Chapter 307

1973 REPLACEMENT PART

Property Subject to Taxation

GENERAL PROVISIONS

307.010 Definition of real property
307.020 Definition of personal property
307.030 Property subject to assessment generally
307.035 Publishing summary of certain exempt real property

EXEMPTIONS

(Public Properties)

307.040 Property of the United States
307.050 Property of the United States held under contract of sale
307.060 Property of the United States held under lease or other interest less than fee
307.065 Property of the United States in possession of contractor under federal defense or space contract
307.070 Settled or claimed government land; improvements thereon
307.080 Mining claims
307.090 Property of the state, counties and other municipal corporations; payments in lieu of taxes on city-owned electric utility property
307.095 State property rented for parking subject to ad valorem taxation; computation
307.100 Public property held by taxable owner under contract of purchase
307.110 Public property leased or rented by taxable owner
307.115 Property of nonprofit corporations held for public parks or recreation purposes
307.120 Property owned by municipalities, dock commissions or ports
307.125 Property of forest protection agencies

(Institutional, Religious, Fraternal, Interment Properties)

307.130 Property of literary, benevolent, charitable and scientific institutions
307.134 Definition of fraternal organization
307.136 Property of fraternal organizations
307.140 Property of religious organizations
307.145 Schools and student housing of eleemosynary institutions or religious organizations
307.150 Burial grounds; property of crematory associations
307.160 Property of public libraries
307.162 Necessity of filing statement to secure exemption
307.163 Assessor to notify owner of exempt property not filing statement; late filing; fees
307.164 Effect of compliance with ORS 307.162; refund of taxes previously paid

(Fall-Out Shelters)

307.165 Radiation fall-out shelters

(Indian Properties)

307.180 Property of Indians

(Personal Property)

307.190 Tangible personal property held for personal use
307.195 Household furnishings owned by nonprofit organization furnishing housing for students attending institutions of higher education

(Public Ways)

307.200 Public ways

(Water Associations)

307.210 Property of nonprofit mutual or cooperative water associations

(Telephone Services)

307.220 Property of nonprofit mutual or cooperative telephone associations
307.230 Telephonic properties of persons not engaged in public telephone service
307.240 Prerequisite for allowance of exemption under ORS 307.210, 307.220 or 307.230

(War Veterans and Widows)

307.250 Property of war veterans and their widows
307.260 Necessity of filing claim to secure exemption under ORS 307.250; contents of claim
307.270 Property to which exemption of ORS 307.250 applies
307.280 Effect of allowance of exemption under ORS 307.250 on prior tax levied
307.290 Conditions which terminate the exemption of ORS 307.250
307.300 Homesteads of unmarried widows of veterans of Civil War or Spanish War

(Deciduous Plants; Agricultural Products)

307.315 Nursery stock
307.320 Deciduous trees, shrubs, plants and crops growing on agricultural land
307.325 Agricultural products in possession of farmer

(Commercial Facilities Under Construction)

307.330 Commercial facilities under construction
307.340 Necessity of filing proof to secure exemption under ORS 307.330; abatement

(Nonprofit Homes for Elderly)

307.370 Property of nonprofit homes for elderly; limitation on lessee
307.375 Type of corporation to which exemption under ORS 307.370 applicable
307.380 Necessity of filing claim to secure exemption under ORS 307.370
307.385 Corporation to credit resident's account with share of tax exemption; assessor required to deny exemption if credit not given

(Agricultural Equipment and Facilities)

307.390 Mobile field incinerators
307.395 Agricultural waste storage facilities

(Pollution Control Facilities)
307.405 Pollution control facilities; qualifications; expiration; revocation; limitations
307.420 Necessity of filing claim and certificate to secure exemption; annual statements of ownership
307.430 Correction of assessment and tax rolls; termination of exemption

(Beach Lands)
307.450 Certain beach lands

(Student Housing)
307.460 Student housing exempt from school district taxes; application procedure

(Art Objects)
307.470 Certain art objects; continuation of exemption during consignment

(Hardship Situations)
307.475 Relief when failure to file for exemption or cancellation of taxes was for good cause

(Farm Labor Camps; Day Care Centers)
307.480 Definitions for ORS 307.480 to 307.510
307.485 Farm labor camp and day care center property exempt
307.490 Payments in lieu of taxes; disposition of moneys received
307.495 Filing claim with assessor; contents of claim
307.500 Assessor transmitting claim to department and other agencies; health code compliance required
307.505 Inspection of farm labor camps; effect of failure to comply with health code
307.510 Appeal to department by taxpayer

(Free Port; Foreign Trade Zones)
307.810 Exemption of personal property in transit (free port)
307.820 Designation of property on records of warehouse
307.830 Necessity of filing statement to secure exemption
307.840 Property reconsigned to final destination in Oregon
307.850 Foreign trade zones

PENALTY
307.990 Penalty

CROSS REFERENCES

Administration of revenue laws generally, Ch. 305
County court or board of commissioners shall designate tax collector, 311.055
Effect of transfer from taxable to exempt ownership or use, 311.410
General provisions relating to property taxation, Ch. 306
Homesteads, property tax refunds, 310.630 to 310.712
Hospital facilities public authority, status as public body; certain property and income exempt from taxation, 441.580
Procedure for assessment and collection of property taxes, Chs. 308, 309, 310, 311, 312
Reduction of property taxes, Ch. 310
Residential property destroyed by fire, reduction in true cash value, 308.425
Tax Court, Oregon, 305.405 to 305.555
Verification of documents filed under tax laws, falsification prohibited, 305.810, 305.815
When tax document deemed filed with tax official, 305.820
Willamette River Greenway, taxation of lands subject to scenic easements, 390.364

307.010

Deciduous trees, shrubs, plants or crops growing upon agricultural land not "real property," 307.320

307.020

Assessment of severable interests in real property owned separate from the land, 308.115

307.030

Aircraft, registration or license fee in lieu of property tax, 493.090, 493.110, 493.140
Banks and financial institutions, excise tax in lieu of personal property tax, 317.065
Boats, taxation of, 488.732
Bridges, interstate, exempt from taxation, 381.820
Cigarette tax exclusive, 323.030
Credit unions, taxation of, 723.020
Fixed-load vehicles, taxation of, 481.272
Fraternal benefit society, property exempt from taxation, 748.545
House trailers, taxation of, 481.270
Mobile homes, taxation, 308.850
Motor vehicles, license fee in lieu of property tax, 481.270
Property annexed to city, taxing at reduced ratio, 222.111
Reforestation lands and forest crops therefrom, taxation of, 321.295, 321.300, 321.315, 321.335
Rural telephone exchanges, gross earnings tax in lieu of property tax, 308.705 to 308.730
School taxes, refund where property taxed twice for high school purposes, 311.821
Special tax provisions for timber according to area of state:
- Eastern Oregon, timber exempt from property tax, severance tax in lieu, 321.420
- Western Oregon, reproduction timber exempt from property tax, 321.625

Unit ownership, taxation of individual units of property subject to, 91.640
Watercraft, taxation of, 308.256

307.040

Application of tax laws within federal areas, 305.605
Federal lands, subject to irrigation district assessments, 545.452
National banks, 317.065
National forest lands, taxation of persons and corporations and their property and transactions on, 272.040

307.050

Duty of assessor to procure list of public lands sold, 308.270

307.070

Duty of assessor to procure list of public lands sold, 308.270

307.090

Eminent domain, taxes on property acquired by, 311.412, 311.413
Foreclosure of debt by state, taxes on property acquired by, 311.525, 327.465, 327.470
Housing authority, property exempt from taxation, 456.225
Nonprofit district improvement companies, property exempt from taxation, 554.320
People's utility district, property subject to taxation, 261.050, 308.505 to 308.660
Property acquired by county on foreclosure of delinquent taxes, exemption of, 275.260

Public lands, subject to drainage district assessments, 547.455, 547.460
Scenic easements, designated scenic waterways, exemption of, 390.915
State lands, subject to irrigation district assessments, 545.452
Wildlife commission real property, payments equal to amount of taxes, 496.340

307.095

State parking facilities, Ch. 276

307.100

Assessor, duty to procure list of public lands sold, 308.270
County lands sold under contract of sale, taxation of, 275.240
State lands sold on certificate or contract, effect of cancellation of certificate or contract on taxation of, 311.720

307.130

Fraternal benefit societies, taxation of property of, 748.545

307.150

Cemetery and cremation corporations, exemption of lands held and lots sold by, 61.755, 61.770

307.210

Abatement for tax year prior to 1972-1973 in certain cases, 1973 c.505 §§1, 2
Taxation of mutual or cooperative electric distribution systems, 308.805

307.250

Definition of "war veteran," 174.105

307.260

Exemption, later filing date allowed when assessed valuation increased, 308.340

307.375

Homestead property tax refund allowed for residents of homes, 310.677

307.405

Public facility; no exemption, 314.255

307.480

Oregon Safe Employment Act, 1973 c.833

GENERAL PROVISIONS

307.010 Definition of real property. (1) "Land," "real estate" and "real property" include the land itself, above or under water; all buildings, structures, improvements, machinery, equipment or fixtures erected upon, under, above or affixed to the same; all mines, minerals, quarries and trees in, under or upon the land; all water rights and water powers and all other rights and privileges in any wise appertaining to the land; and any estate, right, title or interest whatever in the land or real property, less than the fee simple.

(2) Where the grantor of land has, in the instrument of conveyance, reserved or conveyed:

(a) Any of the timber standing upon the land, with the right to enter upon the ground and remove the timber, the ownership of the standing timber so reserved or conveyed is an interest in real property.

(b) The right to enter upon and use any of the surface ground necessary for the purpose of exploring, prospecting for, developing or otherwise extracting any gold, silver, iron, copper, lead, coal, petroleum, gases, oils or any other metals, minerals or mineral deposits in or upon the land, such right is an interest in real property

307.020 Definition of personal property. (1) "Intangible personal property" or "intangibles" means and includes money at interest, bonds, notes, claims, demands and all other evidences of indebtedness, secured or unsecured, including notes, bonds or certificates secured by mortgages, and all shares of stock in corporations, joint stock companies or associations.

(2) Unless otherwise specifically provided, "personal property" or "personal estate," as used in the laws of this state relating to assessment and taxation of property as such, means "tangible personal property" as defined in subsection (3) of this section.

(3) "Tangible personal property" means and 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.

[Amended by 1959 c.82 §1]

307.030 Property subject to assessment generally. 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.

307.035 Publishing summary of certain exempt real property. The assessor shall list and evaluate all real properties exempt from taxation under ORS 307.040, 307.090, 307.120, 307.130, 307.140, 307.150 and 307.160 and summarize the valuations of such properties in connection with the published summary of each year of assessed valuations of taxable properties of the county.

[Formerly 307.310]

EXEMPTIONS

(Public Properties)

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 thereof 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 assessed and taxed as for the full true value thereof without deduction on account of any part of the purchase price or other sum due on such property remaining unpaid. The lien for such tax shall neither attach to, impair, nor be enforced against any interest of the United States in such real or personal property. This section shall 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 therein or to standing timber, prior to severance thereof, of the United States or any department or agency thereof which is the subject of a contract of sale or other agreement.

[Amended by 1953 c.698 §7; 1965 c.159 §1]

307.060 Property of the United States held under lease or other interest less than fee. Real and personal property of the United States or any department or agency thereof 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 be assessed and taxed as for the full true cash value thereof subject only to deduction for restricted use. The lien for the tax shall attach to and be enforced against only the leasehold, interest or estate in such real or personal property. This section shall 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 shall not apply to real or personal property held by this state or any county, municipal corporation or political subdivision therein which is:

(1) In immediate use and occupation by such 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]

307.065 Property of the United States in possession of contractor under federal defense or space contract. Notwithstanding the provisions of ORS 307.060, there shall be exempt from ad valorem taxation all parts and materials, all work in process and all finished products, the title to which is vested in the United States pursuant to clauses in a federal defense or space contract entered into by a contractor and an Armed Forces procurement agency, which have come into the possession of a contractor under a federal defense or space contract for the assembly or manufacture of a product or products pursuant to such contract.

[1965 c.298 §2]

307.070 Settled or claimed government land; improvements thereon. The assessor must assess all improvements on lands, the fee of which is still vested in the United States, as personal property until the settler thereon or claimant thereof has made final proof. After final proof has been made, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not been issued.

307.080 Mining claims. Except for the improvements, machinery and buildings thereon, mining claims are exempt from taxation prior to obtaining a patent therefor from the United States.

307.090 Property of the state, counties and other municipal corporations; 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 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.

[Amended by 1953 c.698 §7; 1957 c.649 §1]

307.095 State property rented for parking subject to ad valorem taxation; computation. (1) Any portion of state property that is used during the tax year for parking on a rental or fee basis to private individuals is subject to ad valorem taxation.

(2) The value of such portion shall be computed by determining that percentage which the total of receipts from private use bears to the total of receipts from all use of the building. However, receipts from any use by a state officer or employe in the performance of his official duties shall not be considered as receipts from private use in computing the portion subject to ad valorem taxation.

[1969 c.706 §60]

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. (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 employes of the state, municipality or political subdivision as an incident to such employment, shall be subject to assessment and taxation for the true cash value thereof uniformly with real property of nonexempt ownerships.

(2) Each leased or rented premises subject to assessment and taxation under this section and located on property used as an airport and owned by and serving a municipality or port of 75,000 or more inhabitants 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 which 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.

(4) 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.
[Amended by 1953 c.698 §7; 1961 c.449 §1; 1969 c.675 §18; 1971 c.352 §1; 1971 c.431 §1]

307.115 Property of nonprofit corporations held for public parks or recreation purposes. (1) All real property owned or being purchased under contract by any nonprofit corporation meeting the requirements of subsection (2) of this section shall be exempt from taxation if:

(a) The articles of incorporation of such nonprofit corporation prohibit use of real property owned or otherwise held by the corporation, or of proceeds derived from the sale of that real property, except for public park or public recreation purposes;

(b) The property is not used for the production of income, for investment, or for any trade or business or commercial purpose, or for the benefit or enjoyment of any private stockholder or individual, but if used, the use is exclusively for public park or public recreation purposes; and

(c) The governing body of the county or counties wherein the real property is situated has approved the exemption pursuant to subsection (4) of this section.

(2) Any nonprofit corporation shall meet the following requirements:

(a) The corporation shall be organized for the principal purpose of acquiring interest in land for development for public parks or public recreation purposes;

(b) No part of the net earnings of the corporation shall inure to the benefit of any private stockholder or individual; and

(c) Upon liquidation, the assets of the corporation shall be applied first in payment of all outstanding obligations, and the balance remaining, if any, in cash and in kind, shall be distributed to the State of Oregon or to one or more of its political subdivisions for public parks or public recreation purposes.

(3) If any property which is exempt under this section subsequently becomes disqualified for such exemption or the exemption is not renewed as provided in subsection (4) of this section, it shall be added to the next general property tax roll for assessment and taxation in the manner provided by law.

(4) (a) Before any property shall be exempt under this section, on or before April 1 of any year the corporation owning or purchasing such property shall file an application for exemption with the county assessor. The provisions of ORS 307.162 shall apply as to the form, time and manner of application. Within 10 days of filing in his office, the assessor shall refer each application for classification to the granting authority, which shall be the governing body of a county for real property located outside the boundaries of a city and the governing body of the city for real property lying within the boundaries of the city. Within 60 days thereafter, the application shall be granted or denied and written notice given to the applicant and to the county assessor. In determining whether an application made for exemption under this section should be approved or disapproved, the granting authority shall weigh the benefits to the general welfare of granting the proposed exemption to the property which is

the subject of the application against the potential loss in revenue which may result from granting the application.

(b) If the granting authority in so weighing determines that granting the exemption to the land will:

(A) Conserve or enhance natural or scenic resources;

(B) Protect air or streams or water supplies;

(C) Promote conservation of soils, wetlands, beaches or tidal marshes;

(D) Conserve landscaped areas which enhance the value of abutting or neighboring property;

(E) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations, sanctuaries or other open spaces;

(F) Enhance recreation opportunities;

(G) Preserve historic sites;

(H) Promote orderly urban or suburban development;

(I) Promote the reservation of land for public parks, recreation or wildlife refuge purposes; or

(J) Affect any other factors relevant to the general welfare of preserving the current use of the property,

the granting authority shall not deny the application solely because of the potential loss in revenue which may result from granting the application.

(c) The granting authority may approve the application for exemption with respect to only part of the land which is the subject of the application; but if any part of the application is denied, the applicant may withdraw the entire application.

(d) The exemption shall be granted for a 10-year period and may be renewed by the granting authority for additional periods of 10 years each at the expiration of the preceding period, upon the filing of a new application by the corporation with the county assessor on or before April 1 of the year following the 10th year of exemption. The assessor shall refer the application to the governing body as provided in paragraph (a) of this subsection, and within 30 days thereafter, the governing body shall determine if renewing the exemption will continue to serve one of the purposes of paragraph (b) of this subsection. Within 30 days after referral, written notice shall be given to the applicant and to the county assessor of the determination made by the governing body.

(5) Any nonprofit corporation aggrieved by the refusal of the granting authority to grant or renew an exemption under subsection (4) of this section may, within 60 days after written notice has been sent to the corporation, appeal from the determination of the granting authority to the Oregon Tax Court. The appeal should be perfected in the manner provided in ORS 306.545. The provisions of ORS 305.405 to 305.500 shall apply to such appeals.

[1971 c.584 §1; 1973 c.214 §1]

307.120 Property owned by municipalities, dock commissions or ports. Real property owned by any municipality and real and personal property owned by any dock commission of any city or by any port organized under the laws of this state is exempt from taxation to the extent to which such property is:

(1) Leased, rented or preferentially assigned for the purpose of the berthing of ships, barges or other watercraft, or the discharging, loading or handling of cargo therefrom or for storage of such cargo directly incidental to transshipment;

(2) 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

(3) 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 by the municipality or port, located within or contiguous to the airport is "used as an airport" within the meaning of this subsection if the proceeds of the lease or rental are used by the municipality or port exclusively for purposes of the maintenance and operation of the airport.

[Amended by 1955 c.267 §1; 1973 c.234 §1]

Note: The amendments to 307.120 take effect July 1, 1974. See section 2, chapter 234, Oregon Laws 1973.

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]

(Institutional, Religious, Fraternal, Interment Properties)

307.130 Property of literary, benevolent, charitable and scientific institutions. Upon compliance with ORS 307.162, the following property owned or being purchased by incorporated literary, benevolent, charitable and scientific institutions shall be exempt from taxation:

(1) Except as provided in ORS 748.545, 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.

(2) Parking lots maintained solely for the use, without charge, of persons going to and from the property exempted under subsection (1) of this section, but not if such lots are used for parking or other purposes not connected with the use and maintenance of such property.

(3) All real or personal property of a sheltered workshop or any retail outlet thereof, including inventory. As used in this subsection, "sheltered workshop" means either those facilities defined in ORS 344.710 or facilities which provide physically, mentally or emotionally handicapped individuals with occupational rehabilitation activities of an educational or therapeutic nature, even if remuneration is received by the individual.

(4) 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 and 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 or clothing to needy persons without charge.

[Amended by 1955 c.576 §1; 1959 c.207 §1; 1969 c.342 §1; 1971 c.605 §1]

307.134 Definition of fraternal organization. (1) For the purposes of ORS 307.136, "fraternal organization" means a corporation:

(a) Organized as a corporation not for profit under the laws of any state or national government;

(b) Which is not solely a social club but is established under the lodge system with ritualistic form of work and representative form of government;

(c) Which regularly engages in or provides financial support for some form of benevolent or charitable activity with the purpose of doing good to others rather than for the convenience of its members;

(d) No part of the income of which is distributable to its members, directors or officers;

(e) In which no member, officer, agent or employe is paid, or directly or indirectly receives, in the form of salary or other compensation, an amount beyond that which is just and reasonable compensation commonly paid for such services rendered and which has been fixed and approved by the members, directors or other governing body of the corporation; and

(f) Which is not a college fraternity or sorority.

(2) For the purposes of ORS 307.136, "fraternal organization" includes, but is not limited to, the grand and subordinate lodges of the Masons, the grand and subordinate lodges of the Knights of Pythias, the Knights of Columbus, the Benevolent and Protective Order of Elks, the Fraternal Order of Eagles, the Loyal Order of Moose, the Independent Order of Odd Fellows, the Oregon State Grange, the American Legion and the Veterans of Foreign Wars.

[1961 c.543 §§3, 4]

307.136 Property of fraternal organizations. Upon compliance with ORS 307.162, the following property owned or being purchased by fraternal organizations shall be exempt from taxation:

(1) All the real or personal property, or portion thereof, which is actually occupied or used in fraternal or lodge work or for entertainment and recreational purposes by one or more fraternal organizations, except that property or portions of property of a fraternal organization rented or leased by it at any time to other persons for sums greater than out-of-pocket expenses for heat, light, water and janitorial services and supplies shall be subject to taxation.

(2) Parking lots maintained solely for the use, without charge, of persons going to and from the buildings exempt under subsection (1) of this section, but not if said lots are used for parking or other purposes not connected with the use or maintenance of the buildings.

[1961 c.543 §2]

307.140 Property of religious organizations. Upon compliance with ORS 307.162, the following property owned or being purchased by religious organizations shall be exempt from taxation:

(1) All houses of public worship and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this section shall be assessed and taxed the same as other taxable property.

(2) Parking lots maintained solely for the use, without charge, of persons going to and from the buildings exempt under subsection (1) of this section, but not if said lots are used for parking or other purposes not connected with the use or maintenance of the buildings.

[Amended by 1955 c.258 §1; 1959 c.207 §2; 1973 c.397 §1]

307.145 Schools and student housing of eleemosynary institutions or religious organizations. (1) If not otherwise exempt by law, the schools, academies and student housing accommodations, owned or being purchased by incorporated eleemosynary institutions or by incorporated religious organizations, used exclusively by such institutions or organizations for or in immediate connection with educational purposes, are exempt from taxation.

(2) Property described in subsection (1) of this section which is exclusively for or in the immediate connection with educational purposes shall continue to be exempt when leased to a political subdivision of the State of Oregon, or to another incorporated eleemosynary institution or incorporated religious organization for an amount not to exceed the cost of repairs, maintenance and upkeep.

[1957 c.683 §1; 1959 c.207 §3; 1971 c.670 §1]

307.150 Burial grounds; property of crematory associations. Upon compliance with ORS 307.162, all burial grounds, tombs and rights of burial, and all lands and the buildings thereon, not exceeding 30 acres, owned and actually occupied by any crematory association incorporated under the laws of this state, used for the sole purpose of a crematory and burial place to incinerate remains, shall be exempt from taxation.

307.160 Property of public libraries. Upon compliance with ORS 307.162, all public libraries and the personal property belonging thereto and connected therewith, and the real property belonging thereto and upon which the library is situated shall be exempt from taxation.

307.162 Necessity of filing statement to secure exemption. Before any exemption from taxation under ORS 307.130 to 307.140, 307.150 or 307.160 is allowed for any year, the institution or organization claiming the exemption shall file with the county assessor, on or before April 1 in such year, a statement verified by the oath or affirmation of the president or other proper officer of the institution or organization, listing all real and personal property claimed to be exempt and showing the purpose for which such property is used. However:

(1) If the ownership and use of all property included in the statement filed with the county assessor for a prior year remained unchanged, a new statement shall not be required.

(2) The time limitation prescribed by this section does not apply in the case of an institution or organization filing a statement pursuant to ORS 307.163.

(3) When the property designated in the claim for exemption is acquired after January 1 and before July 1, the claim for that year shall be filed on or before April 1 in such year or within 30 days from the date of acquisition of the property, whichever is the later.

[Formerly 307.170; 1967 c.51 §1; 1967 (s.s.) c.9 §4; 1969 c. 237 §1]

307.163 Assessor to notify owner of exempt property not filing statement; late filing; fees. In the case of property that otherwise would be exempt under ORS 307.130 to 307.140, 307.150 or 307.160, if property taxes are to be assessed on account of the failure of the legal or equitable owner to file the statement required by ORS 307.162, the county assessor first shall notify, by registered or certified mail, the institution or organization owning or purchasing the property of his intention to assess the property for taxation. If the institution or organization files the statement required by ORS 307.162, accompanied by a late filing fee of $10, not later than the 10th day after such notice has been sent to it, according to the records of the county assessor, the property taxes shall be abated. Late filing fees shall be deposited in the general fund of the county for general governmental purposes.

[1967 (s.s.) c.9 §3]

307.164 Effect of compliance with ORS 307.162; refund of taxes previously paid. (1) Upon compliance with ORS 307.162, all property owned or being purchased by an institution or organization mentioned in ORS 307.130 or 307.140 is exempt from taxation to the extent that the property is exclusively occupied or used in the literary, benevolent, charitable, scientific or religious work carried on by any other institution or organization or combination of institutions or organizations mentioned in ORS 307.130 or 307.140.

(2) Any taxes paid within three years prior to October 5, 1973, as a result of denial of exemption under circumstances described in subsection (1) of this section shall be refunded, without interest, and any taxes assessed within such three-year period, but not paid, shall be abated.
[1973 c.476 §2]

(Fall-Out Shelters)

307.165 Radiation fall-out shelters. (1) Improvements or original construction constituting radiation fall-out shelters located in structures used as dwellings, or located within a radius of 100 yards from such structures, shall be exempt from taxation under the conditions and to the extent provided in this section.

(2) The exemption shall be allowed only as to such shelters as (a) provide a radiation protection factor of 100 or better and (b) comply with regulations promulgated by the Department of Revenue after approval by the Director of the Emergency Services Division of the Executive Department. In determining whether a shelter provides the protection factor required in (a), the county assessor may accept as prima facie evidence thereof the shelter's compliance with specifications determined from time to time by the Director of the Emergency Services Division of the Executive Department to provide a radiation protection factor of 100 or better.

(3) The exemption allowed shall not exceed $1,500 true cash value per shelter if said shelter is located in or upon the real property containing a single-family dwelling or within a radius of 100 yards from such dwelling, and not to exceed $750 true cash value per single-family dwelling unit served by such shelter if such shelter is located in or upon the real property containing a multiple-family dwelling or within a radius of 100 yards from such dwelling.

(4) The exemption shall not be denied because improvements or original construction otherwise qualifying are used or useable for purposes other than protection from radiation fall-out; provided that if the county assessor finds that such other uses substantially impair the utility of the shelter as protection from radiation fall-out, the exemption shall be denied.

(5) As used in this section, "radiation protection factor," as applied to a given fall-out shelter, means the amount of additional radiation to which an unprotected individual would be exposed expressed as a multiple of the amount of reduced radiation to which he would be exposed if protected by such fall-out shelter.

(6) Before any exemption from taxation under this section is allowed for any year, the taxpayer claiming the exemption shall file with the county assessor, on or before April 1 in such year, a statement, made under penalties of false swearing, giving the legal description of the real property upon which the shelter is located and the cost or true cash value of the shelter. If the claim for any year is not filed within the time specified, the exemption shall not be allowed on the assessment roll of that year.
[1961 c.598 §§2, 3]

307.170 [Amended by 1955 c.576 §2; 1961 c.543 §5; renumbered 307.162]

(Indian Properties)

307.180 Property of Indians. The real property of all Indians residing upon Indian reservations who have not severed their tribal relations or taken lands in severalty, except lands held by them by purchase or inheritance, and situated on an Indian reservation, is exempt from taxation. However, the lands owned or held by Indians in severalty upon any Indian reservation and the personal property of such Indians upon reservations shall be exempt from taxation only when so provided by any law of the United States.
[Amended by 1953 c.698 §7]

(Personal Property)

307.190 Tangible personal property held for personal use. (1) All items of tangible personal property held by the owner, or for delivery by a vendor to him, for his personal use, benefit or enjoyment, are exempt from taxation.

(2) The exemption provided in subsection (1) of this section does not apply to any such property held by the owner, wholly or partially for use or sale in the ordinary course of a trade or business or for the production of income, or solely for investment or to personal property required to be licensed or registered under the laws of this state.
[Amended by 1953 c.698 §7; 1969 c.648 §1]

307.193 [1969 c.605 §18; repealed by 1971 c.529 §37]

307.195 Household furnishings owned by nonprofit organization furnishing housing for students attending institutions of higher education. All furniture, goods and furnishings owned by or situated in and used solely by a fraternity, sorority, student housing cooperative or student living organization is exempt from taxation if such fraternity, sorority, student housing cooperative or student living organization furnishes living quarters for students attending institutions of higher education and is not conducted for profit.
[1957 c.631 §1]

(Public Ways)

307.200 Public ways. All lands within the boundary of any county road, and all dedicated streets and alleys in any incorporated or unincorporated city or town, or town plat, within this state, are exempt from assessment and taxation while used for such purposes.

(Water Associations)

307.210 Property of nonprofit mutual or cooperative water associations. (1) After the Department of Revenue has taken the action required by ORS 307.240, all property consisting of land, improvements, fixtures, equipment or supplies, including dams and dikes, owned by any association of persons, wholly mutual or cooperative in character, whether incorporated or unincorporated, used primarily in storing, conveying and distributing water to the members of such association for domestic use or irrigation, where such association has no other business or purpose and its operations are conducted without profit in money, is exempt from taxation.

(2) The property described in subsection (1) of this section shall not be exempt if either of the following conditions existed in the year prior to the January 1 assessment date:

(a) More than 15 percent of the members of the association were a commercial establishment or establishments which used any of the water for commercial purposes.

(b) More than 25 percent of the total annual volume of water furnished by the association was used by a commercial establishment or establishments for commercial purposes.

(3) For the purpose of this section service to the government of this state, the government of the United States, or any subdivision, agency or instrumentality, corporate or otherwise, of either of them, shall not be construed as a commercial purpose.
[Amended by 1953 c.709 §2; 1955 c.207 §1; 1957 c.274 §1; 1971 c.258 §1; 1971 c.759 §1]

(Telephone Services)

307.220 Property of nonprofit mutual or cooperative telephone associations. After the Department of Revenue has taken the action required by ORS 307.240, all property consisting of improvements, fixtures, equipment and supplies, owned by any association of persons, wholly mutual or cooperative in character, whether incorporated or unincorporated, used exclusively in the construction, maintenance and operation of a telephonic communication system for the benefit of the members of such association, where such association has no other business or purpose and the operation of such system is conducted without intent to produce profit in money and without the ownership, operation or lease of telephonic switchboard exchange facilities, or direct or indirect ownership of stock in any telephonic switchboard association, partnership or corporation, shall be exempt from taxation. This exemption shall not apply to any parcel of land or building owned by any such association, which land or building shall be assessed and apportioned by the Department of Revenue in accordance with existing law. This exemption shall not apply to any system having a full cash value in excess of $2,500.

307.230 Telephonic properties of persons not engaged in public telephone service. After the Department of Revenue has taken the action required by ORS 307.240, all property consisting of improvements, fixtures, equipment and supplies, owned by any person not engaged in public service operation,

used exclusively in the construction, maintenance and operation of a telephone communication system serving exclusively property owned or operated by such person, shall be exempt from taxation. This exemption shall not apply to any such system having a full cash value in excess of $1,500.

307.240 Prerequisite for allowance of exemption under ORS 307.210, 307.220 or 307.230. Exemptions under ORS 307.210, 307.220 or 307.230 shall be granted only upon formal action by the Department of Revenue. The department shall have authority to prepare forms of petitions for exemption and supply the same to applicants therefor, and shall prescribe such rules, not inconsistent with ORS 307.210, 307.220 and 307.230, as may appear necessary to the orderly filing and consideration of such petitions and the continuation of such exemptions.
[Amended by 1971 c.258 §2]

(War Veterans and Widows)

307.250 Property of war veterans and their widows. Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed $7,500 of the true cash value of the homestead or personal property of any of the following residents of this state:

(1) Any honorably discharged veteran of the Spanish-American War, the Philippine Insurrection or the Boxer Rebellion.

(2) Any war veteran who is officially certified by the United States Veterans Administration or any branch of the Armed Forces of the United States as having disabilities of 40 percent or more.

(3) Any war veteran having served with the United States Armed Forces who, as certified by the county health officer and one other duly licensed physician of his county of residence, is rated as having disabilities of 40 percent or more. However, no such veteran shall be entitled to the exemption if he has received more than $2,500 total gross income during the last calendar year including pensions, disability compensation or retirement pay, or any combination of such payments from the United States Government on account of such service.

(4) The widow remaining unmarried of a war veteran, but her exemption shall apply only to the period preceding the date of her first remarriage.
[Amended by 1953 c.63 §3; 1955 c.248 §1; 1961 c.410 §5; 1969 c.605 §55; 1971 c.338 §1; 1973 c.402 §7]

307.260 Necessity of filing claim to secure exemption under ORS 307.250; contents of claim. (1) (a) Each veteran or widow qualifying for the exemption under ORS 307.250 shall file with the county assessor, on forms supplied by the assessor, a claim therefor in writing on or before April 1 of each year in which the exemption is claimed, except that when the property designated is acquired after March 20 the claim for that year shall be filed within 30 days after the date of acquisition.

(b) Not later than April 10 in each year, the county assessor shall notify each veteran or widow of a veteran in his county who secured an exemption under ORS 307.250 for the preceding year but who did not make application therefor on or before April 1 of the current year. Such notice may be given on an unsealed postal card. Any veteran or widow so notified may secure such exemption, if still qualified, by making application therefor to the county assessor not later than May 1 of the current year, accompanied by a late-filing fee of $10 which shall be deposited in the general fund of the county for general governmental expenses. If the claim for any year is not filed within the time specified, the exemption shall not be allowed on the assessment roll of that year.

(2) The claim shall set out the basis of the claim and designate the property to which the exemption may apply. Except as provided in subsection (3) of this section, claims for exemptions under subsection (2) of ORS 307.250 shall have annexed thereto the certificate last issued by United States Veterans' Administration or the branch of the Armed Forces of the United States, as the case may be, but dated within three years prior to the date of the claim for exemption, certifying the rate of disability of the claimant. Claims for exemption under subsection (3) of ORS 307.250 shall, except as provided in subsection (3) of this section, have annexed thereto, in addition to the certificate prescribed in that subsection, a statement by the claimant under oath or affirmation setting forth the total gross income received by him from all sources during the last calendar year. There shall be annexed to each claim the affidavit or affirmation of the claimant that the statements contained therein are true.

(3) The provisions of subsection (2) of this section which require a veteran to annex to his claim certificates of either the United States Veterans' Administration, any branch of the Armed Forces of the United States or

the county health officer and a duly licensed physician, shall not apply to a veteran who has filed the required certificate after attaining the age of 65 years.
[Amended by 1961 c.235 §1; 1969 c.562 §1]

307.270 Property to which exemption of ORS 307.250 applies. The exemption under ORS 307.250 may apply to property any such veteran or widow may own, or have in possession under a recorded contract for the purchase thereof, before July 1 of the year in which the exemption is claimed. The exemption shall first apply to the homestead of the veteran or widow and then to his or her personal property. Real property of the wife of any such veteran where they are living together and occupying the same as their homestead shall be deemed the homestead of the veteran. When any such veteran or widow applies for exemption on properties in two or more counties, the total amount of the exemption allowed in all such counties shall not exceed $7,500.
[Amended by 1955 c.248 §2]

307.280 Effect of allowance of exemption under ORS 307.250 on prior tax levied. Allowance of the exemption, under ORS 307.250, in any year shall not have the effect of canceling or permitting the cancellation of any tax levied in any prior year.

307.290 Conditions which terminate the exemption of ORS 307.250. In the event any of the following conditions occur before the assessment roll of any year becomes a tax roll, the exemption otherwise allowable under ORS 307.250 shall terminate and not be allowed on such roll:

(1) If the veteran or widow sells or contracts to sell the property designated for the exemption, and such veteran or widow owns no other property to which the exemption may apply.

(2) If the veteran dies without leaving a widow or a minor child.

(3) If the widow of a veteran dies without leaving a minor child.

(4) If the widow of a veteran remarries.

307.300 Homesteads of unmarried widows of veterans of Civil War or Spanish War. The widow remaining unmarried of any honorably discharged veteran of the Civil War or the Spanish War, who is pensioned and actually resides in her homestead, is entitled to an exemption of $2,000 of the taxable value of such homestead, in addition to the exemption from taxes on real property otherwise provided by law for such widow.
[Amended by 1967 c.293 §31]

307.310 [Renumbered 307.035]

(Deciduous Plants; Agricultural Products)

307.315 Nursery stock. Nursery stock, as defined in subsection (5) of ORS 571.005, 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, but not where held for sale at retail.
[1971 c.285 §2]

307.320 Deciduous trees, shrubs, plants and crops growing on agricultural land. The value of any deciduous trees, shrubs, plants or crops, whether annual or perennial, growing upon agricultural land devoted to agricultural purposes, shall be exempt from assessment and taxation and shall not be deemed real property under the provisions of ORS 307.010.
[1957 c.615 §1]

307.325 Agricultural products in possession of farmer. The items of personal property described in subsection (3) of ORS 308.250 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 his farm operations, shall be exempt from taxation.
[1965 c.429 §2]

(Commercial Facilities Under Construction)

307.330 Commercial facilities under construction. (1) Except for property centrally assessed by the Department of Revenue, each new building or structure or addition to an existing building or structure is exempt from taxation for each year of not more than two consecutive years if the building, structure or addition:

(a) Is in the process of construction on January 1;

(b) Is not in use or occupancy on January 1;

(c) Has not been in use or occupancy at any time prior to such January 1 date;

(d) Is being constructed in furtherance of the production of income; and

(e) Is, in the case of nonmanufacturing facilities, to be first used or occupied not less

than one year from the time construction commences. Construction shall not be deemed to have commenced until after demolition, if any, is completed.

(2) If the property otherwise qualifies for exemption under this section and ORS 307.340, the exemption shall likewise apply to any machinery or equipment located at the construction site which is or will be installed in or affixed to such building, structure or addition.

[1959 c.246 §1; 1961 c.552 §1; 1971 c.284 §1]

307.340 Necessity of filing proof to secure exemption under ORS 307.330; abatement. The property described in ORS 307.330 shall be listed for ad valorem taxation, but the assessor shall cancel the assessment upon receipt of sufficient documentary proof that the property meets all of the conditions contained in ORS 307.330. Such proof shall be filed with the assessor on or before April 1 of such year. No cancellation of assessment shall be made unless the required proof is filed within the time prescribed by this section. Any cancellation of assessment will be abated as to any nonmanufacturing property that is used or occupied within one year from the time construction commences and the assessor shall proceed to correct the assessment and tax roll or rolls from which the property was omitted from taxation, in the manner provided in ORS 311.207 to 311.213.

[1959 c.246 §2; 1967 c.51 §2; 1971 c.284 §2]

307.345 [1965 c.615 §19; 1969 c.493 §78; repealed by 1971 c.747 §21]

307.347 [1965 c.615 §16; repealed by 1971 c.747 §21]

307.350 [1963 c.569 §3; 1963 (s.s.) c.4 §2; 1965 c.615 §22; 1969 c.578 §1; repealed by 1971 c.747 §21]

307.355 [1963 c.569 §2; 1963 (s.s.) c.4 §1; repealed by 1965 c.615 §27]

307.356 [1965 c.615 §17; repealed by 1971 c.747 §21]

307.360 [1963 c.569 §4; 1965 c.615 §23; 1969 c.562 §2; repealed by 1971 c.747 §21]

307.362 [1965 c.615 §18; repealed by 1971 c.747 §21]

307.365 [1963 c.569 §5; repealed by 1971 c.747 §21]

307.366 [1969 c.562 §3; repealed by 1971 c.747 §21]

(Nonprofit Homes for Elderly)

307.370 Property of nonprofit homes for elderly; limitation on lessee. (1) In aid of veterans and senior citizens property tax relief, subject to the conditions prescribed in ORS 307.370 to 307.385, 308.490 and 310.655, there shall be exempt from taxation the personal property and a portion of the real property computed as provided in ORS 307.380, owned or being purchased under a contract by a corporation described in ORS 307.375 which is actually and exclusively occupied and used in the operation of a nonprofit home for elderly persons.

(2) For the purposes of subsection (1) of this section, a corporation which is described in ORS 307.375 which has only a leasehold interest in a nonprofit home for elderly persons operated by it is deemed to be a purchaser of the property if:

(a) The operating lessee is specifically obligated by its contract of lease to pay the ad valorem taxes on the real and personal property used in the operation of the home; and

(b) The lease provides for title in fee simple of the property eventually to vest in the lessee.

However, the provisions of this subsection shall be operative only during the five property tax years of 1970-71 to 1974-75, after which a claim for exemption made by a lessee cannot be approved.

[1969 c.587 §2]

307.375 Type of corporation to which exemption under ORS 307.370 applicable. The exemption provided in ORS 307.370 may be permitted only as to a corporation organized and operated only for the purpose of furnishing permanent residential, recreational and social facilities primarily for elderly persons, that:

(1) Is organized not for profit, pursuant to ORS chapter 61 or any statute repealed by chapter 580, Oregon Laws 1959;

(2) Receives not less than 95 percent of its operating gross income, excluding any investment income, solely from payments for living, medical, recreational and social services and facilities, paid by or on behalf of elderly persons using the facilities of such corporation;

(3) Permits no part of its net earnings to inure to the benefit of any private stockholder or individual; and

(4) Provides in its articles or other governing instrument that, upon dissolution, the assets remaining after satisfying all lawful debts and liabilities shall be distributed to one or more corporations exempt from taxation under this chapter as corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or to the State of Oregon.

[1969 c.587 §3]

307.380 Necessity of filing claim to secure exemption under ORS 307.370. (1) Each corporation described in ORS 307.375, claiming the personal property tax exemption pursuant to ORS 307.370, shall file with the county assessor, on forms supplied by the assessor, a written claim therefor in duplicate on or before April 1 of each year in which the exemption is claimed, except that when the property designated is acquired after March 20 and before July 1, the claim for that year shall be filed within 10 days after the date of acquisition. If the claim for any year is not filed within the time specified, the exemption shall not be allowed on the assessment roll for that year. The claim shall be signed by the taxpayer subject to the penalties for false swearing.

(2) (a) Each corporation annually shall aid residents, who could qualify for property tax exemptions pursuant to ORS 307.250 to 307.300, if the living unit of such elderly person were his homestead and owned in fee simple, to prepare applications in duplicate for property tax exemptions on behalf of the corporation, for the benefit of the elderly person as provided by ORS 307.370 to 307.385, 308.490 and 310.655.

(b) The corporation shall determine the amount of true cash value that each resident of a nonprofit home who would have qualified for an exemption under ORS 307.250 to 307.300 would have had exempted if the living unit of such elderly person was his homestead and owned in fee simple, using the first $7,500 of true cash value of the living unit for a veteran or veteran's widow and using the first $10,000 of true cash value of the living unit and the percentages set forth in ORS 307.350 for the senior citizen applicant. The duplicate forms shall be completed and signed by the most elderly person in the living unit, and filed with the assessor on or before the date required by law.

(c) The assessor shall process each such application in the manner otherwise required under ORS 307.250 to 307.300, except for the requirement of owning or purchasing a homestead. The total of such exempt amounts in each facility, together with the exemption on personal property, shall constitute the exemption allowed the corporation.

(3) The assessor shall act upon the claim and shall approve it or reject it, noting his action upon both the original and the duplicate copies. The duplicate copy thereupon shall be returned to the claimant.

(4) The Department of Revenue shall furnish to a county assessor, upon his request, a statement certifying the qualification or nonqualification of a corporation under ORS 307.375, based upon the corporation's claim for exemption pursuant to ORS 317.080.
[1969 c.587 §4; 1971 c.747 §15]

307.385 Corporation to credit resident's account with share of tax exemption; assessor required to deny exemption if credit not given. Not later than December 15 of each year, a corporation, which has received a real property exemption for the current year under ORS 307.370 to 307.380, shall credit the account of each resident of a facility whose living unit was taken into account in determining the real property exemption in an amount equal to the amount of real property taxes which would have been assessed and collected against the corporation for that portion of the true cash value of such living unit included in computing the corporation's exemption. The county assessor shall furnish the corporation with such information as is necessary for the corporation to make such computation. Prior to the following February 1, the corporation shall satisfy the assessor that credit has been given each applicable resident as required by this section. If the corporation fails to satisfy the assessor that the applicable resident has received the credit, he must deny it any property tax exemption under ORS 307.370 to 307.385, 308.490 and 310.655 in the next fiscal year, beginning July 1.
[1969 c.587 §6]

(Agricultural Equipment and Facilities)

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 committee established by ORS 468.470.
[1971 c.678 §2]

307.395 Agricultural waste storage facilities. (1) In order to minimize air pollution from field burning, an agricultural waste storage facility is exempt from ad valorem taxation so long as such facility is used exclusively for such storage and the taxpayer has not claimed an income tax credit therefor under ORS 316.092, 316.097 or 317.072.

(2) Before any exemption from taxation under this section is allowed for any year, the person claiming the exemption shall file with the county assessor, on or before April 1 each year, a statement verified by oath or affirmation of the claimant, listing the property claimed to be exempt and showing the purpose for which such property is used. Statements shall be in a form prescribed by the Department of Revenue and furnished by the assessor. If the ownership and use of the property included in the statement filed with the county assessor for a prior year remains unchanged, a new statement is not required, except that if the use changes, within 30 days after the change the owner shall notify the assessor of such change. If the owner fails to give notice, the assessor shall add a penalty of 10 percent of the taxes assessed against the property for the assessment year in which the change in use occurred. When the property for which exemption is claimed is acquired after January 1 and before July 1, the claim for that year must be filed before April 1 of that year or within 30 days from the date of acquisition, whichever is later.

(3) "Agricultural waste storage facility" or "facility" means any building or other structure used for the storage of agricultural wastes, which would otherwise be disposed of by burning, from perennial or annual grass seed crops or from other grain crops, and any equipment, machinery or fixtures erected upon, under, above or affixed to such building or structure to facilitate such storage.

(4) Subsections (1), (2) and (3) of this section apply to assessment years beginning on and after January 1, 1972, but shall not apply to assessment years beginning on and after January 1, 1982.

[1971 c.141 §§1, 2]

(Pollution Control Facilities)

307.405 Pollution control facilities; qualifications; expiration; revocation; limitations. (1) A pollution control facility or facilities which have been constructed in accordance with the requirements of subsection (1) of ORS 449.625, 468.165, and have been certified by the Environmental Quality Commission pursuant to ORS 468.170 are exempt to the extent of the highest percentage figure certified by the Environmental Quality Commission as the portion of the actual cost properly allocable to the prevention, control or reduction of pollution. The exemption shall be allowed only if the taxpayer has not elected to take the tax credit provided under ORS 316.097 or 317.072, but has, under subsection (4) of ORS 468.170, made the election of the ad valorem tax relief permitted by this section.

(2) To qualify for the ad valorem tax relief:

(a) The pollution control facility must be erected, constructed or installed in connection with the trade or business conducted by the taxpayer on Oregon property owned or leased by said taxpayer.

(b) The taxpayer must be the owner of the trade or business that utilizes Oregon property requiring a pollution control facility to prevent or minimize pollution or a person who, as a lessee under a written lease or pursuant to a written agreement, conducts the trade or business that operates or utilizes such property and who by the terms of such lease or agreement is obliged to pay the ad valorem taxes on such property. As used in this subsection, "owner" includes a contract purchaser.

(3) If the facility is constructed on or prior to December 31, 1971, the ad valorem exemption of a facility shall expire, in any event, 20 years from the date of its first certification for any owner or lessee by the Environmental Quality Commission. If the facility is completed in any year subsequent to 1973, the 20-year exemption period shall be reduced by the number of years determined by subtracting 1973 from the year in which the facility is completed and multiplying the difference by two.

(4) Upon any sale, exchange, or other disposition of a facility, notice thereof shall be given to the Environmental Quality Commission who shall revoke the certification covering such facility as of the date of such disposition. The transferee may apply for a new certificate under ORS 468.170, but the number of years of ad valorem tax exemption that may be claimed by the transferee is the remainder of the exemption period specified in subsection (3) of this section.

(5) The exemption from ad valorem taxation provided under this section shall not be available to a taxpayer for a pollution control facility erected, constructed or installed or first put into operation after December 31, 1973, unless it was erected, constructed or installed for the prevention of pollution from a trade or business activity conducted by the taxpayer on January 1, 1967, on Oregon property owned or leased by said taxpayer on January 1, 1967. If the facility also functions

to prevent pollution from operations conducted on other property owned or leased by the taxpayer the Environmental Quality Commission shall state in its certification of the facility the percentage of the facility used to prevent pollution from such qualifying trade or business conducted on such qualifying property. The exemption from ad valorem taxes under this section shall be limited to such percentage of the value of the facility.
[1967 c.592 §13; 1969 c.340 §1; 1971 c.678 §1; 1973 c.831 §7]

307.420 Necessity of filing claim and certificate to secure exemption; annual statements of ownership. Before any exemption from taxation is allowed under ORS 307.405, the person claiming the exemption shall file with the county assessor a written claim for such exemption prepared on a form prescribed by the Department of Revenue and furnished by the assessor, and shall file with the assessor with his first claim for exemption the certificate issued by the Environmental Quality Commission under ORS 468.170 covering the property for which exemption is sought. The claim shall be filed not later than April 1 in the first year in which the exemption is claimed; except that if the person receives his certificate either before or after April 1 and makes his election to receive ad valorem tax relief, as required by ORS 468.170, after April 1 and before July 1, he may file a claim on or before July 15 of that calendar year. The county clerk shall record the certificate in the county record of deeds, upon presentation by the assessor. Each year thereafter to continue such exemption, the taxpayer must file not later than April 1 a statement with the county assessor, on a form prescribed by the Department of Revenue and furnished by the assessor, stating that the ownership of all property included in the certificate and its use remain unchanged.
[1967 c.592 §14; 1973 c.831 §10]

307.430 Correction of assessment and tax rolls; termination of exemption. (1) Upon receipt of notice of the revocation of a certification of a pollution control facility pursuant to paragraph (a) of subsection (1) of ORS 468.185, the county assessor shall proceed to correct the assessment and tax roll or rolls from which the facility was omitted from taxation, in the manner provided in ORS 311.207 to 311.213, and in all cases shall add interest in the manner provided in ORS 311.213. The five-year limitation provided for in ORS 311.205 shall not apply to such corrections.

(2) Upon receipt of notice of the revocation of a certification of a pollution control facility pursuant to paragraph (b) of subsection (1) of ORS 468.185, if the final revocation occurs before October 15 of any calendar year, the exemption otherwise allowable shall terminate and not be allowed beginning with the assessment and tax rolls prepared as of January 1 of such calendar year.
[1967 c.592 §15]

(Beach Lands)

307.450 Certain beach lands. After December 31, 1969, the land, but not the improvements to the land within the area described by ORS 390.770, is exempt from taxation.
[1969 c.601 §15]

(Student Housing)

307.460 Student housing exempt from school district taxes; application procedure. (1) Upon compliance with subsection (2) of this section, student housing shall be exempt from all ad valorem taxes levied by a school district, an intermediate education district or a community college district. As used in this subsection "student housing" means housing owned by a nonprofit corporation which is, (a) rented exclusively to students or faculty members of any educational institution, public or private, which offers at least a two-year program acceptable for full credit towards a baccalaureate degree, (b) rented upon a nondiscriminatory basis, without regard to race, creed, color or national origin, (c) the articles of incorporation of which corporation provide that on dissolution or liquidation, its right, title and interest in and to all accommodations and facilities with respect to which exemption is sought will be conveyed to the educational institution or institutions whose students are served thereby, and all its other remaining assets will be conveyed to one or more organizations exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code, (d) the corporation has made legally enforceable arrangements to convey its interest in any property with respect to which exemption is claimed hereunder to the educational institution or institutions whose

students are served thereby upon final payment of the mortgage indebtedness incurred in connection with the construction or acquisition thereof, and (e) the rents, charges, development costs and methods of operation of which are regulated by federal or state law. The renting of the property for safekeeping purposes during the summer months shall not disqualify the property from the exemption granted by this section. No part of the rent paid by a tenant of housing described in this subsection shall be considered as rent constituting property taxes, and no refund or credit for any part of such rent paid shall be allowed under ORS 305.515, 310.630 to 310.657, 310.677 to 310.690 and 310.700 to 310.712.

(2) The nonprofit corporation shall apply to the assessor for the exemption on or before April 1 of each year in which the exemption is claimed, on forms prescribed by the Department of Revenue. The exemption claim shall include a certification by the university, college or community college attended by a majority of the student occupants that the property is being used for student housing during the current school year. Once an exemption has been granted, future applications need not show the exact property description of the property or the articles of incorporation so long as the legal description of the property or the articles of incorporation are unchanged.

(3) A fraternity, sorority or cooperative housing organization may qualify for the exemption provided by subsection (1) of this section if all the requirements of subsection (1) of this section except paragraphs (c), (d) and (e) thereof are met, provided that any of its housing accommodations not occupied by members of the organization shall be open to occupancy by students not members of or affiliated with the organization, on a nondiscriminatory basis, without regard to race, creed, color or national origin, under rules or conditions set by the school.

(4) If a fraternity, sorority or cooperative housing organization does not qualify for exemption under subsection (1) of this section, it shall qualify as the "homestead" of the students occupying the premises for purposes of ORS 305.515, 310.630 to 310.657, 310.677 to 310.690 and 310.700 to 310.712 and that portion of the monthly charge for room (including utilities), as distinguished from charge for board, shall constitute rent upon which occupants may claim a credit or refund under ORS 305.515, 310.630 to 310.657, 310.677 to 310.690 and 310.700 to 310.712. Payments by either students or nonstudents for occupancy of the premises during the summer months shall qualify as rent for purposes of ORS 305.515, 310.630 to 310.657, 310.677 to 310.690 and 310.700 to 310.712.

[1973 c.822 §1]

(Art Objects)

307.470 Certain art objects; continuation of exemption during consignment. (1) For tax years beginning after October 5, 1973, and ending prior to the date specified in subsection (2) of ORS 310.608, art objects shall be exempt from ad valorem taxation:

(a) If the art objects have been created or are created by an artist living on October 5, 1973; and

(b) If the art objects are on consignment to an art gallery; and

(c) Only during the life of the artist who created the art objects; and

(d) Only while the artist who created the art objects owns the art objects.

(2) Any art object exempt from taxation under subsection (1) of this section on the date of the death of its owner shall continue to be exempt from ad valorem taxation while such art object is on consignment to an art gallery during each tax year beginning after the date of the death of such owner and ending prior to the date specified in subsection (2) of ORS 310.608.

(3) As used in this section, "art gallery" means an establishment engaged in the display and sale of art objects.

[1973 c.486 §1]

(Hardship Situations)

307.475 Relief when failure to file for exemption or cancellation of taxes was for good cause. (1) Any taxpayer may apply to the Director of the Department of Revenue for a recommendation that the value of certain property be stricken from the assessment roll and that any taxes assessed against such property be stricken from the tax roll on the grounds of hardship.

(2) As used in this section, "hardship" means a situation where property is subject to taxation but would have been exempt had there been a timely filing of a valid claim for exemption or cancellation of assessment, and where the failure to make timely application

for the exemption or cancellation was by reason of good and sufficient cause.

(3) An application to the director for a recommendation of tax relief on the grounds of hardship must be made not later than December 15 of the year in which the failure to claim the exemption or cancellation of assessment occurred, or within three months from October 5, 1973, whichever is the later.

(4) If the director, in his discretion, finds that tax relief should be granted on the grounds of hardship, he shall send his written recommendation to the assessor of the county in which the property is located. If the assessor agrees with the recommendation, he shall note his approval thereon and transmit the recommendation to the county governing body. The county governing body may accept or reject the recommendation in whole or in part, but may not increase any recommended relief. If the county governing body approves relief, it shall send an appropriate order to the person in charge of the roll to either (a) strike all or a portion of the assessment, (b) strike all or a portion of taxes on the tax roll, or (c) issue a refund of taxes already paid. A refund of taxes paid shall be treated as any refund granted under ORS 311.806.
[1973 c.218 §1]

Note: 307.475 applies to assessment years beginning on and after January 1, 1972. See section 2, chapter 218, Oregon Laws 1973.

(Farm Labor Camps; Day Care Centers)

Note: 307.480 to 307.510 apply to tax years beginning on and after January 1, 1974. See section 8, chapter 382, Oregon Laws 1973.

307.480 Definitions for ORS 307.480 to 307.510. As used in ORS 307.480 to 307.510 unless the context requires otherwise:

(1) "Eligible day care center" means a day care center certified under ORS 418.805 to 418.885 and owned or operated by a nonprofit corporation as a nonprofit facility which is operated in conjunction or cooperation with an eligible farm labor camp.

(2) "Eligible farm labor camp" means a farm labor camp owned and operated by a nonprofit corporation as a nonprofit facility which complies with the health code for farm labor camps adopted under the Oregon Safe Employment Act.

(3) "Farm labor camp" means any place, area or piece of land where sleeping places or camping grounds are owned or maintained:

(a) By a person engaged in the business of providing sleeping places or camping grounds for employes or prospective employes of another person if the employes or prospective employes are or will be engaged in agricultural work; or

(b) In connection with any work or place where agricultural work is being performed, whether the sleeping places or camping grounds are owned or maintained by the employer or by another person.

(4) "Rental" means the net amount of income from the eligible day care center or from the eligible farm labor camp after deduction of costs attributable to utilities, garbage disposal, repairs and replacement of fixtures and furniture.
[1973 c.382 §1]

307.485 Farm labor camp and day care center property exempt. Subject to ORS 307.490 and 307.495, there shall be exempt from taxation the true cash value of all real and personal property of an eligible farm labor camp, or an eligible day care center.
[1973 c.382 §2]

Note: See note preceding 307.480.

307.490 Payments in lieu of taxes; disposition of moneys received. (1) In lieu of real and personal property taxes, each nonprofit corporation eligible for a tax exemption under ORS 307.485 shall pay to the treasurer of the county on or before November 15 an amount equal to 10 percent of the rentals for the period ending the preceding October 15, submitting with the remittance a form supplied by the Department of Revenue stating the rental and certifying compliance with the requirements of the State Fire Marshal, local health officer or Children's Services Division, as applicable.

(2) The treasurer shall, with the assistance of the assessor, allocate the money received by him under subsection (1) of this section, to the districts in which the exempt property is located in the same proportion that the tax rate for the current tax year for each district bears to the total tax rate for all districts.

(3) The moneys received by the district shall be considered as a budget resource for the next ensuing fiscal year.
[1973 c.382 §3]

Note: See note preceding 307.480.

307.495 Filing claim with assessor; contents of claim. (1) Each nonprofit corporation claiming exemption under ORS 307.485 shall file with the county assessor a written

claim therefor in five copies on or before April 1 of each year in which the exemption is claimed, except that when the property designated is acquired after March 20 and before July 1, the claim shall be filed within 30 days after acquisition.

(2) The claim shall designate the property to which the exemption may apply, shall state the facts which make the property eligible within the definitions of ORS 307.480, and shall certify that the eligible farm labor camp or eligible day care center is, to the best of taxpayer's knowledge, in compliance with the requirements of the State Fire Marshal, the health code for farm labor camps or is a certified day care center.

(3) No exemption shall be allowed for any year subsequent to the first unless the corporation submits to the assessor details as to the rentals for the prior year and proof that the payments required by ORS 307.490 have been made.

[1973 c.382 §4]

Note: See note preceding 307.480.

307.500 Assessor transmitting claim to department and other agencies; health code compliance required. (1) Immediately upon receipt of the claim or any subsequent rental statement, the county assessor shall promptly transmit one copy of the claim to the Department of Revenue. The rent subsequently reported for the eligible day care center or eligible farm labor camp for which the claim is made is subject to verification and modification by the Department of Revenue.

(2) The county assessor shall promptly transmit one copy of each claim or statement for exemption to the State Fire Marshal for verification of compliance with applicable laws and rules and regulations relating to safety from fire. If the State Fire Marshal refuses such verification, the county assessor shall deny the claim and cause the nonprofit corporation to be billed for the real and personal property taxes it would otherwise be liable to pay.

(3) The county assessor shall promptly transmit one copy of each claim or statement for exemption of an eligible farm labor camp to the appropriate authority under the Oregon Safe Employment Act for verification of compliance with the health code for farm labor camps. That authority shall refuse to verify compliance if the farm labor camp does not comply with the health code applicable to it or if access to the camp for inspection has been denied him or his authorized representative. If verification is refused, the county assessor shall deny the claim and cause the nonprofit corporation to be billed for the real and personal property taxes it would otherwise be liable to pay.

(4) If the claim or statement or any part thereof applies to property used for an eligible day care center, the county assessor shall promptly transmit a copy to the Children's Services Division for verification of certification. If the division refuses such verification, the county assessor shall deny the claim and cause the nonprofit corporation to be billed for the real and personal property taxes it would otherwise be liable to pay.

[1973 c.382 §5]

Note: See note preceding 307.480.

307.505 Inspection of farm labor camps; effect of failure to comply with health code. The appropriate authority under the Oregon Safe Employment Act shall cause an inspection to be made of any farm labor camp that has filed for an exemption at any time prior to August 15. If the conditions of the camp would not justify verification of compliance with the health code for farm labor camps, even though verification has been made under ORS 307.500, he shall notify the county assessor who shall cancel the exemption and cause the owner to be billed for the real and personal property taxes he would otherwise be liable to pay.

[1973 c.382 §6]

Note: See note preceding 307.480.

307.510 Appeal to department by taxpayer. Any taxpayer aggrieved by any decision under ORS 307.480 to 307.510 may appeal to the Department of Revenue within the time provided and in the manner specified by ORS 306.520.

[1973 c.382 §7]

Note: See note preceding 307.480.

(Free Port; Foreign Trade Zones)

307.810 Exemption of personal property in transit (free port). (1) Personal property in transit through this state is goods, wares and merchandise destined for sale in the ordinary course of trade or business, manufactured or produced outside the state and brought into the state for transshipment to an out-of-state destination (other than the county of origin), while being so shipped or while held in public or private storage awaiting further shipment. Such

property is deemed to have acquired no situs in Oregon for purposes of taxation. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, disassembled, divided, cut, broken in bulk, labeled, packaged, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of ORS 307.810 to 307.990.

(2) Personal property within this state as mentioned in ORS 307.020 shall not include personal property in transit through this state as defined in this section.
[1959 c.659 §1]

307.820 Designation of property on records of warehouse. (1) All property claimed to be "no situs" under ORS 307.810 to 307.990, shall be designated as being "in transit" upon the books and records of the warehouse wherein the same is located, or in lieu thereof and at the election of the taxpayer a percentage allocation to "in transit" property may be made by allocating a portion of total inventory, using that percentage determined by dividing total out-of-state shipments from the warehouse during the preceding year by total shipments from the warehouse during such year. If a percentage allocation is elected, adequate books and records shall be maintained for the inspection whereby the percentage and amount of property designated as "in transit" may be readily verified.

(2) If the percentage method of determining "in transit" property is not used, the books and records of the warehouse shall contain a full, true and correct inventory of all such property, together with the date of the receipt of the same, the date of the withdrawal of the same, the point of origin thereof and the point of ultimate destination thereof, if known.

(3) The books and records of any such warehouse with reference to any such "in transit" property shall at all times be open to the inspection of all taxing authorities of the State of Oregon and of any political subdivision thereof.
[1959 c.659 §2; 1965 c.395 §1]

307.830 Necessity of filing statement to secure exemption. On or before April 1 of each year, any person, partnership, association or corporation claiming that any property described under ORS 307.810 had a "no situs" status as of January 1 of that year shall file a written statement with the county assessor of the county in which the warehouse is located, on a form prescribed by the Department of Revenue. The statement shall set out the basis of the claim and designate the property to which the claim is made, and shall include a certificate of the person, partnership, association or corporation storing the property as to the status on its books of the property involved. If the statement is not filed within the time specified, the exemption shall not be allowed for that year.
[1959 c.659 §3]

307.840 Property reconsigned to final destination in Oregon. If any such property is reconsigned to a final destination in the State of Oregon, the warehouseman shall file a monthly report with the county assessor of the county in which the warehouse is located, in the form and manner prescribed by the Department of Revenue. For each year the property would have been taxed except for the provisions of ORS 307.810 to 307.990, all such property so reconsigned shall be assessed and taxed as otherwise provided by law, including (but not limited to) assessment as omitted property pursuant to ORS 311.207 to 311.213.
[1959 c.659 §4]

307.850 Foreign trade zones. Any port organized under the laws of this state or any dock commission of any city of this state may apply to the United States for permission and may establish, operate and maintain foreign trade zones within or without their boundaries.
[1965 c.278 §1]

PENALTY

307.990 Penalty. If any person shall wilfully deliver any statement to the officer charged with assessment of property for tax purposes in his county containing a false statement of a material fact, whether it be an owner, shipper, his agent, or a storageman or warehouseman of his agent, he 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]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legi slative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel