (1) Either the commercial fishing license required by ORS 508.235 or the boat license required by ORS 508.260 is in lieu of all taxes and licenses on crab pots used by a person so licensed or used in connection with a boat so licensed.

(2) Crab pots shall be reported to the county assessor by each owner and listed for ad valorem taxation, but if the owner of such crab pots furnishes documentary proof to the assessor, not later than August 1 of each year, that the owner possesses a current commercial fishing license under ORS 508.235 or that the boat of the owner is currently licensed under ORS 508.260, the assessor shall cancel any assessment made by the assessor of crab pots used by such person or used in connection with such person's licensed boat. [1969 c.649 §2; 1993 c.270 §69]

748.414 Funds exempt from certain taxes. Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment. [1987 c.490 §24]

801.285 “Fixed load vehicle.” “Fixed load vehicle” means all of the following apply to the vehicle:

(1) It is a vehicle with or without motive power that is designed and used primarily:

(a) To support and move a permanent load in the form of equipment or appliances constructed as part of or permanently attached to the body of the vehicle;

(b) For transportation of equipment or appliances that are ordinarily kept on or in the vehicle in order that the vehicle may be used for its primary purpose; and

(c) Except for the transportation of permanent load, appliances and equipment described in paragraphs (a) and (b) of this subsection, for purposes other than for the transportation of persons or property over public highways or streets.

(2) It is a vehicle other than the following:

(a) A travel trailer.

(b) A tow vehicle, including a tow vehicle with cranes, hoists or dollies.

(c) A truck-mounted transit mixer.

(d) A self-propelled mobile crane.

(3) It is a vehicle that may include, but is not limited to, the following vehicles:

(a) Air compressors, air drills, asphalt plants, asphalt spreaders, bituminous plants, bituminous mixers, bituminous spreaders and bucket loaders;

(b) Cement batch plants, cement mixers other than transit mix, cement spreaders, carryalls, crawler cranes, crushers and crushing plants, diggers and ditchers, power units and plants;

(c) Earthmoving scrapers, electric generating equipment, electric load-bank and wiring equipment, front-end loaders, leveling graders, lighting plants and portable wiring, motor graders, payloaders, power hoists, road graders, scoopmobiles, skip hoists, stackers and hoists;

(d) Athey wheels, backhoes, bituminous and cement pavement finishers, drag lines, fork lift trucks, log loaders, mix-mobiles, portable bins, portable parts and storage bins, portable shops, portable storage tanks, power shovels, road rollers, sheepsfoot rollers and paving mixers, towermobiles, welders, yarders;

(e) Bituminous and cement finishing machines, elevator equipment, scarifiers and rooters, traction engines, vibro screens and rotary screens, wheeled and crawler tractors other than truck tractors; and

(f) Apron feeders, grain grinders, grain rollers, sand classifiers and drags, sawmills and special construction equipment, scrap metal bailers, scrubber screens and plate feeders. [1983 c.338 §47; 1985 c.71 §1; 1995 c.79 §367; 2003 c.655 §87]

801.333 “Manufactured structure.” “Manufactured structure” has the meaning given that term in ORS 446.561. [1993 c.696 §3; 2003 c.655 §89]

801.500 “Special use trailer.” (1) “Special use trailer” means a trailer described under any of the following:

(a) A trailer that is eight and one-half feet or less in width and of any length and that is used for commercial or business purposes.

(b) A trailer that is used temporarily on a construction site for office purposes only.

(c) A mobile modular unit.

(2) “Special use trailer” does not include any travel trailer. [1985 c.16 §26; 1993 c.696 §7; 2003 c.655 §90a]

801.565 “Travel trailer.” “Travel trailer” means:

(1) A recreational vehicle without motive power that is eight and one-half feet or less in width and is not being used for commercial or business purposes; and

(2) A prefabricated structure that is eight and one-half feet or less in width and that is not being used for commercial or business purposes. [1983 c.338 §104; 1993 c.696 §8; 2003 c.655 §93]

803.585 Registration fees as substitute for taxes on vehicles; exemptions. (1) Except as otherwise provided in this section or ORS 801.041 or 801.042, the registration fees under the vehicle code are in lieu of all other taxes and licenses, except municipal license fees under regulatory ordinances, to which such vehicles or the owners thereof may be subject. Fixed load vehicles are not exempt from ad valorem taxation by this section.

(2) Travel trailers subject to registration and titling under the vehicle code are not subject to ad valorem taxation, but may be reclassified as manufactured structures and made subject to taxation as provided in ORS 308.880. [1983 c.338 §221; 1989 c.864 §8; 1991 c.459 §438h; 2003 c.655 §115]

820.570 Violating trip permit requirements for manufactured structures; penalty. (1) A person commits the offense of violating trip permit requirements for manufactured structures if the person does any of the following:

(a) Moves a manufactured structure on a highway of this state without a trip permit for the movement. This paragraph does not apply to movements of manufactured structures by vehicle transporters as permitted under ORS 822.310.

(b) Fails to prominently display a trip permit on the rear of a manufactured structure being moved when a trip permit is required for the move.

(c) Moves a manufactured structure when a trip permit is required without completing the permit prior to the movement.

(2) The offense described under this section, violating trip permit requirements for manufactured structures, is a Class B traffic violation. [1983 c.338 §788; 1985 c.16 §385; 1985 c.416 §9; 2003 c.655 §123]

830.790 Certificate or registration fees. (1) The biennial fee for the original or renewal certificate of number or registration is:

- (a) \$3 per foot, or portion thereof, for all sailboats 12 feet in length or more and for all motorboats.
- (b) \$6, for boats that are assessed by the Department of Revenue under ORS 308.505 to 308.665.
- (c) \$6, for amphibious vehicles that are licensed by the Department of Transportation.

(2) Notwithstanding subsection (1) of this section, no fee is required for boats owned by eleemosynary organizations which are operated primarily as a part of organized activities for the purpose of teaching youths scoutcraft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

(3) Except for the assessment referred to in subsection (1)(b) of this section, the fees provided by this section are in lieu of any other tax or license fee.

(4) The operator of a boat livery holding five or more boats ready for hire may pay a biennial certificate of number fee of \$55 plus \$6 for each boat instead of the fee otherwise provided in this section. [Formerly 488.732; 1997 c.432 §1; 2003 c.455 §1]

Oregon Administrative Rules

Department Records Exempt from Disclosure

150-192.501 (1) The department shall protect as confidential the material listed in paragraph 2 of this rule and contained in its files relating to business activities of any person. ("Person" as used in this rule is defined in ORS 311.605.)

There shall be no access to files containing confidential material except by department employees or by those authorized by the department, by statute, or by court order.

Any department employee having access or charged with controlling or maintaining such files shall be familiar with and comply with the department's procedures regarding security of the confidential material. Each employee shall sign a statement that explains their responsibility for the maintenance of confidentiality of the department's confidential materials.

(2) The confidential materials included in the above referenced files are:

(a) Real and personal property tax returns and supporting schedules filed under ORS 308.290.

(b) Statements filed by companies such as railroads, gas, electric, and telephone in connection with the assessment of their properties under ORS 308.525.

(c) Reports of gross earnings filed by telephone companies under ORS 308.720 in connection with the in-lieu tax on gross earnings.

(d) Statements filed by mutual or cooperative associations engaged in operating electric transmission and distribution systems under ORS 308.810 in connection with the in lieu tax on gross earnings.

(e) Information collected by the department for purposes of establishing values under ORS 321.282 and ORS 321.430. This includes but is not limited to sales of logs, standing timber sales between private parties, logging costs and other costs associated with logging. Particulars of private timber sales and purchases where the sales price was agreed upon on or after October 3, 1989, and log sales and purchases made on or after July 1, 1989, are subject to the confidentiality provisions of ORS 321.381 and are not subject to this rule.

(f) Harvest forecast information obtained by the department from private parties.

(g) "Trade secrets" as defined under ORS 192.501(2).

(h) Research and statistical data of the department which allows identification of confidential material relating to the business activities of any person.

(i) Any information voluntarily submitted to the department in confidence and not otherwise required by law to be submitted when such information should reasonably be considered confidential. Such information includes but is not limited to production records, sale or purchase records, financial statements or similar business records to the extent such information would permit identification of the individual enterprise. It is the finding of the department that public interest would suffer by the disclosure of such information.

(3) It is the policy of the department to protect confidential information in its files. However, if a court lawfully orders the disclosure of confidential data, the department will limit the information disclosed in strict compliance with rulings of the court. Confidential information provided by a taxpayer which is relevant to the determination of the taxability or valuation of the taxpayer's property may be disclosed in any administrative proceeding in which the taxability or valuation is an issue.

(4) The handling of confidential materials shall be as follows:

(a) The department mail clerk makes distribution to the Property Tax Division which further sorts and directs the mail to the proper work station.

(b) Returns are assembled for processing in restricted areas only.

(c) Confidential material is stored in and returned to files at end of day and protected from visual inspection by unauthorized persons at all times.

(d) Confidential areas are kept secured after working hours.

(e) Materials acquired by field appraisers or delivered by taxpayers will follow procedures in the above form as stated in items c through e.

(5) For public access to department records not exempted from disclosure in ORS 192.500, refer to OAR 150-183.330(1) for proper procedure.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 192.501

Hist.: 12-31-80, Renumbered from 150-308.290; RD 8-1988, f. 12-19-88, cert. ef. 12-31-88; RD 11-1990, f. 12-20-90, cert. ef. 12-31-90

Sufficiency of a Petition

150-306.155-(A) This rule applies to petitions filed with the Department of Revenue under ORS 306.115.

(1) Petitions may be filed by the assessor of the county in which the property affected by the appeal is located, or by a person owning the affected property or holding an interest in the affected property that obligates the person to pay taxes imposed on the property. An interest that obligates the person to pay taxes includes a contract, lease or other intervening instrumentality. This requirement must be satisfied for each of the years that supervisory jurisdiction is requested.

(2) The purpose of a petition is to inform the Department and the nonappealing participant of the nature of the claim for relief. For this reason, petitions to the department must include the following information:

(a) A brief statement of the facts on which the appeal is based;

- (b) A statement of the specific result requested by the petitioner;
- (c) Petitioner's address and phone number;
- (d) The signature of the petitioner or authorized representative, verified by a written declaration that the contents of the petition are true and made subject to the statutory penalties for false swearing;
- (e) The assessor's tax account number or identification number of the property in question;
- (f) In an appeal from an act or omission by a county tax official or the department, a copy of the written notice of the act or omission being appealed must be attached.

(A) The department's Property Tax Conference Unit will review all petitions filed (except those relating to properties centrally assessed by the department pursuant to ORS 308.595) and determine their compliance with this rule. If the Property Tax Conference Unit finds a petition to be deficient in any material respect, the Property Tax Conference Unit will provide written notice of the deficiency to the petitioner by a letter mailed to the address appearing on the filing. The appealing participant has 30 days from the mailing date of the notice to provide the information requested by the department. If the deficiency is not cured within the 30-day period, the petition may be dismissed without further proceedings.

(B) However, any correspondence concerning petition which is filed by someone who does not appear to be an authorized representative pursuant to ORS 305.230 will not be considered a valid petition. Such correspondence will be returned to the sender. The petition may be refiled at a later time with the appropriate authorization. However, the original correspondence will not protect a filing date or stop the expiration of any filing period. In this situation the filing date is the day correspondence from an authorized representative concerning an petition is received by the department. See ORS 305.820.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 306.115

Hist.: 12-31-77; RD 8-1983, f. 12-20-83, cert. ef. 12-31-83, Renumbered from 150-305.275; RD 10-1990, f. 12-20-90, cert. ef. 12-31-90; RD 6-1991, f. 12-30-91, cert. ef. 12-31-91; RD 1-1997(Temp), f. 6-13-97, cert. ef. 7-4-97 thru 12-31-97; RD 5-1997, f. 12-12-97, cert. ef. 12-31-97; REV 4-1999, f. 12-1-99, cert. ef. 12-31-99, Renumbered from 150-305.275-(A); REV 3-2001, f. 7-31-01, cert. ef. 8-1-01

Personal Property

150-307.020(3) Property classified as personal property is: (This list is not exclusive.)

(1) *Boats and vessels* includes all floatable craft. See also ORS 308.260.

(2) *Merchandise and stock in trade*, commonly referred to as inventories, include the following categories:

(a) *Merchandise* includes all classes of commodities which are obtained in a salable condition and held for sale in the ordinary course of business.

(b) *Materials* consist of goods purchased for use in manufacturing and upon which further work is necessary before they are available for disposal. Such goods may be raw materials or they may be partially fabricated commodities secured from others. Thus, things which are finished stock or merchandise for one establishment may be raw materials for another. However, when parts are manufactured and held for future use in manufacturing, they may be classed as finished parts but included in raw materials inventory.

(c) *Supplies* fall within two categories:

(A) *Inventory Supplies* consist of personal property owned by or in possession of the taxpayer, that are expended in the production of finished goods or will be consumed in the sale of the stock in trade of the taxpayer held for sale in the ordinary course of his business.

(B) *Noninventory Supplies* include those items which are not to be expended in the production of finished goods or not to be sold to customers.

(d) *Work in process* applies to all goods to which manufacturing services have been applied and on which further operation will be necessary before the product is normally ready for disposition. The value of work in process includes material and any labor and factory service (overhead) which have been exerted in bringing the work to the present state of completion.

(e) *Finished stock* consists of completed products which are available for disposal, comparable to a dealer's merchandise. See ORS 308.250 -- Processor's Exemptions, and ORS 311.211 -- Omitted Property Statutes.

(3) *Livestock* consisting of all domesticated or confined animals, birds, bees, fish and reptiles.

(4) *Movable machinery, movable tools and movable equipment* include items readily movable as opposed to apparently stationary or fixed items. See Paragraph 2b of OAR 150-307.010(1).

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.020

Hist.: 1-54; 3-58; 11-59; 12-61; 12-65; 1-66; 12-66; 3-70; RD 8-1992, f. 12-29-92, cert. ef. 12-31-92

Public Property Leased or Rented by Taxable Owner

150-307.110(1) (1) *Qualifying Conditions*. The assessor shall assess and tax publicly owned real or personal property for the assessed or specially assessed value thereof uniformly with real property of nonexempt ownerships when the following conditions of a lease or other interest or estate less than fee simple are met. A lease or other possessory interest exists if the occupant is granted exclusive possession of a definitely described area for a specified period of time (term).

(2) *Exclusive Possession*. The test is whether the occupant has sufficient control over the premises to warrant the label of possession. If the occupant can exclude others, including the owner (except for inspection, making repairs etc.) the occupant has possession. But, if the premises must be shared with others, such as a common pasture, the occupant does not have a possessory interest. When the property can be used for many purposes such as farming, recreational, residential, or mining, the

right to use it for a single limited purpose might not constitute possession; yet, the same right to use may well be regarded as possessory if the property in question is used for a limited number of purposes. If the property in question is of little use for anything other than mining or recreation, the grant of the right to use it for one of these purposes embraces a substantial part of all of the practical uses to which the land may be put. Therefore, although such use is limited, it could be considered "exclusive."

(a) *Revocation.* A possessory interest may exist even though the agreement provides that it may be revoked upon notice, for cause or upon the happening of some event. If the use may be terminated, without notice or cause, it may be a mere non-possessory license which is ordinarily revocable at will and without notice.

(b) *"Management" or "Concession"* agreements present special problems. For example, a county and a private corporation agree that the corporation will operate a county owned golf course for the county. Even though the agreement requires the corporation to meet many standards as to services, pricing, personnel etc., the corporation may still have a possessory interest if it has the exclusive right to occupy and operate the facilities without interference from the county and retains the major part of the proceeds. However, if the county is actively involved in the operation and allows the corporation a minor portion of the proceeds as compensation for its services, the corporation may be considered a mere agent or employee of the county.

(c) *Parking Lots and Similar Arrangements.* If the right is merely a "hunting license" to park in any available space, it is non-possessory. However, if a specific space is assigned, the interest may be possessory if the other conditions are met.

(3) *Area.* The occupant must have possession of an area that is definitely described or capable of being described.

(4) *Term.* A possessory interest may be for any period of time the parties agree upon.

(5) *Rent.* A lease is a contract and requires some sort of consideration in terms of money, goods, services, or other benefits.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.110

Hist.: RD 16-1987, f. 12-10-87, cert. ef. 12-31-87; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 6-1994, f. 12-15-94, cert. ef. 12-30-94; REV 8-1998, f. 11-13-98, cert. ef. 12-31-98

Property Held Under Lease

150-307.112 (1) A new claim shall be filed with the county assessor, as required under ORS 307.112(4), when a new lease, new lease-purchase agreement, extension of current lease, extension of current lease-purchase agreement or any modification to the existing lease or lease-purchase agreement is made.

(2) The new claim shall meet all the requirements of ORS 307.112.

(3) Late filing as provided in ORS 307.162(2) is permitted.

(4) The State of Oregon and the United States government are not permitted to file a claim for exemption under ORS 307.112.

(5) The assessor must be satisfied that the amount of rent charged is below market rent. "Market rent" is defined as the rental income a property would most probably command in the open market and includes an element for property taxes.

(6) To reflect the savings below market rent, the actual rent must be less than market rent in an amount that is at least equal to what the property tax would be if the property were taxable.

(7) Sufficient documentary proof must be submitted at the time of application.

(8) Acceptable documentary proof to show the property tax savings is passed on to the lessee may include but is not limited to the following comparisons:

(a) Current rental rate for any portion of that property occupied by nonexempt tenants;

(b) Historic rental rate data of that property;

(c) Rental rate used in a real market value appraisal for that property;

(d) Rent study of comparable or similar properties.

(9) The savings must be clearly evident. Insufficient proof or failure to show the rent is below market rent as described above is grounds for denial of the exemption.

(10) A statement that the "lessee is responsible for the taxes" is not sufficient proof of a tax savings.

(11) When used in reference to real property or tangible personal property, a lease is a contract of at least one year by which the owner of a property grants the rights of possession, use, and enjoyment of the property to another for a specified period of time in exchange for payment.

(12) Month-to-month tenancy or a general rental agreement is not considered the same as a lease for purposes of an exemption under this statute and will not qualify in an exemption claim.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.112

Hist.: RD 8-1988, f. 12-19-88, cert. ef. 12-31-88; RD 9-1989, f. 12-18-89, cert. ef. 12-31-89; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91, Renumbered from 150-307.112(1); RD 6-1993, f. 12-30-93, cert. ef. 12-31-93; RD 1-1995, f. 12-29-95, cert. ef. 12-31-95; REV 8-1998, f. 11-13-98, cert. ef. 12-31-98

Guidelines for Exempt Port Property Subject to In Lieu Tax

150-307.120 (1) Definitions: Port property subject to in lieu of payments means property, excepting the dock area, that is leased to a taxable owner and used for discharging, loading or handling of cargo from ships, or for the temporary storage of cargo that is directly incidental to transshipment.

(a) "Discharging, loading, or handling of cargo from ships" is limited to activities during which no change in the cargo can occur while it is being discharged, loaded, or handled.

(b) "Temporary storage of cargo" means storage of cargo temporarily resting in place and awaiting further movement or shipment to another location.

(2) Property Subject to In Lieu of Payment:

(a) Certain properties exempt under ORS 307.120 are subject to one quarter of one percent (.0025) payments in lieu of taxes to schools. Properties subject to the in lieu of payments are those leased, rented or preferentially assigned on January 1, and used for storage of cargo directly incidental to transshipment.

(b) Dock area properties used for the berthing of ships, barges or other watercraft, (except floating homes as defined in ORS 830.700), or the discharging, loading or handling of cargo are exempt and are not subject to the payments in lieu of taxes to schools.

(c) A property not leased, rented or preferentially assigned on January 1, will not be subject to the in lieu of payment for the tax year for which the January 1, assessment date applies.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.120

Hist.: RD 16-1987, f. 12-10-87, cert. ef. 12-31-87; RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 8-1992, f. 12-29-92, cert. ef. 12-31-92; RD 6-1994, f. 12-15-94, cert. ef. 12-30-94; RD 9-1997, f. & cert. ef. 12-31-97; REV 4-1998, f. & cert. ef. 6-30-98

Exception To Taxable Personal Property

150-307.190 (1) Tangible personal property is assessed and taxed unless statutes specifically grant an exemption.

(2) "Use" of the property is the determining factor for granting an exemption.

(a) Tangible personal property used exclusively for personal use and enjoyment by the owner is granted exemption from property tax.

(b) Tangible personal property used in a trade or business is taxable. A trade or business is an activity performed for any form of compensation, personal reward or gain.

(c) Tangible personal property that is used both for the owner's personal use and as part of a trade or business is taxable.

Example: Household furnishings in a Bed and Breakfast or adult foster home are taxable when used by anyone other than the owner. Items used exclusively by the owner for personal enjoyment are exempt from property tax, such as the bed where the owner sleeps and the armoire or dresser that contains the owners clothes.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.190

Hist.: RD 1-1995, f. 12-29-95, cert. ef. 12-31-95

Personal Property Used for Placing Farm Crops in Storage

150-307.394 (1) Definitions:

(a) "Storage of farm crops" refers to the holding area in which a product is placed before processing begins.

(b) "Processing" is altering the crop in any way such as: washing, icing, sorting, grading, waxing, boxing, slicing, or cutting.

(c) "Primary" is the leading use or the use involving the highest percentage of time relative to all the various uses.

Example: If an unlicensed farm vehicle is used 45 percent of the time to move cleaned, sorted, washed and bagged carrots ready for market (PRODUCT); 30 percent of the time to move freshly-picked carrots from the field to the warehouse or cold storage facility; and 25 percent of the time sitting idle, then the vehicle is used primarily in a nonexempt status and is fully assessable, even though that use is not 50 percent or more of the time available.

(2) Machinery and equipment used to place a farm crop in storage are exempt from taxation. However, once processing of the crop is begun, it is no longer a crop, but a product. When the same machinery and equipment are used for both placing in storage and processing the primary use is what determines its assessment status.

Example: Apples are picked and go directly into cold storage. This would be considered "placing in storage of farm crops." When these same apples are sorted, washed or boxed it becomes a product and placing back into cold storage until sold is not considered "placing in storage of a farm crops." At this point apples change from a crop to a product.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.400

Hist.: RD 8-1992, f. 12-29-92, cert. ef. 12-31-92; REV 4-2002, f. & cert. ef. 7-29-02, Renumbered from 150-370.400

Real Property Valuation for Tax Purposes

150-308.205-(A) (1) For the purposes of this rule, the following words and phrases have the following meaning:

(a) A "unit of property" is the item, structure, plant, or integrated complex as it physically exists on the assessment date.

(b) "Real property" means the real estate (physical land and appurtenances including structures, and machinery and equipment which comprise an integral part of the property or manufacturing operation) and all interests, benefits, and rights inherent in the ownership of the physical real estate.

(c) "Rural lands" means those lands with property classification 400, 401, 500, 501, 600, 601, 800, and 801 as defined by OAR 150-308.215. They are distinguished from platted land as acreages in varying sizes and are either improved or unimproved.

(d) "Utility" means the quality or property of being useful which may either add to or subtract from market value.

(e) "Highest and best use" means the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible, and that results in the highest value. See *The Appraisal of Real Estate*, 12th edition (2001).

(2) Methods and Procedures for Determining Real Market Value:

(a) For the valuation of real property all three approaches—sales comparison approach, cost approach, and income approach—must be considered. For a particular property, it may be that all three approaches cannot be applied, however, each must be investigated for its merit in each specific appraisal.

(b) The real market value of a unit of property shall not be determined from the market price of its component parts, such as wood, glass, concrete, furnaces, elevators, etc., each priced separately as an item of property, without regard to its being integrated into the total unit.

(c) In utilizing the sales comparison approach only actual market transactions of property comparable to the subject, or adjusted to be comparable, will be used. All transactions utilized in the sales comparison approach must be verified to ensure they reflect arms-length market transactions. When nontypical market conditions of sale are involved in a transaction (duress, death, foreclosures, interrelated corporations or persons, etc.) the transaction will not be used in the sales comparison approach unless market-based adjustments can be made for the nontypical market condition.

(d) If there are no market transactions of property comparable to the subject, then it is still appropriate to use market value indications derived by the cost, income or stock and debt approaches.

(e) Sales on the basis of disposal at salvage or scrap levels are indicators of market value only when on the assessment date such disposal of the subject property is imminent, or has actually taken place.

(f) The cost approach must use the reproduction, replacement, or used equipment technique; however, original historical cost may be used when appraising property under ORS 308.505 to 308.730. The value estimate must include all costs required to assemble and construct the unit of property.

(g) The income to be used in the income approach must be the economic rent that the property would most probably command in the open market as indicated by current rents being paid, and asked, for comparable space. Income from the operation of the property may be utilized for property types, such as industrial plants that are not typically leased or rented.

(h) The real market value for rural lands is based on an average price per acre for each size of parcel. Adjustments to the value must be made to those acres with more or less utility. For improved parcels the value of the site developments as defined by OAR 150-307.010(1)(2)(a)(A) must be added.

(i) Determining highest and best use for the unit of property is necessary for establishing real market value. This determination of highest and best use may include, among others, all possible uses that might result from retaining, altering or ceasing the integrated nature of the unit of property.

(3) Valuation of Especial Property: Especial property is property specially designed, equipped, and used for a specific operation or use that is beneficial to only one particular user. This may occur because the especial property is part of a larger total operation or because of the specific nature of the operation or use. In either case, the improvement's usefulness is designed without concern for marketability. Because a general market for the property does not exist, the property has no apparent immediate market value. Real market value must be determined by estimating just compensation for loss to the owner of the unit of property through either the cost or income approaches, whichever is applicable, or a combination of both.

(4) Real market value for all personal property must be as of the date of assessment in accord with the statutory definition and must take into account the location and place in the level of trade of items of property in the hands of manufacturers, producers, wholesalers, distributors, retailers, users, and others.

(5) Valuation of Land Under Improvements Having Only Partial Exemption. This does not apply to those cases where land is not eligible for inclusion in the exemption.

(a) The value of land under a single story improvement when part of the improvement is receiving an exemption must be apportioned between the exempted and taxable portions of the improvement based on the value of each portion.

Example 1: There is a one-story building of which a part representing 80 percent of total value is under exemption and the remaining part is taxable and consists of new construction representing 20 percent of the total value. The value of the land under the building would be apportioned 80 percent to the exemption and 20 percent to the taxable or market value each year.

(b) The value of land under a multiple story improvement when all or part of one or more stories of the improvement is receiving an exemption must be apportioned between the exempted and taxable portions of the improvement based on the contribution of the current market value of each portion.

Example 2: There is a two story building which occupies a 100' x 100' lot in its entirety. The first story is under exemption, and the value carried on the roll represents 60 percent of the total improvement value. The second story, valued at market, represents 40 percent of the total improvement value. The value of the land under the building must be apportioned 60 percent to the exemption and 40 percent to the property valued at market.

(c) Where an improvement does not fully occupy the land and where only a portion of the improvement and land are used for an exempt purpose, then the value of the improvement and land must be allocated between the exempt and taxable portions of the parcel. Any portion of the land or improvement that is not used, developed, or that is being held for future expansion is fully taxable.

Example 3: Assume a parcel that measures 200' by 200', a building measuring 100' x 100', paved parking measuring 100' x 100' and unimproved land measuring 200' x 100'. One-half or 50% of the building and parking are used by an exempt

entity. One-half (50%) or 5000 square feet of the building is exempt, one-half (50%) of the parking is exempt. The remainder of the building, the parking lot and unimproved land are fully taxable.

Example 4: There is a building measuring 100' x 100' located on one-fourth of a 200' x 200' lot. The remaining portion of the lot is a parking area. The taxable portion of the building rents or leases a 100' x 100' parking area and has exclusive use. The value of the remaining 100' x 200' area of the lot is exempted only to the extent it is used as a parking area for the exempt entity. If 100' x 100' of this 100' x 200' parking area is used for parking and the remainder is held by the exempt entity for future expansion, the area held for expansion is fully taxable.

(d) When an improvement is partially exempted and that improvement contains common areas (i.e., hallways, restrooms, conference rooms, etc.), the percentage of the total area of these common areas that receives exemption shall be the same as the percentage of the total net rentable area occupied by the exempt entity.

(6) Valuation of Land Under Improvements Having Only Partial Special Assessment: The procedures described in Section (5) of this rule also apply to properties receiving a partial special assessment, such as a partial historical designation.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.205

Hist.: 1-54; 12-55; 11-59; 8-62; 1-64; 12-65; 1-66; 3-70; 11-71; 12-31-79; 12-31-81; RD 16-1987, f. 12-10-87, cert. ef. 12-31-87; RD 9-1989, f. 12-18-89, cert. ef. 12-31-89; RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; REV 12-2004, f. 12-29-04, cert. ef. 12-31-04

Determining Taxable Value for Assessment Charges on Property Exempt from Taxation

150-308.232 If a property that is exempt from ad valorem taxation is subject to assessment charges, the assessor shall determine the maximum amount of assessment charges by using the real market value of the property.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.232

Hist.: RD 8-1991, f. 12-30-91, cert. ef. 12-31-91

Confidentiality—Returns of Taxable Property

150-308.290 Refer to OAR 150-192.501 for clarification of what is confidential information and how to safeguard that material.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.290

Hist.: TC 7-1980, f. 11-28-80, cert. ef. 12-31-80; RD 8-1988, f. 12-19-88, cert. ef. 12-31-88

Extension Requests to the Department for Filing Property Returns

150-308.290(5) For the assessment years beginning on or after January 1, 1998:

(1) The department may extend the due date of real, personal, and combined returns to April 15, for administrative needs or for "good cause."

(2) An extension for administrative need will be granted up to April 15, for taxpayers who meet all of the following criteria:

(a) The taxpayer is a principal or secondary industrial account as described in ORS 306.126; or taxpayer has reporting requirements for property in more than one county.

(b) Accounting period information cannot be accurately reflected by the required filing date due to volume of information necessary to file a return or fiscal year end requirements.

(c) Taxpayer can demonstrate the ability to comply with format requirements in subsection (6)(a)(A) or (B) of this rule.

(d) If real or personal property is being reported by a leasing company, the lessor must have sole responsibility for payment of taxes charged to all property items.

(3) For state appraised principal or secondary industrial accounts, the department may extend the date of real, personal, and combined returns to April 15, for good cause. "Good Cause" is defined as an extraordinary circumstance beyond the control of the taxpayer, or the taxpayer's agent or representative, which causes late filing. Extraordinary circumstances are referenced in OAR 150-307.475.

(4) The request for the extension shall be in writing and filed with the department on or before March 1, of the current year for extensions based on administrative need and for "good cause." The request must contain all the facts explaining the need for this type of extension.

(5) The assessor shall not be required to distribute assessed value to individual lessees.

(6) The form of reporting for those taxpayers receiving the extension to April 15, to be considered timely filed, shall be:

(a)(A) A complete listing of assets describing all items in the plant including those fully depreciated, the date each was purchased, and the original cost; or

(B) A summary by classification of assets, with the specific real property additions and retirements for the previous assessment year.

(C) For both real and personal property reporting by a leasing company, a listing of equipment which identifies the situs of the property must be provided.

(b) In addition, for personal property returns to be filed with the assessor's office, or combined returns filed with the department, under extensions for administrative need, the asset list or summary shall have factors applied according to property classification by the taxpayer, to develop the value.

(7) The department shall send instructions for such reporting to the taxpayer when an extension is granted. These instructions will include trending and depreciation factors where applicable. Computer media transfer instructions may also be provided.

(8) If the taxpayer provides the information for combined returns to the department on computer media per the department's instructions, the taxpayer is not required to apply factors for developing the value.

(9) The return must be postmarked on or before April 15, to be considered timely filed as described in ORS 305.820.

(10)(a) An extension granted for "good cause" is only applicable to the current year's return.

(b) An extension granted for administrative reasons shall continue in effect for each subsequent tax year unless;

(A) Canceled by the taxpayer; or

(B) Revoked by the department, after discussion with the taxpayer concerning incorrect filing or other sufficient cause.

(11) These returns shall be subject to audit and correction for errors in:

(a) Classification.

(b) Trending and depreciation.

(c) Omissions.

(12) In the event that the department denies a filing extension to the taxpayer, the completed property return(s) shall be filed with the department or the assessor, whichever is responsible for the account, within 10 days of the denial or March 1, whichever is later.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.290

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 2-1992, f. 5-28-92, cert. ef. 6-1-92; RD 8-1992, f. 12-29-92, cert. ef. 12-31-92, Renumbered to 150-308.290(7)-(A); RD 1-1994, f. 6-21-94, cert. ef. 7-1-94; RD 9-1997, f. & cert. ef. 12-31-97

Manufactured Structure Classified as Real or Personal Property

150-308.875-(A) (1) When the records in the assessor's office or the ownership document issued by Building Codes Division of the Department of Consumer and Business Services (DCBS) do not identify the same ownership for a manufactured structure as for the land upon which the structure is located, the assessor must classify the manufactured structure as personal property. However, if the taxpayer submits documentation establishing that the ownership of the manufactured structure and land upon which the structure is located is the same, the assessor must classify the manufactured structure as real property.

Example 1: The land is in the name of Pat Public, Inc., a corporation, and the manufactured structure is in the name of Pat Public. Because a corporation is a different legal entity than an individual, the ownership is not the same, so the manufactured structure must be classified as personal property.

Example 2: A husband and wife are owners of a parcel of land upon which a manufactured structure is located. The ownership document for the manufactured structure is in the husband's name only. The ownership is not the same and the manufactured structure must be classified as personal property.

Example 3: Pat Public owns a manufactured structure and is buying on contract the parcel of land upon which the structure is located. For purposes of ORS 308.875 the ownership is the same and the manufactured structure must be classified as real property.

(2) When the owner of a manufactured structure has a leasehold estate of 20 years or more, and the lease specifically permits the owner to record that lease in the county deed records, the owner may complete an application as prescribed by DCBS to have the home classified as real property. If the assessor determines that the manufactured structure qualifies for recording as required by ORS 446.626, and the lease has subsequently been recorded in the county deed records, the assessor must then classify the home as real property.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.875

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 6-1994, f. 12-15-94, cert. ef. 12-30-94; RD 5-1996, f. 12-23-96, cert. ef. 12-31-96; REV 9-2006, f. 12-27-06, cert. ef. 1-1-07

Real and Personal Manufactured Dwellings to be Assessed in Like Manner

150-308.875-(B) All manufactured dwellings are assessable.

(1) Under ORS 308.875, the owner of a personal property manufactured dwelling need not file a personal property return on the structure.

(2) The personal property assessment cancellation provided in ORS 308.250 does not apply to such dwellings.

(3) They shall be assessed at 100 percent of real market value.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.875

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 6-1993, f. 12-30-93, cert. ef. 12-31-93

Filing Petitions With The Board of Property Tax Appeals (BOPTA)

150-309.100(2)-(A) (1) Only the county clerk or deputy clerk, acting as the clerk of BOPTA, has authority to accept petitions to BOPTA. No other county office can accept petitions.

(2) Petitions received prior to the filing dates must be returned to petitioner together with a notice of the proper filing dates. Petitions cannot be filed and clerks cannot accept petitions prior to the filing dates specified in ORS 309.100(2).

(3) Petitions to the board of property tax appeals filed under ORS 309.100 and transmitted electronically by facsimile (FAX) will be accepted as valid petitions to the board. If the FAX is unreadable with regard to any information required under OAR 150-309.100(3)-(A), the petition is deficient under OAR 150-309.100(3)-(B).

(4) A faxed petition will be considered timely filed if it is received in the office of the county clerk by midnight of the filing deadline as evidenced by the electronic acknowledgment of receipt produced by the county's FAX machine.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 309.100

Hist.: RD 6-1986, f. & cert. ef. 12-31-86; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 9-1997, f. & cert. ef. 12-31-97; Renumbered from 150-309.100-(A), REV 10-2002, f. & cert. ef. 12-31-02

Withdrawing Petitions Filed with a Board of Property Tax Appeals

150-309.100(2)-(B) (1) For purposes of this rule, 'petitioner' and 'representative' have the meaning given in OAR 150-309.100(3)-(C).

(2) A petition filed with a board of property tax appeals may be withdrawn as described below for any reason prior to the time the board issues the order for the petition. A request for withdrawal must be in writing and filed with the clerk of the board.

(3) A petition signed by a petitioner may be withdrawn by:

(a) The petitioner; or

(b) A representative, if the representative provides written authorization signed by the petitioner after the date the petition was signed.

(4) A petition signed by a representative may be withdrawn by:

(a) The petitioner;

(b) The representative who signed the petition; or

(c) Another person representing the petitioner if that representative provides written authorization signed by the petitioner after the date the petition was signed by the original representative.

(5) The board must issue an order of dismissal for each petition for which a request for withdrawal has been submitted unless a stipulation has been filed under ORS 308.242(3) prior to the time the board convenes.

(6) The clerk of the board must keep the request for withdrawal and the board's order in the administrative record of the board described in OAR 150-309.024.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 309.100

Hist.: RD 9-1989, f. 12-18-89, cert. ef. 12-31-89; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 9-1997, f. & cert. ef. 12-31-97; Renumbered from 150-309.100(1), REV 10-2002, f. & cert. ef. 12-31-02; REV 12-2004, f. 12-29-04, cert. ef. 12-31-04; REV 9-2006, f. 12-27-06, cert. ef. 1-1-07

Board of Property Tax Appeals (BOPTA) Deficient Petition Process

150-309.100(3)-(B) For purposes of this rule, "petitioner" is used as defined in OAR 150-309.100(3)-(C).

(1) The clerk of BOPTA will review the filed petitions for compliance with OAR 150-309.100(3)-(A).

(2) If the petition is defective, the clerk will provide written notice to the petitioner unless a representative is named on the petition. If a representative is named on the petition, the clerk will provide written notice to the petitioner's representative. The notice may be personally delivered or mailed to the mailing address on the petition. If the petitioner's representative has not provided a mailing address and the notice cannot be personally delivered, the clerk will provide notice of the defective petition to the petitioner.

(3) The notice must include the following information:

(a) The nature of the defect,

(b) The time allowed by section (4) or section (6) of this rule to correct the defect, and

(c) A statement that failure to correct the defect within the time allowed will result in dismissal of the appeal without further notice.

(4) If the board clerk provides notice of a defective petition by mailing or personal delivery more than 20 days before the last day of the board session described in ORS 309.026, the petitioner or petitioner's representative has 20 days from the date the notice of defective petition was mailed or personally delivered, or until the last day for filing a petition with BOPTA, whichever is later, to correct the defect. Time is computed from the first day following the date the written notice was mailed or personally delivered and includes the last day unless the last day falls on a legal holiday, Saturday, or Sunday. The time is then extended to the next working day. Corrected petitions may be faxed to the county clerk and will be considered timely filed under the guidelines listed in Section (4) of OAR 150-309.100(2)-(A).

(5) In addition to amending a petition to comply with OAR 150-309.100(3)-(A) under (4) above, a petition may be amended up to and including the time of the hearing for the following reasons:

(a) To add or delete land or improvements that are components of the account originally appealed.

(b) To add a separate account that together with the original account appealed creates a "parcel" within the meaning of OAR 150-308A.256(1)(a). A petition may not be amended to include a separate account that is not part of an identified parcel.

(c) To add a manufactured structure account that is sited on the original account under appeal.

(d) To change the value requested.

(6) If the board clerk provides notice of a defective petition by mailing or personal delivery within 20 days of the last

day of the board session described in ORS 309.026, the board clerk may give the notice described in section (3) of this rule by any practical means such as telephone, fax, or letter. In this circumstance, the petitioner or petitioner's representative has until 3:00 p.m. of the last day of the board session to file an amended petition correcting the defect. However, if the petitioner or petitioner's representative appears at the hearing, all corrections must be made at that time.

(7) The board must dismiss the petition as defective if the petitioner or petitioner's representative does not correct the petition within the time periods prescribed in Sections (4) and (6) of this rule.

(8) If, after the board has adjourned, the clerk discovers petitions that the board did not act upon, the clerk must notify the petitioner or petitioner's representative within 10 days. The notice must be in writing and indicate the petitioner's right to appeal to the Magistrate Division of the Oregon Tax Court.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 309.100

Hist.: RD 6-1993, f. 12-30-93, cert. ef. 12-31-93; RD 9-1997, f. & cert. ef. 12-31-97; Renumbered from 150-309.100(1)-(A); REV 10-2002, f. & cert. ef. 12-31-02; REV 6-2003, f. & cert. ef. 12-31-03; REV 12-2004, f. 12-29-04, cert. ef. 12-31-04

What Is a Clerical Error

150-311.205(1)(a) (1) Clerical errors are those procedural or recording errors which do not require the use of judgment or subjective decision making for their correction. A clerical error is an arithmetic or copying error or an omission on the roll or misstatement of property value that is apparent from assessor office records without speculation or conjecture, assumption or presumption, and that is correctable without the use of appraisal judgment or the necessity to view the property.

(2) Clerical errors are those which, had they been discovered by the assessor prior to the certification of the assessment and tax roll of the year of assessment, would have been corrected as a matter of course.

(3) An error is a clerical error or omission on the roll if all the facts necessary to correct the error or omission on the roll are contained in the records and could be readily determined by an impartial person examining these records.

(a) Records include, but are not limited to, field notes, the assessment roll, tax cards, deeds, vouchers and appraisal cards and jackets, which are regularly maintained by the assessor's office and used to determine value.

Example 1: "A" owns a parcel of land with a house on it. "A" divides the land and sells part to "B," but retains that part of the land with the house. The assessor places the value of the house on "B's" land. The value of the house was placed upon the wrong tax lot. It was not, in the words of 311.207 "from any cause been omitted, in whole or in part, from assessment and taxation on the current assessment and tax rolls &" It's on the roll but on the wrong account. Thus, the property was never actually omitted from the roll but clerically placed on the wrong parcel of land.

This comes within the definition of clerical error because it can be corrected solely from the records of the assessor as these records reflect the correct situation which, if discovered by the assessor before certification of the assessment and tax roll, would have been corrected as a matter of course and is correctable without the use of appraisal judgment or the necessity to view the property.

Example 2: A tract of land was zoned agricultural prior to April. Late in April of the same year, this property was rezoned to residential, appraised, and billed accordingly. In July of the same year, the Planning Commission again caused the property to be rezoned to agricultural. When it was reappraised in a later year, the appraiser overlooked the rezoning and appraised the tract on the basis of a residential zone, thus giving it a higher valuation.

Evidence shows that at the last appraisal the appraisal jacket of the taxpayer's property had the residential zone still on the outside but that there was a note inside of the appraisal jacket indicating the agricultural zoning. Had the appraiser looked inside of the jacket, the appraiser would have seen the latest rezoning note and would not have relied on the residential zone on the outside of the jacket.

This comes within the definition of clerical error because it can be corrected solely from the records of the assessor as these records reflect the correct situation which, if discovered before certification of the assessment and tax roll, would have been corrected as a matter of course. The correction can be made without the use of appraisal judgment or the necessity to view the property because the correct value (i.e., value based on an agricultural zone) appears in the records of the assessor.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.205

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91

An Error in Valuation Judgment Is Not Correctable Under 311.205

150-311.205(1)(b)-(A) (1) The officer may not correct an error or omission on the roll of value of land, improvement, personal or other property, or of any part, parcel or portion of land, improvement, personal or other property, if the correction requires that the officer exercise judgment to determine the value, formulate an opinion as to value, or inquire into the state of mind of the appraiser. Mistakes of this nature may be:

(a) Thinking that a house has a basement when it does not; or

(b) Making a mathematical error when computing the square footage, the acreage, or some other factor; or

(c) Errors made in calculating a real market value. For example, in appraising bare land the appraiser may simply multiply the number of acres by the per acre value for that class of land. The appraiser may also then make adjustments to that result for size, shape, configuration, or other factors which affect the value of bare land. If the appraiser makes a mistake in any of these computations or assumptions of fact, these are mistakes which have entered into the appraiser's determination of judgment and are not subject to correction.

Example 1: Taxpayer owned some 33.07 acres of land. The assessor mistakenly carried the property on the roll as 37.63 acres. The assessor arrived at a value per acre for each classification and then multiplied the per acre value times the number

of acres in the tract. Although the assessor used unit values in arriving at a total assessment, the assessor may also have made some adjustments in the final figure for special features or qualities peculiar to the property. The figures may be wrong but the assessor's judgment of the parcel's value may be right.

Because it is the total assessment which is subject to question, and because more elements than simply the matter of acreage can be used to arrive at a total assessment, this is a case of value judgment and is not correctable.

Example 2: A taxpayer sold two acres of his 8.33 acre parcel. Upon notice of that sale, the assessor's office started the administrative process of setting up a new account and revising the value of the old account. The new account cards for the two-acre parcel were set up and the value put on the roll. However, in the administrative process no change in the acreage and value was made on the old appraisal envelopes and cards for the remaining 6.33 acres. Consequently, the remaining 6.33 acres were placed upon the roll at the same values used prior to the sale.

There are two errors to consider here. One is the fact that the assessor placed the original 8.33 acreage on the roll at the same value used prior to the sale. This is an error in valuation judgment, not a clerical error. Although this may appear to be a mathematical error due to the failure of one of the clerks, it could just as well be the assessor mistaken in fact and judgment. The situation is similar to that of an assessor mistaken as to the number of acres or the number of square feet in a given property. The figures may be wrong but the assessor's judgment of the parcels value may be right. (Informal Attorney General Opinion dated 2/5/69.)

Simply "subtracting" the prorated value of the two-acre parcel from the value of the 8.33 acre parcel does not necessarily result in the real market value for the 6.33 acre parcel. The appraiser must also look to the highest and best use, lay of the land, and other considerations that would affect value.

In these circumstances, the statutory scheme requires that the taxpayer be sufficiently cognizant of his property values to object and appeal if necessary. Since both the appraisal cards and the assessment roll were not changed, it must be presumed that the assessor intended those values to be used, subject to appeal.

The second error is the failure of the assessor to reduce the acreage on the original parcel from 8.33 to 6.33 acres. This is a clerical error because the correct facts are evident from the assessor records and there is no speculation or conjecture as to value.

Example 3: A parcel of land has been carried on the roll for several years as five acres. The parcel sells and the buyer requires a survey. The surveyor arrives at a measurement of 4.72 acres.

This is an error in valuation judgment and is not correctable under ORS 311.205(1)(a) as a clerical error or under ORS 311.205(1)(c) as an error or omission on the roll of any kind.

Because it is the total assessment which is subject to question, and because more elements than simply the matter of acreage can be used to arrive at a total assessment, this is a case of value judgment and is not correctable.

The assessor may correct the acreage on the next assessment and tax roll and reappraise the parcel for value, if necessary.

(2) If it is unclear whether an error or an omission on the roll is a clerical error or an error in valuation judgment, the error or omission on the roll shall be considered an error or omission in valuation judgment. For example, an error in acreage or square footage in the appraiser field notes or a failure to value or list a component upon physical reappraisal may not be corrected because the error may not necessarily have resulted in an error of real market value as finally determined and carried to the assessment and tax roll.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.205

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; Renumbered from 150-311.205(1)(b), REV 6-2003, f. & cert. ef. 12-31-03

Roll Correction for Nonexistent Property

150-311.205(1)(b)-(B) Property or improvements, which did not exist, but were included on the assessment roll at the time of the last appraisal shall be corrected, when discovered, under ORS 311.205(c) and 311.206.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.205

Hist.: RD 9-1989, f. 12-18-89, cert. ef. 12-31-89; RD 11-1990, f. 12-20-90, cert. ef. 12-31-90, Renumbered from 150-311.205(1)(c); REV 6-2003, f. & cert. ef. 12-31-03, Renumbered from 150-311.205(1)(c)-(A)

What is an "Error or Omission on the Roll of Any Kind"

150-311.205(1)(b)-(C) (1) The officer may correct an error or omission on the roll of any kind if the correction does not require the exercise of valuation judgment. "Valuation judgment" includes but is not limited to selection of appraisal methodology or the estimation of functional and economic obsolescence adjustments. Errors or omissions that may be corrected under this subsection include, but are not limited to:

(a) The elimination of an assessment to one taxpayer of property belonging to another on the assessment date.

Example 1: If a deed of a sale is never recorded, the assessor records would not reflect the new ownership. Because the records do not reflect the correct information, it is not correctable as a clerical error but is correctable as an error or omission on the roll of any kind.

(b) The assessment of property more than once for the same year or assessment of nonexistent property.

(c) The placement of property on the assessment and tax roll of the wrong county or assessment on behalf of the wrong jurisdiction.

Example 2: A utility company reported certain wire and pipe mileage as being in one code area when it was in fact located in another area.

(d) The elimination or partial elimination of an assessment of property that is entitled to exemption from taxation or special assessment or entitled to partial exemption from taxation.

(e) The elimination or partial elimination of an assessment of personal property resulting from an error made by the taxpayer on a personal property return if the personal property is entitled to exemption or is otherwise not taxable.

(f) The correction of a value changed on appeal.

(g) The application of an incorrect trending or indexing factor.

Example 3: The trending factor developed for the property class in the area is 115. Through a transposition, a factor of 151 is incorrectly applied. This is a correctable error.

(h) The use of the wrong property classification.

Example 4: The property is an improved single family residential property that is classified 1-0-1. The property was incorrectly classed as a 2-0-1 and therefore received the wrong trend factor. Both the property classification and the trend factor may be corrected.

Example 5: The assessor has assessed farm property at market value on the belief that the zoning was not Exclusive Farm Use. Later the assessor discovers the land was in an Exclusive Farm Use Zone and should have been assessed at its farm use value. Because the records of the assessor failed to reflect the proper status of the property, this is not correctable as a clerical error. Because a correction can be made without the use of appraisal judgment, this is not a case of valuation judgment under ORS 311.205(1)(b) and is correctable as an error or omission on the roll of another kind.

(i) The correction of an error or omission in the computation or application of the tax rate.

Example 6: A tax rate error is correctable. A water district shares boundaries with a city. The city annexes property from the water district. The boundary change information was not filed timely with the assessor and the Department of Revenue and should not have been considered in the calculation of the taxes. The county should make the correction to the tax calculation and refund or assess the properties in the districts as appropriate so they have been assessed the correct amount of tax

(j) The correction of an error or omission on the roll that arises from inaccurate reporting of assets, or of facts about assets by a taxpayer on a return filed under ORS 308.290.

Example 7: A taxpayer reports a machinery asset on both its real and personal property accounts. The cost is double-reported for valuation purposes.

Example 8: A taxpayer reports assets transferred to the site at their net book value rather than original cost. The cost is inaccurately reported for valuation purposes.

This error or omission may be corrected only if the incorrect calculation of value was a result of a simple mathematical extension and does not require a new valuation judgment.

(A) The error or omission may be corrected if the taxpayer subsequently provides accurate asset information, and if no additional or different valuation judgment is required to make the correction.

(B) When a correction of inaccurate reporting of assets or of facts about assets by a taxpayer results in a reduction of tax and a refund under ORS 311.806, no interest is paid under ORS 311.812.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.205

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 6-1994, f. 12-15-94, cert. ef. 12-30-94; Renumbered from 150.311.205(1)(c)-(B) by REV 6-2003, f. & cert. ef. 12-31-03

Standard for Omitted Property Correctable by Omitted Property Assessments Due to Assessor's Lack of Knowledge of its Existence

150-311.216 (1) Omitted property includes any part of any real or personal property that has been omitted due to the assessor's lack of knowledge of its existence. Omitted property may include an addition of a separate freestanding structure or improvement or an addition which increases the square footage of a structure or improvement, or a remodel which increases a structure's real market value by ten percent or more. The entire structure added to, or remodeled should be reappraised; analyzing the contribution of the components of construction to the real market value, so as to reduce the likelihood of an over valuation.

(2) For purposes of correcting rolls through omitted property assessments.

(a) Any part of any real or personal property that has been omitted due to the assessor's lack of knowledge of its existence, is subject to taxation as omitted property under ORS 311.216. Improvements added to or made a part of other property after the other property has been physically appraised, and later discovered by the assessor is subject to taxation as omitted property.

Example 1: Three years after the reappraisal, a property owner adds a family room addition and an attached garage to an existing house. These additions are discovered on the next physical appraisal. The assessor adds the family room addition and attached garage as omitted property under ORS 311.216.

Example 2: Two years after the reappraisal, a homesite is developed, and a new single family residence is constructed. The new construction and the site development are discovered on the next physical appraisal. The assessor adds the single family residence and the site development as omitted property under ORS 311.216.

(b) Improvements which are in existence and are an integral part of property which is physically appraised by an assessor may not later be revalued and added as omitted property under ORS 311.216. Undervaluation of a property due to failure to consider a portion of the property is not omitted property correctable under ORS 311.216.

Example 3: An assessor adds no value contribution for reinforced concrete floor, and manger with steel stanchions in a loft barn on the physical appraisal. The assessor later realizes that the loft barn is undervalued. The reinforced concrete floor and manger with steel stanchions may not be added as omitted property under ORS 311.216.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.216

Hist.: RD 6-1986, f. & cert. ef. 12-31-86; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 6-1994, f. 12-15-94, cert. ef. 12-30-94; REV 8-1998, f. 11-13-98, cert. ef. 12-31-98, Renumbered from 150-311.207

Prepayment of Property Taxes

150-311.250(4) Unless authorized by law, no prepayments of property taxes which have not been certified by a taxing district, shall be collected or accepted.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.250

Hist.: RD 9-1989, f. 12-18-89, cert. ef. 12-31-89; REV 8-1998, f. 11-13-98, cert. ef. 12-31-98, Renumbered from 150-311.250(5)

Property Tax Decisions

Opinions and Orders

Supreme Court

First National Bank of Portland v Marion County et al. (169 Or 595)

This case deals with the taxation of bank and trade fixtures. If the statute does not specifically provide for assessing separate interests in real property, such property should be assessed as a unit to the owner of the fee.

James Helm et al. v Wm. Gilroy (20 Or 517)

This case deals with who is responsible for the repayment of taxes on property when it is leased and the property is affixed to the building. Is it real or personal property?

Oregon Tax Court

King Estate Winery, Inc., v Department of Revenue (14 OTR 169)

Processing equipment and other items located at a winery are subject to personal and real property taxation.

H-P Ventures, Inc., dba Adventures Video v Department of Revenue (13 OTR 330)

The values of videotapes are established from the information of the owner and support the department findings.

Phillippe and Bonnie Girardet v Department of Revenue (13 OTR 44)

Land under wine tasting room is taxable and not exempt. It may, however, be entitled to special assessment.

Jackson County Tax Collector v Department of Revenue (12 OTR 498)

The tax collector as the addressee may determine what proof is satisfactory to corroborate proof of mailing.

Cove Sportsman Club v Department of Revenue (11 OTR 40)

Items that belong to a club are taxable.

Seven-up Bottling Co. of Salem v Department of Revenue (10 OTR 400)

The courts defined the difference between "real" and "personal" property. This decision expands the three-prong test for property. Courts found that the subject property was "affixed" or "erected upon" real property and not readily movable. The courts ruled that property not readily moveable was "real," not "personal."

West Foods, Inc. v Department of Revenue (10 OTR 7)

Courts found that mushroom growing in plaintiff's sheds constituted an "agricultural or horticultural use," but that the subject property, growing beds, was not personal property and therefore not eligible for tax exemption under ORS 310.308 (now ORS 307.400).

Western States Fire Apparatus (4 OTR 11)

Personal property is taxable at its situs. Property located in Oregon temporarily or in transit has no taxable situs in Oregon and is not subject to ad valorem taxation.

Department of Revenue

Steve Jonas, Opinion and Order 97-1278, July 1997

Value of video tapes.

Oregon Trail Mushroom Co., Opinion and Order 89-0989, December 1996

At issue is whether the subject property is tangible personal property and therefore exempt under ORS 307.400 or real property. The distinction is made between "real" and "personal" property.

Hillcrest Vineyard, Opinion and Order 96-0132, May 1996

Personal property used in the processing of grapes into wine is not exempt from taxation. The exemption ends with the processing of the crop, and as the items at issue here are primarily, if not exclusively, used to change the grapes into wine, there can be no exemption under ORS 307.400

Dennis E. Penheiro, Opinion and Order 94-0825, November 1994

Penalties are applied to accounts for which returns are filed late. A separate return is to be filed for each tax code area in which property is located. Even though the taxpayer reported several accounts on the same form, he was subject to a penalty on each account.

California-Oregon Broadcasting, Inc., Opinion and Order 90-3006, October 1992

The issue is the proper classification of the subject property. The county has assessed the property as real property improvements and the taxpayer contends the items are movable personal property.

Meadow Outdoor Advertising, Opinion and Order 84-6534 and 85-0641, June 1987

The sole issue to be determined is whether the 29 off-premises advertising signs should be assessed as real property or as personal property for ad valorem tax purposes.

Reter Fruit Company, Opinion and Order 3-2482-15, March 1985

Exemption of farm machinery and equipment used in a fruit packing plant. Differentiates between harvesting process and production. Discusses circumstances wherein items of personal property are taxable and when they are not taxable.

Department of Justice opinions

Hay Processing Equipment (September 1991)

Taxability of farm machinery and equipment when used in conjunction with a farm and used not on a farm. This would include the land under buildings and where equipment is being used.

Taxation of Stored Personal Property (February 1974)

Personal property is taxable when it is not used, but stored. All items of tangible personal property held by the owner, or for delivery by the vendor to him for his personal use, benefit, or enjoyment, are exempt from taxation.

Section 7: Glossary

Glossary

Accrued depreciation. The amount of depreciation, from any and all sources, that affects the value of the property.

Ad valorem tax. A tax levied in proportion to the value of that which is being taxed. (This is exclusive of exemption, use-value assessment laws, etc.) The property tax is an ad valorem tax.

Age/life method. A method of estimating accrued depreciation based on the premise that, in the aggregate, a mathematical function can be used to compute accrued depreciation from the age of a property and its economic life.

Anticipation. The principle that value depends on the expectation of benefits to be derived in the future.

Appraisal. An estimate of value.

Appraisal date. The date which the assessments for a tax year are made. For example, if January 1 is the assessment date and property is vacant on that date, the property is appraised and assessed as vacant land even if a building is added in April and the assessment roll is not final or public until September 25.

Appraisal principles. The economic concepts underlying appraisal: supply, demand, change, balance, conformity, competition, contribution, anticipation, substitution, highest and best use, surplus productivity, and variable proportions.

Assessed value. Portion of value on real or personal property which is taxable. It is the lesser of the property's real market value or the constitutional value limit (maximum assessed value-MAV).

Assessment roll. Document prepared by assessor of current year data. The assessment roll for personal property contains the names, including assumed business names, of all persons, whether individuals, partnerships, or corporations owning or having possession of taxable personal property on the assessment date; the assessed value, maximum assessed value, and real market value of the personal property assessed by category; code area number assigned to the property situs; and total assessed value, maximum assessed value and real market value for the property.

Assessment year. Calendar year.

Balance. The principle that markets tend to move toward equilibrium after a change in supply or demand.

Capitalization. The conversion of expected income and ratio of return into an estimated value in the income approach to value.

Change. The tendency of the social and economic forces affecting supply and demand to alter over time, thus influencing market value.

Chattels. Items of tangible personal property which are moveable, such as machinery & equipment (moveable), office furniture, and computers. Chattels do not include real estate or items permanently attached to real estate.

Competition. This principle states that competition will move in to dissipate profit when substantial profits are being made. If the profits become excessive, then the competition will become excessive. Excess profits invite ruinous competition.

Conformity. Value is created, strengthened, or sustained when reasonable homogeneity or similarity exists. This relates to the social and economic pressures of accepted, traditional fit. Pressure for property to conform may be exerted through zoning or through deed restrictions on architectural design or size. Conformity works with the principle of progression and regression, and is also tied to under-improvement and over-improvement concepts.

Contribution. The principle that the value of a particular feature is measured by its contribution to the value of the whole property, rather than by its cost.

Cost. The money expended in obtaining an object, generally used in appraisal to mean the expense, direct and indirect, of constructing an improvement or obtaining an item.

Cost approach. One of the three approaches to value, the cost approach is based on the principle of substitution—that a rational, informed purchaser would pay no more for a property than the cost of building an acceptable substitute with like utility. The cost approach seeks to determine the replacement cost of an improvement less depreciation plus land value.

Cost schedules. Charts, tables, factors, curves, equations, etc., intended to help estimate the cost of replacing a structure based on knowledge of quality, class, and number of square feet.

Cost trend factor. A factor derived from a cost index used to estimate the contemporary cost of an item based on its historical cost.

Curable depreciation. That part of depreciation that can be reversed by correcting deferred maintenance and remodeling to relieve functional obsolescence.

Data. Information expressed in any of a number of ways. Data is the general term for masses of numbers, codes, and symbols; and information is the term for

meaningful data. Data is the plural of datum, one element of data.

Date of sale. The date on which the sale was agreed upon. The date of recording may be used as the “date of sale” if it is not unduly delayed. (Also known as “date of transfer.”)

Deferred maintenance. Repairs and similar improvements that normally would have been made to a property, but were not, and thus increased the amount of its depreciation.

Depreciation. Loss in value of an object, relative to its replacement cost, reproduction cost, or original cost. Depreciation is sometimes subdivided into three types: physical deterioration (wear and tear), functional obsolescence (substandard design in light of current technology or taste), and economic obsolescence (poor location or radically diminished demand for the product).

Discovery. The process by which the assessor identifies all taxable property in the jurisdiction and ensures that it is included on the assessment roll.

Economic obsolescence. Loss in value of a property (relative to the cost of replacing it with a property of equal utility) that stems from factors external to the property. For example, a buggy-whip factory, to the extent that it could not be used economically for anything else, suffered substantial economic obsolescence when automobiles replaced horse-drawn buggies.

Fixed Assets. Fixed assets are permanent assets that are required for the normal operation of business and they usually are not converted into cash after they are declared fixed assets. Fixed assets include some types of machinery and equipment, furniture and fixtures, boats, aircraft, motor vehicles, leased equipment, tools, dies, and jigs.

Functional obsolescence. Loss in value of a property resulting from changes in tastes, preferences, technical innovations, or market standards.

Income approach. One of three approaches to value, the income approach uses capitalization to convert anticipated benefits of property ownership into an estimate of present value.

Incurable depreciation. That part of depreciation that cannot be reversed by correcting deferred maintenance and remodeling to relieve functional obsolescence.

Intangible assets. These are items of personal property which represent evidence of value, or the right to value, as defined by law or custom. Examples include; bonds, notes, trusts, patents, annuities, mortgages, copyrights, money on hand, and shares of stock. Intangibles are exempt from taxation under ORS 307.030.

Intangible property. Evidence of ownership of value or the right to value. For example: notes, bonds, stocks, patents, mortgages, copyrights, insurance policies, and accounts receivable. A form of personal property that includes rights over tangible real and personal property, but not rights of use and possession.

Inventory. The quantity of goods and materials on hand as of a given date. Inventory includes goods held for sale or resale, consigned goods, bill and hold goods, floor-planned goods, and in-transit goods.

Leasehold. The interests in a property that are associated with the lessee (the tenant) as opposed to the lessor (the property owner).

Leasehold improvements. Improvements or additions to leased property that have been made by the lessee. In assessing leasehold improvements, the appraiser must first determine whether an item is real or personal.

Lien date. The date on which an obligation, such as property tax (usually in an amount yet to be determined), attaches to a property and the property thus becomes security against its payment.

Market value. A hypothetical or estimated sale price which would result from careful consideration of all information by a prudent, responsible buyer and seller under conditions of a fair sale. Market value, value-in-exchange and market price are the same under the following assumptions:

1. No coercion or undue influence occurs over either the buyer or seller in an attempt to force the sale or purchase.
2. Well informed buyers and sellers are acting in their own best interest.
3. A reasonable time is allowed for the transaction to occur.
4. Payment is made in terms of cash or financing which is typical for the property type for the area, i.e., neighborhood.

Obsolescence. A form of depreciation. See also economic obsolescence and functional obsolescence.

Open market. A freely competitive market in which any buyer or seller may trade and in which prices are determined by competition.

Percent good. An estimate of the value of a property, expressed as a percentage of its replacement cost, after depreciation of all kinds has been deducted.

Physical deterioration. Loss in value caused by wear and tear.

Property tax levy. Amount of ad valorem tax imposed on taxable property by a local government for the support of its activities.

Real market value. The amount in cash which could reasonably be expected to be paid by an informed buyer to an informed seller, (both acting without compulsion), in an arm's-length transaction occurring as of the assessment date for the tax year.

Remaining economic life. The number of years remaining in the economic life of a building or other improvement as of the date of the appraisal. This period is influenced by the attitudes of market participants and by market reactions to competitive properties on the market.

Situs. The actual or assumed location of a property for purposes of taxation.

Substitution. A principle stating that a property's value tends to be set by the cost of acquiring an equally desirable substitute.

Supply and demand. The utility of real property creates demand, which is desire for possession. Demand is effective when supported by purchasing power. Value is increased if supply of real property is reduced by effective demand resulting in scarcity. Therefore, the value of property depends upon the demand for that type of property and varies directly, but not necessarily proportionally, to the supply available within the limits of the available purchasing power.

Tangible assets. Property that can be perceived by the senses. It includes land, fixed improvements, furnishings, merchandise, cash, and other items of working capital used in an enterprise. Tangible personal property is defined by ORS 307.020(3). It

includes all chattels and movables such as boats and vessels, merchandise and stock in trade, furniture and personal effects, goods, livestock, vehicles, farming implements, movable machinery, movable tools, and movable equipment.

Tangible property. Actual physical property (real or personal) in contrast to intangible property.

Trade level. The concept that property increases in value as it progresses through production and distribution channels until it is marked up to its maximum value at the consumer level. Trade level values also consider incremental costs such as freight, overhead handling, and installation. The retail level is the appropriate level on which to report for assessment purposes. However, the consumer or user of the item of personal property may be reporting the cost at either the wholesale or retail level of trade.

Use value. The value of property for specific use. Embodies the premise that an object's value is related to its use. For example, an outmoded machine can still be used to produce a useful product.

Value-in-exchange. The amount an informed purchaser would offer in exchange for a property under given market conditions. The value an item will bring as determined by the market. The value of an item is based on comparison to other substitute goods or services as determined by an open-end competitive marketplace.

Value-in-use. See use value.

Section 8: Forms

County Disclosure Form

Confidentiality

To: Employees of the office of the county assessor and home rule county taxation departments.

As a condition of your employment or performance of duties, you must read this information, have it explained to you, and certify that you understand it.

You may not reveal confidential information. A confidential record is industrial plant information obtained upon the condition that it be kept confidential.

Penalties for unauthorized disclosure

Unauthorized disclosure of confidential information about industrial plant property is punishable by a fine not exceeding \$10,000 and imprisonment of not more than one year.

Read these laws

Please read the following laws which explain the types of information that are confidential and the penalties for disclosure. These nondisclosure provisions must be strictly observed by all persons who have access to confidential information. If you have questions during your employment or performance of duties, ask your supervisor **before** giving information to anyone.

Oregon Revised Statute (ORS) 308.290 (10)(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.

ORS 308.413 Confidential information furnished under ORS 308.411; exception; rules (1) Any information furnished to the county assessor or to the Department of Revenue under ORS 308.411 which is obtained upon the condition that it be kept confidential shall be confidential records of the office in which the information is kept, except as follows:

(a) All information furnished to the county assessor shall be available to the department and all information furnished to the department shall be available to the county assessor.

(b) All information furnished to the county assessor or department shall be available to any reviewing authority in any subsequent appeal.

(c) The department may publish statistics based on the information furnished if the statistics are so classified as to prevent the identification of the particular industrial plant.

(2) The Department of Revenue shall make rules governing the confidentiality of information under this section.

(3) Each officer or employee of the Department of Revenue or the office of the county assessor to whom disclosure or access of the information made confidential under subsection (1) of this section is given, prior to beginning employment or the performance of duties involving such disclosure, shall be advised in writing of the provisions of this section and ORS 308.990(5) relating to penalties for the violation of this section, and shall as a condition of employment or performance of duties execute a certificate for the department or the assessor in a form prescribed by the department, stating in substance that the person has read this section and

ORS 308.990(5), that these sections have been explained to the person and that the person is aware of the penalties for violation of this section. [1981 c. 139 §3]

ORS 308.990 Penalties.

(5) Subject to ORS 153.022, any willful violation of ORS 308.413 or of any rules adopted under ORS 308.413 is punishable, upon conviction, by a fine not exceeding \$10,000, or by imprisonment in the county jail for not more than one year, or by both. [Subsections (3) and (4) of 1959 Replacement Part enacted as 1955 c.488 §2; subsections (3) and (4) of 1959 Replacement Part renumbered as part of 321.991; subsection (7) enacted as 1969 c.605 §58; 1971 c.529 §33; 1977 c.884 §11; subsection (5) enacted as 1981 c.139 §4; 1997 c.154 §44; 1997 c.541 §88; 1999 c.21 §22; 1999 c.1051 §174]

County Disclosure Form
Certificate of Confidentiality
Certificate Required by ORS 308.413(3)

I certify that I have read the following provisions of law prohibiting disclosure of confidential information, that they have been explained to me and that I understand them and the penalties for violation of these laws:

ORS 308.290(10)

ORS 308.413

ORS 308.990(5)

Print full name

X

Signature

Date

Print name of county

Witness (supervisor of employee)

PENALTY—Maximum penalty for late filing of personal property return is up to 50 percent of the tax attributable to the taxable personal property. (ORS 308.296)

Account Number Code Area

FOR ASSESSOR'S USE ONLY

1. Leased or Rented Property
2. Noninventory Supplies
3. Floating Property
4. Libraries
5. All Other Property
6.
7. Total Real Market Value
8. Late Filing Penalty

Make any name or mailing address corrections above. Date changed

This Return is Subject to Audit

LOCATION OF PERSONAL PROPERTY ON JANUARY 1, 2008.

File a separate return for each tax code area (or location). Attach a separate listing if needed.

Personal Property Location (street address, city)

Date business originated in county Type of Business

Was a return filed last year? Yes County No

First Time Filer (See General Information, No. 1)

2007 Assessment Cancelled by the Assessor (per ORS 308.250) (See General Information, No. 2)

Remember to sign the Taxpayer's Declaration at right

No Personal Property to Report (See General Information, No. 3)

Business closed? Date closed? Moved out of county? Date moved? Business sold? Date of sale? New address?

Name and Address of New Owner (if business sold)

May we forward the current property list to new owner? Yes No Initial:

Multiple Locations Within This County (See General Information, No. 6)

Business Name: Business Location: Business Name: Business Location:

Extension Number (See General Information, No. 5)

Logging Exemption in Previous Year Logging Exemption in County (See General Information, No. 4)

Submit your original return and attachments to your county assessor. Keep a photocopy and the attached instructions for your records.

SCHEDULE 1 - LEASED OR RENTED PERSONAL PROPERTY (Do not report real property. Enter "None" if no personal property to report)

Table with 11 columns: Name and Address of Second Party Involved, Description, Payer of Taxes to County, AMOUNT OF LEASE/RENT, Date Agreement Began, Length of Agreement, No. of Units, Original Cost, Owner's Opinion of Market Value, Assessor's RMV.

If Schedule 1 items are reported on separate attachments, check here: Schedule 1 TOTAL: (Include attachments)

SCHEDULE 2—NONINVENTORY SUPPLIES (See instructions for examples)					
REPORT TOTAL COST ON HAND AS OF JANUARY 1					Assessor's RMV (leave blank)
1	2	3	4	5	
General Office Supplies	Maintenance Supplies	Operating Supplies	Spare Parts	Other Noninventory Supplies	
If Schedule 2 items are reported on separate attachments, check here: <input type="checkbox"/>					Schedule 2 TOTAL: (Include attachments)

SCHEDULE 3—FLOATING PROPERTY (Enter "None" if no property to report)					
Registration No.	Oregon Marine Board No.	Date Purchased	Purchase Price \$	Owner's Opinion of Market Value	Assessor's RMV (leave blank)
Own: <input type="checkbox"/> Fee Simple <input type="checkbox"/> Contract		Contract Holder:		Exact Moorage Location on January 1	
If you have remodeled your floating property during the past year, please describe in the space to the right. (This may include a room or story addition, stringer replacement, or acquisition of a tender house or swim float.) Also report partially completed structures. Approximate date of remodeling: _____					
ALL OTHER VESSELS Does this vessel ply the high seas? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Registration No.	Date Purchased	Purchase Price \$	Name of Vessel		
Primary Moorage		Length of Vessel	Type of Fishing or Activity		
If Schedule 3 items are reported on separate attachments, check here: <input type="checkbox"/>					Schedule 3 TOTAL: (Include attachments)

SCHEDULE 4—PROFESSIONAL LIBRARIES (Use this format and report on a separate sheet. Enter "None" if no property to report)							
1	2	3		5	6	7	8
		Type of Library*	Title of Book or Set				
		No	Yes				
*For example, books, tapes, videos, compact discs						Schedule 4 TOTAL: (Include attachments)	

SCHEDULE 5A—ALL OTHER TAXABLE PERSONAL PROPERTY (Not reported on Schedules 1, 2, 3, or 4)									
1	2	3	4		5	6		7	8
			Item of Property	Identification (Manufacturer or Serial No.)		Model Year	Purchased Mo. Yr.		
						Subtotal 5A →			

SCHEDULE 5B—SMALL HAND TOOLS (Not reported elsewhere on this return) (Indicate type)				Owner's Opinion of Market Value	Assessor's RMV (leave blank)
<input type="checkbox"/> Barber and Beauty Shop	<input type="checkbox"/> Service Garage	<input type="checkbox"/> Medical	<input type="checkbox"/> Construction/Logging		
<input type="checkbox"/> Radio and TV Shop	<input type="checkbox"/> Landscape	<input type="checkbox"/> Dental	<input type="checkbox"/> Other _____		
Subtotal 5B →					
Improvements on federal lands, mining claims, etc., on which final proof has not yet been made: LOCATION: Township _____ Range _____ Section _____					
If Schedule 5 items are reported on separate attachments, check here: <input type="checkbox"/>				Schedule 5 TOTAL (A+B): (Include attachments)	

GENERAL INFORMATION

What should I know about filing this return?

- 1 First Time Filer**—Send your original return and attachments to the county assessor. Include only personal property in that county. Complete a separate return for each location in each county in which you have personal property.
- 2 2007 Assessment Cancellation**—If your county assessor cancelled your assessment last year, and you have not purchased or added any taxable personal property, check the box, **sign and date the Taxpayer's Declaration**, and submit the return to your county assessor. If you have purchased or added any taxable personal property, report it on this form and return it to your county assessor (ORS 308.250).
- 3 No Property to Report**—If you do not have taxable personal property in the county that sent you a return, attach a full explanation. Explain the disposition of property you reported last year. **Sign and date the Taxpayer's Declaration** and send it to the county assessor before the filing deadline.
- 4 Logging Exemption**—If you had a logging exemption in the previous year, check the box. If you are new to the county and you had an exemption in another county, check the box and indicate which county your exemption was for.
- 5 Extension**—If you received an extension from the Department of Revenue, check the box and include the extension number. You must have a business in multiple counties to receive an extension from the department.
- 6 Multiple Businesses**—If you have multiple businesses within the county, you must complete a return for each business. Check the box and provide the name and location of each business.

What personal property is taxable?

Taxable personal property includes machinery, equipment, and furniture used previously or presently in a business (including any property not currently being used, property placed in storage, property held for sale, expensed items, or items fully depreciated by federal standards).

What personal property is not taxable?

- Intangible personal property: Money held at interest, bonds, notes, shares of stock, business records, surveys and designs, and the materials the data is recorded on (paper, tape, film, etc.) (ORS 307.020).
- Computer software.
- Household goods, furniture, tools, and equipment **exclusively** for personal use in and around your home (ORS 307.190).
- Inventory held for resale (ORS 307.400).
- Livestock (ORS 307.394).

INSTRUCTIONS FOR COMPLETING YOUR PERSONAL PROPERTY RETURN

At your request, the assessor's office will assist you in completing your return.

Schedule 1—Leased or rented personal property

REPORT ALL LEASED OR RENTED ITEMS AS OF JANUARY 1.

If you do not lease equipment to or from others, write "None."

Equipment leased to others. Attach a list showing name and address of lessee, **situs of equipment**, description, date of acquisition, length of lease, and original cost. If a manufacturer, report at real market value, rather than manufactured cost.

Equipment leased from others. Attach a list showing name and address of lessor, **situs of equipment**, description, date of acquisition, and original cost. If original cost is not known, give length of lease and amount of the monthly payment. Advise if capitalized and included with other assets to avoid duplicate assessment.

Item 3. Who is responsible for paying the tax to the county? Check either the lessor or the lessee.

A Reminder . . .

What reporting date should I use for the information requested on this return?

This return must show all taxable personal property which you own, possess, or control as of 1:00 A.M., January 1 (ORS 308.250).

When should I file?

File personal property returns with your county assessor on or before March 3. In special situations, the assessor may grant an extension if you submit your reasons in writing to the assessor. Your request must be received on or before the March 3 filing date (ORS 308.290).

What if I file late?

The penalty is **5 percent** of the tax owed if the return is filed after March 3, but on or before June 2. The penalty increases to **25 percent** of the tax owed if the return is filed after June 2, but on or before August 1. After **August 1**, the penalty is **50 percent** of the tax owed (ORS 308.296).

- Licensed vehicles and equipment other than fixed load and mobile equipment. Examples of taxable fixed load and mobile equipment are shown on the back page (ORS 801.285).
- Farm machinery and equipment used primarily in the preparation of land, planting, raising, cultivating, or harvesting farm crops or feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, bees, dairies, agricultural or horticultural use (ORS 307.394).

What happens if I falsify the information on the return?

Any person who furnishes false information is subject to the criminal penalty provisions of ORS 305.990(4).

What happens after the return is filed with the county?

Your return will help the assessor assess your personal property. In some cases an appraiser may inspect your property. Your return will remain confidential at all times. After October 25 you will receive a tax statement showing the value of your personal property and the tax due.

When do these taxes become my responsibility?

On July 1 personal property taxes become a lien against the assessed property and any taxable personal property owned or in possession of the person in whose name the property is assessed. The taxes are a debt due and owed by the owner of the personal property [ORS 311.405(4)].

Keep a copy of the return and instructions for your records.

Schedule 2—Noninventory supplies

As of January 1, report total cost on hand of any taxable item that will not become part of finished goods or will not be directly sold to customers. For example:

General Office Supplies: Copy paper, envelopes, pens, stationery, etc.

Maintenance Supplies: Cleaning supplies, axle grease, etc.

Operating Supplies: Straws, paper cups, sacks, gasoline, diesel, etc.

Spare Parts: Repair parts, computer parts, automotive parts, etc.

Other Noninventory Supplies: Items not covered by the other categories.

Schedule 3—Floating property

Report floating homes, docks, and boathouses. **Do not include** personal licensed boats only for personal use.

All other vessels

Report houseboats (self-propelled) used in rental businesses and other required floating vessels.

Schedule 4—Libraries

Report all professional libraries in this schedule format. All items should be listed on a separate page. Libraries include, but are not limited to, those held by accountants, architects, attorneys, consultants, doctors, health science professionals, other science professionals, surveyors, and title companies. Electronic, mechanical, and other technical professionals should also use this schedule.

1. Enter type of library media (books, electronic media, compact discs, tapes, videos, etc. If "None," explain).
2. Enter the title of the reported book or set.
- 3/4. If the item reported is a multiple volume set, check the yes or no column to indicate if the set is complete or not.
5. Enter the number of volumes. If a set, enter the number you have, not the number in the original set.
6. Enter cost when purchased.
7. Enter the best estimate of the real market value for each item as of January 1. Reporters of law books report the value shown on the schedule published by the Oregon Department of Revenue in cooperation with the Oregon State Bar Association.
8. Leave blank.

DO NOT REPORT LEASED EQUIPMENT ON SCHEDULES 5A OR 5B.

Schedule 5A—All other taxable personal property

Report all items not reported elsewhere on this return.

1. Enter property item by description, make, brand name, etc., in order by acquisition date.
2. Identify by model, size, capacity, etc.
3. Enter year of manufacture (for heavy logging and construction equipment, enter serial number in column 2 if year of manufacture is unavailable. For other equipment enter best estimate of manufacture date).
4. Enter month and year you purchased item.
5. Enter number of items of same description (model, size, age).
6. Enter your cost (each, total).
7. Enter your best estimate of the real market value as of January 1 by item and total.
8. Leave blank.

Schedule 5B—Small hand tools

Report value of all small hand tools not reported elsewhere on this return. Include estimate of real market value.

ATTACHMENTS. Complete itemized listings are acceptable. Please check the box indicated in each applicable schedule if these attachments are included. **Values reported on this return are not binding on the assessor.**

Examples of Taxable Personal Property to be Reported on this Return (this is not a complete list)

A/V equipment	Fish processing equipment	Popcorn machines	Video cases
Air conditioners	Fitness equipment	Printing equipment	Video/DVD game rental equipment
Aircraft equipment	Foster home furniture and supply	Professional equipment	Video games
Alarm systems	Freezers	Radio and TV broadcast	Video recording equipment
Amusement devices	Frozen food cases	Radio and TV repair equipment	Video tape/DVD rental equipment
Appliances—free standing	Golf carts	Recording studio equipment	Video tapes (movies)
Art work	Golf course equipment	Refrigerated cases	Walk-in coolers
ATM machines—portable	Grocery equipment	Rental equipment	Warehouse equipment
Auto diagnostic electric	Grocery store fixtures	Restaurant equipment	Washers
Auto repair equipment	Handpieces (dental)	Retail store fixtures	Winery equipment
Backbars	Heavy equipment	Road construction equipment	Woodworking equipment
Bakery equipment	Hospital equipment	Safe deposit boxes	Workbenches
Bank vaults (doors)	Hotel furniture/fixtures	Safes	X-ray equipment
Barber shop equipment	Ice cream machines	Satellite dish relays	
Battery chargers	Ice making machines	Saw mills—portable	
Beauty shop equipment	Juke boxes	Scanners	
Bowling equipment	Landscaping equipment	Scientific equipment	FIXED LOAD AND MOBILE EQUIPMENT
Bulk plant equipment	Laser equipment	Service station equipment	Air compressors
Butcher shop equipment	Lathes	Sewing/apparel equipment	Air drills
Cabinet shop equipment	Libraries	Shake mills—portable	Asphalt/rock crushing plants
Cable TV systems	Lift trucks	Sheet metal fabrication	Asphalt spreaders
CAD/CAM equipment	Linens	Shelving	Backhoes
Calculators	Logging equipment	Shingle mills—portable	Bituminous mixer
Cameras	Lottery video terminals	Signs	Bituminous plants
Cameras-digital	Machine shop equipment	Small hand tools—	Bituminous spreaders
Cameras-DVD	Manufacturing—general	Barber and beauty	Bucket loaders
Cameras-video	Meat processing equipment	Carpentry	Cement mixers
Car wash equipment	Medical-high tech equipment	Construction	Concrete batch plants
Cash register	Medical-lab equipment	Landscape	Cranes
Cellular phones	Medical-office equipment	Logging	Crawlers
Chain saws	Medical-surgical equipment	Mechanics	Ditchers
Chairs	Medical equipment-major	Medical	Earthmoving equipment
Child care furniture	Mining equipment	Radio and TV shop	Electric generators
Coin counters	Mobile radio/phones	Soft drink equipment	Excavators
Coin-op laundry equipment	Mobile yard equipment	Sound equipment	Fork lifts
Computers	Modular offices	Steam cleaners	Front end loaders
Concession equipment	Molds	Survey equipment	High lifts
Construction tools	Motel furniture/fixtures	Tanning equipment	Levelling graders
Copiers	Movie production equipment	Tavern equipment	Lighting plants
Costume/tuxedo rentals	Musical instrument rentals	Telephone systems	Mixmobiles
Decor	Newspaper equipment	Testing equipment	Motor graders
Dental equipment	Nursing home equipment	Theatre/projection	Paving equipment
Desks	Office fixtures	Tire recapping equipment	Portable storage bins
Dictation equipment	Office furniture	Tool boxes	Portable storage tanks
Dies	Office machines	Tractors	Power plants
Display racks	Optical equipment	TV sets	Rotary screens
Dry cleaning equipment	Pagers	Typewriters	Sand classifiers
Dryers	Pallet jacks	Unlicensed vehicles	Scrap metal balers
DVD players	Pallets/bins/crates	Utility trailers—unlicensed	Scrapers
DVDs (movies)	Pay phones (leased)	VCRs	Skidders
Electronic mfg. equipment	Photographic equipment	Vending carts	Tractors
Fiberglass/boat molds	Pinball machines	Vending machines	Welding equipment
Filing cabinets	Pool tables	Ventilating fans	Yarders



MULTIPLE COUNTY PROPERTY RETURN EXTENSION REQUEST

For Department of Revenue Use Only	
Extension Number	Date Received

An extension may be granted to taxpayers who have reporting requirements in more than one county. **Note:** If real or personal property is being reported by a leasing company, the lessor must have sole responsibility for payment of taxes charged to all property items.

To request an extension, complete this form and mail or fax it to the address or number shown below by March 1.

An extension for administrative need will be in effect for subsequent years unless revoked by the department. Returns are subject to audit. You must agree to use the trending and depreciation schedules supplied in reporting your property.

An extension for good cause will be in effect for the current year only. Returns are subject to audit. You must agree to

use the trending and depreciation schedules supplied in reporting your property.

If your request is granted, your return must be postmarked by April 15. You must file your return as follows:

- **Personal property** returns filed with the assessor's office shall include a complete asset list and have value factors applied by the taxpayer according to property classification to compute the value.
- **Real property or industrial property** returns filed with the assessor's office shall have trending and depreciation factors applied to the asset listing or summary for reporting purposes, where requested. Retirements shall be itemized.

Company Name

Account Number(s)

Counties

Contact person (must be an owner or authorized representative)

Telephone Number

()

Mailing Address

City

State

ZIP Code

Situs Address

City

State

ZIP Code

List your reason for requiring an extension of time for filing your property forms

 SIGN HERE	Signature <div style="text-align: center; font-size: 2em; font-weight: bold;">X</div>	Date
Title (must be an owner or authorized representative)		

150-301-014 (9-05)

Fax to: **503-945-8737**
Attn: Personal Property

—or—

Mail to: **Personal Property—Property Tax Division**
Oregon Department of Revenue
PO Box 14380
Salem OR 97309-5075

Board of Property Tax Appeals AUTHORIZATION TO REPRESENT

File this form with the petition. A petition filed without a properly signed authorization will be returned for correction.

The owner, an owner, or any person who holds an interest in the property that obligates the person to pay taxes imposed on the property, may authorize another person to sign a petition and appear at the hearing to act on their behalf. The persons who may represent a petitioner are listed on the back of this form.

If you are not the owner of the property, but are obligated to pay the taxes imposed on the property, **you must also provide written proof** (a lease, contract, etc.) of your obligation to pay the taxes. Such proof entitles you to appeal the value of the property and authorize the person designated below to sign your petition and represent you at the hearing.

Check the box that applies: Owner
 Person or business, other than owner, obligated to pay taxes (attach proof of obligation)

Name—individual, corporation, LLC, or other business		Telephone number		
		Daytime ()	Evening ()	

Mailing address (street or PO Box)	City	State	ZIP code	E-mail address (optional)
------------------------------------	------	-------	----------	---------------------------

FOR BUSINESS USE ONLY	Name of person acting for corporation, LLC, or other business		Title (i.e., president, vice president, tax manager, etc.)		

I hereby authorize and provide power of attorney to the following person to represent me in any matter relating to property value or late filing penalties before the county board of property tax appeals.

Name of representative (please print or type)		Telephone number		
		Daytime ()	Evening ()	

Mailing address (street or PO box)	City	State	ZIP code	E-mail address (optional)
------------------------------------	------	-------	----------	---------------------------

Qualifying relationship to petitioner—check the box that applies:

<input type="checkbox"/> Relative	<input type="checkbox"/> Oregon certified appraiser	<input type="checkbox"/> Oregon licensed public accountant (PA)
<input type="checkbox"/> Lessee	<input type="checkbox"/> Oregon licensed appraiser	<input type="checkbox"/> CPA authorized to practice in Oregon under Substantial Equivalency Rule
<input type="checkbox"/> Oregon licensed real estate broker	<input type="checkbox"/> Oregon registered appraiser	<input type="checkbox"/> Oregon licensed certified public accountant (CPA)

License or permit number (if applicable):

I authorize the above named person to represent me before the board of property tax appeals:

- For all appeals filed in _____ County, Oregon.
- Only in the appeal of the property listed here (if necessary, attach a page with additional account numbers):

Assessor's account number	Map and tax lot number
---------------------------	------------------------

- For all property I own or which I am legally entitled to appeal in the state of Oregon.

Signature of Petitioner

I certify under penalty of false swearing that I am the owner, an owner, or a person who holds an interest in the property that obligates me to pay the taxes for the property which is the subject of this appeal, and as such, am authorized to grant to the above named person this authorization to represent.

Signature and name of petitioner		Date
<input checked="" type="checkbox"/> Sign name	Print or type name	

Board of Property Tax Appeals

AUTHORIZATION TO REPRESENT

General information

You may appeal most real and personal property values to the board of property tax appeals in the county where your property is located. See the appeal petition forms for a more detailed discussion of the values that can be appealed. This authorization to represent should be filed at the same time your petition is filed. Contact your county clerk for the filing deadline.

If you are appealing **principal or secondary industrial** property that is appraised by the Department of Revenue, you may file your appeal with either the Magistrate Division of the Tax Court or with the county board of property tax appeals. Talk to your county assessor if you are not sure if your property meets this definition. The deadline for filing your appeal with the Tax Court is the same as the deadline for filing with the board of property tax appeals.

You may also file appeals of late filing penalties for real and personal property returns with the board of property tax appeals.

Who may appeal?

Petitions may be filed by:

- The owner of the property.
- An owner of the property (if property is owned by more than one person).
- Any person who holds an interest in the property that obligates the person to pay the property taxes. An interest that obligates the person to pay taxes includes a contract, lease or other intervening written agreement. Lessees obligated to pay the taxes are not required to provide authorization from the owner, but must provide proof of the obligation to pay the taxes with the petition.

If property is owned by a business, the petition (or authorization to represent, if applicable) must be signed by a person who can legally bind the company. For most corporations, this is usually a corporate officer. **Employees regularly employed in tax matters for a corporation or other business may also sign the petition or authorization to represent for the business.**

Authorization to represent

Oregon law allows certain people to sign the appeal petition for those persons legally entitled to appeal. The

petitioner must, in most cases, provide signed authorization before others can sign the petition and represent the petitioner before the board.

Those who need a signed authorization from the petitioner in order to sign the petition include:

- A relative of the owner(s). Relative is defined as: spouse, (step)son, (step)daughter, (step)brother, (step)sister, (step) father, (step)mother, grandchild, grandparent, nephew, niece, son- or daughter-in-law, brother- or sister-in-law, father- or mother-in-law.
- A real estate broker licensed under ORS 696.022.
- A real estate appraiser certified or licensed under ORS 674.310 or registered under ORS 308.010. Only appraisers licensed, certified, or registered by the state of Oregon may sign the petition.
- A person duly qualified to practice public accountancy in the state of Oregon. This includes Oregon licensed CPAs or PAs, or CPAs from another state who have proof of substantial equivalency authorization from Oregon.
- The lessee of the property, if the lessee **is not** obligated to pay the taxes imposed on the property.

Those who do not need a signed authorization from the petitioner in order to sign the petition include:

- An attorney-at-law for the petitioner. The attorney must include their Oregon state bar number on the petition.
- Legal guardian or conservator of the owner(s) with proper court appointment.
- Trustee in bankruptcy proceedings, with proper court appointment.

Note: Oregon law does not require that your authorization be submitted on this form. You may submit your authorization in a letter or on any other form that contains the required information and signatures.

General power of attorney

An attorney-in-fact under a general power of attorney executed by a principal who is an **owner** of the property may sign a petition to BOPTA without separate authorization from the owner. The attorney-in-fact must provide a copy of the general power of attorney with the petition.

Board of Property Tax Appeals

2007–2008 PERSONAL PROPERTY PETITION and Instructions for Filing

General Information

Use this form to request a reduction of the value of your taxable personal property. Personal property is taxable in Oregon if it is currently being used or being held for use in a business, or is floating property.

For the current tax year, your petition must be postmarked or delivered by December 31, 2007. See the back of this form for filing instructions.

The following information is provided to help you understand how your property is assessed.

- ▶ **Real Market Value (RMV)** is the value the assessor has estimated your property would sell for on the open market as of the assessment date. The assessment date for most property for the 2007–2008 tax year is January 1, 2007.
- ▶ **Maximum Assessed Value (MAV)** is the greater of 103 percent of the prior year's assessed value or 100 percent of the prior year's MAV. **MAV may be increased above three percent** of the prior year's assessed value if certain changes, defined as exceptions, are made to your property. Maximum assessed value does not appear on your tax statement.
- ▶ **Exception** means a change to property that adds value. Personal property exceptions include the addition of leased property, increased non-inventory supplies, and the acquisition of any other taxable personal property. The exception amount is derived by subtracting the prior year real market value from the current year real market value.
- ▶ **Assessed Value (AV)** is the value used to calculate your tax. It is the **lesser** of real market value or maximum assessed value.

Contact your county assessor for more information about how your property value was determined.

Appeal Rights

Generally—Except for centrally assessed property, you may appeal the 2007–2008 real market, maximum assessed, or assessed value of your taxable personal property to the board of property tax appeals. Centrally assessed property must be appealed to the Oregon Department of Revenue by the second Monday in June prior to the July 1 beginning of the tax year.

Industrial Property—If you are appealing personal property that is part of a **principal or secondary industrial** property appraised by the Department of Revenue, you may file your appeal with either the Magistrate Division

of the Tax Court or with the county board of property tax appeals. The deadline for filing your complaint with the Tax Court is the same as the deadline for filing with the board of property tax appeals. You may contact the Tax Court at 503-986-5650.

Penalties—Penalties assessed for the late filing of a personal property return may only be appealed to the board of property tax appeals. Penalties should be appealed on a "Petition for Waiver of Late Filing Penalty" form.

Instructions for Filing a Petition

Read all instructions carefully before completing this form. If your petition is not complete, it will be returned to you. If your petition is not corrected by the date indicated on the "Defective Petition Notice" mailed to you, it will be dismissed.

Petitioner (Lines 1–10)

The owner, an owner, or any person or business that holds an interest in the property that obligates the person or business to pay the property taxes is legally authorized to appeal to the board of property tax appeals. If the person or business is not the owner or does not receive the tax statement, **proof of an obligation to pay the taxes must be submitted with the petition.** Contracts and lease agreements are examples of documents that may allow a party other than the owner to appeal.

If property is owned by a business, the petition (or authorization to represent, if applicable) must be signed by a person who can legally bind the company. For most corporations, this is usually a corporate officer. **Employees regularly employed in tax matters for a corporation or other business may also sign the petition.**

If you need help in determining who can sign the petition for your business or other organization, contact the county clerk's office in your county.

Authorized Representative (Lines 11–22)

The law allows only certain people to sign the petition and appear at the hearing to represent the petitioner.

Those people who need a signed authorization from the petitioner in order to sign the petition include:

- A relative of the owner(s). Relative is defined as: spouse, (step)son, (step)daughter, (step)brother, (step)sister, (step)father, (step)mother, grandchild, grandparent, nephew, niece, son- or daughter-in-law, brother- or sister-in-law, father- or mother-in-law.
- A real estate broker licensed under ORS 696.022.

- A real estate appraiser certified or licensed under ORS 674.310, or registered under ORS 308.010.
- A person duly qualified to practice accountancy in the state of Oregon. This includes Oregon licensed CPAs or PAs, or CPAs from another state who have proof of substantial equivalency authorization from Oregon.
- A lessee, if the lessee is **not** obligated to pay the taxes. Lessees obligated to pay the taxes are not required to provide authorization from the owner, but must provide proof of the obligation.

An attorney-in-fact under a general power of attorney executed by the owner of the property can also sign the petition and appear at the hearing to represent the petitioner. The attorney-in-fact must provide a copy of the general power of attorney with the petition.

Those people who do not need a signed authorization from the petitioner in order to sign the petition include:

- An attorney-at-law. The attorney's Oregon state bar number must be included on the petition.
- Legal guardian or conservator of the owner(s) with court appointment.
- Trustee in bankruptcy proceedings with court appointment.

Attendance at Hearing (Line 23)

Checking the box in this section indicates you do **not** wish to appear to present evidence in person before the board. If you do not attend the hearing, the board will make a decision about the value of your property based on the written evidence you submit.

If you do not check the box in this section, the board will schedule a hearing and notify you of the time and place to appear. **Hearings will be scheduled between the first Monday in February and April 15.** Some counties have established time limits for you and the assessor to present evidence. The board clerk can advise you of your county's procedure.

Property Information (Lines 24–27)

You must include the assessor's account number or a copy of your tax statement with your petition.

Real Market Value (Lines 28–32)

You may appeal the total real market value of your property or the value of a specific item, category, or schedule. The assessor can provide you with an itemized listing of the real market value of the items, categories, or schedules assessed to your account. You should review these values carefully before filing your petition.

Enter a description of the property, the value you are appealing, and the value you are requesting in this section. The requested value should represent what you think your property was worth on the open market as of **January 1, 2007.**

Assessed Value (Line 33)

Enter the AV from your tax statement or the assessor's records. A requested AV is not required if you are appealing the RMV of your property. A new AV may result from your appeal based upon the RMV or MAV determined by the board.

Note: Even if the board reduces the real market value of your property, your tax bill may not change unless the real market value is reduced below the assessed value.

Evidence of Property Value (Lines 34–37)

Explain the basis of your appeal and provide evidence that the value the assessor has placed on your property is incorrect. The Department of Revenue information circular, *How to Appeal Your Property Value*, contains information about the type of evidence needed for a successful appeal.

All evidence submitted to the board, including pictures and appraisals, will be kept by the board. It will not be returned to you.

Declaration and Signature (Lines 38–39)

Sign and date the petition form. The petition will be considered defective if not signed.

Board of Property Tax Appeals

2007–2008 PERSONAL PROPERTY PETITION

for _____ County

For Official Use Only
Petition Number and Date Received

- Read all instructions carefully before completing this form.
- Please print or type the requested information on both sides of this petition.
- Complete one petition form for each account you are appealing.
- Return your completed petition(s) to the address shown on the back.
- Please attach a copy of your tax statement.
- If you wish to appeal the value of a manufactured structure, use the Real Property Petition (150-310-063) instead of this petition.

Petitioner (Person in whose name petition is filed)

1 Check the box that applies: Owner
 Person or business, other than owner, obligated to pay taxes (attach proof of obligation)

2 Name—individual, corporation, or other business 3 Telephone number
Daytime () Evening ()

4 Mailing address (street or PO Box) 5 City 6 State 7 ZIP code 8 E-mail address (optional)

FOR BUSINESS USE ONLY	}	9 Name of person acting for corporation, LLC, or other business	10 Title (i.e., president, vice president, tax manager, etc.)
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If a representative is named on line 11, all correspondence regarding this petition will be mailed or delivered to the representative.

Representative } To be completed when petition is signed by an authorized representative of petitioner. Only certain people qualify to act as an authorized representative. See the instructions for a list of who qualifies.

11 Name of representative 12 Telephone number
Daytime () Evening ()

13 Mailing address (street or PO Box) 14 City 15 State 16 ZIP code 17 E-mail address (optional)

18 Relationship to petitioner named on line 2

19 Oregon state bar number 20 Oregon appraiser license number 21 Oregon broker license number 22 Oregon CPA or PA permit or S.E.A. number

Any refund resulting from this appeal will be made payable to the petitioner named on line 2 unless separate written authorization is made to the county tax collector.

Attendance at Hearing

23 Check this box if you do not wish to be present or be represented at the hearing. If you choose to not be present at the hearing, the board will make a decision based on the written evidence you submit.

Property Information

24 Assessor's account number (from your tax statement) 25 Code area number (from your tax statement)

26 Street address and city where property is located

27 Property type Retail Industrial Floating Property Office
 Motel/Apartment Small Manufacturing Food Service Other

Attach additional pages if necessary.

Description of item, category, or schedule	Real Market Value (RMV) from assessor's records	Real Market Value (RMV) you are requesting
28	\$	\$
29	\$	\$
30	\$	\$
31	\$	\$
32 Total RMV →	\$	\$
	Assessed Value (AV) from tax statement or assessor's records	Assessed Value (AV) you are requesting (see instructions)
33 Total Assessed Value (AV) →	\$	\$

Evidence of Property Value Attach documentation such as recent purchase agreements, bills of sale, appraisals (attach complete report), or other information.

34 **Why do you think the value of your property is incorrect?** (Answer the question in the space provided or by attaching additional pages. Provide enough information to support the value(s) you are requesting. Be specific.)

35 **Did you purchase the property within the past three years?** Yes No If yes, complete the following:
 Date purchased: _____ Purchase Price: _____

Did you purchase the property at an auction? Yes No If yes, where? _____

36 **Have you sold or attempted to sell the property within the past three years?** Yes No If yes, complete the following:
 Sales / Asking price: _____ Date sold or dates offered for sale: _____

37 **Has your property been appraised within the past three years?** Yes No If yes, complete the following:
 Appraised value: _____ Date of appraisal: _____
 Purpose of appraisal: _____ Name of appraiser: _____

Declaration: I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document, and to the best of my knowledge, it is true, correct, and complete.

38 Signature and name of petitioner or petitioner's representative (attach authorization if necessary)	39 Date
X Sign name	
Print or type name	

<p align="center">When and Where to File your Petition</p> <p>Appeal petitions must be filed with the board of property tax appeals by December 31, 2007. File your petition with the county clerk in the county where the property is located. Do not file your petition with the county assessor. Mail or deliver your petition to the address shown in the box. →</p>	<p align="center">Please return this petition to:</p>
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Board of Property Tax Appeals

2007–2008 PETITION FOR WAIVER OF LATE FILING PENALTY

for _____ County

For Official Use Only
Petition Number and Date Received

- **Read all instructions carefully before completing this form.**
- **Please print or type** the requested information on this petition.
- Complete **one petition** form for **each account** you are appealing.
- Return your completed petition(s) to the address shown on the back.
- **Please attach a copy of your tax statement.**

Petitioner (person in whose name petition is filed)

1 Check the box that applies: <input type="checkbox"/> Owner							
<input type="checkbox"/> Person or business, other than owner, obligated to pay taxes (attach proof of obligation)							
2 Name—individual, corporation, LLC, or other business				3 Telephone number			
				Daytime ()		Evening ()	
4 Mailing address (street or PO Box)			5 City		6 State	7 ZIP code	8 E-mail address (optional)
FOR BUSINESS USE ONLY	}	9 Name of person acting for corporation, LLC, or other business				10 Title (i.e., president, vice president, tax manager, etc.)	

If a representative is named on line 11, all correspondence regarding this petition will be mailed or delivered to the representative.

Representative } To be completed when petition is signed by an authorized representative of petitioner. Only certain people qualify to act as an authorized representative. See the instructions for a list of who qualifies.

11 Name of representative				12 Telephone number			
				Daytime ()		Evening ()	
13 Mailing address (street or PO Box)			14 City		15 State	16 ZIP code	17 E-mail address (optional)
18 Relationship to petitioner named on line 2							
19 Oregon state bar number		20 Oregon appraiser license number		21 Oregon broker license number		22 Oregon CPA or PA permit or S.E.A. number	

Any refund resulting from this appeal will be made payable to the petitioner named on line 2 unless separate written authorization is made to the county tax collector.

23 <input type="checkbox"/> Check this box if you do not wish to be present or be represented at the hearing.		24 Assessor's account number		25 Code area number	
26 Penalty Assessed: \$			27 Penalty Requested: \$		

28 Why were you unable to file your real or personal property return by the filing deadline? (Answer the question in the space provided or by attaching additional pages. See the back of this form for additional information.)

Declaration: I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document, and to the best of my knowledge, it is true, correct, and complete.

29 Signature and name of petitioner or petitioner's representative (attach authorization if necessary)		30 Date	
X Sign name	Print or type name		

You can also access this form electronically at www.oregon.gov/DOR/PTD.

INSTRUCTIONS FOR FILING A PETITION

Read all instructions carefully before completing this form. If your petition is not complete, it will be returned to you. **If your petition is not corrected by the date indicated on the "Defective Petition Notice" mailed to you, it will be dismissed.**

General Information

If you fail to file a real or personal property return by the due date, a late filing penalty is assessed. You may appeal the late filing penalty to the board of property tax appeals. The board has the authority to waive all or a portion of the penalty under certain circumstances.

Petitioner (Lines 1–10)

The owner, an owner, or any person or business that holds an interest in the property that obligates the person or business to pay the property taxes is legally authorized to appeal to the board of property tax appeals. If the person or business is not the owner or does not receive the tax statement, **proof of an obligation to pay the taxes must be submitted with the petition.** Contracts and lease agreements are examples of documents that may allow a party other than the owner to appeal.

If property is owned by a business, the petition (or authorization to represent, if applicable) must be signed by a person who can legally bind the company. For most corporations, this is usually a corporate officer. **Employees regularly employed in tax matters for the corporation or other business may also sign the petition.**

Authorized Representative (Lines 11–22)

The law allows only certain people to sign the petition and appear at the hearing to represent the petitioner.

Those people who need a signed authorization from the petitioner in order to sign the petition include:

- A relative as defined in OAR 150-309.100(3)-(C).
- A real estate broker licensed under ORS 696.022.
- A real estate appraiser certified or licensed under ORS 674.310, or registered under ORS 308.010.
- A person duly authorized to practice public accountancy in the state of Oregon. This includes Oregon licensed CPAs or PAs, or CPAs from another state who have proof of substantial equivalency authorization from Oregon.
- A lessee, if the lessee is not obligated to pay the taxes. Lessees obligated to pay the taxes are not required to provide authorization from the owner, but must provide proof of the obligation.

An attorney-in-fact under a general power of attorney executed by the owner of the property can also sign the petition

and appear at the hearing to represent the petitioner. The attorney-in-fact must provide a copy of the general power of attorney with the petition.

Those people who do not need a signed authorization from the petitioner in order to sign the petition include:

- An attorney-at-law. The attorney's Oregon state bar number must be included on the petition.
- Legal guardian or conservator of the owner(s) with court appointment.
- Trustee in bankruptcy proceedings with court appointment.

Attendance at Hearing (Line 23)

Checking the box in this section indicates you do **not** wish to appear to present evidence in person before the board. If you do not attend the hearing, the board will make a decision about waiving or reducing your penalty based on your written evidence.

If you do not check the box in this section, the board will schedule a hearing and notify you of the time and place to appear. **Hearings will be scheduled between the first Monday in February and April 15.**

Property and Penalty Information (Lines 26–27)

You must include the assessor's account number and the amount of the penalty you are appealing or attach a copy of your tax statement.

Basis of Appeal (Line 28)

The board may waive all or a portion of a penalty imposed for the late filing of a return if :

- You can prove there was good and sufficient cause for the late filing, or
- The year for which the return was filed was **both** the first year that a return was required to be filed and the first year you filed a return.

Good and sufficient cause is defined as an extraordinary circumstance that includes, but is not limited to:

- Illness, absence, or disability which substantially impairs a taxpayer's ability to make a timely application.
- Reasonable reliance on misinformation provided by county assessment and taxation staff or Department of Revenue personnel.

Declaration and Signature (Lines 29–30)

Sign and date the petition form. The petition will be considered defective if not signed.

When and Where to File your Petition

Appeal petitions must be filed with the board of property tax appeals by **December 31, 2007**. File your petition with the **county clerk** in the county where the property is located. Do not file your petition with the county assessor. Mail or deliver your petition to the address shown in the box. →

Please return this petition to:

APPLICATION FOR REAL AND PERSONAL PROPERTY TAX EXEMPTION

For Lease or Lease-Purchase Property Owned by a Taxable Owner and
Leased to an Exempt Public Body, Institution, or Organization
[Oregon Revised Statute (ORS) 307.112]

- The lessee* of the property must file this form with the county assessor on or before April 1.
- See ORS 307.112 and OAR 150-307.112 on the back of this form.
- This form is available online on the Department of Revenue's website at:
www.oregon.gov/DOR/PTD/docs/310.087.pdf

Name of Organization			FOR ASSESSOR'S USE ONLY	
			Date Received	Account No.
Mailing Address		Telephone Number ()	<input type="checkbox"/> Approved <input type="checkbox"/> Denied Late Filing Fee \$	
		City	State	ZIP Code
			Exemption begins in tax year 20 ____ - ____	

A property tax exemption is requested under the following Oregon Revised Statute (mark **one** box):

- | | |
|--|--|
| <input type="checkbox"/> 307.090 Public body (other than state of Oregon and the U.S. government) | <input type="checkbox"/> 307.140 Religious organizations** |
| <input type="checkbox"/> 307.130 Literary, benevolent, charitable, scientific institutions, volunteer fire departments** | <input type="checkbox"/> 307.145 Child care facilities, schools, student housing** |
| <input type="checkbox"/> 307.136 Fraternal organizations** | <input type="checkbox"/> 307.147 Senior services centers** |
| | <input type="checkbox"/> 307.580 Industry apprenticeship or training trust** |

****Please attach CURRENT copies of your organization's Articles of Incorporation, 501(c)(3) letter, and By-Laws.**

PROPERTY DESCRIPTION	
Account Number (as shown on owner's property tax statement)	Name of Property Owner
Physical Address (street address, city)	
List all real and personal property for which an exemption is claimed. Attach copy of lease and a list of personal property. Include description, cost, and purchase date.	

LEASE	
*ORS 307.112 does not allow an exemption for property subleased to an exempt entity. Exemption is allowed only for leases between a taxable owner and a qualified exempt entity.	
Commencement date of lease: _____	Expiration date of lease: _____
Is property under: <input type="checkbox"/> Lease <input type="checkbox"/> Lease-purchase	Please attach a CURRENT signed copy of your lease.

PROPERTY USE	
The purpose of this organization is: _____	
The property is used for the following purpose: _____ Example: church services, offices, classrooms, student housing, etc.	
Does the property include a parking area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
What is the fee for using the parking area? _____	
Is any portion of the property you lease used by others? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, explain and identify the area that is used by others. Include the square footage of the area used by others. _____	

LATE FEE	
If this form is filed after April 1, the late filing fee must accompany the form. The late filing fee is one-tenth of one percent of the real market value, or \$200.00, whichever is greater . A late fee is attached: <input type="checkbox"/> Yes <input type="checkbox"/> No	

DECLARATION	
I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document (and attachments) and to the best of my knowledge they are true, correct, and complete.	

MUST BE SIGNED BY THE PRESIDENT, PROPER OFFICER, HEAD OFFICIAL, OR AUTHORIZED DELEGATE OF THE ORGANIZATION

Name (please print or type)	Title	Signature	Date
		X	

OREGON REVISED STATUTE AND ADMINISTRATIVE RULE

ORS 307.112 Property held under lease or lease-purchase by institution, organization or public body other than state.

(1) Real or personal property of a taxable owner held under lease or lease-purchase agreement by an institution, organization or public body, other than the State of Oregon, granted exemption or the right to claim exemption for any of its property under ORS 307.090, 307.130, 307.136, 307.140, 307.145 or 307.147, is exempt from taxation if:

(a) The property is used by the lessee in the manner, if any, required by law for the exemption of property owned or being purchased by it; and

(b) It is expressly agreed within the lease or lease-purchase agreement that the rent payable by the institution, organization or public body has been established to reflect the savings below market rent resulting from the exemption from taxation.

(2) The lessee shall file a claim for exemption with the county assessor, verified by the oath or affirmation of the president or other proper officer of the institution or organization, or head official of the public body or legally authorized delegate, showing:

(a) A complete description of the property for which exemption is claimed.

(b) If applicable, all facts relating to the use of the property by the lessee.

(c) A true copy of the lease or lease-purchase agreement covering the property for which exemption is claimed.

(d) Any other information required by the claim form.

(3) If the assessor is not satisfied that the rent stated in the lease or lease-purchase agreement has been established to reflect the savings below market rent resulting from the tax exemption, before the exemption may be granted the lessor shall provide documentary proof, as specified by rule of the Department of Revenue, that the rent has been established to reflect the savings below market rent resulting from the tax exemption.

(4)(a) The claim shall be filed on or before April 1, except as follows:

(A) If the lease or lease-purchase agreement is entered into after March 1 but not later than June 30, the claim shall be filed within 30 days after the date the lease or lease-purchase agreement is entered into if exemption is claimed for that year; or

(B) Notwithstanding that no hardship grounds exist, if a late filing fee is determined, paid and distributed in the manner provided in ORS 307.162 (2), the claim shall be filed on or before December 31 of the tax year for which exemption is first claimed.

(b) The exemption first shall apply for the tax year beginning July 1 of the year for which the claim is filed. The exemption shall continue so long as the use of the property remains unchanged and during the period of the lease or lease-purchase agreement. If the use changes, a new application shall be filed as provided

in this section. If the lease or lease-purchase agreement expires before July 1 of any year, the exemption shall terminate as of January 1 of the same calendar year.

OAR 150-307.112 Property Held Under Lease

(1) A new claim shall be filed with the county assessor, as required under ORS 307.112(4), when a new lease, new lease-purchase agreement, extension of current lease, extension of current lease-purchase agreement or any modification to the existing lease or lease-purchase agreement is made.

(2) The new claim shall meet all the requirements of ORS 307.112.

(3) Late filing as provided in ORS 307.162(2) is permitted.

(4) The State of Oregon and the United States government are not permitted to file a claim for exemption under ORS 307.112.

(5) The assessor must be satisfied that the amount of rent charged is below market rent. "Market rent" is defined as the rental income a property would most probably command in the open market and includes an element for property taxes.

(6) To reflect the savings below market rent, the actual rent must be less than market rent in an amount that is at least equal to what the property tax would be if the property were taxable.

(7) Sufficient documentary proof must be submitted at the time of application.

(8) Acceptable documentary proof to show the property tax savings is passed on to the lessee may include but is not limited to the following comparisons:

(a) Current rental rate for any portion of that property occupied by nonexempt tenants;

(b) Historic rental rate data of that property;

(c) Rental rate used in a real market value appraisal for that property;

(d) Rent study of comparable or similar properties.

(9) The savings must be clearly evident. Insufficient proof or failure to show the rent is below market rent as described above is grounds for denial of the exemption.

(10) A statement that the "lessee is responsible for the taxes" is not sufficient proof of a tax savings.

(11) When used in reference to real property or tangible personal property, a lease is a contract of at least one year by which the owner of a property grants the rights of possession, use, and enjoyment of the property to another for a specified period of time in exchange for payment.

(12) Month-to-month tenancy or a general rental agreement is not considered the same as a lease for purposes of an exemption under this statute and will not qualify in an exemption claim.

OREGON ENTERPRISE ZONE AUTHORIZATION APPLICATION

• Complete form and submit to the local enterprise zone manager **before** breaking ground or beginning work at the site. • Please type or print neatly.

APPLICANT

Enterprise Zone or Rural Renewal Energy Development Zone (where business firm and property will be located)		County	
Name of Business Firm		Telephone Number ()	
Mailing Address	City	State	ZIP Code
Location of Property (street address if different from above)	City	State	ZIP Code
Map and Tax Lot Number of Site	Contact Person	Title	

My firm expects to apply for this property tax exemption in the following year(s): _____

- Check here if your firm has or has had another exemption in this enterprise zone. Note the first year of such exemption: _____
- Check here that your firm commits to renew this authorization application. Renew this application on or before April 1 every two calendar years, until the tax exemption on qualified property is claimed.
- Check here if you are requesting an **extended abatement** of one or two additional years of exemption. This is subject to minimum average annual "compensation" for employees and written agreement with local zone sponsor. Sponsor may request additional requirements.

Zone Manager Use Only (after written agreement but before authorizing firm):

County Average Annual Wage: \$ _____ Total Exemption Period: _____ (consecutive) years

BUSINESS ELIGIBILITY

Eligible Activity—Check all activities that apply to proposed investment within the enterprise zone:

- Manufacturing Fabrication Bulk Printing Shipping Agricultural Production Energy Generation
 Assembly Processing Software Publishing Storage Back-office Systems
 Other—describe the activities that provide goods, products, or services to other businesses (or to other operations of your firm): _____

- Check here if your business firm does or will engage in **ineligible activities** within the enterprise zone (such as retail sales, health care, professional services, or construction). Describe below (or in an attachment) these activities and their physical separation from "eligible activities" checked above: _____

Special Cases—Check all that apply:

- Check here if a **hotel, motel, or destination resort** in an applicable enterprise zone.
- Check here if a **retail/financial call center**. Indicate expected percent of customers in local calling area: _____%.
- Check here if a **"headquarters" facility**. (Zone sponsor must find that operations are statewide or regional in scope and locally significant.)
- Check here if an **electronic commerce investment** in an e-commerce enterprise zone. (This also provides for an income tax credit.)

EMPLOYMENT IN THE ENTERPRISE ZONE (see worksheets on last page)

Do not count temporary, seasonal, construction, FTE, part-time jobs (32 hours or less per week), or employees working at ineligible operations.

Existing Employment—My business firm's average employment in the zone over the past 12 months is _____ jobs.

New Employees— • Hiring is expected to begin on (date or month and year): _____

• Hiring is expected to be completed by (month and year): _____

• Estimated total number of new employees to be hired with this investment is: _____

Commitments—By checking all boxes below, you agree to the following commitments as required by law for authorization:

- By April 1 of the first year of exemption on the proposed investment in qualified property, I will increase existing employment within the zone by one new employee or by 10 percent, whichever is greater.
- When the exemption claim is also filed by April 1 following each calendar year of exemption, total employment in the zone will not have shrunk by 85 percent at one time or by 50 percent twice in a row, compared to any previous year's figure.
- My firm will maintain at least the above minimum level as an annual average employment during the exemption period.
- My firm will comply with local additional requirements as contained in: (1) a written agreement for an extended agreement, (2) zone sponsor resolution(s) waiving required employment increase, or (3) an **urban** enterprise zone's adopted policy, if applicable.
- My firm will verify compliance with these commitments, as requested by the local zone sponsor, the county assessor or their representative, or as directed by state forms or administrative rules.
- My firm will enter into a **first-source hiring agreement** before hiring new eligible employees. (This **mandatory** agreement entails an obligation to consider referrals from local job training providers for eligible job openings within the zone during at least the exemption period.)

OREGON EMPLOYMENT OUTSIDE THE ENTERPRISE ZONE

Check only those that apply:

- Check here if your firm or a commonly controlled firm is, or will be, closing or curtailing operations in the state **beyond 30 miles of the zone's boundary**. Indicate timing, location, number of any job losses, and relationship to the proposed enterprise zone investment:

- Check here if you are transferring any operations into the zone from site(s) **within 30 miles of the zone boundary** (existing businesses only): My firm's average employment at the site(s) over the past 12 months is _____ jobs.
- Check here if your firm commits to increase the combined employment at the site(s) (within 30 miles) and in the zone to 110 percent of the existing combined level by April 1 and on average during the first year of exemption.

PROPOSED INVESTMENT IN QUALIFIED PROPERTY

Anticipated Timing—Enter dates or months/years

Action	Site and Building & Structures			Machinery and Equipment		
	Preparation	Construction*	Placed in Service	Procurement**	Installation	Placed in Service
To commence or begin on						
To be completed on						

* And/or new reconstruction, additions to, or modifications of existing building(s) or structure(s).
 ** May precede application by up to three months.

Special Issues:

- Check here for building/structure acquired/leased for which construction, reconstruction, additions, or modifications began prior to this application (attach executed lease or closing documents).
- Check here for **Work-in-Progress** tax exemption for qualified property that is not yet placed in service and is located on site as of January 1. (Attach description and list of such probable property. See "Special Issues Worksheet," on the last page.)

Qualifying Property: Estimates of cost (please attach a preliminary list of machinery and equipment).

Type of Property		Number of Each/Item	Expected Estimated Value	Check if any Item will be Leased
Real Property	Building or structure to be newly constructed		\$	<input type="checkbox"/>
	New addition to or modification of an existing building/structure		\$	<input type="checkbox"/>
	Heavy or affixed machinery and equipment		\$	<input type="checkbox"/>
Personal Property Item(s) Costing:	\$50,000 or more		\$	<input type="checkbox"/>
	\$1,000 or more (E-commerce zone or used exclusively for tangible production)		\$	<input type="checkbox"/>
Total Estimated Value of Investment			\$	

Additional Description: In addition to what is explained elsewhere, briefly comment below (or in an attachment) on the scope of your investment, the particular operations and output that are planned, and the intended uses of the qualifying property.

DECLARATION

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. If any information changes, I will notify the zone manager and the county assessor and submit appropriate written amendments. I understand that my business firm will receive the tax exemption for property in the enterprise zone, only if my firm satisfies statutory requirements (ORS Chapter 285C) and complies with all local, Oregon, and federal laws that are applicable to my business.

MUST BE SIGNED BY AN OWNER, COMPANY EXECUTIVE, OR AUTHORIZED REPRESENTATIVE OF THE BUSINESS FIRM

Signature X	Date
Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)	

Local enterprise zone manager and county assessor must approve this application (with Enterprise Zone Authorization Approval, form 150-303-082)

OREGON ENTERPRISE ZONE AUTHORIZATION APPLICATION INSTRUCTIONS

For More Information

Please see the Economic and Community Development Department's guidance booklet, *Enterprise Zones in Oregon*.

Visit the Web site at www.econ.state.or.us/enterthezones.

Applicant

This application form serves to authorize your business firm to receive a standard three-year exemption on qualified property that you will own or lease at the specified site in the enterprise zone. The local zone manager and the county assessor's office authorize your firm (not the proposed investment) using an *Enterprise Zone Authorization Approval* form (150-303-082).

Mandatory Timing in Being Authorized:

- Complete and submit this form to the local zone manager before beginning physical project work (construction, installations, etc.) or hiring new employees. Work may then proceed even before approval.
- See "Proposed Investment in Qualified Property" for exceptions—work that might normally precede application.
- No exemption is allowed on property for which work began prior to the **effective date** of the zone's designation or amendment to include the site, or for any property already assessed by that date.
- After submitting this application but before being authorized, you and the zone manager will hold a **pre-authorization consultation**, at which the assessor's office might participate, to formally address special issues or contingencies for qualification.
- If seeking an **extended abatement** of four or five years in total, a written agreement with the zone sponsor must be executed when your firm is approved for authorization.

First Year Claiming Exemption from Property Taxes:

- The first year of exemption is the year following the year in which the qualified property is "placed in service." This means when the property is first used or occupied, or is ready for use or occupancy, for intended commercial purposes.
- To claim the exemption, you must file with the county assessor after January 1, but on or before April 1, of that first year. Attach a schedule of the property to be exempted.
- Submit the exemption claim (without property schedule) after each year of exemption, in order to confirm compliance.

Keeping Authorization Active:

- This application needs to be renewed after two full years between January 1 and April 1, if your firm is not ready to claim an exemption. Submit a letter with the zone manager and assessor stating your continuing interest and intent.
- Failure to submit such a statement every two years (while the zone exists) classifies your authorization as "inactive." A fee is then required in order to claim the exemption.

Business Eligibility

A key function of authorization is to ascertain and assure a business firm's eligibility for exemption.

- The program is primarily limited to for-profit organizations that provide goods or services to other business operations.
- **Ineligible operations** include: tourism, retail food service, entertainment, childcare, financial services, property management, housing or construction, retail sales or goods or services, health care, or professional services.

- An eligible **call center** may receive customer requests and orders by various means, but at least 90 percent must originate from areas that would entail a long-distance charge if performed by telephone.
- **E-commerce** investments receive special treatment in four enterprise zones and in the city of North Plains.
- **Central facilities** for management, marketing, design, etc., are eligible if serving statewide or wider operations of a company. (Investment needs to conform to authorized description.)
- More than 60 percent of the enterprise zones have elected to make **hotels, motels, and destination resorts** eligible. The choice may differ among a zone's sponsoring jurisdictions.

Employment in the Enterprise Zone

To be authorized, the eligible business firm must commit to satisfy job-creation requirements:

- The number of jobs in the zone must rise and be maintained during the exemption at a minimum of 110 percent of the average level from the time of the authorization application.
- Failure to reach this level precludes the exemption.
- Failure to maintain this level represents "substantial curtailment," as would a big drop in total employment.
- Your firm must enter into a **first-source hiring agreement** before hiring new employees. The local zone manager will direct you to the contact agency.
- Your firm and the zone sponsor are solely responsible for compliance/verification of local additional requirements.
- Also see "Special Issues Worksheet" on the last page.

Employment Outside the Enterprise Zone

The business firm is disqualified if:

- The transfer of operations into the enterprise zone results in Oregon job losses more than 30 miles from the zone boundary.
- The movement of employees into the zone from within 30 miles of its boundary results in less than a 10 percent increase of the overall employment level in the zone and outside the zone.

Proposed Investment in Qualified Property

To assist eligible business firms in understanding the property tax benefit they may receive for investing in an enterprise zone, the authorization application asks for the best available information on the cost, extent, and timing of planned investments. It is critical for communication between the firm, the local zone manager, and the county assessor.

Pre-application Activity at Site:

In general, physical investment including site preparation must begin after this application is submitted. Exceptions include, but are not limited to, the following:

- A project started and abandoned at least six months earlier.
- Demolition, hazard removal, or environmental cleanup.
- Property acquired from another authorized business firm.
- Purchase or lease from a third party of a newly constructed or newly improved building. In this case, work may already be underway or completed, but approval of this application must include a copy of the sale/lease agreement and must happen before any use or occupancy of the building.

Work-in-progress: Qualified property, on-site as of January 1, may be exempt for up to two years before being placed in service. File the regular *Application for Cancellation of Assessment on Commercial Facilities Under Construction* form (150-310-020) with the county assessor on or before April 1, if work is still underway on January 1.

Property Criteria:

- For a significant building or structure to be exempt, the authorization must include some description of it. Also, if no machinery and equipment is indicated, then no such property qualifies.
- All property needs to be new, meaning it was not used or occupied in the zone more than one year before exemption begins.
- Machinery and equipment must be newly acquired or newly transferred from outside of the county (except for major retrofit or refurbishment of real property idle for 18 months).
- Any or all property may be leased from any party, if your firm (the lessee) is obligated to pay the property taxes.
- All real property—buildings, structures, and heavy/affixed machinery and equipment—listed on the exemption claim property schedule must cost \$50,000 or more in total.
- Personal property machinery and equipment is readily movable and qualifies based on **per-item** cost minimum.

- Land, vehicles, motorized/self-propelled devices, rolling stock, non-inventory supplies, and idle or ineligibly used property do **not** qualify.
- The investment in property needs to be for the furtherance of income. For example, it may not be for personal use.

Additional Property and Future Projects:

- With an ongoing investment, subsequent property that is not placed in service until the first or second year of exemption on the initial property may be exempted as well.
- In other words, property schedules may be filed with up to three consecutive claims, pursuant to a single authorization.
- Any major change of plans should be amended into the application, in writing to both the zone manager and the county assessor, before the first year of an initial exemption.
- Another authorization application is necessary for qualified property at a different location in the same or another zone.

APPLICABLE PROPERTY TAX RETURNS MUST STILL BE FILED ANNUALLY

Please complete the following worksheets either before or during the pre-authorization consultation with the local zone manager

Employment Worksheet

Use this worksheet to determine your business firm's annual average employment over the 12 months preceding the date on which you submit the authorization application, and as required during the period of the enterprise zone exemption:

$$\begin{aligned} & \text{_____ (1) + _____ (2) + _____ (3) + _____ (4) +} \\ & \text{_____ (5) + _____ (6) + _____ (7) + _____ (8) +} \\ & \text{_____ (9) + _____ (10) + _____ (11) + _____ (12) =} \\ & \text{_____} \div 12 = \text{_____} \text{ *Average Annual Existing Jobs} \end{aligned}$$

1. Identify those employees or positions within the zone that are: (a) working a majority of their time in "eligible" activities or in direct support of those activities; (b) paid on average for more than 32 hours per week; (c) **not** employed solely to construct property; (d) **not** seasonal; and (e) **not** temporary—not hired, leased, or contracted for less than one year or on an as-needed/ad hoc basis. **Don't** use "full-time equivalents" (FTE).
2. Determine the number of the above employees at the end of each pay period, calendar month, or quarter over the prior 12 months.
3. Total the number of employees from each period and divide this sum by the number of periods. If not using **months**, include a suitable attachment in place of the following with your application:

4. If your Average Annual Existing Jobs* (from number 3, above) is:
 - a) Five or more, multiply by 1.1, as follows:
* _____ × 1.1 = _____, **or**
 - b) Less than five, add one, as follows:
* _____ + 1 = _____.
5. Round the total from 4a or 4b to the nearest whole number (for example, 25.49 becomes 25 and 25.50 becomes 26). Your rounded figure is the level of employment required by April 1 of the first year of exemption.

For purposes of compliance, repeat steps 1–3 and 5 above for each year that qualified property is exempt.

Special Issues Worksheet

This worksheet is simply a checklist to guide you through certain issues that may need to be addressed as soon as possible. Check if the answer is "yes" or "maybe."

- Will the requisite increase of enterprise zone employment be difficult to achieve, even with the new investment? Or could it be somewhat unapparent? In any case, work out verification options with local zone manager. Copies of unemployment insurance reports or other records should be kept on file to assure manager and assessor.
- If the number of jobs will likely not grow by 10 percent, do you want local waiver by resolution(s) adopted by zone sponsor with authorization? Waiver allowed if investment costs \$25 million or more, or with a 10 percent rise in productivity combined with workforce training fund.
- Do you anticipate any January 1 **work-in-progress** property? File by April 1 with the county assessor's office using the *Application for Cancellation of Assessment on Commercial Facilities under Construction* form (150-310-020) for the regular "Construction-in-Process" (CIP) program. (Not available for centrally assessed/utility property.)
- Are you interested in publicly owned and otherwise available real estate that might exist in the zone and that an authorized business firm generally has a right to buy or lease if promptly developed for authorized use?

- Would you like to know about local incentives that city/county sponsor may offer to authorized businesses, such as fee waiver, regulatory expedition, and so forth?
- Will a qualified building be partially occupied by another business/tenant or used for ineligible operations? In such cases, work with the local zone manager to determine the units or proportion of space for the assessor to exempt.
- Would you like your enterprise zone employment to be combined with the job figure for (100-percent) commonly owned firm/corporation(s)? If so, attach a statement with the name of the other company(s). Without such election, even subsidiaries of the same parent corporation are treated as distinct business firms within an enterprise zone.
- Is investment pending the site's inclusion in the zone? This application may be approved under such circumstances, but make arrangements with the local zone manager to ensure that site work does not begin until on or after the effective date of the boundary change. (Same applies to designation of a new enterprise zone.)
- Is the enterprise zone terminated? This normally precludes authorization or qualification, but an already authorized/qualified firm can "grandfather" and may be authorized up to 10 years after the termination of the zone.

OREGON ENTERPRISE ZONE EXEMPTION CLAIM

DEPARTMENT OF REVENUE USE ONLY
Date Received

INSTRUCTIONS

- File with **assessor** of county containing property and copy local zone manager.
- File after January 1 and on or before April 1 directly following the year in which qualified property is placed in service. Attach a schedule for such property (form 150-310-076).
- File within same time frame after each year of exemption. Attach a property schedule only for additional new qualified property subject to same authorization.
- Separate claims are required for exemptions subject to different authorizations, including, but not limited to, different investment sites within the enterprise zone.
- See page 2 of this form for further filing instructions.

FOR ASSESSOR'S USE ONLY		
Date Received	Received By	Filing Fee \$
Account Number	Code Area Number	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Briefly Give Reason for Denial		

FILER/TAXPAYER

Enterprise Zone or Rural Renewal Energy Development Zone where business firm and property are located		County where business and property are located	
Name of Business Firm		Telephone Number ()	
Mailing Address	City	State	ZIP Code
Location of Property (street address if different from above)	City	State	ZIP Code
Map and Tax Lot Number of Site	Contact Person	Title	

AUTHORIZATION

1	Authorization Application	a. Date Submitted: _____	b. Date Approved: _____
2	Eligibility	I hereby state that my firm is an eligible business and has satisfied all commitments, pursuant to the application for authorization, and that all qualified property claimed here is used only for such eligible activities. An attachment is included here to explain why my firm is eligible, if the reason differs from what is indicated in the application for authorization.	
	(initial)*		
3	Annual Average Employment as Existing in the Enterprise Zone at Authorization (from application): _____	Jobs	

EXEMPTION ON QUALIFIED PROPERTY

4	Period of Exemption: _____	Years
5	Property Schedule (form 150-310-076)	
	a. Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	b. If line 5a is "Yes," is this the first property schedule filed with an exemption claim subject to this authorization? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Ongoing Exemption (answer only if either line 5a or line 5b is "No")	
	a. List first year(s) and investment cost of any prior exemption subject to the same authorization: _____	
	b. Status	I hereby attest that the ownership, leasing, location, disposition, operation, use, or occupancy of qualified property included in any such ongoing exemption is unchanged with respect to what was listed on the relevant, prior property schedule. Any change or exception to this statement is explained in an attachment to this form.
	(initial)*	

EMPLOYMENT IN THE ENTERPRISE ZONE

7	Current Number of Employees (as of date with signature* below or on April 1, whichever is earlier): _____	Employees
8	Recent Employment Figures (not relevant if both line 5a and line 5b are "Yes")	
	a. Annual average for previous calendar year: _____	
	b. Number of employees reported on line 7 on previous exemption claim: _____	
	c. Highest number of employees reported on line 7 in any prior exemption claim: _____	
9	Previous Calendar Year's Average Annual Compensation for Additional Jobs (answer only if receiving 4- or 5-year extended abatement): \$ _____	

10	Certification	I hereby confirm that the information entered above (lines 7-9) and in the "Special Requirements" section on page 2 of this form (as applicable) is accurate and it relates only to jobs held by full-time, year-round employees engaged primarily in eligible operations. I understand that my firm is responsible for maintaining records to verify such information, to be made available upon request by the zone sponsor or county assessor. Failure to produce verification may itself result in forfeiture of exemption. To avoid penalties, my firm needs to report substantial curtailment of employment during the period of exemption not later than July 1 following any year of noncompliance.
	(initial)*	

DECLARATION*

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. I have concluded that my firm satisfies the requirements of a qualified business and complies with all local, Oregon, and federal laws that are applicable to my business.

MUST BE SIGNED BY AN OWNER, COMPANY EXECUTIVE, OR AUTHORIZED REPRESENTATIVE OF THE BUSINESS FIRM*

Signature* X	Date*
Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)	

OREGON ENTERPRISE ZONE EXEMPTION CLAIM

SPECIAL REQUIREMENTS

Check all items that apply to your firm's authorization application or pre-authorization consultation with the local zone manager. Refer to applicable statutes (ORS) for further information and include attachments if necessary.

- First-Source Hiring Agreement** is executed for the period of the exemption. (Note: if contact agency or zone manager report otherwise, then property in an attached property schedule does not qualify, except with waiver from Oregon Economic & Community Development director.)
- Employment of authorized business firm was moved into the enterprise zone from site(s) outside but within 30 miles of zone boundary after authorization. If so, fill in the following figures with the first and second exemption claim, based on employees at the site(s):
 - a. Annual average employment at authorization (see line 3 of this form): _____
 - b. Current number of employees (see line 7 of this form): _____
 - c. Previous year annual average employment (see line 8a of this form): _____
- Operations of firm (or commonly controlled firm) have closed or have been permanently curtailed and transferred into the enterprise zone from location in Oregon more than 30 miles from zone boundary, diminishing employment at that location. If so, explain timing and extent.
- Enterprise zone employment is combined with that of (100 percent) commonly owned firm/corporation(s). Attach signed statement.
- Local additional requirements are being satisfied. **Addendum** for enterprise zone sponsor is attached (as applicable), according to:
 - Policy and standards adopted by the sponsor of an urban enterprise zone.
 - Written agreement with the zone sponsor for an extended abatement of four or five years of exemption.
 - Local waiver of hiring requirements as provided by resolution(s) adopted by the zone sponsor.
- There is a local waiver of hiring requirements for which alternative employment level is met, and either:
 - The total cost of investment in qualified property does or will equal \$25 million or more; **or**
 - Productivity has or will rise by at least 10 percent and an amount equal to 25 percent of property tax savings has or will be dedicated to workforce training fund, subject to monitoring and determinations by the zone sponsor.

ADDITIONAL INSTRUCTIONS

Filer/Taxpayer

This form allows your already authorized business firm to claim the three- to five-year exemption on newly invested qualified property that your firm owns or leases at the specified site in the enterprise zone for the current year. To receive a tax exemption, file your claim with the county assessor after January 1 and no later than April 1.

For the first year of any such exemption, qualified property must be listed on an *Enterprise Zone Property Schedule* form (150-310-076) and included with this claim.

If this exemption claim relates to any "primary or secondary industrial property" (ORS 307.126), it may be filed with the Oregon Department of Revenue within the time required and will be considered timely filed with the county assessor.

Late filing of claim with property schedule: A late claim may be filed with the county assessor after April 1 and on or before June 1. A late **filing fee** equal to the greater of \$200 or $\frac{1}{10}$ of 1 percent of the real market value of listed property will be charged. After June 1 and on or before the following April 1, an exemption may be granted only for the remainder of the regular period (less the first year).

Late filing of claim without property schedule: A late claim may be filed with the county assessor after April 1 and on or before August 31. A late **filing fee** equal to the greater of \$200 or the following factor multiplied by the real market value of exempt property, respective to the corresponding filing date, will be charged:

Factor:	On or before:
0.0002	May 1
0.0004	May 31
0.0006	June 30
0.0008	July 30
0.0010	August 29
0.0012	August 31

Failure to file an exemption claim after any year of exemption by the due date or failure to pay the late filing fee may cause the remainder of the exemption period to be terminated.

Authorization

Refer to your relevant *Oregon Enterprise Zone Authorization Application* form (150-303-029) and *Authorization Approval* form (150-303-082). If

your authorization became "inactive" due to failure to claim exemption or failure to furnish the statement of continuing interest every two years, then the initial exemption claim may not be accepted without a **filing fee** equal to the greater of \$200 or $\frac{1}{10}$ of 1 percent of the real market value of qualified property.

Exemption on Qualified Property

Continuous period of exemption is three years in length, unless agreed to otherwise with the zone sponsor at authorization.

Property schedule is required to exempt property first placed in service from January 1 to December 31 of the immediate prior year. Property is "placed in service" once it is in use or occupancy, or is ready as such, for intended commercial purposes.

First years of different exemptions cannot cover more than:

1. Three successive years if line 5a is "no," **or**
2. Two previous successive years if line 5b is "no."

Employment in the Enterprise Zone

If property schedule is attached (line 5a is "yes"), then line 7 must be higher than line 3 by the greater of at least 10 percent or one job. (If this is not so, but employment since authorization did reach a high enough level, attach explanation about when this was true.)

After the first year of the (initial) exemption:

- Line 7 and line 8b must be at least 50 percent of line 8c;
- Line 7 (alone) must be at least 15 percent of line 8c; and
- **Line 8a must be 110 percent or higher than line 3.**

For most enterprise zones, line 9 needs to be 150 percent or higher than the county average annual wage at authorization, if applicable.

If the enterprise zone sponsor or the county assessor doubts the sufficiency and accuracy of job numbers, and reasonably requested corroboration is lacking, the exemption on otherwise qualified property may be denied for current and future years.

Noncompliance with the above employment requirements causes disqualification and the imposition of back taxes (but without additional penalty / interest, subject to timely notice).

Disqualification likewise results if verification is not provided within 60 days, following a formal request sent by or through the county assessor using registered or certified mail.

OREGON ENTERPRISE ZONE PROPERTY SCHEDULE

For Qualified Property of a Qualified Business Firm Placed in Service
at a Location in the Enterprise Zone

DEPARTMENT OF REVENUE USE ONLY
Date Received

FOR ASSESSOR'S USE ONLY	
Date Received	Received By
Account Number	Code Area Number
Exemption Claim <input type="checkbox"/> Present <input type="checkbox"/> Missing	For Tax Year
Central/Prior Assessment, Other Notes	

INSTRUCTIONS

- This schedule must be attached to *Oregon Enterprise Zone Exemption Claim*, form 150-310-075, and both filed with the county assessor between January 1 and April 1. Send copy to local zone manager.
- Qualified property is property that is placed in service in the enterprise zone for the first time in the immediately previous calendar year (January 1 through December 31).
- Qualified property does not include land, on-site developments assessed as land, vehicles, rolling stock, non-inventory supplies, any property used in an ineligible activity, or property that does not serve to produce income.
- If an exemption is claimed for leased qualified property, every owner of leased property must complete page 4 for inclusion with this *Property Schedule*.
- "Placed in service" means that the property was in use or occupied or ready to be used or occupied for intended commercial purposes.
- Property must also be reported on the relevant state and/or county returns.
- Real property machinery and equipment or personal property may be new, used, or reconditioned, but it must be installed in the enterprise zone on property that is owned or leased by the qualified business firm claiming the exemption.
- Real property machinery and equipment or personal property must be newly procured, or if already owned or leased by the qualified business firm claiming the exemption, it must be newly transferred into the enterprise zone from outside the county where it is located when placed in service. Please attach a description of any such transfer and the method used to determine investment cost. In **no** event is any real property machinery and equipment or personal property exempt, if it was already inside the county **and** owned or leased by the same firm more than three months before the *Authorization Application*.
- All real property, whether owned or leased, must cost \$50,000 or more in total.

FILER/TAXPAYER
Filed for 20_____

Enterprise Zone or Rural Renewable Energy Development Zone (where business and property are located)		County (where business and property are located)	
Name of Business Firm		Telephone Number ()	
Mailing Address	City	State	ZIP Code
Street Address of all Property (if different from above)	City	State	ZIP Code
Map and Tax Lot Number(s) of Site (may comprise adjacent multiple sites with proximity to each other comparable to a single site)			
Contact Person	Title	Telephone Number ()	

Check here if this schedule accompanies an Exemption Claim filed after June 1, but on or before April 1 of the next year. If so, you understand that the first year of the exemption is forfeit, and that all stipulations for qualification in the claim form and this schedule must be satisfied as if these documents had been timely filed.

DECLARATION FOR QUALIFIED BUSINESS FIRM

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and all attachments, and to the best of my knowledge they are true, correct, and complete. I have concluded that my firm satisfies the requirements of a qualified business firm and complies with all local, Oregon, and federal laws that are applicable to my business. I understand that property will be disqualified and back taxes imposed if any requirement for its exemption is violated, including but not limited to, it is being used for an ineligible activity, or it is not continuously in use or occupancy for longer than 180 days at any time during the period of exemption. I understand actual use or occupancy in the enterprise zone must begin before July 1, within six months after the year property is placed in service.

MUST BE SIGNED BY AN OWNER, COMPANY EXECUTIVE, OR AUTHORIZED REPRESENTATIVE OF THE BUSINESS FIRM

Signature X	Date
Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)	

Business Firm: _____

County: _____

QUALIFIED PROPERTY CRITERIA / SPECIAL CASES

- 1** Mandatory criteria for qualified property listed on this schedule. Check all that apply:
- Property is at the same location as shown in the *Authorization Application* proposed investment information section.
 - Any major new construction, additions, or modifications of a building or structure are included in the *Authorization Application*.
- In special cases, actual investments must be consistent with the descriptions shown in the *Authorization Application*. Please check if one of these applies:
- Property is a headquarters/centralized facility for statewide regional operation.
 - Rural Renewable Energy Development Zone project.
- 2** Is qualified property used in the ancillary operations of an authorized business operating a hotel, motel, or destination resort and located at the site? If yes, attach description of the qualified property, owned or leased, used primarily to service overnight guests. Yes No
- 3** Has enterprise zone been terminated? If yes, dated of termination: _____ Yes No

SUMMARY OF INVESTMENT COSTS OF QUALIFIED PROPERTY

- 4** Qualified real property for which an exemption is claimed:
- a. Newly constructed buildings or structures (from #8 total) \$ _____
 - b. New additions to or modifications of existing buildings or structures (from #9 total) \$ _____
 - c. Newly installed real property machinery and equipment (from #10 total) \$ _____
 - d. **Subtotal:** Add lines 4a, 4b, and 4c. \$ _____
 - e. New modification to real property machinery or equipment greater or equal to \$50,000 (from #11 total) \$ _____
- 5** Items of qualified personal property:
- a. Each greater or equal to \$50,000 (from #12 total) \$ _____
 - b. Used in E-commerce in an approved designation or exclusively for tangible production, and each greater or equal to \$1,000 (from #13 total) \$ _____
- 6** **Total of owned qualified property** (add lines 4d, 4e, 5a, and 5b) \$ _____
- 7** **Total of leased qualified property** [add all TOTALS of leased qualified property from page 4(s)] \$ _____

BUILDINGS AND STRUCTURES

8 **Newly constructed buildings or structures that you own.**

Description	Date site preparation began	Date foundation poured	Date placed in service	Construction cost, sales price, or equivalent
a.				\$
b.				\$
c.				\$
TOTAL—add lines 8a to 8c				\$

9 **New additions to or modifications of existing buildings or structures (including leasehold improvements) that you own.**

Description	Date addition or modification began	Date placed in service	Cost of addition or modification
a.			\$
b.			\$
c.			\$
TOTAL—add lines 9a to 9c			\$

Identify any building or structure listed in sections 8 and 9 that is partially leased or occupied by another business or partially used for a separate, ineligible activity. Describe the circumstances and relative square footage. Attach additional sheet(s) if necessary.

REAL PROPERTY MACHINERY AND EQUIPMENT

Item of property used in the business process or activity that is not readily movable due to weight or attachment to other real property. Does not include furniture, commercial fixtures, or structural components, such as building's standard wiring, plumbing, or HVAC.

10 List newly installed real property machinery or equipment that you **own**. List all newly installed machinery or equipment that you **lease** on page 4. Attach additional sheets if necessary.

Description of machinery or equipment (make, model, type, and/or "UCC" code)	Serial number	Date purchased	Date installation began	Date placed in service	Purchase price, cost, or equivalent
a.					\$
b.					\$
c.					\$
d.					\$
e.					\$
f. TOTAL FROM ATTACHED SHEET(s)					\$

TOTAL—add lines 10a to 10f **\$**

11 List real property machinery or equipment that you **own** that has been idle at authorization and for 18 months, and is modified (reconditioned, refurbished, upgraded, or retrofitted) at a cost of \$50,000 or more. List all modified machinery or equipment that you **lease** on page 4. Attach additional sheets if necessary.

Description of machinery or equipment (make, model, type, and/or "UCC" code)	Serial number	Date last used commercially	Date modification began	Date placed in service	Cost to upgrade, retrofit, recondition, or refurbish
a.					\$
b.					\$
c. TOTAL FROM ATTACHED SHEET(s)					\$

TOTAL—add lines 11a to 11c **\$**

PERSONAL PROPERTY

Item of property that is readily movable and is not attached or connected to a building, structure, or other real property. "Item of personal property" includes an integrated system consisting of various components that would normally be appraised and assessed as a unit. Does not include vehicles, motorized/operator-driven devices, rolling stock, or non-inventory supplies.

- List newly installed personal property items that you **own** in either section 12 or section 13.
- List all newly installed personal property items that you lease on page 4.

Personal Property—\$50,000 or more

12 Newly installed personal property items that each cost \$50,000 or more. Attach additional sheets if necessary.

Description (make, model, type, and/or "UCC" code)	Serial number	Date purchased	Date placed in service	Purchase price, cost, or equivalent
a.				\$
b.				\$
c.				\$
d.				\$
e.				\$
f. TOTAL FROM ATTACHED SHEET(s)				\$

TOTAL—add lines 12a to 12f **\$**

Personal Property—\$1,000 or more

13 Newly installed personal property items that each cost \$1,000 or more that are used in electronic commerce in an approved designation or exclusively in the production of tangible goods. Attach additional sheets if necessary.

Description (make, model, type, and/or "UCC" code)	Serial number	Date purchased	Date placed in service	Purchase price, cost, or equivalent
a.				\$
b.				\$
c.				\$
d.				\$
e.				\$
f. TOTAL FROM ATTACHED SHEET(s)				\$

TOTAL—add lines 13a to 13f **\$**

Enterprise Zone Leased Qualified Property

Review and return signed cover sheet with all attachments to business firm.

Owner/Lessor's Name	Title		
Organization	Telephone Number ()		
Mailing Address	City	State	ZIP Code
Business Firm Claiming Enterprise Zone Exemption (lessee)		County	

BUILDINGS AND STRUCTURES

Description	Date placed in service	Cost
a.		\$
b.		\$
TOTAL—add lines a to b		\$

REAL PROPERTY MACHINERY AND EQUIPMENT

Description (include make, model year, type, and/or "UCC" code)	Serial number	Amount of lease/rent (indicate if monthly or yearly)	Lease term (from – to)	Date placed in service	Original cost or option to purchase (when and amount)
a.					\$
b.					\$
TOTAL—add lines a to b					\$

PERSONAL PROPERTY

Description (include make, model year, type, and/or "UCC" code)	Serial number	Amount of lease/rent (indicate if monthly or yearly)	Lease term (from – to)	Date placed in service	Original cost or option to purchase (when and amount)
Personal property items that each cost \$50,000 or more:					
a.					\$
b.					\$
c.					\$
TOTAL—add lines a to c					\$

Personal property items that each cost \$1,000 or more that are used in electronic commerce in an approved designation or exclusively in the production of tangible goods:

a.					\$
b.					\$
c.					\$
TOTAL—add lines a to c					\$
TOTAL OF ALL LEASED QUALIFIED PROPERTY—add all four totals above; copy to page 2, line 7					\$

DECLARATION FOR LEASED QUALIFIED PROPERTY BY LESSOR

Attach additional pages as necessary for other lessors, along with copies of executed lease agreements.

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and all attachments, and to the best of my knowledge, they are true, correct, and complete. I understand the exemption being claimed on property that is leased by me to the authorized business firm. The term of the lease agreement covers all tax years during which the property is expected to be exempt. Under that agreement the lessee is directly responsible for the entire amount of taxes due on any such property, either by compensating me or by being the taxpayer of record. I understand that as the owner (lessor) of the listed qualified property that I lease to the authorized business firm (lessee), I must acknowledge the exemption being claimed so that I may give timely notice on or before July 1 following a year in which noncompliance occurs in order to avoid penalties on back taxes.

MUST BE SIGNED BY AN OWNER, COMPANY EXECUTIVE, OR AUTHORIZED REPRESENTATIVE OF THE LEASING COMPANY

Signature X	Date
Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)	

Section 9: Licensing and Registration

State Agencies Licensing and Registration

Abandoned vehicle appraisers	Department of Motor Vehicles—503-945-5000	Beekeepers	Department of Agriculture—503-986-4620
Accountants	Secretary of State, Board of Accountancy—503-378-4181	Beauticians	Health Licensing Agency—503-378-8667
Acupuncturists	Board of Medical Examiners—971-673-2700	Bingo	Department of Justice—503-229-5725
Agents (liquor store)	Oregon Liquor Control Commission—503-872-5000	Boats (pleasure)	Marine Board—503-378-8587
Airplane dealer	Department of Transportation, Aeronautics Division—503-378-4880	Boiler inspectors	Building Code Agency—503-378-4133
Airplanes	Department of Transportation, Aeronautics Division—503-378-4880	Boiler makers	Building Code Agency—503-378-4133
Airports	Department of Transportation, Aeronautics Division—503-378-4880	Bond brokers	Department of Consumer and Business Services—503-378-6444
Animal euthanasia	Veterinary Medical Examining Board—971-673-0224	Bond dealers	Department of Consumer and Business Services—503-378-6444
Animal shelters	Veterinary Medical Examining Board—971-673-0224	Bond salespersons	Department of Consumer and Business Services—503-378-6444
Antler dealers	Fish and Wildlife Commission—503-947-5000	Building inspectors	Building Code Agency—503-378-4133
Appraisers (land)	Appraiser Certification and Licensure Board—503-485-2555	Building officials	Building Code Agency—503-378-4133
Architects	Board of Architect Examiners—503-763-0662	Cabinetmakers	Construction Contractor's Board—503-378-4621
Attorneys	Oregon State Bar—503-620-0222	Canneries (fish)	Fish and Wildlife Commission—503-947-6000
Auctioneers	No license required	Captains (com'l fishing boats)	Fish and Wildlife Commission 503-947-6000
Audiologists	Speech Pathology and Audiology—971-672-0220	Carpenters	Construction Contractor's Board—503-378-4621
Bait dealers	Fish and Wildlife Commission—503-947-6000	Carpet installers	Construction Contractor's Board—503-378-4621
Bakeries	Department of Agriculture—503-986-4720	Cemeteries	Mortuary and Cemetery Board—971-673-1500
Banks	Department of Consumer and Business Services—503-378-4140	Certified public accountants	Secretary of State, Board of Accountancy—503-378-4181
Barbers	Health Licensing Agency—503-378-8667	Charter boats	Marine Board—503-378-8587
Bars	Oregon Liquor Control Commission—503-872-5000	Check sellers	Department of Consumer and Business Services—503-378-4140
Bartenders	Oregon Liquor Control Commission—503-872-5000	Chiropractors	Board of Chiropractic Examiners—503-378-5816

Christmas tree growers	Department of Agriculture 503-986-4550	Engineers	Board of Engineering Examiners—503-362-2666
Clinical social workers	Board of Clinical Social Workers—503-378-5735	Escrow agents	Real Estate Agency— 503-378-4170
Collection agencies	Department of Consumer and Business Services—503-378-4271	Euthanasia	Veterinary Medical Examining Technicians Board— 971-673-0224
Commercial fishers	Fish and Wildlife Commission—503-947-6000	Excavators	Construction Contractor's Board—503-378-4621
Commercial fishing boats	Fish and Wildlife Commission 503-947-6000	Exotic animal dealers	Department of Agriculture— 503-986-4550
Cosmetologists	Health Licensing Agency—503-378-8667	Falconers	Fish and Wildlife Commission—503-947-6000
Dentists	Oregon Board of Dentistry— 971-673-3200	Farm labor contractors	Bureau of Labor and Industries—503-731-4074
Denturists	Health Licensing Agency—503-378-8667	Feed producers	Department of Agriculture—503-986-4550
Dietitians	Board of Examiners of Licensed Dietitians— 971-673-0190	Fertilizer producers	Department of Agriculture—503-986-4550
Doctors	Board of Medical Examiners—971-673-2700	Finance companies	Department of Consumer and Business Services—503-378-4271
Drillers	Water Resources Department—503-986-0900	Financial institutions	Department of Consumer and Business Services—503-378-4271
Drug exporters	Board of Pharmacy— 971-673-0001	Fish canneries	Fish and Wildlife Commission—503-947-6000
Drug manufacturers	Board of Pharmacy— 971-673-0001	Fish dealers (wholesale)	Fish and Wildlife Commission—503-947-6000
Drywallers	Construction Contractor's Board—503-378-4621	Fishing boats	Fish and Wildlife Commission—503-947-6000
Egg dealers	Department of Agriculture—503-986-4720	Fishing licenses	Fish and Wildlife Commission—503-947-6000
Electrical contractors	Construction Contractor's Board—503-378-4621 and Building Code Agency—503-378-4133	Food services	Human Services Department—Public Health Division—971-673-1222
Electricians	Construction Contractors Board—378-4621 and Building Code Agency—378-4133	Food stands (wholesale and retail)	Department of Agriculture— 503-986-4620
Electrologist	Health Licensing Agency—503-378-8667	Framers	Construction Contractor's Board—503-378-4621
Elevator inspectors	Building Code Agency— 503-378-4133	Funeral homes	Mortuary and Cemetery Board—971-673-1500
Embalmers	Mortuary and Cemetery Board—971-673-1500	Gas manufacturers and sellers (ether, acetylene, etc.)	Board of Pharmacy— 971-673-0001
Employment agencies (private)	Bureau of Labor and Industries—971-673-0761		

Gas well drilling	Department of Geology and Mineral Industries—971-673-1555	Insurance agents	Department of Consumer and Business Services—503-947-7980
General contractors	Construction Contractor's Board—503-378-4621	Insurance consultants	Department of Consumer and Business Services—503-947-7980
Geologists	Board of Geologist Examiners—503-566-2837	Investment advisors	Department of Consumer and Business Services—503-647-7980
Geothermal drilling	Department of Geology and Mineral Industries—971-673-1555	Jockeys	Racing Commission—971-673-0207
Grain warehouses	Department of Agriculture—503-986-4550	Land surveyors	Board of Engineering Examiners—503-362-2666
Greyhound owners	Racing Commission—971-673-0207	Landscape architects	Board of Architects Examiners—503-763-0662
Greyhound trainers	Racing Commission—971-673-0207	Landscapers	Landscape Contractors' Board—503-378-5909
Grocery stores (which sell over-the-counter drugs)	Board of Pharmacy—971-673-0001	Licensing agents (hunting and fishing)	Fish and Wildlife Commission—503-947-6000
Grocery stores (which sell liquor)	Oregon Liquor Control Commission—503-872-5000	Legal assistants	No license required
Grooms	Racing Commission—971-673-0207	Livestock	Department of Agriculture—503-986-4680
Guides	Marine Board—503-378-8587	Log brands	Forestry Department—503-945-7200
Hairdressers	Health Licensing Agency—503-378-8667	Manufacturers of drugs	Board of Pharmacy—971-673-0001
Hay dealers	Department of Agriculture—503-986-4551	Maritime pilots	Board of Maritime Pilots—971-673-1530
Hearing aid dealers	Health Licensing Agency—503-378-8667	Masons	Construction Contractors' Board—503-378-4621
Hide dealers	Fish and Wildlife Commission—503-947-6000	Mechanics	No license required
Hotels	Administrative Services Division—503-945-5733	Mining operations	Department of Geology and Mineral Industries—971-673-1555
Hunting licenses	Fish and Wildlife Commission—503-947-6000	Mortgage brokers	Department of Consumer and Business Services—503-947-7982
Hygienists (dental)	Oregon Board of Dentistry—971-673-3200	Mortgage salespersons	Department of Consumer and Business Services—503-947-7982
Insulators	Construction Contractor's Board—503-378-4621	Morticians	Mortuary and Cemetery Board—971-673-1500
Insurance adjusters	Department of Consumer and Business Services—503-947-7980	Motels	Administrative Services Division—503-945-5733
Insurance agencies	Department of Consumer and Business Services—503-947-7980	Naturopaths	Board of Naturopathic Examiners—971-673-0193

Nonprofit organizations	Department of Justice— 971-673-1880	Plumbing contractors	Construction Contractor's Board—503-378-4621 and Building Code Agency—503-378-4133
Nurses	Board of Nursing— 971-673-0685	Plumbing inspectors	Building Code Agency— 503-378-4133
Nursing homes	Board of Nursing Home Administrators—971-673-0196	Private employment agencies	Bureau of Labor and Industries—971-673-0761
Oil well drilling	Department of Geology and Mineral Industries— 503-872-2750	Psychiatrists	Board of Medical Examiners—503-229-5596
Ophthalmologists	Board of Medical Examiners— 971-673-2700	Psychologists	Board of Psychologist Examiners—503-378-4154
Optometrists	Board of Optometry— 503-393-0662	Pullers	Fish and Wildlife Commission—503-872-5255
Osteopaths	Board of Medical Examiners— 973-673-2700	Race horse owners	Racing Commission— 971-673-0207
Outfitters	Marine Board—503-378-8587	Race horse trainers	Racing Commission— 971-673-0207
Painters	Construction Contractors' Board—503-378-4621	Race track concessions	Racing Commission— 971-673-0207
Pathologists (speech)	Speech Pathology and Audiology—971-673-2700	Race track employees	Racing Commission— 971-673-0207
Pawnbrokers	Department of Consumer and Business Services— 503-947-7242	Race track owners	Racing Commission— 971-673-0207
Pesticide applicators	Department of Agriculture—503-986-4635	Race track security	Racing Commission— 971-673-0207
Pesticide dealers	Department of Agriculture—503-986-4635	Radiologists (diagnostic and therapeutic)	Board of Radiologic Technology—971-673-0215
Pesticide operators	Department of Agriculture—503-986-4635	Raffles	Department of Justice— 503-229-5725
Pharmacists	Board of Pharmacy— 971-673-0001	Rain gutter installers	Construction Contractors' Board—503-378-4621
Physicians	Board of Medical Examiners—971-673-2700	Real estate agents	Real Estate Agency— 503-378-4170
Pilots	Department of Transportation, Aeronautics Division— 503-378-4880	Real estate appraisers	Real Estate Agency— 503-378-4170
Pipefitters	Construction Contractor's Board—503-378-4621 and Building Code Agency—503-378-4133	Real estate brokers	Real Estate Agency— 503-378-4170
Plan examiners	Building Code Agency— 503-378-4133	Reforesters	Bureau of Labor and Industries—971-673-0761
Pleasure boats	Marine Board—503-378-8587	Rendering plants	Department of Agriculture—503-986-4636
Plumbers	Construction Contractor's Board—503-378-4621 and Building Code Agency—503-378-4133	Repossessors	Department of Consumer and Business Services— 503-947-7982
		Restaurants (which serve liquor)	Oregon Liquor Control Commission—503-872-5000

Restaurants	Department of Human Services—503-945-5733	Surveyors (land)	Board of Engineering Examiners—503-362-2666
Retail sellers of drugs	Board of Pharmacy—503-673-0001	Swimming pools	Department of Human Services—503-945-5944
Roofers	Construction Contractors' Board—503-378-4621	Taverns	Oregon Liquor Control Commission—503-872-5000
Sanitarians	Health Licensing Agency—503-378-8667	Tax return preparers	Secretary of State—503-378-4381
Savings and loans	Department of Consumer and Business Services—503-947-7982	Taxidermists	Fish and Wildlife Commission—503-947-6000
Seed dealers	Department of Agriculture—503-872-6600	Telemarketer	Department of Justice—503-378-4320
Seismic work	Department of Geology and Mineral Industries—971-673-1555	Telephone solicitors	Department of Justice—503-229-5725
Shellfish distributors	Department of Human Services—503-945-5733	Therapists	Occupational Therapy Licensing Board—503-731-4048 or Physical Therapist Licensing Board—503-731-4047
Shellfish growers	Department of Human Services—503-945-5733	Title agents	Department of Consumer and Business Services—503-378-4271
Shellfish shuckers/packers	Department of Human Services—503-945-5733	Title insurance companies	Department of Consumer and Business Services—503-378-4271
Shorthand reporters	Bureau of Labor and Industries—971-673-0761	Tow truck owners	Department of Motor Vehicles—503-945-5000
Siding installers	Construction Contractors' Board—503-378-4621	Trainers	Racing Commission—971-673-0207
Slaughtering establishments	Department of Agriculture—Animal Health and Identification—503-986-4680	Transporters	Department of Motor Vehicles—503-945-5000
Social workers (clinical)	Board of Clinical Social Workers—503-378-5735	Trappers	Fish and Wildlife Commission—503-947-6000
Speech pathologists	Speech Pathology and Audiology—971-673-0220	Trucking companies	Public Utility Commissioner—800-522-2404
Steamfitters	Construction Contractor's Board—503-378-4621 and Building Code Agency—503-378-4133	Trusses	Construction Contractors' Board—503-378-4621
Stockbrokers	Department of Consumer and Business Services—503-947-7471	Trust companies	Department of Consumer and Business Services—503-378-4140
Stock Dealers	Department of Consumer and Business Services—503-947-7471	Vending machine operators	Department of Human Services—503-945-5944
Stock Salespersons	Department of Consumer and Business Services—503-947-7471	Veterinarians	Veterinary Medical Examining Board—971-673-0244
Surgeons	Board of Medical Examiners—971-673-2700	Veterinary technicians	Veterinary Medical Examining Board—971-673-0244

Waiters and waitresses (who serve liquor)	Oregon Liquor Control Commission—503-872-5000	Welders (in general)	No license required
Warehouse commissaries	Department of Human Services—503-945-5944	Well drillers	Water Resources Department—503-986-0856
Water rights examiners	Board of Engineering Examiners—503-362-2666	Well drillers (gas and oil)	Department of Geology and Mineral Industries—971-673-1555
Welders (working on real property)	Construction Contractor's Board—503-378-4621	Wholesale sellers of drugs	Board of Pharmacy—971-673-0001
		Wineries	Oregon Liquor Control Commission—503-872-5000

Video Lottery Terminals

The following companies furnish lottery equipment to the State of Oregon.

GTECH—Gtech Corporation

3925 Fairview Industrial Dr Suite #100
Salem OR 97302

[contact: Sheryl Ross, (503) 365-9696]

IGT—International Game Technology

9295 Prototype Dr
Reno NV 89511

[contact: Paul Balderelli, (702) 448-0100]

VLC—Video Lottery Consultants

2311 S 7th Avenue
Bozeman MT 59715

[contact: Bill Lewis, (406) 585-6600 ext. 5118]

WMS—WMS Gaming, Inc.

2704 W Roscoe
Chicago IL 60618

[contact: Bob Ragowski, (312) 961-1000]

Section 10: Information Circulars

Personal property assessment and taxation



June 2006

www.oregon.gov/DOR

All personal property is, by law, valued at 100 percent of its real market value unless exempt by statutes. Personal property is taxable in the county where it is located as of the assessment date, January 1 at 1 a.m.

Taxable personal property

Taxable personal property includes machinery, equipment, furniture, etc., used previously or presently in a business (including any property not currently being used, placed in storage, or held for sale). Examples of taxable personal property:

- Amusement devices/equipment.
- Noninventory supplies.
- Barber and beauty furniture/equipment.
- Garage and service station tools/equipment.
- Leased equipment.
- Medical equipment.
- Movable machinery, tools, and equipment (such as logging and construction equipment, lift trucks, and equipment used in service industries).
- Office furniture/equipment.
- Store furniture/equipment.
- Libraries such as repair manuals, electronic media, compact discs, videos, tapes, sample books, law books.
- Fixed load/mobile equipment.
- Floating property.

Tax-exempt personal property

These items are exempt from property tax:

- **Intangible personal property.** Money at interest, bonds, notes, shares of stock, business records, computer software, surveys and designs, and the materials on which the data are recorded (paper, tape, film, etc.) (ORS 307.020).
- **All items held exclusively for personal use.** Household goods, furniture, clothing, tools, and equipment used exclusively for personal use in and around your home (ORS 307.190).
- **Farm animals.** Livestock, poultry, fur-bearing animals, and bees (ORS 307.394).
- **Inventories.** Items of tangible personal property which are or will be sold in the ordinary course of business (materials, containers, goods in process, and finished goods) (ORS 307.400).
- **Farm machinery and equipment** (ORS 307.394).

- **Licensed vehicles other than fixed load/mobile equipment** (ORS 801.285).

Filing your personal property tax return

Each individual, partnership, firm, or corporation that has taxable personal property must file a return by March 1.

Major industrial properties appraised by the Department of Revenue will report on an industrial property return furnished by the department.

For all other accounts appraised by the county assessor, a return form may be mailed to you by the county assessor prior to January 1 if you were assessed the previous year. You must report property you own or had in your possession as of January 1 at 1 a.m. If you do not receive a form from the assessor, you are still obligated to obtain and file a personal property tax return. There is a penalty for late filing. If you need help completing the form, contact your county assessor's office.

If you sell your business, notify the county assessor to avoid future liability on the personal property.

Extension of filing deadline

In certain cases, you may request an extension. You must submit your extension request in writing before March 1. Contact your county assessor for further information.

Penalty for late filing

If you report taxable real property on an industrial property return to the county assessor and your return is filed late, a penalty of \$1 for each \$1,000 of assessed value will be charged, but such penalty shall not be less than \$10 or more than \$250.

If you report taxable personal property along with real property on an industrial property return to the Oregon Department of Revenue and your return is filed late, a penalty for late filing will be \$10 for each \$1,000 (or fraction) of total assessed value. This penalty shall not be less than \$10 and not more than \$5,000 (ORS 308.295).

If you report taxable personal property on a Confidential Personal Property Return, the penalty charge increases periodically. If your return is filed after March 1 but on or before June 1, a penalty of 5 per-

cent of the tax will be charged. If the return is filed after June 1 but on or before August 1, the penalty increases to 25 percent of the tax. After August 1, the penalty increases to 50 percent of the tax.

Paying your tax

Property tax statements are mailed to taxpayers in late October. You must pay at least one-third of your tax bill by November 15 to avoid interest charges. You receive a 3 percent discount if you pay the full amount due by November 15. If you pay two-thirds of the full amount by November 15, you receive a 2 percent discount. If you choose to pay in thirds, the second payment is due by February 15 and the third by May 15.

Personal property taxes become a lien on July 1 against any and all of the assessed property as well as on personal property assessed in the same category. The taxes may become a lien against all personal property owned or in the possession of the person in whose name the property is assessed. The taxes are a debt due and owing from the owner of the personal property.

Delinquent taxes

Taxes on personal property become delinquent whenever any installment is not paid on or before the due date. The tax collector will send a notice of delinquency showing the total amount due, including interest when any tax payment is not made.

If no payment is received, the tax collector may: (1) issue a warrant for the collection of the delinquent personal property taxes and serve it on you, (2) seize and sell the assessed personal property or taxable personal property you own or control, or (3) charge the tax against real property you own.

1. Warrants - When the taxes become delinquent and no payment is made in response to the delinquency notice, the tax collector must prepare, serve, and record a warrant. A copy is served on you either by certified mail, publication in a newspaper, or personal service. Immediately after the warrant is served, if the delinquent taxes, interest, penalties, and costs are not paid, the warrant is recorded with the county clerk. This has the effect of a judgment against you. The tax collector can garnishee your bank account or wages to satisfy that judgment.

2. Seizure and sale - The tax collector can seize and sell the assessed property owned or controlled by the person assessed. When the tax collector takes possession of the property, the owner or person having the property, and all security lien holders, are notified. The seized property is advertised for sale and the notice of time and place of the sale is posted in three public places in the county at least 10 days before the sale. If

you do not pay before the time set for the sale, the tax collector will sell the property at public auction.

The property will be sold to the highest bidder, as long as the bid is at least equal to the total of taxes, interest, penalties, and costs. If the highest bid is less than that, the title to the property passes to the county. Then the county may sell the items at a private sale for a price the county sets as reasonable. If more than one item has been seized, only enough items will be sold to recover the taxes, interest, and penalties.

The money received from the sale is applied to your debt. Any unpaid tax remains a debt. You get any surplus over the amount of taxes, interest, and penalties.

3. Lien on real property - Recording a warrant causes a lien upon your real property. The tax collector may charge the delinquent personal property tax against a specific property you own. After three years' delinquency, the county can foreclose for delinquent taxes on real property.

Appeals

If you feel the county assessor has estimated the value of your property incorrectly, you have the right to appeal. But your appeal must be based on the property's value, not on the amount of taxes owed. To receive a change in your assessment, you must convince your county board of property tax appeals that your property is incorrectly valued. You must support your belief with evidence such as appraisal reports and comparable sales. You also have the right to appeal if you believe you were charged a late filing penalty in error.

For more information on property value appeals, write for the publication, *How to Appeal Your Property Value*, 150-303-668. Download it from our Web site at www.oregon.gov/DOR. Or, write to: Forms, Oregon Department of Revenue, PO Box 14999, Salem OR 97309-0990.

Taxpayer assistance

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Toll-free from an Oregon prefix 1-800-356-4222

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Gratis de prefijo de Oregon..... 1-800-356-4222

TTY (hearing or speech impaired; machine only):
Salem 503-945-8617
Toll-free from an Oregon prefix..... 1-800-886-7204

Americans with Disabilities Act (ADA): Call one of the help numbers for information in alternative formats.

How to Appeal Your Property Value



May 2008

www.oregon.gov/DOR

General information

In Oregon, property taxes are assessed for real property, machinery and equipment, manufactured structures, business personal property, and floating property. Oregon has an ad valorem property tax system, which means the property taxes you pay are based on the value the county assessor establishes for your property.

The assessor estimates the value of most taxable property on January 1, prior to the beginning of the tax year. The tax year runs from July 1 through June 30. January 1 is called the "assessment date." The assessor's estimate of value will appear on the tax statement mailed to you in October.

The following terms and definitions are provided to help you understand how your property is valued and assessed.

- **Real Market Value (RMV)** is the value the assessor has estimated your property would sell for on the open market as of the assessment date. RMV appears on most property tax statements.
- **Maximum Assessed Value (MAV)** is the greater of 103 percent of the prior year's assessed value or 100 percent of the prior year's MAV. **MAV is not limited to an increase of 3 percent** if certain changes are made to your property. These changes are called exceptions. MAV does not appear on most tax statements.
- **Assessed Value (AV)** is the value used to calculate your tax. It is the **lesser** of RMV or MAV. Assessed value appears on your tax statement.
- **Exception** means a change to property, not including general ongoing maintenance and repair or minor construction. Changes that could affect maximum assessed value include new construction or additions, major remodeling or reconstruction, rezoning with use consistent with the change in zoning, a partition or subdivision, or a disqualification from special assessment or exemption. Minor construction is defined as additions of real property improvements with a real market value that does not exceed \$10,000 in one assessment year or \$25,000 over a period of five assessment years. Exception value does not appear on your tax statement.

- **Specially Assessed Value (SAV)** is a value established by statute. The legislature has created several programs that set lower assessed value levels for certain types of property. Each program has specific applications and use requirements. Examples of property that may qualify for special assessment are farmland, forestland, historic property, government-restricted low income multi-unit housing, and property that qualifies as "open space." SAV appears on most tax statements for property that is specially assessed.

Appealing to your county board of property tax appeals

Appealing to the county board of property tax appeals (BOPTA) is generally the first step in the appeal process. Most appeals start at this level.

You may appeal the current year real market, maximum assessed, specially assessed, or assessed value of your property.

The majority of appeals will be based on a difference of opinion between you and the assessor about RMV. In such cases, you will need to present evidence about the market value of your property as it existed on the assessment date. Evidence might include an appraisal report of your property done by an independent appraiser or a comparison of your property with similar properties that have recently sold in your area.

Comparing the value on the tax roll of your house to the value on the tax roll of your neighbor's house, or comparing the taxes you pay to the taxes your neighbor pays is generally not considered satisfactory evidence.

The following are examples in which an appeal of RMV may result in a tax benefit:

- The board reduces the RMV below the assessed value currently on the roll.
- Your property has recently been improved and the board reduces the value of the new construction.
- The board reduces the RMV of your property, and the reduction requires property taxes to be reduced to meet constitutional limits on the education and general government categories of your taxes. See

Tax Limitation (Compression) at www.oregon.gov/DOR/PTD/property.shtml for more information.

If you wish to appeal the value of **principal or secondary industrial property** appraised by the Department of Revenue (DOR), you may file your appeal with either the Magistrate Division of the Tax Court or BOPTA. Both have the same filing deadlines.

The value of utilities and other centrally assessed property must be appealed to DOR on or before June 15 of the assessment year.

Penalties charged for late filing of a current year's real or personal property return may also be appealed to the board. The board may waive all or a portion of a penalty imposed for the late filing of a return if:

- You can prove there was good and sufficient cause for the late filing, or
- The year for which the return was filed was **both** the first year that a return was required to be filed and the first year you filed a return.

How to file your petition

You must file appeals between the date the tax statements are mailed and December 31. If December 31 falls on a Saturday, Sunday, or legal holiday, the filing deadline moves to the next business day. File your petition with the county clerk's office in the county where the property is located. You can get the forms you need from your county clerk or county assessor's office. You may also download forms from www.oregon.gov/DOR/PTD.

If you are not the owner of the property, carefully read the petition instructions to learn if you are qualified to file the appeal.

The board will consider your appeal between the first Monday in February and April 15. If you choose to appear at the hearing, BOPTA will send you written notice of the time and location. If you choose not to appear, the board will make a decision based on the evidence you submit with the petition.

The board will notify you in writing of its decision. If you are not satisfied with the decision, you have the right to appeal as follows:

Appealing county board decisions

You may appeal a decision of BOPTA to the Magistrate Division of the Oregon Tax Court by filing a

written complaint. The assessor may also appeal the board's decision. The fee for filing a complaint with the Magistrate Division is \$25.

Complaints must be filed with the Magistrate Division **within 30 days (not one month)**, after the board's order is mailed to you. You can download appeal forms from www.oregon.gov/OJD, or write to: Clerk, Oregon Tax Court, Magistrate Division, 1163 State Street, Salem OR 97301. You can also order forms by calling 503-986-5650 or by calling your county assessor.

Appealing magistrate decisions

You may appeal magistrate decisions to the Regular Division of the Oregon Tax Court. To appeal, file your complaint with the court clerk **within 60 days (not two months) after the date of the magistrate's decision**. The tax court clerk will notify you of the trial date and time.

A trial in the Regular Division of the Oregon Tax Court is a formal proceeding. Although you may represent yourself, most people prefer to be represented by a lawyer. If you are not satisfied with the tax court decision, you can appeal to the Oregon Supreme Court.

Failure to appeal to BOPTA

Under **very limited** circumstances, DOR or the Magistrate Division **may** be able to hear your appeal if you miss the deadline for filing with BOPTA. For more information about appealing to the department, see the publication [Supervisory Power: Error Correction Procedure, 150-303-688](#). You may obtain a copy of this circular by calling the Property Tax Conference Unit at 503-945-8286, or from the website listed below.

Taxpayer assistance

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Supervisory Power: Error Correction Procedure



When should I file an appeal?

You have one opportunity to make a timely appeal. If you disagree with the value the assessor placed on your property as of January 1, you may appeal to the county board of property tax appeals between October 25 and December 31. If the board hears the appeal and you are not satisfied with the board's decision, you can appeal to the Magistrate Division of the Oregon Tax Court. Appeal to the Magistrate Division within 30 days (not one month) of the **mailing** date of the board's order. If you have a non-value issue, such as the denial of an exemption or special assessment, a timely appeal may be made to the Magistrate Division within 90 days of the assessor's action.

What if I didn't follow the correct appeal procedure?

In some cases, the Department of Revenue can correct assessment errors under its "supervisory power" even if you didn't appeal timely to the county board of property tax appeals or to the court. The department may correct a value when the assessor requests a reduction, when you and the assessor agree to a change in writing, or when one of the following standards is met. It is your responsibility to show that you meet at least one of these standards:

1. You and the county assessor agree to facts indicating an error is likely.

Discuss your concern with the county assessor. There may be facts about your property that indicate the assessor has made an assessment error. For example, the assessor may have used the wrong square footage, or there may be excessive deterioration that the assessor did not consider. If the assessor agrees, both you and the assessor should tell us in writing. Sometimes the department will hold a conference to find out if an agreement exists. If there is an agreement to error but not to the amount, the department may hold a conference to decide the extent of the error.

2. An error caused by an extraordinary circumstance has resulted in the incorrect valuation of your property. Extraordinary circumstances include:

- a. The county assessor has taxed nonexistent property, exempt property, or property outside the taxing county.
- b. You made a computational or clerical error in reporting the value of personal property.
- c. A buyer of the property did not know about the tax liability because it was not recorded on the tax roll at the time of the purchase or within the appeal period. This does not include a new owner who disagrees with the value on the roll.
- d. The department is interested in an unusual factual question that does not involve a valuation judgement.

How do I ask the Department of Revenue to correct an assessment error?

You may file a Property Appeal Petition with the department. Petition forms may be obtained from the county assessor's office or from the department. For questions or additional information, you may contact the Property Tax Conference Unit at 503-945-8286.

You may ask the department to make a correction for the current tax year or for either of the two prior tax years, but you must meet at least one of the above standards for each tax year. The current year is the tax year in which you file the petition. For example, if you file the petition in February 2004, the current tax year is 2003-04. The two prior tax years are 2001-02 and 2002-03. The department is not able to consider a correction for any years earlier than the two prior tax years.

What will the Department of Revenue do?

The department will review your petition and determine if additional information is needed. The department may send you a questionnaire. Your answers to

the questions will help the department decide if you meet one of the above standards. **Failure to fill out and return the questionnaire within the time specified may result in dismissal of your appeal.**

The department may schedule a conference to determine if any of the standards has been met. The conferences are normally held over the telephone. It is not necessary, but you may have witnesses or you may choose someone to represent you. Persons you may authorize to represent you include Oregon attorneys, CPAs, real estate brokers, and appraisers. The department will issue a written decision after the conference. If the department finds that at least one of the standards has been met, the department may, if needed, schedule a second conference to determine what correction should be made.

Is there any other possibility for a late appeal?

Even if you did not appeal on time, the Magistrate Division of the Oregon Tax Court may consider your appeal if either of these situations apply:

1. You did not appeal on time for reasons of good and sufficient cause. Good and sufficient cause is an extraordinary circumstance beyond your control that caused the late appeal.
2. Your property is residential, and the difference between the real market value you are asserting and the real market value shown on the assessment roll is 20 percent or greater.

Questions?

For more information, you may call the Property Tax Conference Unit at 503-945-8286, or you may call the following:

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Toll-free from an Oregon prefix 1-800-356-4222

Asistencia en español:

Salem 503-378-4988
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Section 11: Miscellaneous Information

Cities and ZIP Codes

Town	County	Number	ZIP Code
A			
Adair Village	Benton	2	97330
Adams	Umatilla	30	810
Adel	Lake	19	620
Adrian	Malheur	23	901
Agness	Curry	8	406
Albany	Linn	22	321
Allegany	Coos	6	407
Aloha	Washington	34	97005-007
Alpine	Benton	2	408
Alsea	Benton	2	324
Alsea	Lincoln	21	324
Alvadore	Lane	20	409
Amity	Yamhill	36	101
Antelope	Wasco	33	001
Applegate	Jackson	15	530
Arch Cape	Clatsop	4	102
Arlington	Gilliam	11	812
Arock	Malheur	23	902
Ashland	Jackson	15	520
Ashwood	Jefferson	16	711
Astoria	Clatsop	4	103
Athena	Umatilla	30	813
Aumsville	Marion	24	325
Aurora	Marion	24	2
Azalea	Douglas	10	410
B			
Baker City	Baker	1	97814
Ballston	Polk	27	379
Bandon	Coos	6	411
Banks	Washington	34	106
Bates	Grant	12	817
Bay City	Tillamook	29	107
Beatty	Klamath	18	621
Beaver	Tillamook	29	108
Beavercreek	Clackamas	3	004
Beaverton	Washington	34	97005-08, 97075-076
Bend	Deschutes	9	97701-02, 97708-09
Biggs	Sherman	28	065
Birkenfeld	Columbia	5	016
Blachly	Lane	20	412
Blalock	Gilliam	11	812
Blodgett	Benton	2	326
Blodgett	Lincoln	21	326
Blue River	Lane	20	413
Bly	Klamath	18	622
Boardman	Morrow	25	818
Bonanza	Klamath	18	623
Bonneville	Multnomah	26	014
Boring	Clackamas	3	9

Bradwood	Clatsop	4	16
Bridal Veil	Multnomah	26	10
Bridgeport	Baker	1	819
Brightwood	Clackamas	3	11
Broadbent	Coos	6	414
Brogan	Malheur	23	903
Brookings	Curry	3	415
Brooks	Marion	24	305
Brothers	Deschutes	9	712
Brownsmead	Clatsop	4	103
Brownsville	Linn	22	327
Burns	Harney	13	720
Butte Falls	Jackson	15	522
Buxton	Washington	34	109

C

Camas Valley	Douglas	10	97416
Camp Sherman	Jefferson	16	730
Canby	Clackamas	3	13
Cannon Beach	Clatsop	4	110
Canyon City	Grant	12	820
Canyonville	Douglas	10	417
Carlton	Yamhill	36	111
Cascade Locks	Hood River	14	014
Cascadia	Linn	22	329
Cave Junction	Josephine	17	523
Cayuse	Umatilla	30	821
Central Point	Jackson	15	502
Charleston	Coos	6	420
Chemult	Klamath	18	731
Cheshire	Lane	20	419
Chiloquin	Klamath	18	624
Christmas Valley	Lake	19	641
Clackamas	Clackamas	3	15
Clatskanie	Columbia	5	16
Clifton	Clatsop	4	16
Cloverdale	Tillamook	29	112
Coburg	Lane	20	408
Colton	Clackamas	3	17
Columbia City	Columbia	5	18
Condon	Gilliam	11	823
Coos Bay	Coos	6	420
Coquille	Coos	6	423
Corbett	Multnomah	26	19
Cornelius	Washington	34	113
Corvallis	Benton	2	330
Corvallis	Linn	22	333
Cottage Grove	Lane	20	424
Cove	Union	31	824
Crabtree	Linn	22	335
Crane	Harney	13	732
Crater Lake	Klamath	18	604
Crawfordsville	Linn	22	336
Crescent	Klamath	18	733
Crescent Lake	Klamath	18	425
Creswell	Lane	20	426

Culp Creek	Lane	20	427
Culver	Jefferson	16	734
Curtin	Douglas	10	428

D

Dairy	Klamath	18	97625
Dale	Grant	12	880
Dallas	Polk	27	338
Days Creek	Douglas	10	429
Dayton	Yamhill	36	114
Dayville	Grant	12	825
Deadwood	Lane	20	430
Deer Island	Columbia	5	54
Denio	Harney	13	Nevada Zip
Denmark	Curry	8	450
Depoe Bay	Lincoln	21	341
Detroit	Marion	24	342
Dexter	Lane	20	431
Diamond	Harney	13	722
Diamond Lake	Douglas	10	731
Dillard	Douglas	10	432
Donald	Marion	24	20
Dorena	Lane	20	434
Drain	Douglas	10	435
Drewsey	Harney	13	904
Dufur	Wasco	33	21
Dundee	Yamhill	36	115
Durkee	Baker	1	905

E

Eagle Creek	Clackamas	3	97022
Eagle Point	Jackson	15	524
Echo	Umatilla	30	826
Eddyville	Lincoln	21	343
Elgin	Union	31	827
Elkton	Douglas	10	436
Elmira	Lane	20	437
Enterprise	Wallowa	32	828
Estacada	Clackamas	3	23
Eugene	Lane	20	97401-05, 97440

F

Fairview	Multnomah	26	97024
Fall Creek	Lane	20	438
Falls City	Polk	27	344
Fields	Harney	13	710
Flora	Wallowa	32	828
Florence	Lane	20	439
Forest Grove	Washington	34	116
Fort Klamath	Klamath	18	626
Fort Rock	Lake	19	735
Fort Stevens	Clatsop	4	121
Fossil	Wheeler	35	830
Foster	Linn	22	345

Fox	Grant	12	831
Frenchglen	Harney	13	736
G			
Gales Creek	Washington	34	97117
Gardiner	Douglas	10	441
Garibaldi	Tillamook	29	118
Gaston	Washington	34	119
Gates	Linn	22	346
Gates	Marion	24	346
Gateway	Jefferson	16	741
Gearhart	Clatsop	4	138
Gervais	Marion	24	26
Gilchrist	Klamath	18	737
Gladstone	Clackamas	3	27
Glendale	Douglas	10	442
Gleneden Beach	Lincoln	21	388
Glenwood	Washington	34	116
Glide	Douglas	10	443
Goble	Columbia	5	48
Gold Beach	Curry	8	444
Gold Hill	Jackson	15	525
Government Camp	Clackamas	3	28
Grande Ronde	Polk	27	347
Grants Pass	Josephine	17	97526-528
Grass Valley	Sherman	28	29
Greenleaf	Lane	20	430
Gresham	Multnomah	26	97030, 97080
Grizzly	Jefferson	16	741
H			
Haines	Baker	1	97833
Halfway	Baker	1	834
Halsey	Linn	22	348
Hamlet	Clatsop	4	138
Hammond	Clatsop	4	121
Harbor	Curry	8	415
Harper	Malheur	23	906
Harrisburg	Linn	22	446
Hebo	Tillamook	29	122
Helix	Umatilla	30	835
Heppner	Morrow	25	836
Hereford	Baker	1	837
Hermiston	Umatilla	30	838
Hillsboro	Washington	34	97123-24
Hines	Harney	13	738
Hood River	Hood River	14	31
Hubbard	Marion	24	32
Huntington	Baker	1	907
I			
Idanha	Linn	22	97350
Idanha	Marion	24	350
Idleyld Park	Douglas	10	447
Imbler	Union	31	841

Imnaha	Wallowa	32	842
Independence	Polk	27	351
Ione	Morrow	25	843
Ironside	Malheur	23	908
Irrigon	Morrow	25	844
Island City	Union	31	850

J

Jacksonville	Jackson	15	97530
Jamieson	Malheur	23	909
Jasper	Lane	20	438
Jefferson	Linn	22	352
Jefferson	Marion	24	352
Jewell	Clatsop	4	138
John Day	Grant	12	845
Jordan Valley	Malheur	23	910
Joseph	Wallowa	32	846
Junction City	Lane	20	448
Juntura	Malheur	23	911

K

Keno	Klamath	18	97627
Kent	Sherman	28	33
Kerby	Josephine	17	531
Kernville	Lincoln	21	367
Kimberly	Grant	12	848
Kirk	Klamath	18	624
Klamath Falls	Klamath	18	97601-603

L

Lafayette	Yamhill	36	97127
LaGrande	Union	31	850
Lake Grove	Clackamas	3	97034-35
Lake Oswego	Clackamas	3	97034-35
Lake Oswego	Washington	34	97034-35
Lakeside	Coos	6	449
Lakeview	Lake	19	630
Langlois	Curry	8	450
Lapine	Deschutes	9	739
Lawen	Harney	13	740
Leaburg	Lane	20	489
Lebanon	Linn	22	355
Lexington	Morrow	25	839
Lincoln City	Lincoln	21	367
Logsdan	Lincoln	21	357
Lonerock	Gilliam	11	823
Long Creek	Grant	12	856
Lorane	Lane	20	451
Lostine	Wallowa	32	857
Lowell	Lane	20	452
Lyons	Linn	22	358
Lyons	Marion	24	358

M

Madras	Jefferson	16	97741
Malin	Klamath	18	632
Manning	Washington	34	125
Manzanita	Tillamook	29	130
Mapleton	Lane	20	453
Marcola	Lane	20	454
Marion	Marion	24	359
Marylhurst	Clackamas	3	36
Maupin	Wasco	33	37
Mayville	Gilliam	11	830
McCoy	Polk	27	339
McDermitt (NV)	Malheur	23	89421
McKenzie Bridge	Lane	20	413
McMinnville	Yamhill	36	128
Meacham	Umatilla	30	859
Medford	Jackson	15	97501, 97504
Medical Springs	Union	31	814
Mehama	Marion	24	384
Merlin	Josephine	17	532
Merrill	Klamath	18	633
Metolius	Jefferson	16	741
Midland	Klamath	18	634
Mikkalo	Gilliam	11	861
Mill City	Linn	22	360
Mill City	Marion	24	360
Miller	Sherman	28	58
Milton-Freewater	Umatilla	30	862
Milwaukie	Clackamas	3	97222, 97267
Mist	Columbia	5	16
Mitchell	Wheeler	35	750
Molalla	Clackamas	3	38
Monmouth	Polk	27	361
Monroe	Benton	2	456
Monument	Grant	12	864
Moro	Sherman	28	39
Mosier	Wasco	33	40
Mount Angel	Marion	24	362
Mount Hood	Hood River	14	41
Mount Vernon	Grant	12	865
Mulino	Clackamas	3	42
Multnomah	Multnomah	26	219
Murphy	Josephine	17	533
Myrtle Creek	Douglas	10	457
Myrtle Point	Coos	6	458

N

Nehalem	Tillamook	29	97131
Neotsu	Lincoln	21	364
Neskowin	Tillamook	29	149
Netarts	Tillamook	29	143
New Pine Creek	Lake	19	635
Newberg	Yamhill	36	132
Newport	Lincoln	21	365
North Bend	Coos	6	459
North Plains	Washington	34	133

North Powder	Union	31	867
Norway	Coos	6	460
Noti	Lane	20	461
Nyssa	Malheur	23	913

O

Oak Grove	Clackamas	3	97267
Oakland	Douglas	10	462
Oakridge	Lane	20	463
O'Brien	Josephine	17	534
Oceanside	Tillamook	30	134
Odell	Hood River	14	44
Olex	Gilliam	11	812
Olney	Clatsop	4	103
Ontario	Malheur	23	914
Ophir	Curry	8	464
Oregon City	Clackamas	3	45
Oretech	Klamath	18	601
Otis	Lincoln	21	368
Otter Rock	Lincoln	21	369
Oxbow	Baker	1	840

P

Pacific City	Tillamook	29	97135
Paisley	Lake	19	636
Parkdale	Hood River	14	41
Paulina	Crook	7	751
Pendleton	Umatilla	30	801
Perrydale	Polk	27	101
Philomath	Benton	2	370
Phoenix	Jackson	15	535
Pilot Rock	Umatilla	30	868
Pistol River	Curry	8	444
Pleasant Hill	Lane	20	455
Plush	Lake	19	637
Port Orford	Curry	8	465
Portland	Multnomah	26	*
Portland	Washington	34	97219, 97225, 97229
Post	Crook	7	752
Powell Butte	Crook	7	753
Powers	Coos	6	466
Prairie City	Grant	12	869
Princeton	Harney	13	721
Prineville	Crook	7	754
Prospect	Jackson	15	536

R

Rainier	Columbia	5	97048
Redmond	Deschutes	9	756
Reedsport	Douglas	10	467
Remote	Coos	6	468
Rhododendron	Clackamas	3	49
Richland	Baker	1	870
Rickreall	Polk	27	371

*Multiple Zip Codes

Riddle	Douglas	10	469
Riley	Harney	13	758
Ritter	Grant	12	872
Riverside	Malheur	23	917
Rockaway	Tillamook	29	136
Rogue River	Jackson	15	537
Rose Lodge	Lincoln	21	372
Roseburg	Douglas	10	470
Rufus	Sherman	28	50

S

Saginaw	Lane	20	97472
Saint Helens	Columbia	5	51
Salem	Marion	24	97301-309, NOT 97304
Sandy	Clackamas	3	55
Scappoose	Columbia	5	56
Scio	Linn	22	374
Scotts Mills	Marion	24	375
Scottsburg	Douglas	10	473
Seal Rock	Lincoln	21	376
Seaside	Clatsop	4	138
Selma	Josephine	17	538
Seneca	Grant	12	873
Shady Cove	Jackson	15	539
Shaniko	Wasco	33	57
Shedd	Linn	22	377
Sheridan	Yamhill	36	378
Sherwood	Washington	34	140
Sikes	Curry	8	476
Siletz	Lincoln	21	380
Silver Lake	Lake	19	638
Silverton	Marion	24	381
Sisters	Deschutes	9	759
South Beach	Lincoln	21	366
Sprague River	Klamath	18	639
Spray	Wheeler	35	874
Springfield	Lane	20	97477, 97478
St. Benedict	Marion	24	373
St. Paul	Marion	24	137
Stanfield	Umatilla	30	875
Stayton	Linn	22	383
Stayton	Marion	24	383
Sublimity	Marion	24	385
Summer Lake	Lake	19	640
Summerville	Union	31	876
Sumpter	Baker	1	877
Sunny Valley	Josephine	17	497
Sutherlin	Douglas	10	479
Sweet Home	Linn	22	386
Swishhome	Lane	20	480

T

Taft	Lincoln	21	97367
Talent	Jackson	15	540
Tangent	Linn	22	389

Tenmile	Douglas	10	481
Terrebonne	Deschutes	9	760
The Dalles	Wasco	33	58
Thurston	Lane	20	482
Tidewater	Lincoln	21	390
Tigard	Washington	34	97223-24, 97281
Tillamook	Tillamook	29	141
Tiller	Douglas	10	484
Timber	Washington	34	144
Toledo	Lincoln	21	391
Tolovana Park	Clatsop	4	145
Trail	Jackson	15	541
Tri-City	Douglas	10	457
Troutdale	Multnomah	26	60
Troy	Wallowa	32	828
Tualatin	Washington	34	62
Turner	Marion	24	392
Tygh Valley	Wasco	33	63

U

Ukiah	Umatilla	30	97880
Umatilla	Umatilla	30	882
Umpqua	Douglas	10	486
Union	Union	31	883
Unity	Baker	1	884

V

Vale	Malheur	23	97918
Valsetz	Polk	27	393
Veneta	Lane	20	487
Vernonia	Columbia	5	64
Vida	Lane	20	488

W

Waldport	Lincoln	21	97394
Wallowa	Wallowa	32	885
Walterville	Lane	20	489
Walton	Lane	20	490
Wamic	Wasco	33	63
Warm Springs	Jefferson	16	761
Warren	Columbia	5	53
Warrenton	Clatsop	4	146
Wasco	Sherman	28	65
Waterloo	Linn	22	395
Wauna	Clatsop	4	16
Wedderburn	Curry	8	491
Welches	Clackamas	3	67
West Linn	Clackamas	3	68
West Salem	Polk	27	304
Westfall	Malheur	23	920
Westfir	Lane	20	492
Westlake	Lane	20	493
Weston	Umatilla	30	886
Westport	Clatsop	4	16
Wheeler	Tillamook	29	147

White City	Jackson	15	503
Wilbur	Douglas	10	494
Wilderville	Josephine	17	543
Willamina	Polk	27	396
Willamina	Yamhill	36	396
Williams	Josephine	17	544
Willowcreek	Malheur	23	919
Wilsonville	Clackamas	3	70
Wilsonville	Washington	34	70
Winchester	Douglas	10	495
Winchester Bay	Douglas	10	467
Winston	Douglas	10	496
Wolf Creek	Josephine	17	497
Woodburn	Marion	24	71

Y

Yachats	Lincoln	21	97498
Yamhill	Yamhill	36	148
Yoncalla	Douglas	10	499

Records Retention

Personal Property records should be retained according to information from the most recent version of Oregon Administrative Rule 166-150-0015, Archives Division.

County Assessor Records

According to the Oregon Administrative Rules, the applicable retention schedules are as follows:

- Assessment Roll/Personal Property—6 years. Destruction authorized only upon the condition that the tax collector is keeping a permanent copy of the Assessment and Tax Roll.
- Personal Property Returns—6 years. Individual filings of the personal property tax return are confidential.

These schedules apply only to the program records of county assessors. These specific retention periods do not apply to records of Assessment and Appraisal Section, Department of Revenue, or any other state agency. Programs involving federal funds may be subject to additional requirements.

The section of OAR 166-150-0015 titled County Assessment and Tax Records follows.

Assessment and Taxation Records

166-150-0015 (1) Additional Tax Due and Valuation Notices Used to notify property owners of disqualification of specially assessed property or errors made in the valuation process. Types of disqualifications include farm, forest, historical, residential or commercial zone, and others. Types of valuation changes include omitted property, clerical error, and others. Records notifying property owners of adjudicated notices may include name, address, value, tax assessed, tax year, and reason for disqualification or change. (Minimum retention: 3 years after entered on tax roll)

(2) Annual Tax Certification Records Record of certified levies to be collected for each taxing district which was placed on the tax roll and is filed with the County Clerk. Summarizes taxes levied by property type and levy type. May include the following information by district: levies, value, offsets, tax rates, tax losses, add taxes, and percentage of distribution. (Minimum retention: 6 years)

(3) Appraisal Records Record of land and building appraisals including all elements used to determine the value of the property. May include property identification number and legal description, owner name and address, diagram cards, appraisal activity log, current value, remarks, sales and building permit history, roll value history, sketch notes, appeal history, construction detail, improvement valuation, land valuation, and special use valuation. Also may include records documenting valuation by year. (Minimum retention: 12 years)

(4) Assessment and Tax Roll Official record of assessments, tax levied, and changes to the tax roll on all properties. May include name, address, assessed value, real market value, taxes levied, legal description, sites address, code area, property class, and any changes made since previous tax roll. May also include additional tax rolls previously maintained for deferred homesteads, yield tax, reforestation, additional tax on timber, and others. (Minimum retention: (a) Years through 1905: Permanent (b) Fiscal Years ending in 0 and 5 after 1905: Permanent (c) Fiscal Years 1906 and later (except years ending in 0 and 5): 50 years)

(5) Assessment Appeal Records Notification to the Assessor that a property owner disagrees with the assessed value of the property. May include Board of Property Tax Appeals, Department of Revenue, or tax magistrate petitions and orders. May also include correspondence relating to the appeal. Original petition, evidence, and order are filed with the County Clerk or the Department of Revenue. (Minimum retention: 2 years)

(6) Assessment Rolls Compilation of real and personal property values as established by May 1 of each calendar year. Used to generate taxes in the following tax year. These records were created prior to the legislative change combining the assessment and tax rolls. May include name, address, location, account numbers, legal description, and valuation. (Minimum retention: If Tax Rolls do not exist for the below-specified time periods, or if the tax and appraisal function is documented in one record for a particular time period, use the following: (a) Years through 1905: Permanent (b) Fiscal Years ending in 0 and 5 after 1905: Permanent (c) Fiscal Years 1906 and later (except years ending in 0 and 5): 50 years (d) If separate Tax Rolls exist for the above specified time periods: 6 years)

(7) Assessor's Maps Cartographic records produced and maintained by the Assessor outlining the boundaries of each land parcel subject to separate assessment within the county, with the parcel's tax lot or account number shown on the parcel. May include code area boundaries and the assigned code area numbers. (Minimum retention: Retain until superseded or obsolete)

(8) Bankruptcy Records Monitors the actions of U.S. Bankruptcy Courts as it pertains to the assessing and collecting of property taxes. May include notification from the court, request for relief of automatic stay, reorganization and payment plans, discharges, and related correspondence. (Minimum retention: 2 years after case closed)

(9) Department of Motor Vehicles Form 113 Used to certify that taxes have been paid on manufactured structures so that they can be moved, sold, or dismantled. Information may include owner name and address, property location, appraised value, taxes due and taxes paid. This program moved to Department of Business and Consumer Services Building Codes Division in May 2005 which issues trip permits in lieu of DMV Form 113's. (Minimum retention: (a) Tax Collector information: 1 year (b) Assessor information: Life of the structure)

(10) Disqualified Tax Payments Used to document the collection of taxes for properties that have been disqualified as having a special assessment. Information may include property owner name and address, tax year, market or non special assessment value, farm use value, tax rate, number of years for rate, total additional tax per year, total tax due, reason for disqualification, and disqualification value. (Minimum retention: 7 years)

(11) Exemption Claims Applications by war veterans or veteran's widows and qualifying exempt organizations for total or partial property tax exemption. May include applications, marriage licenses, death certificates, military service discharge records, by-laws, rental agreements, and other records. (Minimum retention: 2 years after superseded or exemption disqualified)

(12) Foreclosure Records Documents the actions of the Tax Collector during foreclosure and redemption of real property. May include declarations of delinquency, notifications to property owner and lien holders, official publication lists, applications for final judgment and decree, final judgment and decree, record of lien holders, redemption certificates, deeds of foreclosed property, and related correspondence. (Minimum retention: 6 years after property deeded to county or redeemed by recorded interest holder)

(13) Homeowner's Property Tax Relief Records Applications for property tax reduction based on legislatively mandated amounts distributed through the Department of Revenue. May include applications, adjustment, fund transfer, denial, and disqualification records. (Minimum retention: 2 years)

(14) Journal Vouchers-Roll Changes Assessor's copy of request to Tax Collector to change or correct the tax roll in counties where separate records are maintained. May indicate value, tax code, exemptions and other changes. May include vouchers, opinion and order from Department of Revenue, Board of Property Tax Appeals orders, and tax court and supreme court orders. (Minimum retention: 6 years, or until real property tax rolls of the year affected by the voucher have been foreclosed and the foreclosed property deeded to the agency)

(15) Partition Plats and Subdivision Plats Used to document that taxes have been paid on properties prior to the partition/subdivision development. Information may include parcel description, name of partition or subdivision, tax lot information, number of parcels and acres, and amount of taxes paid. (Minimum retention: 2 years)

(16) Personal Property Delinquent Tax Records Notification by individual correspondence or official publication to property owner of intent to issue a judgment lien on personal property for non-payment of taxes. Also used to record or release lien against owner of property on tax roll. Lien is recorded and retained by the County Clerk. Includes owner name, type of personal property, account number, years and amounts delinquent, and authorizing signature. (Minimum retention: 2 years after the associated liens are issued)

(17) Personal Property Returns Documents the value all business machinery and equipment within the county to determine the valuation of personal property for taxing purposes. May include name of taxpayer/business, address, location, signatures, and purchase price and date purchased of business machinery. (Minimum retention: 6 years)

(18) Ratio Studies Used to update appraisal values between reappraisals of property. May include sales data cards, sales verifications, sales ratio report, and supporting documents. Information on report may include property sales by neighborhood or reappraisal areas, ratio of sales to property values, previous study statistics, and individual sales listings. (Minimum retention: 6 years)

(19) Refund Records Used to record the overpayment of taxes and then to document that notification was to over payers requesting information on who the refund should be issued to. Information may include account name and number, property location, tax lot number, amount of overage, cause of overage, and deadline for response. (Minimum retention: 6 years)

(20) Revenue (Department of) Reports Reports sent to the Department of Revenue summarizing information placed on the tax roll and providing detail of expenditures supporting reimbursement for operational expenses. Reports may include Summary of Assessments and Levies (SAL) Report, Property Tax Program Grant Document Detail Report, and Tax Collection Year-End Report. (Minimum retention: 6 years)

(21) Senior and Disabled Citizens Tax Deferral Applications Applications by senior citizens to defer property taxes or special assessments. Disqualification occurs with death of applicant, property sale, or exceeding income limit. Taxes are paid by the state with lien attached to property. Applications may include name, address, location, account number, legal description, deed references, and authorizing signatures. This series may also include applications for delay of foreclosure. (Minimum retention: 2 years after disqualified or lien satisfied)

(22) Special Valuation Applications Requests for special assessment of properties on the basis of special use. Uses include forest land, farmland, historic properties, enterprise zones, and single family residence in commercial zones. Applications and worksheets may include name, address, account number, number of acres in use, farm income documentation, historic designation, year assessed, and real market value (RMV) of property. (Minimum retention: 6 years after disqualified)

(23) Tax Collection and Distribution Records Records summary of taxes collected and distributed. May include date of collection and distribution, amount distributed, percentage of collection and distribution, year of tax, and adjustments. (Minimum retention: (a) Percentage Distribution Schedule: 25 years (b) All other records: 3 years)

(24) Tax Lot Cards Records contain official descriptions of real property and are used to track land ownership and lot size and also may serve as a deed reference. Records include tax lot number; the location of the land

in reference to township, range, and section; and a description and record of changes to the property, acreage, and land owner. (Minimum retention: Permanent)

(25) Tax Payment Records Records individual payments made by taxpayers on an account. May include county name, fiscal year for which taxes entered, address, code area, date paid, amount, and property for which taxes paid. (Minimum retention: 7 years)

(26) Tax Statement Requests Authorization for lender to pay property taxes on individual properties. Provides lender information on assessed values and levied taxes on individual properties. May include account number, lender name and loan number. (Minimum retention: 2 years)

(27) Tax Turnover Records Documents amounts paid to each taxing district based on the Tax Collection and Distribution schedule calculated by the Tax Collector. Includes date of distribution, district name, and amount distributed. May also include percentage of collection and distribution, year of tax, and adjustments. (Minimum retention: 6 years)

(28) Taxing District Records Notification to the Assessor from city, fire, school, and other special districts to levy taxes. Includes records received from districts such as notifications to levy taxes, categorizations of levies, resolutions from governing body to levy taxes, detail budgets, and public notices. Also may include tax rate computation sheets and other records used or created by the Assessor in calculating the tax rates. (Minimum retention: (a) Notice of Property Tax Levy and Certification of Categorization: 6 years (b) All other records: 2 years)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2006, f. & cert. ef. 8-30-06

Reference List for Personal Property

Title: *Appraising Machinery and Equipment*
Sponsored by The American Society of Appraisers
Authors: Various: John Alico, Editor
ISBN 0-07-0011475-2
Published by: McGraw-Hill Book Company

Pricing Guides for Computer Equipment Mainframe

Title: *Computer Price Watch*
Author/Publisher: Computer Information Resources
22144 Clarendon Street, Suit 214
Woodland Hills, CA 91367
Phone: 818-883-4614
www.computerpricewatch.com

Title: *End User Market Value Report*
Author/Publisher: DMC Valuations
P.O. Box 9469
Newport Beach, CA 92658
Phone: 949-737-7780
www.dmcvaluations.com

A company that produces a computer bluebook is:
Orion Computer Research Corporation
14555 N Scottsdale Rd., Suite 330
Scottsdale AZ 85254
Phone 480-951-1114

Heavy Equipment

Title: *My Little Salesman*
2895 Chad Drive
Eugene OR 97408
Phone: 541-342-3307
www.mylittlesalesman.com

Title: *Top Bid*
Top Bid
PO Box 2029
Tuscaloosa AL 35403
Phone: 205-349-2990

Title: *1993 Hot Line*
Published by: Heartland Communications Group,
Inc.
1003 Central Avenue
PO Box 1052
Fort Dodge IA 50501
Phone: 1-800-247-2000

Enterprise Zone

Several types of benefits accrue to eligible business firms that invest, qualify, and operate in an Oregon enterprise zone, besides those with statewide applicability. The benefits for a tax exemption fall into one of three areas, which are:

- Construction-in-progress.
- Strategic investment.
- Tax credit.

Under the program of **construction-in-progress**, those items that are personal property are taxable. All other property can receive exemption from taxation. As a business qualifies for an exemption under the **strategic investment in urban areas**, everything is exempt from taxation for the first \$100 million and in rural areas everything is exempt from taxation for the first \$25 million. In order for personal property to receive an exemption under the **tax credit** program, a personal property item must have a value of \$1,000 or more and be used in tangible production or be a personal property item of \$50,000 or more.