



# REVENUE AND TAXATION

## CROSS REFERENCES

- Action or proceeding with respect to levy, fiscal year with respect to which taken, 294.095
- Administration of revenue laws generally, Ch. 305
- Administrative appeals, 305.265 to 305.285
- Appeal procedure, 305.280
- Appeal to tax court; small claims alternative, 305.570
- Authority of tax court to determine deficiency, 305.575
- Claim for refund of any tax paid, 305.270
- Error or informality as affecting assessment or tax, 312.060
- General provisions relating to property taxation, Ch. 306
- Identification cards for persons 60 years of age or older, 305.350 to 305.365
- Interest or penalties on taxes not affected by taking or pendency of appeal, 305.565
- Levy limitations, computation of true cash value, 308.207
- Lien, taxes as a, 311.405
- Limitation of power of state, county, municipality, district or body to tax, Const. Art. XI, §11
- Mobile home license fees, allocation, 481.480
- Poll or head tax prohibited, Const. Art. IX, §1a
- Procedure on appeal from order of Department of Revenue, effect of pendency of appeal, 305.560 to 305.575
- Procedures and limitations on property taxation by local governmental units, see General Index, Volume 6, index entries under topic heading TAXATION, subtopic headings "School taxes" and "Local taxation"
- Property annexed to city, taxation at reduced ratio, 222.111
- Public officer failing to perform statutory duty as to taxes, penalty, 305.990
- Special rules for assessment and taxation of timber and timberland, Ch. 321
- State housing policy, HJR 8 (1977)
- Tax Court, Oregon, 305.405 to 305.555
- Taxes to be levied only in pursuance of law, Const. Art. IX, §3
- Uniformity of taxation, Const. Art. I, §32, Art. IX, §9
- Verification of documents filed under tax laws, falsification prohibited, 305.810, 305.815
- When tax document deemed filed with tax official, 305.820
- of Revenue, 308.635
- Small timber tracts, adjustment tax upon classification, 321.750
- Procedure for and limitations on levy by municipal corporations, 294.305 to 294.520 (Local Budget Law), 294.605 to 294.705 (Tax Supervising and Conservation Commission Law)
- Relevy of tax where not collected because of erroneous proceeding or other cause, 311.120
- State tax levy, 291.342, 291.344, 311.657, 311.658
- 310.010**
- Collection of levies of all taxing agencies with county taxes, 311.255
- Determination of estimated local levy, 294.381
- 310.090**
- Offsets of property tax levies:
- Adjustment tax proceeds, classified small timber tracts, 321.755
- Severance tax proceeds, eastern Oregon timber, 321.515
- 310.090 to 310.130**
- Computation when appeal of valuations or claim for exception or cancellation pending, 308.020
- 310.360**
- Serial levy in excess of constitutional limitations in school districts, 328.550
- 310.642**
- Computation of homeowner property tax refund for floating homes, 310.642
- 310.630 to 310.690**
- Fraternity, sorority or cooperative housing organization, 307.460
- Identification cards for persons 60 years of age or older, 305.350 to 305.365
- Nonprofit corporation Housing Assistance Exemption; property tax, 307.241 to 307.245
- Property of nonprofit corporation providing housing; necessity of filing claim to secure exemption, 307.242
- Residential Landlord Tenant Act, 91.700 to 91.895

### LEVY OF TAXES

- Levy and collection of tax on
- Companies and utilities assessed by the Department

## LEVY OF TAXES

**310.010 Determination of amount of tax for county and other purposes.** The county court or board of county commissioners of each county shall, in July of each year, estimate and determine the amount of money to be raised for county purposes for the current fiscal year, and also the several amounts to be raised in the county for other purposes, as required or authorized by law. The determination shall be entered in its records.

**310.020 Levy of tax to defray county expenses.** The county court or board of county commissioners for each county in the state shall, in July of each year, levy a tax upon all taxable property in the county sufficient in amount to defray the expenses of the county for the current fiscal year.

**310.030 Levy of taxes required or permitted by law.** The county court or board of county commissioners shall, in July of each year, levy all taxes which by law it is required to levy, and any other taxes which it may determine to levy and by law it is permitted to levy.

**310.040 Reducing levy where necessity for budget item eliminated.** If after a tax levy has been made by any county court or board of county commissioners and before the extension of the levy upon the tax rolls, the necessity for any item contained in the budget upon which the levy is based is eliminated by act of the Legislative Assembly, the county court or board of county commissioners shall by appropriate order reduce the amount of the levy by the amount of such item. Thereupon the levy shall be extended upon the rolls as so reduced.

**310.045** [1965 c 604 §2, repealed by 1969 c 612 §5]

**310.050 Making levy in dollars and cents.** All counties, cities, school districts and other corporations, which are vested with the power of levying taxes, shall make their total levy in dollars and cents, and not otherwise. [Amended by 1959 c.181 §1; part renumbered 310.065; 1967 c.293 §3; 1979 c 689 §15]

**310.060 Giving notice of levy.** (1) Not later than July 15 of each year, every city, school district or other public corporation authorized to levy a tax shall give to the assessor of the county in which the principal office of the tax-levying body is located the documents required by subsection (2) of ORS

294.555 and shall give to the clerk of such county, or if such tax-levying entity is located in more than one county then to the assessor and the clerk of each other county wherein any part thereof is located, notice in writing of the tax levy made by it for the current fiscal year, accompanied by a true copy of its budget as finally adopted. The notice shall state:

(a) The total amount of money to be raised by taxation;

(b) The amount levied inside the constitutional limitation;

(c) The amount levied for the payment of bonded indebtedness or interest thereon;

(d) Each amount levied outside the constitutional limitation and the date when approved;

(e) The amount levied inside any statutory limitation;

(f) Each amount levied outside any statutory limitation and the date when approved; and

(g) The anticipated maximum addition to the rate of levy stated under ORS 310.395 as to any election that was necessary to authorize a part of the total levy.

(2) The Department of Revenue may prescribe the form of notice. All amounts shall be stated in dollars and cents and the rate of levy in dollars and cents per thousand dollars of true cash value, as required by law. If the notice is given to the assessor and the clerk of more than one county, a copy of each other such notice given shall accompany every notice given. Upon the giving of the notice, every school district immediately shall supply a copy thereof to the school superintendent of the county wherein the district is located. Immediately upon receipt thereof every such notice and copy shall be filed in the office of the receiving officer.

(3) For good and sufficient reason, the county assessor may make such extension of time for the giving of the notice as he considers reasonable. [Amended by 1955 c.259 §1; 1967 c.293 §4; 1973 c.333 §2]

**Note:** 310.060 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter.

**310.065 Procedure where notice of levy not given.** If the written notice of a tax levy is not given to the county assessor at the time specified, or as extended, under ORS 310.060, the assessor shall not include such levy in his computation of the rate percent of

levy under ORS 310.090. The rate percent of such levy shall be computed by the tax collector with the assistance of the assessor and extended on the rolls in the manner provided by law. [Formerly part of 310.050]

**310.070 Procedure where levy reported in excess of limitations.** If the levy reported to the clerk and assessor under ORS 310.050 is in excess of:

(1) The constitutional or statutory limitations, or both; or

(2) The dollar amount that would be raised pursuant to paragraph (a) of subsection (1) of ORS 310.395,

then the assessor shall not enter the excessive levy upon the tax roll of the county and the assessor, upon the advice of the Department of Revenue, shall extend upon the tax roll of the county only such part of the levy as will comply with the constitutional and statutory limitations governing the levy. [Amended by 1967 c.293 §5; 1971 c.646 §3]

**310.080** [Repealed by 1957 c.626 §1]

**310.081** [Subsections (1) and (2) of 1961 Replacement Part enacted as 1957 c.626 §11; subsection (3) of 1957 Replacement Part enacted as part of 1957 s.s. c.2 §4; 1959 c.388 §9, repealed by 1963 c.570 §33]

**310.082** [1957 s.s. c.2 §4; repealed by 1959 c.388 §15]

**310.084** [1957 c.626 §12; repealed by 1963 c.570 §33]

**310.090 Computation of rate of levy.** Subject to ORS 310.070, the county assessor shall compute the rate of levy for each tax-levying body by dividing the assessed valuation into the total amount of money proposed to be raised by taxation, and the rate when so computed shall be expressed in the nearest even amount of dollars and cents, per thousand dollars of assessed value, that will produce the amount of money required to be raised. [Amended by 1967 c.293 §11]

**310.100 Taxes to apply to property shown by assessment roll; furnishing certificate showing aggregate valuation of taxable property.** Each tax levied by any municipal corporation, taxing district or political subdivision shall apply to all the taxable property therein, as shown by the assessment roll last compiled by the assessor. The assessor, upon the application of the governing body or of the duly accredited officer of any such municipal corporation, taxing district or political subdivision, shall furnish a certificate, properly verified, showing the aggregate valuation of the taxable property therein.

**310.105 Deduction of offsets from levy where taxing district lies in two or more counties.** (1) If a taxing district lying in two or more counties is entitled to offsets which have been provided by statute, those offsets, except offsets for eastern Oregon severance tax provided in ORS 321.405 to 321.520, shall be deducted from the levy certified to the assessor or assessors before the apportionment provided in ORS 310.110 is made.

(2) The purpose of this section is to insure that the rate of taxation is uniform throughout the taxing district. [1971 c.720 §1; 1977 c.892 §37; 1979 c.438 §4]

**Note:** Section 8, chapter 438, Oregon Laws 1979, provides:

**Sec. 8.** The amendments to ORS 310 105, 310 110, 321.297, 321.312, 321 317 and 321.490 contained in this Act shall apply to offsets, distributions and computations for fiscal years beginning on and after July 1, 1979.

**310.110 Apportionment of levy where taxing district lies in two or more counties; estimates.** (1) If a taxing district lies in two or more counties, the total amount of taxes levied by such district shall be apportioned on the basis of the equalized valuation of the current assessment year as determined by application of the respective county ratios fixed by the Department of Revenue, in the proportion that the equalized valuation of part of such district lying in each county bears to the equalized valuation of the whole district; provided, that whenever a boundary change affecting such district becomes effective as to the levy being apportioned, an adjustment of the equalized valuation shall be made so as to reflect said boundary change.

(2) Any assessor who is unable to certify the current values for any joint district lying partially in his county by August 25 shall, with the cooperation of the Department of Revenue, estimate as closely as practicable the values of that district for the purpose of apportioning the taxes to be levied by such joint district in the current year as equitably as is possible. The estimate shall be completed and certified to the assessor or assessors of the other counties on the fifth business day thereafter and shall be used as the basis for the apportionment required by this section.

(3) Notwithstanding any provision of ORS 321.405 to 321.520, timber shall be considered as though it remained on the tax rolls at the appraised values established pursuant to subsection (3) of ORS 321.485, but only for the

purpose of apportionment of the levy required by subsection (1) of this section. [Amended by 1953 c.194 §2; 1963 c.274 §1; 1967 c.199 §1; 1971 c.482 §1; 1977 c.892 §38; 1979 c.438 §5]

**Note:** See note after 310.105.

**310.120** [Repealed by 1977 c.730 §4]

**310.125 Special rule for computing maximum amount of certain continuing levies; purpose.** (1) Effective for the fiscal year 1962-1963 and subsequent fiscal years, the authorized amount of any continuing property tax levy described in subsection (2) of this section shall be computed by multiplying the current true cash value of taxable property to which the voted millage or percentage is to be applied by the ratio assigned by the Department of Revenue applicable to the county of the taxing unit involved as of January 1 of the calendar year in which the continuing levy was approved by the voters of the unit.

(2) The provisions of subsection (1) of this section shall apply only to continuing property tax levies which were approved by the voters of the taxing unit involved in a measure which:

(a) Was voted upon prior to July 21, 1953 (the effective date of ORS 310.400);

(b) Contained a reference to a millage or percentage of the property valuation of the taxing unit as either the sole basis or the upper limit of the amount of levy being proposed; and

(c) Was intended to apply the specified millage or percentage to the assessed valuation of property in the taxing unit.

(3) It is the purpose of this section to eliminate the unintended effect of changing county assessment ratios on property tax levies of a continuing nature which were voted in terms including a reference to a millage or percentage of the property valuation of the taxing unit involved. The Legislative Assembly finds that those voters who approved such measures assumed that assessment ratios would remain relatively stable and did not intend that their voted levy could be raised or lowered at will in future years by the county assessor or the legislature in changing the assessment ratio applicable to their property.

(4) This section does not apply to levies which were approved for the purpose of financing a fire and police disability and retirement fund. [1961 c.719 §§1, 2; 1975 c.189 §1]

**310.130 Tax limitations after expansion of boundaries of taxing unit.** When the boundaries of a county, municipality, district or other body to which the power to levy a tax shall have been delegated, have been expanded through annexation of territory, then for the purpose of applying the limitation contained in section 11, Article XI, Oregon Constitution, the tax base of said taxing unit for the fiscal year next following the annexation shall be increased by an amount equal to the equalized assessed valuation of the taxable property in the annexed territory for the fiscal year of the annexation multiplied by the millage rate within the tax base of the annexing unit for the fiscal year of the annexation, plus six percent of said amount.

**310.135 Establishing new tax base; inapplicable to certain school districts.** (1) In any year in which a proposal to establish a new tax base may be submitted to the voters under section 11, Article XI of the Oregon Constitution, each taxing unit to which the power to levy an ad valorem property tax has been delegated shall submit to the voters the question of establishing a new tax base if:

(a) In three out of the four consecutive fiscal years immediately preceding the year in which a tax base proposal may be submitted to the voters, the taxing unit has submitted the question to the voters, received approval, and has levied outside its tax base for general operations under paragraph (a) of subsection (2) of section 11, Article XI, Oregon Constitution; and

(b) The taxing unit has not submitted to the voters and received approval of a new tax base in the even-numbered year immediately preceding.

(2) This section does not apply to a school district that is required to submit a tax base proposal under ORS 328.542. [1979 c.241 §53]

**Note:** 310.135 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 310 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

**Note:** Section 54, chapter 241, Oregon Laws 1979, provides:

**Sec. 54.** (1) A proposal to establish a new tax base shall be submitted under section 53 of this Act to the voters of a taxing unit in 1980 if in any three out of the four fiscal years beginning on July 1, 1976, through July 1, 1979, the taxing unit submitted the question to the voters, received approval to levy and levied outside its tax base for general operations. This section does not apply if

the voters of the taxing unit approved the establishment of a new tax base in 1978.

(2) This section does not apply to a school district that is required to submit a tax base proposal under ORS 328.542.

### ELECTION UPON QUESTION OF INCREASING TAX LEVIES

**310.310 Manner of calling and holding elections.** Elections for voting upon the question of increasing the tax levy in the counties, municipalities and districts not possessing a separate legislative department, shall be called and held in the manner respectively provided by ORS 310.330 to 310.395. [Amended by 1953 c.311 §7]

**310.320** [Repealed by 1953 c 311 §7]

**310.330 County tax levy.** (1) Whenever it is necessary in the estimation of the county court or board of county commissioners of any county to increase the amount of the tax levy over the amount limited by the Constitution except on vote of the people, the county court or board of county commissioners shall make and enter an order for a special election on the question and shall certify to the county clerk that the increase, in its judgment, is necessary, stating the reasons therefor and the amount of the increase in not to exceed 100 words. The determination and certificate shall be made not less than 61 days before a special election to be held on the same day as the state-wide primary or general election, or 35 days before any special election ordered for a date specified in ORS 203.085.

(2) Thereupon and not less than 30 days before the date of the election, the county clerk shall issue and mail to the respective judges and clerks of election in the precincts in his county, election notices prepared in the same form and manner as for a regular general election, stating thereon that the question of increase of the county tax levy will be voted upon at such election and shall include therein a copy of the certificate of the county court or board of county commissioners.

(3) Thereafter the election thus called shall be held on such date in the same manner as other general or special elections are held and the votes cast upon such election shall be received, counted, returned, and canvassed in the same manner as votes for candidates for county officers. [Amended by 1953 c.311 §7, 1967 c 105 §9; 1977 c 301 §14, 1979 c 316 §15]

**310.340 Optional manner of giving notices required by ORS 310.330.** In any year when a regular election is to be held throughout the state, or a special election is to be held throughout the state or any county for any other purpose, on the first Tuesday after the first Monday in November, or on the third Tuesday in May, the notices of election required to be given by the county clerk of each county by subsection (2) of ORS 310.330 may be included in the general notice of such election. [Amended by 1953 c.311 §7; 1967 c.105 §10; 1979 c.316 §18]

**310.350 Tax levy of ports, districts and municipalities without legislative departments.** (1) In ports, irrigation districts, drainage districts and all other municipalities and quasi municipalities which are operated under the provisions of state laws and have no legislative departments other than the people as a whole, the determination of the necessity to increase the tax levy over the amount limited by the Constitution except on vote of the people and the certificate thereof with a statement of the reasons therefor and the amount of the increase in not to exceed 100 words shall be made by the board of commissioners or other managing board thereof which is charged with the power and duty of levying taxes for such port, district or municipality.

(2) In ports and other districts which conduct their elections in connection with the regular county elections on dates specified in ORS 203.085, the determination and certificate required by subsection (1) of this section shall be made and given to the county clerk not less than 70 days prior to the first Tuesday after the first Monday in November or the third Tuesday in May of any year. If an election is to be held throughout the county on such date, the county clerk shall include in the notices thereof which are sent to the judges and clerks of elections in the precincts within the port or district, a notice of the port or district election containing a copy of the certificate stating the reasons for increasing the tax levy. If no election is to be held throughout the county on such date in such year, the county clerk shall issue and mail to the judges and clerks of election in the precincts within the port or district notices of such election containing a copy of the certificate of such increase.

(3) In other districts not holding their elections in connection with the county elections, the board shall also fix the date of the

election on a date provided in ORS 255.345. The notice calling the election shall be given and published by the same officers and in the same manner as otherwise provided by law for calling or giving notice of elections in the district. The notice shall be given and published for not less than the number of days prior to the date of the election as provided by law for calling or giving notice of other elections in the district.

(4) The votes upon the question submitted pursuant to this section in all ports and districts shall be given, received, counted, returned and canvassed in the same manner as for election of officers or other questions submitted to vote of the people in the port or district. [Amended by 1979 c.316 §16]

**310.360 School district tax levy.** (1) Whenever it is necessary in the opinion of any district school board to increase the amount of the tax levy in the district over the amount limited by the Oregon Constitution except on vote of the people, the board shall make a determination upon the question of increasing the tax levy and fixing the date of the election in the manner provided in ORS 255.345. The district shall submit an explanation of the question in the manner provided in ORS 310.385 in lieu of the certificate referred to in ORS 310.330 to 310.395.

(2) A notice of the election shall be given in the same manner as other elections are called by the district.

(3) The election shall be conducted and held and the result thereof ascertained in the usual manner of holding such elections in the district, and at the time specified in the notice. [Amended by 1953 c 584 §2; 1965 c.100 §125; 1971 c 646 §2; 1975 c 770 §2]

**310.370** [Repealed by 1971 c.647 §149]

**310.380 Municipalities having legislative department.** In all cities and towns or other municipalities having a legislative department, provision may be made by each such municipality for holding the elections provided for in ORS 310.310 to 310.395 by the other subdivisions of the state on a date provided in ORS 203.085, 221.230 and 255.345. [Amended by 1953 c.311 §7, 1979 c 316 §17]

**310.385 Explanation of levy to be submitted to voters.** In submitting a question to the voters under ORS 310.330 to 310.395, a taxing district may submit an explanation of the question in not more than 150 words. This explanation shall substitute

for the certificate referred to in ORS 310.330 to 310.395, shall be printed on the ballot and shall be in addition to the ballot title. The explanation shall be plainly worded and factual and shall avoid as far as practicable the use of technical terms. The explanation shall not advocate a yes or no vote on the question. [1971 c.646 §1]

**310.390 Including statement of reasons for increasing levy in ballot; oral statement in district not using printed ballots.** (1) The question of increasing any tax levy when submitted to the vote of the people as provided in ORS 310.310 to 310.395, shall be stated on the ballot by including in the question the statement of the reasons for increasing the levy made by the tax levying body of the county, district or municipality, or by the board, officer or officers upon whose certificate the election is called and held. The votes of the people shall be given upon the answers "yes" and "no" in the usual manner of submitting questions to vote of the people.

(2) When the vote is taken by the voters of a road district or other district not using printed ballots in holding its elections, the oral statement of the question as shown by the records of the elections or the meetings at which they are held is sufficient. [Amended by 1953 c 311 §7]

**310.395 Ballot to state amount of levy and amount of increase; excluded levies.** (1) Notwithstanding any other law and when not inconsistent with or otherwise provided for in the Oregon Constitution, whenever a proposed tax levy, whether a continuing fixed levy, continuing levy or levy for a single year, is submitted to a vote of the people by this state or any county, municipality, district or body to which the power to levy a tax has been delegated, the measure submitted shall state the total amount of money to be raised by the proposed levy, in dollars and cents.

(2) Except as provided in subsections (3) and (4) of this section, in addition to the requirements of ORS 310.360, 310.385 or subsection (1) of this section, in any election requesting authorization to levy taxes over the amount limited by the Constitution except on vote of the people, if the total taxes which would be levied if the voters approve the request will differ from the total taxes levied in the prior year, the measure shall state the dollar amount by which that portion of the operating budget to be financed wholly by the levy of property taxes for the fiscal year be-

ginning July 1 of the current calendar year is increased or decreased over such dollar amount for the preceding year in substantially the following form:

If this measure is approved, the operating budget to be financed by local taxes for the tax year 19—19— will be \$— greater (or less) than the operating budget financed by local taxes for the preceding year.

(3) Subsection (2) of this section has no application to budgets for serial levies or for levies for bonds nor shall these budgets be included in the computation of the dollar amounts under subsection (2) of this section.

(4) If more than one measure to levy taxes over the amount limited by the Constitution except on a vote of the people referred to in subsection (2) of this section is submitted to the voters in such manner that the voters may accept or reject one or more of such measures, each such measure shall show the dollar amount required by subsection (2) of this section computed on the basis of the operating budget for the same purpose for the preceding year.

(5) Subsection (1) of this section does not apply to a levy described in paragraph (b) of subsection (1) of ORS 280.060. For a levy described in paragraph (b) of subsection (1) of ORS 280.060, an estimate of the total amount of money to be raised for each year of the proposed levy shall be stated in dollars and cents. If the levy described in paragraph (b) of subsection (1) of ORS 280.060 raises more money than estimated, the excess collections above that estimate shall be considered a budget resource for the levy fund in the next fiscal year of the subdivision. This section has no application to elections and levies with respect to bonds, for which provision is made in ORS chapter 286 and ORS 287.004 to 287.026 and 287.052 to 287.528 or other laws.

(6) The statement required by this section shall be added to and made a part of the 150 word explanation required by ORS 310.360 and 310.385, but the number of words contained in the statement required by this section shall not be included in the 150 word limitation. [1967 c.293 §2; 1971 c.646 §4; 1973 c.105 §1; 1977 c.730 §3]

**Note:** 310.395 was not revised to reflect amendments by the 1979 Legislative Assembly. See note at end of chapter.

**310.400** [1953 c.133 §1; repealed by 1971 c.646 §6]

**310.402 Tax base elections to be held only at primary or general election; explanation of levy; notices.** Under subsection (5), section 11, Article XI of the Oregon Constitution, tax base elections shall be held only at a regular state-wide general or primary election. The explanation for the election shall be made pursuant to ORS 310.385, and shall specify in dollars and cents the amount of tax base in effect during the current fiscal year in which the election occurs and the amount of tax base in dollars and cents submitted to the voters for approval. The manner of giving notices shall be in accordance with ORS 255.075, 310.330, 310.340, 310.350, 310.360 or 310.380, whichever is applicable. [1973 c.339 §2; 1977 c.884 §15]

**310.410** [1957 c.426 §1; repealed by 1967 c.293 §37]

### TAX REDUCTION PROGRAMS (Generally)

**310.585 Distribution of certain property tax relief moneys to counties.** Property tax relief money paid to the county treasurer pursuant to law, such as but not limited to senior citizens' property tax relief, inventory property tax relief, local property tax relief and such other property tax relief as may be hereafter enacted by the State of Oregon which do not require that the amounts be offset against a particular type of district's levy, shall be distributed by the county treasurer with the assistance of the tax collector to the taxing districts of the county in accordance with the schedule of percentages computed under ORS 311.390. [1969 c.595 §2]

**310.595 Determination of apportionment to counties.** To carry out the legislative intent of those statutes contained in Oregon Revised Statutes requiring the county assessor, county treasurer or county tax collector to distribute moneys in the proportion that the rate percent of levy for each taxing unit bears to the total rate percent of levy of all units as shown on the tax roll for the fiscal year, the rates to be used for such apportionment shall be those specified in ORS 310.090 which are the computed rates necessary to raise the amounts required by paragraph (d) of subsection (1) of ORS 311.105 for each district shown in the certificate filed with the tax collector under ORS 311.115 for such year. [1969 c.595 §3]

**310.600** [Formerly part of 310.710; 1969 c.612 §4; repealed by 1971 c.544 §7]

**(Inventories)**

**310.605** [1965 c.604 §§1, 12; repealed by 1969 c.612 §5]

**310.608 Inventory exemption.** (1) Livestock, poultry, fur-bearing animals and bees are exempt from ad valorem taxation.

(2) All inventory shall be exempt from ad valorem taxation.

(3) As used in subsection (2) of this section, "inventory" means the following tangible personal property:

(a) Farm machinery and equipment used in the planting, raising, cultivating or harvesting of farm crops or used 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 any other agricultural or horticultural use or animal husbandry or any combination thereof;

(b) Center pivots, wheel lines, movable set lines; and

(c) Items of tangible personal property described as 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 his business.

(4) 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 up through the surface of the ground. [1969 c.612 §§1, 2; 1973 c.670 §1; 1977 c.819 §1; 1979 c.692 §5]

**310.610** [1965 c.604 §§5, 6; repealed by 1969 c.612 §5]

**310.611** [1977 c.819 §2; repealed by 1979 c.692 §13]

**310.615** [1965 c.604 §§4, 7, 8; 1967 c.521 §3; repealed by 1969 c.612 §5]

**310.620** [1965 c.604 §9; repealed by 1969 c.612 §5]

**(Mobile Homes)**

**310.622 Mobile homes eligible as homesteads under tax laws of state.** A mobile home assessed under the ad valorem tax laws of this state shall be eligible to be a homestead for the purposes of all tax laws of this state giving a right or privilege to a homestead. For those mobile homes assessed as real property, the mobile home homestead includes land and improvements to the same extent that a homestead would be recognized if the mobile home were a conventional home.

[1971 c.529 §11; 1977 c.884 §16]

**(Floating Homes)**

**310.623 Floating home eligible as homestead.** A floating home, as defined in ORS 488.705, assessed under the property tax laws of this state shall be eligible to be a homestead for the purposes of all tax laws of this state giving a right or privilege to a homestead. [1977 c.615 §6]

**310.625** [1965 c.604 §10; 1969 c.595 §4; repealed by 1969 c.612 §5]

**(Homestead and Rental Assistance)**

**310.630 Definitions for ORS 310.630 to 310.690.** As used in ORS 310.630 to 310.690:

(1) "Department" means the Department of Revenue.

(2) "Director" means the Director of the Department of Revenue.

(3) "Fuel and utility payments" include payments for heat, lights, water, sewer and garbage made solely to secure those commodities or services for the homestead of the taxpayer. "Payments for heat" mean those payments made to secure the commodities or services to be used as the principal source of heat for the homestead of the taxpayer and includes payments for natural gas, oil, firewood, coal, sawdust, electricity, steam or other materials that are capable of use as a primary source of heat for the homestead. "Fuel and utility payments" do not include telephone service.

(4) "Gross rent" means contract rent paid plus the fuel and utility payments made for

the homestead in addition to the contract rent, during the calendar year for which the claim is filed.

(5) "Homestead" means the taxable principal dwelling located in Oregon, either real or personal property, whether owned or rented by the taxpayer, and the taxable land area of the tax lot upon which it is built.

(6) "Household" means the taxpayer, the spouse of the taxpayer and all other persons residing in the homestead during any part of the calendar year for which a claim is filed.

(7) "Household income" means the aggregate income of the taxpayer and the spouse of the taxpayer who resides in the household, that was received during the calendar year for which the claim is filed.

(8) "Income" means the sum of "adjusted gross income" as defined in the federal Internal Revenue Code of 1954, as amended, relating to the measurement of taxable income of individuals, estates and trusts computed without the deduction for the percentage of the excess long term capital gains less short term capital losses provided by section 1202 of the federal Internal Revenue Code of 1954; gross amount of any otherwise exempt pension less return of investment, if any; the net loss, in excess of \$1,000, from all dispositions of tangible or intangible properties; the net loss, in excess of \$1,000, from the operation of a farm or farms; the net loss, in excess of \$1,000, from all operations of a trade, business, profession or other activity entered into for the production or collection of income; the net loss, in excess of \$1,000, from tangible or intangible property held for the production of rents, royalties or other income; net operating loss carryovers or carrybacks in excess of \$1,000 included in federal adjusted gross income; child support; inheritances; gifts and grants, the sum of which are in excess of \$500 per year; life insurance payments; accident and health insurance payments, except reimbursement of incurred medical expenses; personal injury damages; sick pay which is not included in federal adjusted gross income; strike benefits; worker's compensation, except for reimbursement of medical expense; military pay and benefits; veteran's benefits; payments received under the federal Social Security Act; welfare payments; nontaxable dividends; unemployment benefits and nontaxable interest not included in federal adjusted gross income. "Income" does not include any governmental grant which must be used by the taxpayer for rehabilitation of the

homestead of the taxpayer or the amount of any payments made pursuant to ORS 310.630 to 310.690.

(9) "Contract rent" means rental paid to the landlord for the right to occupy a homestead, including the right to use the personal property located therein. "Contract rent" does not include rental paid for the right to occupy a homestead that is exempt from taxation, unless payments in lieu of taxes of 10 percent or more of the rental exclusive of fuel and utilities are made on behalf of the homestead. "Contract rent" does not include advanced rental payments for another period and rental deposits, whether or not expressly set out in the rental agreement, or payments made to a nonprofit home for the elderly described in ORS 307.375. If a landlord and tenant have not dealt with each other at arm's length, and the department is satisfied that the contract rent charged was excessive, it may adjust the contract rent to a reasonable amount for purposes of ORS 310.630 to 310.690. "Contract rent" for purposes of payments made to fraternities, sororities or cooperative housing organizations shall be as provided in subsection (4) of ORS 307.460.

(10) "Owned" includes being purchased under a recorded instrument of sale.

(11) "Rent constituting property taxes" means 17 percent of the contract rent actually paid in any calendar year by a taxpayer and the household of the taxpayer for the right to occupy their homestead in the calendar year, and which rent constitutes the basis of a claim for property tax refund submitted in the succeeding calendar year for relief under ORS 310.630 to 310.690 by the taxpayer.

(12) "Statement of contract rent for which refund is claimed" means a declaration by the applicant, under penalties of false swearing, that the amount of contract rent designated is the actual amount both incurred and paid during the year for which a refund is claimed.

(13) "Taxpayer" means an individual whose homestead as of December 31, if the taxpayer is an owner, or if the taxpayer is a renter, during all or a portion of the year for which refund is claimed is the subject, directly or indirectly, of property tax levied by this state or a political subdivision or of payments made in lieu of taxes.

(14) "True cash value" has the meaning set forth in ORS 308.205. [1971 c.747 §2; 1973 c.752 §1; 1975 c.616 §1; 1977 c.90 §3; 1977 c.841 §1; 1979 c.693 §1; 1979 c.780 §11]

Note: Section 2, chapter 692, Oregon Laws 1979, provides:

Sec. 2. The amendment to ORS 310.630 contained in section 1 of this Act shall apply to applications made and refunds issued after January 1, 1980.

**310.631 Certain tenant-stockholders considered owners of homesteads for purposes of ORS 310.630 to 310.690.** (1) A tenant-stockholder of a cooperative housing corporation shall be considered an owner of a homestead for purposes of ORS 310.630 to 310.690 if:

(a) He may deduct from gross income for income tax purposes, pursuant to section 216 of the Internal Revenue Code, amounts paid or accrued to a cooperative housing corporation that represent his proportionate share of the property taxes paid or incurred by the corporation that are the subject of the property tax refund claim; and

(b) The apartment or unit owned or leased by the cooperative housing corporation that he is entitled to occupy due to his status as a tenant-stockholder is his principal dwelling.

(2) For purposes of computing the owner refund to the tenant-stockholder, property tax liability shall mean the amount deductible, representing the proportionate share of property taxes, by the tenant-stockholder pursuant to section 216 of the Internal Revenue Code.

(3) As used in this section, "tenant-stockholder" and "cooperative housing corporation" have the meaning given those terms by section 216 of the Internal Revenue Code. [1977 c.90 §2]

Note: 310.631 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter.

**310.632 Policy.** The Legislative Assembly finds that:

(1) There is a serious deficiency of rental housing available within the means of many Oregon households.

(2) The rental housing deficiency is felt most acutely by elderly households with incomes near poverty level.

(3) There is no economic possibility of filling this rental housing deficiency with new subsidized construction.

(4) In many areas there is a large enough supply of housing so that new construction is not justified; the problem is entirely one of inadequate income.

(5) Many of these near poverty level elderly households are having to spend in excess of half their incomes just for shelter.

(6) A rental assistance program operated through the Department of Revenue would alleviate this situation and, by reducing the proportion of income needed for rent, would enable these near poverty level elderly households to better provide for other necessities of life. [1975 c.672 §16]

Note: 310.632 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 310 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

**310.635 Eligibility; amount; processing claims; treatment of payments.** (1) If a taxpayer is eligible for rental assistance and the amount of rental assistance is greater than the amount of renter refund allowable under paragraph (b) of subsection (1) of ORS 310.640, the taxpayer shall be granted rental assistance in the amount specified in this section in lieu of the renter refund. A taxpayer is eligible for a rental assistance refund under this section if:

(a) He is 58 years of age or older before the close of the calendar year immediately preceding the year in which the rental assistance is claimed;

(b) His household income is less than \$5,000;

(c) His gross rent is in excess of 40 percent of his household income; and

(d) He files a claim with the department as required by ORS 310.657.

(2) A taxpayer eligible for rental assistance under this section shall be paid by the department an amount equal to the positive difference between the taxpayer's gross rent, not to exceed \$2,100, and 40 percent of his household income.

(3) The rental assistance payments required by subsection (2) of this section shall be made by the department during the month of October.

(4) The rental assistance granted under this section applies to gross rent paid in the calendar year for which the claim is filed.

[1975 c.672 §18; 1977 c.841 §2]

**310.638** [1975 c 672 §19; repealed by 1977 c.841 §13]

**310.640 Homestead tax refund; deductions for other programs; application.** (1) Except as provided in subsection (2) of this

section and ORS 310.635, each taxpayer shall be granted a refund for the calendar year for which a claim is filed under ORS 310.657 in an amount which is:

(a) For a homeowner, the property tax liability extended against the homestead in the year for which a claim is filed or the maximum refundable tax stated in the table in paragraph (c) of this subsection for his household income level, whichever is the lesser.

(b) For a renter, the rent constituting property tax paid for the occupancy of his homestead in the year for which a claim is filed or the maximum refundable rent constituting property tax stated in the table in paragraph (c) of this subsection for his household income level, whichever is the lesser.

(c) The schedule referred to in paragraphs (a) and (b) of this subsection is:

Household Income	Maximum Refundable Owner Property Tax	Maximum Refundable Rent Constituting Property Tax
\$ 0 - 499	\$655	\$328
500 - 999	635	318
1,000 - 1,499	615	308
1,500 - 1,999	595	298
2,000 - 2,499	575	288
2,500 - 2,999	555	278
3,000 - 3,499	545	273
3,500 - 3,999	525	263
4,000 - 4,499	505	253
4,500 - 4,999	485	243
5,000 - 5,499	465	233
5,500 - 5,999	445	223
6,000 - 6,499	425	213
6,500 - 6,999	405	203
7,000 - 7,499	385	193
7,500 - 7,999	365	183
8,000 - 8,499	345	173
8,500 - 8,999	325	163
9,000 - 9,499	305	153
9,500 - 9,999	285	143
10,000 - 10,499	265	133
10,500 - 10,999	245	123
11,000 - 11,499	225	113
11,500 - 11,999	205	103
12,000 - 12,499	185	93
12,500 - 12,999	175	88
13,000 - 13,499	165	83
13,500 - 13,999	155	78
14,000 - 14,499	145	73
14,500 - 14,999	135	68
15,000 - 15,999	115	58

(2) No refund shall be granted under this section or ORS 310.635 for less than \$5.

(3) The property tax refund granted under this section applies to property taxes levied or rent constituting property taxes paid in the calendar year for which the claim is filed. Status as an owner or renter shall be determined as of December 31 of the calendar year for which the claim is filed.

(4) For purposes of this section, if a taxpayer owns the land upon which the abode is situated but rents the abode, or if the taxpayer owns the abode but rents the land upon which it is situated or to which it is attached, he shall add the rent constituting property taxes for that part of the abode or land which is rented to the taxes extended against that part of the abode or the land which is owned. The total of property tax plus rent constituting property tax shall be treated as his total owner property tax under this section and the refund computed accordingly. A taxpayer subject to this subsection shall not be entitled to any refund based on rent constituting property taxes except as provided herein.

(5) No refund shall be granted under this section or ORS 310.635 for any period during which the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172. However, if it is determined that the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172 and the taxpayer is eligible for the period for property tax or rental assistance under ORS 310.635 or this section in an amount greater than the payment made by the Adult and Family Services Division, the department shall refund the difference in the manner that other property tax and rental assistance refunds are made. The department and the Adult and Family Services Division shall cooperate in making any determination required by this subsection. [1971 c.747 §3; 1973 c.752 §2; 1975 c.734 §1; 1977 c.841 §3]

Note: 310 640 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter

**310.642 Computation of refund for floating homes.** For purposes of ORS 310.630 to 310.690, if a taxpayer owns a floating home, as defined in ORS 488.705, that is his homestead and rents moorage space to which the floating home is attached, he shall add the rent constituting property taxes for that part of the moorage space which is rented to the taxes extended against the floating home. The

total of property tax plus rent constituting property tax shall be treated as his total owner property tax under this section and the refund computed accordingly. A taxpayer subject to this section shall not be entitled to any refund based on rent constituting property taxes except as provided in this section. [1977 c.615 §5]

**Note:** 310.642 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter

**310.645 Limitations on refund.** (1) Only one taxpayer per household per year shall be granted the property tax or rental assistance refund provided under ORS 310.630 to 310.690.

(2) A taxpayer who is granted a homeowner refund shall not be granted a renter or rental assistance refund for the same calendar year.

(3) A homeowner refund shall be based upon property tax liability extended against only one homestead. Only one taxpayer shall be granted an owner refund based upon property tax liability extended against any one homestead.

(4) After October 5, 1973, if the Federal Government provides property tax relief directly to the individual, the refund granted under ORS 310.630 to 310.690 shall be reduced by the federal property tax relief received during the year for which a claim for refund under ORS 310.630 to 310.690 is filed if the federal law will permit. [1971 c.747 §4; 1973 c.752 §5, 1977 c.841 §6; 1979 c.780 §8]

**Note:** Section 9, chapter 780, Oregon Laws 1979, provides:

**Sec. 9.** The amendments to ORS 310.630 and 310.645 by sections 1 and 8 of this Act apply to all claims for property tax refund required to be filed on or after January 1, 1980.

**310.650** [1971 c.747 §5; repealed by 1973 c.752 §12]

**310.655** [1965 c.615 §24; 1969 c.587 §5, 1971 c.374 §1; repealed by 1971 c.747 §21]

**310.657 Submission of claim; adjustment of claim by department; determination of tax attributable to homestead; payment of refunds.** (1) On or before April 15 following the year for which the claim is filed, a taxpayer claiming the property tax or rental assistance refund provided under ORS 310.635 or 310.640 shall submit his claim to the department, together with a copy of the property tax statement or the statement of net rent for which refund is claimed. The claim

shall be submitted on a form prescribed and furnished by the department. The department shall prepare blank forms for the claims and shall distribute them throughout the state. The department may require from the taxpayer any proof it considers necessary to determine if the taxpayer is eligible for refund or assistance pursuant to ORS 310.630 to 310.690.

(2) The department shall audit or examine the claim and:

(a) If it appears that the taxpayer is eligible for rental assistance, shall consider the claim as a claim for rental assistance and if the renter refund for which the taxpayer is eligible is not greater in amount than the rental assistance, shall adjust the claim for rental assistance upward or shall allow or deny the claim in whole or in part; and

(b) If the taxpayer is eligible for owner refund, or is not eligible for rental assistance, or if the amount of rental assistance is less than the renter refund for which the taxpayer is eligible, shall consider the claim a claim for owner or renter tax refund and shall adjust the claim upward or shall allow or deny the claim in whole or in part.

(3) In its consideration of the claim the department may obtain information and assistance from any county assessor or county tax collector to determine the amount of taxes attributable to the homestead, the status of any exemptions or any other matter considered necessary by the department.

(4) If the claim is allowed in whole or in part, the property tax or rental assistance refund granted shall not be offset against any income tax liability of the taxpayer or taxpayers. The department shall make the payments required by this section from the Tax Refund Revolving Checking Account created by ORS 310.692. [1971 c.747 §6; 1973 c.752 §3; 1977 c.761 §1; 1977 c.841 §18]

**Note:** 310.657 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter.

**Note:** Sections 21 and 22, chapter 241, Oregon Laws 1979, provide

**Sec. 21.** (1) Except as provided in subsection (2) of this section, the Department of Revenue shall adjust the amount claimed as owner or renter refund on the basis of property taxes billed, rent constituting property taxes or contract rent paid in 1978 on any claim filed pursuant to ORS 310.630 to 310.690 or section 22 of this 1979 Act to reflect amendments to ORS 310.640 by section 14 of this 1979 Act and section 16 of this 1979 Act. Except as provided in section 22 of this 1979 Act, the adjusted

refund amount shall be paid to the eligible claimant during the month of October in the same manner as other refunds are paid under ORS 310.630 to 310.690. Payment shall be made from the Tax Refund Revolving Checking Account created by ORS 310.692.

(2) If a taxpayer entitled to an owner refund for 1978 does not claim a homestead tax payment for the 1979 assessment year, and if required by the department, the taxpayer submits a verified statement to the department that no claim is made under sections 1 to 8 of this 1979 Act for the 1979 assessment year, the owner refund of that taxpayer shall be computed without regard to section 17 of this 1979 Act.

(3) If the department is unable to ascertain if a claim for homestead tax payment has been made by a taxpayer claiming owner refund before October 1979, the department may compute the owner refund as required by the amendments to ORS 310.640 by section 14 of this 1979 Act and section 17 of this 1979 Act.

(4) If the department computes the owner refund without ascertaining if a claim for homestead tax payment has been allowed the taxpayer for 1979 under subsection (3) of this section, the department shall notify the taxpayer that the refund has been so computed and that the department will recompute the refund of the taxpayer if the verified statement required by subsection (2) of this section is filed. Any additional refund as a result of such filing shall be paid in the same manner as other owner refunds are paid as soon as practicable after receipt of the statement.

**Sec. 22.** (1) Notwithstanding the requirement in ORS 310.657 that a claim for homeowner or renter refund be filed prior to April 15 following the year for which the claim is filed, any taxpayer who is eligible for a refund based upon property taxes billed, rent constituting property taxes or contract rent paid in 1978 due either solely to the amendments to ORS 310.640 by section 14 of this 1979 Act and section 19 of this 1979 Act (which new section and amendments raise the income levels for eligibility) or to section 16 of this 1979 Act (which grants a refund of four and seven-tenths percent of rent to all renters) may obtain the refund by filing the claim with the Department of Revenue at any time prior to April 15, 1980. If the department is unable to pay the refund amount during the month of October 1979, as required by ORS 310.657, due to the extended time allowed by this subsection for filing the claim, the department shall make the payment as soon as practicable after the claim is filed. Payments of owner or renter refund pursuant to claim filed under this section shall be made from the Tax Refund Revolving Checking Account created by ORS 310.692.

(2) The department shall make a reasonable effort to notify each taxpayer who appears to be eligible to file a claim under subsection (1) of this section that the claim may be filed.

(3) The county assessors shall cooperate with the department in its efforts to adjust 1978 owner refund amounts under section 21 of this 1979 Act and grant refunds on the basis of claims filed under this section.

**310.660** [1965 c.615 §21; 1967 c.521 §4; repealed by 1971 c.747 §21]

**310.662** [1971 c.747 §7; repealed by 1973 c.752 §12]

**310.665** [1965 c.615 §25; 1967 c.521 §5; repealed by 1971 c.747 §21]

**310.667** [1971 c.747 §8; repealed by 1973 c.752 §12]

**310.670** [1965 c.615 §26; repealed by 1969 c.595 §17]

**310.672 Filing of claim by agent or guardian.** If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer. [1971 c.747 §9]

**310.675** [1965 c.615 §20; repealed by 1967 c.521 §8]

**310.677 Refund available to residents of nonprofit homes for the elderly; claim form; computation of relief by corporation.** (1) Any resident of a nonprofit home for the elderly owned or being purchased by a corporation described in ORS 307.375 shall be entitled to the property tax refund allowed under ORS 310.640 as provided in this section. Only one resident per living unit shall be granted such property tax refund.

(2) Each corporation described in ORS 307.375 which has claimed the personal property tax exemption under ORS 307.370 shall obtain from the department special claim forms on which a resident may apply for the benefits of this section and furnish one such claim form to each resident prior to December 1.

(3) The corporation shall determine the amount of true cash value of the nonprofit home that is properly allocable to the living unit of the resident. The corporation shall then multiply this amount by the tax rate for the current property tax year which was applied to the nonprofit home. The product shall be considered as the amount of property tax paid by the resident and shall be used by him in completing the claim form. A corporate officer or employe shall certify on the claim form that the property tax indicated thereon is correct.

(4) After the amount of property taxes has been determined as provided in subsection (3) of this section, the resident shall complete the special claim form and send it to the department as provided in subsection (1) of ORS 310.657. [1971 c.747 §10; 1973 c.752 §6]

**Note:** 310.677 was not revised to reflect amendments passed by the 1979 Legislative Assembly. See note at end of chapter.

**310.679 Fuel and utility rate relief; eligibility determined by department.** (1) Subject to subsection (7) of this section, in addition to the property tax refund granted pursuant to ORS 310.640, a taxpayer who is eligible for fuel and utility rate relief shall be granted a refund in an amount of \$50. A taxpayer is eligible for fuel and utility rate relief refund if:

(a) He is 60 years of age or older before the close of the calendar year for which the homeowner or renter property tax refund is claimed;

(b) His household income is less than \$5,000;

(c) He is eligible for owner or renter refund provided by ORS 310.640; and

(d) He files a claim with the department as provided in ORS 310.657.

(2) A taxpayer who receives rental assistance refund under ORS 310.635 for the year shall not be granted fuel and utility rate relief refund for the same year.

(3) Eligibility for fuel and utility rate relief refund shall be determined by the department by reference to the claim filed by the taxpayer pursuant to ORS 310.657.

(4) A resident of a nonprofit home for the elderly eligible for owner property tax refund under ORS 310.677 shall not be entitled to a fuel and utility rate relief refund.

(5) Notwithstanding subsection (1) of ORS 310.635 and subsection (2) of ORS 310.657, for refunds granted in October 1977 and October 1978, the taxpayer shall be granted the greater of:

(a) The rental assistance that would be granted pursuant to a claim filed under ORS 310.657 for that year; or

(b) The amount of renter refund granted pursuant to a claim filed under ORS 310.657 plus fuel and utility rate relief refund granted by this section for the same year.

(6) The fuel and utility rate relief refund granted by this section shall be paid by the department from the Tax Refund Revolving Checking Account created by ORS 310.692.

(7) If the total refunds payable after September 1, 1978, are greater than the remaining moneys appropriated by section 3, chapter 778, Oregon Laws 1977, the available moneys shall be prorated among the refunds provided by subsection (1) of this section. No further refunds shall be made when the moneys ap-

propriated are expended. No debt shall accrue to the state for payment of refunds nor shall tax claim for refund accrue to a taxpayer in the event such moneys are prorated or expended.

(8) This section shall apply to refunds payable in October 1977 and October 1978.

[1977 c.778 §2]

**310.680** [1971 c.747 §11; repealed by 1973 c.752 §12]

**310.681 Weatherization refund.** (1) As used in this section:

(a) "Weatherization" means the purchase and installation of items primarily designed to improve the efficiency of space heating and energy utilization of the homestead. These items include but are not limited to caulking; weatherstripping and other infiltration preventive materials; ceiling and wall insulation; crawl space insulation; vapor barrier materials; timed thermostats; insulation of heating ducts, hot water pipes and water heaters in unheated spaces; storm doors and windows; double glazed windows and dehumidifiers.

(b) "Weatherization costs" or "costs incurred for weatherization" means those costs incurred by the taxpayer for weatherization of his homestead on or after October 4, 1977, and prior to July 1, 1979.

(2) Any taxpayer who claims and receives an owner property tax refund based upon his household income and his property tax liability for the calendar year 1976 shall receive a refund for costs incurred by him for weatherization of his homestead if:

(a) The taxpayer is issued a voucher by the department pursuant to subsection (3) of this section.

(b) The taxpayer, prior to January 1, 1980, presents the voucher to the department for payment, together with evidence satisfactory to the department that:

(A) The taxpayer has incurred costs in connection with weatherization of his homestead during the allowed time period.

(B) The taxpayer has weatherized his home to the extent of the costs so incurred.

(C) The taxpayer is not at the time the voucher is issued eligible under any federal program for grant, aid, assistance or other benefit for weatherization of his homestead.

(c) The taxpayer is 60 years of age or older on January 1, 1977.

(d) The property tax liability for the homestead upon which the owner refund granted to

the taxpayer for the calendar year 1976 reflects an assessed value of less than \$30,000 for the homestead.

(3) The department shall issue a voucher for weatherization cost refund to each taxpayer granted an owner property tax refund based upon his household income for 1976 if the household income was less than \$7,500. The voucher shall bear the name and address of the taxpayer to whom it is issued and shall be presentable for payment only by the taxpayer or taxpayers to whom it is issued. The voucher shall contain or be accompanied by all information necessary to inform the taxpayer of his entitlement to, and the conditions for obtaining the weatherization cost refund granted by this section.

(4) The amount of the weatherization cost refund granted by this section shall be the lesser of the weatherization costs incurred or \$300.

(5) No taxpayer shall be granted weatherization cost refund for more than one homestead.

(6) The weatherization cost refund granted by this section shall be paid by the department from the Tax Refund Revolving Checking Account created by ORS 310.692, within 60 days after the taxpayer presents his voucher and the evidence required under subsection (2) of this section to the department. Refunds shall be paid according to priority based upon the date of claim and shall be paid until such time as the moneys appropriated by section 3, chapter 716, Oregon Laws 1977, are expended. No debt shall accrue to the state for payment of refunds nor shall tax claim for refund accrue to a taxpayer after such moneys are expended.

(7) Any proceeding for refund authorized by this section shall be within the jurisdiction of the small claims division of the Oregon Tax Court.

(8) The amount of weatherization cost refunded under this section shall not be used as the basis for tax credit or benefit under ORS chapter 316. [1977 c 716 §2]

**310.682** [1973 c 752 §2b; repealed by 1977 c.90 §4a, 1977 c.841 §13]

**310.685** [1971 c.747 §12, repealed by 1973 c 752 §12]

**310.690 Department, assessors and tax collectors to cooperate; rules.** The department, the assessors and the tax collectors shall cooperate in carrying out the pur-

poses of ORS 310.630 to 310.690. In order to carry out the provisions contained in ORS 310.630 to 310.690, the department shall adopt such rules and prescribe such forms as are necessary. [1971 c.747 §13; 1973 c.752 §4; 1977 c.841 §8]

**310.692 Tax Refund Revolving Checking Account to pay refunds.** (1) There is established in the State Treasury the Tax Refund Revolving Checking Account. Amounts necessary to pay refunds and homestead tax payments authorized by ORS 307.244, 310.630 to 310.690 and section 6, chapter 241, Oregon Laws 1979, may be transferred from the appropriation provided in section 11, chapter 241, Oregon Laws 1979.

(2) If any portion of the tax liability for which refunds described in subsection (1) of this section are authorized are offset against the refund, the Department of Revenue shall transfer from the Tax Refund Revolving Checking Account to the General Fund an amount equal to the income tax liability.

(3) On or before September 15 of the second fiscal year of each biennium, the Department of Revenue shall estimate the amount of money needed to make the homestead tax payments and renter refunds granted under sections 2 and 16, chapter 241, Oregon Laws 1979, that are based upon property taxes billed and contract rent paid in the current year. If the sum of the homestead tax payments, the contract renter refund and other obligations is estimated to be greater than the remaining amounts credited to the Tax Refund Revolving Checking Account for the biennium for those obligations, the percentage amounts payable under sections 2 and 16, chapter 241, Oregon Laws 1979, shall be reduced to a lesser percentage rounded to the nearest one-tenth of a percent in order that the state shall not accrue a debt in excess of the amount credited. No claim for payment or refund shall accrue to a taxpayer under section 2 or 16, chapter 241, Oregon Laws 1979, in excess of the amount determined under this subsection. [1977 c 761 §3; 1979 c.241 §10]

**310.695 Construction.** Any references in ORS 307.380, 308.215, 308.340, 310.630 to 310.695, 311.696 and 311.990 to the laws of the United States relating to income taxes or the Internal Revenue Code means the laws of the United States relating to income taxes or the Internal Revenue Code as they may be in effect for the taxable year of the taxpayer

except where the Legislative Assembly has specifically provided otherwise. [1971 c.747 §20]

**310.700** [1973 c.752 §8; repealed by 1975 c.616 §2]

**310.705** [1965 c.615 §1; 1971 c.544 §2; repealed by 1973 c.752 §12]

**310.706 Applicability of ORS chapters 305 and 314; interest on refunds.** Unless the context requires otherwise, the provisions of ORS chapters 305 and 314 as to the audit and examination of reports and returns, determination of deficiencies, assessments, claims for refund, conferences, appeals to the director of the department and appeals to the Oregon Tax Court, and procedures relating thereto, shall apply to ORS 310.630 to 310.690. No interest shall be allowed on property tax or rental assistance refunds payable by the department under ORS 310.630 to 310.690 pursuant to a claim filed after January 1, 1978. No refunds shall be made under ORS 310.630 to 310.690 to a taxpayer who fails to file such return within three years after the due date of the return. [1973 c.752 §9; 1977 c.841 §9; 1977 c.870 §62]

**310.710** [1965 c.615 §11; 1967 c.293 §12; part renumbered 310.600; 1971 c.544 §3; repealed by 1973 c.752 §12]

**310.712** [1973 c.752 §10; repealed by 1977 c.841 §13]

**310.715** [1965 c.615 §2; 1967 c.293 §13; 1969 c.305 §1; repealed by 1971 c.544 §7]

**310.720** [1965 c.615 §2a; repealed by 1971 c.544 §7]

**310.725** [1965 c.615 §§3, 14; 1969 c.457 §3; repealed by 1971 c.544 §7]

**310.730** [1965 c.615 §4; 1967 c.293 §14; repealed by 1971 c.544 §7]

**310.735** [1965 c.615 §§5, 6; 1967 c.293 §15; 1971 c.353 §1, repealed by 1971 c.544 §7]

**310.740** [1965 c.615 §7; 1969 c.305 §2, repealed by 1971 c.544 §7]

**310.745** [1965 c.615 §8; repealed by 1967 c.293 §16 (310.746 enacted in lieu of 310.745)]

**310.746** [1967 c.293 §17 (enacted in lieu of 310.745); repealed by 1969 c.595 §17]

**310.750** [1965 c.615 §9; repealed by 1967 c.293 §18 (310.751 enacted in lieu of 310.750)]

**310.751** [1967 c.293 §19 (enacted in lieu of 310.750); repealed by 1969 c.595 §17]

**310.755** [1965 c.615 §10; 1967 c.293 §20; 1969 c.305 §5; repealed by 1969 c.595 §17]

**310.760** [1969 c.305 §4; repealed by 1971 c.544 §7]

**Note:** Chapter 652, Oregon Laws 1979, refers to the people at the statewide primary election to be held on May 20, 1980, various changes to the tax laws enacted during the 1979 regular legislative session. Chapter 652, Oregon Laws 1979, provides:

**Section 1.** Section 12, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is amended to read:

**Sec. 12.** As continued by the voters at the 1980 primary election, sections 1 to 8 and 23 and the amendments to ORS 311.505 by section 9, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), apply to assessment years beginning on or after January 1, 1979. Section 27 and the amendments to ORS 310.060 and 310.395 by sections 28 and 28a, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), apply to assessment years beginning on or after January 1, 1980.

**Section 2.** Section 19, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is amended to read:

**Sec. 19.** As continued by the voters at the 1980 primary election, the amendments to ORS 310.631, 310.640, 310.642, 310.657 and 310.677 by sections 14 to 14c and 18, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), and sections 16 and 17, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), apply to property taxes billed and contract rent and rent constituting property taxes paid in calendar years beginning on or after January 1, 1978.

**Section 3.** Section 30a, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is amended to read:

**Sec. 30a.** As continued by the voters at the 1980 primary election, sections 29 and 30, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), apply to each biennium beginning on or after July 1, 1979.

**Section 4.** Section 50, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is amended to read:

**Sec. 50.** As continued by the voters at the 1980 primary election, sections 32 and 48 and the amendments to ORS sections relative thereto contained in sections 33 to 47 and 49, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), apply to assessment years beginning on or after January 1, 1980.

**Section 5.** Section 4, chapter 240, Oregon Laws 1979 (Enrolled House Bill 2589), is amended to read:

**Sec. 4.** As continued by the voters at the 1980 primary election, the amendments to ORS 316.068 by section 1, chapter 240, Oregon Laws 1979 (Enrolled House Bill 2589), and section 3, chapter 240, Oregon Laws 1979 (Enrolled House Bill 2589), apply to taxable years beginning on or after January 1, 1979.

**SECTION 6.** (1) This Act shall be submitted to the people for their approval or rejection at the next statewide primary election.

(2) Notwithstanding any other provision of law, the ballot title for this measure shall be:

---

**CONTINUES TAX REDUCTION  
PROGRAM**

Purpose: Approval of this measure would allow continuation of the following tax reduction program after 1980:

(1) Limit on property assessment increases to a state-wide average of five percent by class

(2) Reduction of the property taxes on owner-occupied principal residences. Equivalent relief to renters

(3) Reduction of personal income tax.

(4) Increased tax relief under Homeowner and Renter Relief Program (HARRP).

(5) State expenditure limitation.

**Note:** Provisions of the text of affected portions of laws compiled in ORS chapter 310 have not been revised, since permanent changes to the applicable law depend upon the outcome of the referendum. The text of the changes in the law is set forth below for the users' convenience:

Section 1, chapter 241, Oregon Laws 1979, provides:

**Sec. 1.** As used in sections 1 to 8 of this Act, unless the context otherwise requires:

(1) "Homestead" means the principal residence owned and occupied by the taxpayer and located in Oregon. It includes the land area of the tax lot or tax lots on which the residence is located, but does not include land area in excess of one acre, or the minimum by zoning, whichever is greater. If the residence is located on a tax lot or lots that include land area that is classified or designated or is otherwise specially assessed as farm or forest land under ORS 308.345 to 308.403, 321.257 to 321.372, 321.705 to 321.765 or 321.805 to 321.825, or as open space land under ORS 308.740 to 308.790, that portion of the land area so specially assessed shall not be included as part of the homestead property. If the residence is located in a multiunit building, the residence is the portion of the building actually used as the principal place of abode and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the unit in the building consisting of the residence compared to the total value of the building exclusive of the common elements, if any. If the residence is a part of a group of associated single family units on one tax lot, the residence is the single unit and the portion of the common tax lot allocated to it on the basis of the relative value of each unit.

(2) "Occupied" or "occupy" means to live or dwell in or on the property. The right to a partial payment of tax under sections 1 to 8 of this Act shall not be lost if the owner is temporarily absent from the property unless the property is rented to another during the absence. Nor shall the right to a partial payment of tax be lost to the property if its owner is confined to a nursing home or other long term care facility unless the property is rented to another during the confinement.

(3) "Owned" means ownership by the taxpayer, or by the taxpayer and spouse or other co-occupier or co-occupiers, of a life estate or a fee simple estate. It includes the purchase of a life estate or fee simple estate under a recorded instrument of sale.

(4) "Taxpayer" means an individual who has filed a claim for payment under sections 1 to 8 of this Act.

Section 4, chapter 581, Oregon Laws 1979, provides:

**Sec. 4.** As used in section 1, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), "minimum by

zoning" means the minimum area of land upon which a residence may be constructed under the applicable zoning law or ordinance if the tax lot is capable of being divided into two or more such minimum areas or the area of the tax lot itself although in excess of such minimum area if the tax lot is incapable of being divided into two or more minimum areas.

Sections 2 to 8, chapter 241, Oregon Laws 1979, provide:

**Sec. 2.** Upon compliance with section 3 of this Act, the Department of Revenue shall pay a portion of the ad valorem property tax extended against the homestead of the taxpayer. Subject to subsection (3) of ORS 310.692 and to sections 23 and 27 of this Act, the amount paid shall be equal to 30 percent of the tax extended, or \$800, whichever is less. Payment shall be made by the department as provided in section 6 of this Act

**Sec. 3.** (1) Except as provided in subsection (4) of this section, each taxpayer whose homestead qualifies for the payment under section 2 of this Act or who has acquired a homestead after June 30 that qualifies for the payment shall file with the county assessor, on forms prescribed by the Department of Revenue, a claim therefor in writing on or before April 1 of the first year in which the payment is claimed for the property, except that when the property designated is acquired after March 20 and before July 1, the claim shall be filed within 30 days after the date of acquisition.

(2) The claim shall set out the basis of the claim, designate the property to which the payment may apply and contain such other information as the Department of Revenue may require. There shall be attached to each claim the affidavit or affirmation of the claimant that the statements contained therein are true.

(3) If a taxpayer fails to file a claim for homestead tax payment within the time required by this section, the taxpayer may apply to the Director of the Department of Revenue for a recommendation that the homestead tax payment be made even though application was not timely filed, on the grounds of hardship as defined in ORS 307.475. If the director approves the application, the amount of the homestead tax payment shall be made in the manner provided in section 6 of this Act directly to the taxpayer

(4) A claim for homestead tax payment provided by sections 1 to 8 of this Act for the 1979 assessment year shall be made in accordance with section 2, chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018), and not otherwise. If a claim is made and allowed under section 2, chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018), for the assessment year 1979, that claim shall constitute a first claim for purposes of subsection (1) of this section.

**Sec. 4.** (1) The payment of tax provided by section 2 of this Act shall be made for a homestead owned and occupied as a homestead before July 1 of the assessment year for which the payment is made. However, if a homestead that is qualified becomes disqualified prior to July 1 of the same year because it is no longer a homestead, no payment shall be made on behalf of the homestead for that year. If the property becomes disqualified on or after July 1, the payment shall be made pursuant to the claim. Only one homestead tax payment shall be made under

sections 1 to 8 of this Act on behalf of any homestead property in any year.

(2) If the use of property changes so that the property is no longer used as a homestead, the owner shall notify the assessor of the change in use prior to the next July 1. If the notice required by this subsection is not given, a penalty equal to 20 percent of the amount of any unqualified partial payment made by the state for the assessment year for which notice should have been given and each assessment year thereafter in which an unqualified partial payment is made shall be added to the assessment or tax roll under section 8 of this Act.

**Sec. 5.** If a taxpayer is unable to submit his own claim for payment of tax under section 3 of this Act, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

**Sec. 6.** (1) On or before the date the roll is delivered to the tax collector under ORS 311.115, the county assessor shall determine the amount of ad valorem tax to be paid by the Department of Revenue for each homestead entitled to partial payment of ad valorem property tax under sections 1 to 8 of this Act and the total of those amounts. The assessor thereupon shall certify the total amount to the Department of Revenue and to the county treasurer.

(2) Not later than November 15, or as soon as practicable thereafter, the Department of Revenue shall pay to each county treasurer the total amount certified under subsection (1) of this section, less the three percent discount provided in ORS 311.505. The payments made by the department under this section shall be made from the Tax Refund Revolving Checking Account established by ORS 310.692.

(3) Payments made by the department to the various county treasurers under this section shall be distributed to the taxing units of the county in accordance with the schedule of percentages computed under ORS 311.390.

(4) Paragraph (e) of subsection (1) of ORS 311.105 shall be construed to include the amount paid by the state as a partial payment of ad valorem property tax under sections 1 to 8 of this Act.

**Sec. 7.** (1) The roll delivered to the tax collector under ORS 311.115 shall identify each homestead entitled to the partial payment of ad valorem tax under sections 1 to 8 of this Act. The method of identifying the homesteads may be determined by the Department of Revenue by rule in order to achieve uniformity.

(2) In addition to other items required by ORS 311.250 to appear on the tax statement, the tax statement for a homestead entitled to partial payment of tax for the year shall contain the total amount of current ad valorem taxes due on the homestead that are paid or to be paid by the state under sections 1 to 8 of this Act. The total amount of current taxes due on the homestead and to be paid by the taxpayer shall be reduced by the amount paid or to be paid by the state on the tax statement.

**Sec. 8.** (1) If partial payment of ad valorem property taxes is made under sections 1 to 8 of this Act on behalf of any property and that property is not qualified for the payment, or the payment should not otherwise have been made, the amount of the payment and any penalty im-

posed under subsection (2) of section 4 of this Act shall be added to the assessment or tax roll as an error correction under ORS 311.205 and shall be due and payable as provided under ORS 311.206

(2) Notwithstanding ORS 311.220, additions for unqualified partial payments under sections 1 to 8 of this Act and penalties imposed under subsection (2) of section 4 of this Act shall be charged against property owned by a bona fide purchaser

(3) Additions for unqualified partial payments of tax under sections 1 to 8 of this Act shall, upon collection, be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts available for general state governmental expenses. Additions for penalties imposed under subsection (2) of section 4 of this Act shall, however, be deposited in the general fund of the county for general county governmental expenses.

Section 23, chapter 241, Oregon Laws 1979, provides:

**Sec. 23.** (1) Tax levies for the payment of all bond principal and interest shall be financed completely by local property taxpayers without any partial state payment provided under sections 1 to 8 of this Act. This subsection applies to bonds approved before, on or after the effective date of this Act

(2) Property taxes levied in a serial levy pursuant to ORS chapter 280 for the purpose of financing capital construction, or the combined purpose of capital construction and other operations, which serial levy is approved after the effective date of this Act, shall be financed completely by local property taxpayers without any partial state payment provided under sections 1 to 8 of this Act.

(3) For purposes of subsection (2) of this section, "capital construction" means the acquisition of land upon which to construct a building, the acquisition of a building, the acquisition of an addition to a building which increases the square footage of the building, the construction of a building, the construction of an addition to an existing building which increases the square footage of the building or the acquisition of and installation of machinery and equipment which will become an integral part of a building or an addition to a building or a combination of those items.

Section 27, chapter 241, Oregon Laws 1979, provides:

**Sec. 27.** (1) (a) Any ad valorem tax extended on the roll for any fiscal year beginning on or after July 1, 1980, shall be financed completely by local property taxpayers without any partial state payments provided under sections 1 to 8 of this Act to the extent that the tax is extended pursuant to a levy that is in excess of the greater of the following:

(A) The adjusted levy as defined in subsection (2) of this section plus the serial levy or levies, if any, which were approved by the voters prior to the effective date of this Act; or

(B) The amount of the levy of the taxing unit inside the tax base.

(b) Offsets to a taxing unit's tax levy shall be applied proportionally between the levy to be partially paid by the state under sections 1 to 8 of this Act and the levy to

be financed completely by local property taxpayers without any partial state payment

(2) As used in this section.

(a) "Adjusted levy" means:

(A) For any taxing unit levying, in the preceding year, outside its tax base other than for serial levies for capital construction or capital construction and other operations or levies for payment of bond principal and interest, the remainder of the base year levy certified to the assessor minus the tax levied for all bond principal and interest and any serial levy made for capital construction or combination of capital construction and other operations, multiplied by the product obtained by multiplying the population indicator by the inflation indicator.

(B) For any taxing unit levying, in the preceding year, all taxes within its tax base except for serial levies for capital construction or for capital construction and other operations or levies for the payment of bond principal and interest, the levy of the preceding year within its tax base multiplied by the product obtained by multiplying the population indicator by the inflation indicator.

(C) The portion of the serial levy for the 1979-1980 fiscal year made for purposes other than capital construction, if the taxing unit had no levy other than the serial levy or a levy for the payment of bond principal and interest for the 1979-1980 tax year. Any serial levy used to compute adjusted levy under this subparagraph shall not be added to the adjusted levy under subparagraph (A) of paragraph (a) of subsection (1) of this section.

(b) "Base year levy" means one of the following:

(A) The 1979-1980 levy of the taxing unit, or an average of the 1977-1978, 1978-1979 and 1979-1980 levies of the taxing unit, whichever is the greater;

(B) The first tax levy of a taxing unit formed after March 31, 1979;

(C) The first tax levy, after 1979-1980, of a taxing unit which did not levy a tax in 1979-1980, or the average of the levies of the taxing unit for 1977-1978 and 1978-1979, whichever is the greater; or

(D) For any taxing unit which levies a tax entirely inside its tax base other than serial levies for capital construction or capital construction and other operations or levies for the payment of bond principal and interest, the total amount levied in the last year in which the taxing unit levied a tax entirely inside its tax base other than for serial levies for capital construction or for capital construction and other operations or for the payment of bond principal and interest.

Section 27a, chapter 241, Oregon Laws 1979, provides.

**Sec. 27a.** As used in section 27 of this Act and this section:

(1) "Capital construction" has the meaning given the term by section 23 of this Act.

(2) "Inflation indicator" means a percent rounded to the nearest one-tenth of one percent obtained by dividing the Portland Consumer Price Index for September of the current fiscal year by the Portland Consumer Price Index

for September of the later of the 1978 fiscal year or the fiscal year preceding the year in which a taxing district last levied a tax entirely inside its tax base other than for serial levies for capital construction or for capital construction and other operations or levies for payment of bond principal and interest.

(3) "Population indicator" means the greater of 100 percent or a percent rounded to the nearest one-tenth of one percent obtained by dividing the applicable figure indicative of population served by the taxing unit as of July 1 of the fiscal year in which the computation is made by the applicable figure indicative of population served by the unit as of the later of July 1, 1978, or July 1 of the fiscal year preceding the year in which the taxing unit last levied a tax entirely inside its tax base other than for serial levies for capital construction or for capital construction and other operations or levies for payment of bond principal and interest. For purposes of determining the population indicator:

(a) (A) For a city or a county, the figures indicative of population served are the figures estimated by the State Board of Higher Education under ORS 190.520 as the population of the city or county and filed with the Secretary of State no later than December 15

(B) For a common or union high school district, the figures indicative of population served are the average daily membership of resident pupils of the district contained in the report filed with the Superintendent of Public Instruction under paragraph (a) of subsection (1) of ORS 327.133.

(C) For an education service district, the figures indicative of population served are the sum of the average daily membership of resident pupils of the common or union high school districts filed under paragraph (a) of subsection (1) of ORS 327.133 which have the principal administrative office located in the education service district.

(D) For a community college, the figures indicative of population served are the total number of full-time equivalent students who are residents of Oregon reported to the Superintendent of Public Instruction following the last term of the year under subsection (4) of ORS 341.625

(E) For any other district, subject to paragraphs (b) and (c) of this subsection, one of the following shall apply:

(i) If the territory of the district includes more than 50 percent of any county, the population figures used for the county may be used as the figures indicative of population served for the district.

(ii) If the territory of the district includes more than 50 percent of a city the population figures used for the city may be used as the figures indicative of population served for the district

(iii) If the territory of the district includes more than 50 percent of the territory of each of two or more counties, the combined population of those counties may be used as the figures indicative of population served for the district.

(iv) If the district is a district which provides substantially only one service to customers, such as sewer or water, and the number of customers can be estimated from the number of accounts or billings, the number of customers may be used as the figures indicative of population served for the district.

(b) Subject to paragraph (c) of this subsection, the population indicator for any district not described in paragraph (a) of this subsection shall be 100 percent

(c) If a boundary change occurs for any taxing unit, the population indicator shall be determined in a manner consistent with this section and as if the territory of the unit was, for purposes of determining the figures indicative of population served, the territory of the district following the change. The determination shall be made by the Department of Revenue with, if beneficial, the assistance of the State Board of Higher Education and the taxing unit itself

(4) "Portland Consumer Price Index" means the Consumer Price Index for All Urban Consumers (Portland - all items) as published by the Bureau of Labor Statistics of the United States Department of Labor for the Portland, Oregon Standard Metropolitan Statistical Area.

Section 12, chapter 241, Oregon Laws 1979, provides:

**Sec. 12.** Unless continued by the voters at the next primary election, sections 1 to 8 and 23 and the amendments to ORS 311.505 by section 9 of this Act apply to assessment years beginning on or after January 1, 1979, but prior to January 1, 1981. Section 27 and the amendments to ORS 310.060 and 310.395 by sections 28 and 28a of this Act apply to assessment years beginning on or after January 1, 1980, but prior to January 1, 1981

Section 28a, chapter 241, Oregon Laws 1979, provides

**Section 28a.** ORS 310.060 is amended to read:

**310.060.** (1) Not later than July 15 of each year, every city, school district or other public corporation authorized to levy a tax shall give to the assessor of the county in which the principal office of the tax-levying body is located the documents required by subsection (2) of ORS 294.555 and shall give to the clerk of such county, or if such tax-levying entity is located in more than one county then to the assessor and the clerk of each other county wherein any part thereof is located, notice in writing of the tax levy made by it for the current fiscal year, accompanied by a true copy of its budget as finally adopted. The notice shall state:

(a) The total amount of money to be raised by taxation;

(b) The amount levied inside the constitutional limitation,

(c) The amount levied for the payment of bonded indebtedness or interest thereon;

(d) Each amount levied outside the constitutional limitation, the date when approved and designate the portion of each levy which will be financed partially by the State of Oregon and which will be financed completely by the local taxpayers without any partial state payment;

(e) The amount levied inside any statutory limitation;

(f) Each amount levied outside any statutory limitation and the date when approved;

(g) The anticipated maximum addition to the rate of levy stated under ORS 310.395 as to any election that was necessary to authorize a part of the total levy; and

(h) The adjusted levy of the district as defined in section 27 of this 1979 Act for the year for which the certification is made.

(2) The Department of Revenue may prescribe the form of notice. All amounts shall be stated in dollars and cents and the rate of levy in dollars and cents per thousand dollars of true cash value, as required by law. If the notice is given to the assessor and the clerk of more than one county, a copy of each other such notice given shall accompany every notice given. Upon the giving of the notice, every school district immediately shall supply a copy thereof to the school superintendent of the county wherein the district is located. Immediately upon receipt thereof every such notice and copy shall be filed in the office of the receiving officer

(3) For good and sufficient reason, the county assessor may make such extension of time for the giving of the notice as he considers reasonable.

Section 28, chapter 241, Oregon Laws 1979, provides:

**Section 28.** ORS 310.395 is amended to read:

**310.395.** (1) Notwithstanding any other law and when not inconsistent with or otherwise provided for in the Oregon Constitution, whenever a proposed tax levy, whether a continuing fixed levy, continuing levy or levy for a single year, is submitted to a vote of the people by this state or any county, municipality, district or body to which the power to levy a tax has been delegated, the measure submitted shall state the total amount of money to be raised by the proposed levy, in dollars and cents. In addition, if the taxing unit estimates that the approval of the levy which will be partially financed by the state will produce an adjusted levy tax rate greater than the adjusted levy tax rate of the preceding year, the taxing unit shall state the estimated adjusted levy rate in dollars and cents per thousand dollars of assessed value.

(2) Except as provided in subsections (3) and (4) of this section, in addition to the requirements of ORS 310.360, 310.385 or subsection (1) of this section, in any election requesting authorization to levy taxes over the amount limited by the Constitution except on vote of the people, if the total taxes which would be levied if the voters approve the request will be no greater than the amount of levy which will be partially financed by the state, the amount shall be separately submitted and shall bear the statement, "If this measure is approved, \$\_\_\_\_\_ of the taxes levied will be financed partially by the State of Oregon (and if applicable, the additional language) which will result in an estimated tax rate of \$\_\_\_\_\_ per \$1,000 of true cash value exclusive of levies for bond principal and interest and serial levies for capital construction."; and if any part of the total taxes which would be levied if the voters approve the request exceeds the amount of levy which will be partially financed by the state, the excess amount shall be separately submitted and shall bear the statement, "If this measure is approved, \$\_\_\_\_\_ of taxes levied will be totally financed by local taxpayers without any partial state payment."

(3) Subsection (2) of this section has no application to budgets for serial levies or for levies for bonds nor shall

these budgets be included in the computation of the dollar amounts under subsection (2) of this section.

(4) (a) The questions submitted to the voters of a taxing unit under subsection (2) of this section may be submitted at the same election or at separate elections. However, the voters cannot approve a tax levy to be financed completely by the taxpayers without any partial state payment until a levy to be partially financed by the state has been approved at the same or in a prior election.

(b) The submission of measures to levy taxes to be financed partially by the state and completely by the taxpayers may be submitted together to the people as many times as is permitted by law. However, once the tax levy to be partially financed by the state is approved, the measure to levy taxes to be financed completely by the taxpayers shall not be submitted on more than two election dates following the approval of the measure to levy taxes partially financed by the state and shall not be submitted separately at an election authorized by ORS 259 265.

(5) Subsection (1) of this section does not apply to a levy described in paragraph (b) of subsection (1) of ORS 280.060. For a levy described in paragraph (b) of subsection (1) of ORS 280.060, an estimate of the total amount of money to be raised for each year of the proposed levy shall be stated in dollars and cents. If the levy described in paragraph (b) of subsection (1) of ORS 280.060 raises more money than estimated, the excess collections above that estimate shall be considered a budget resource for the levy fund in the next fiscal year of the subdivision. This section has no application to elections and levies with respect to bonds, for which provision is made in ORS chapter 286 and ORS 287.004 to 287 026 and 287.052 to 287.528 or other laws.

(6) The statement or statements required by this section shall be added to and made a part of the 150 word explanation required by ORS 310.360 and 310.385, but the number of words contained in the statement required by this section shall not be included in the 150 word limitation.

Section 14c, chapter 241, Oregon Laws 1979, provides:

**Section 14c.** ORS 310 631 is amended to read.

**310.631.** (1) A tenant-stockholder of a cooperative housing corporation shall be entitled to the owner property tax refund allowed under ORS 310 640 subject to section 17 of this 1979 Act, and to the homestead tax payment under section 2 of this 1979 Act, as provided in this section if:

(a) He may deduct from gross income for income tax purposes, pursuant to section 216 of the Internal Revenue Code, amounts paid or accrued to a cooperative housing corporation that represent his proportionate share of the property taxes paid or incurred by the corporation that are the subject of the property tax refund claim, and

(b) The apartment or unit owned or leased by the cooperative housing corporation that he is entitled to occupy due to his status as a tenant-stockholder is his principal dwelling

(2) For purposes of computing the refund to the tenant-stockholder, the property tax amount shall be the amount deductible, representing the proportionate share

of property taxes, by the tenant-stockholder pursuant to section 216 of the Internal Revenue Code.

(3) Each tenant-stockholder claiming the refund granted under this section shall obtain a special form prescribed by the Department of Revenue for this purpose, complete the form and submit it to the department as provided in ORS 310.630 to 310.690 for owner refund claims.

(4) As used in this section, "tenant-stockholder" and "cooperative housing corporation" have the meaning given those terms by section 216 of the Internal Revenue Code.

Section 14, chapter 241, Oregon Laws 1979, provides:

**Section 14.** ORS 310.640 is amended to read:

**310.640.** (1) Except as provided in subsection (2) of this section and ORS 310.635, each taxpayer shall be granted a refund for the calendar year for which a claim is filed under ORS 310.657 in an amount which is:

(a) For a homeowner, the property tax liability extended against the homestead in the year for which a claim is filed or the maximum refundable tax stated in the table in paragraph (c) of this subsection for the household income level of the homeowner, whichever is the lesser

(b) For a renter, the rent constituting property tax paid for the occupancy of the homestead in the year for which a claim is filed minus the amount paid pursuant to section 16 of this 1979 Act, or the maximum refundable rent constituting property tax stated in the table in paragraph (c) of this subsection for the household income level of the renter, whichever is the lesser.

(c) The schedule referred to in paragraphs (a) and (b) of this subsection is:

Household Income	Maximum Refundable Owner Property Tax	Maximum Refundable Rent Constituting Property Tax
0 - 499	\$750	\$375
500 - 999	729	365
1,000 - 1,499	708	354
1,500 - 1,999	687	344
2,000 - 2,499	666	333
2,500 - 2,999	645	323
3,000 - 3,499	624	312
3,500 - 3,999	603	302
4,000 - 4,499	582	291
4,500 - 4,999	561	281
5,000 - 5,499	540	270
5,500 - 5,999	519	260
6,000 - 6,499	498	249
6,500 - 6,999	477	239
7,000 - 7,499	456	228
7,500 - 7,999	435	218
8,000 - 8,499	414	207
8,500 - 8,999	393	197
9,000 - 9,499	372	186
9,500 - 9,999	351	176
10,000 - 10,499	330	165
10,500 - 10,999	309	155
11,000 - 11,499	288	144
11,500 - 11,999	267	134

12,000 - 12,499	246	123
12,500 - 12,999	225	113
13,000 - 13,499	204	102
13,500 - 13,999	183	92
14,000 - 14,499	162	81
14,500 - 14,999	141	71
15,000 - 15,499	120	60
15,500 - 15,999	99	50
16,000 - 16,499	78	39
16,500 - 16,999	57	29
17,000 - 17,499	36	18

(2) No refund shall be granted under this section, section 16 of this 1979 Act or ORS 310.635 for less than \$5.

(3) The property tax refund granted under this section and section 16 of this 1979 Act applies to property taxes levied or contract rent or rent constituting property taxes paid in the calendar year for which the claim is filed. Status as an owner or renter shall be determined as of December 31 of the calendar year for which the claim is filed.

(4) If a taxpayer owns the land upon which the abode is situated but rents the abode, or if the taxpayer owns the abode but rents the land upon which it is situated or to which it is attached, the total owner property tax shall be computed as follows:

(a) Determine an amount equal to the rent constituting property taxes for that part of the abode or land which is rented less any refund granted under section 16 of this 1979 Act.

(b) Determine an amount equal to the property tax liability assessed against the abode or land which is owned less any amount which the tax liability extended against the property is reduced by section 17 of this 1979 Act.

(c) Add together the amounts determined in paragraph (a) and (b) of this subsection. Such taxpayers shall use the total owner property tax computed under this subsection to determine the refund which the taxpayer is entitled to under this section.

A taxpayer subject to this subsection shall not be entitled to any refund based on rent constituting property taxes except as provided herein.

(5) No refund shall be granted under this section or ORS 310.635 for any period during which the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172. However, if it is determined that the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172 and the taxpayer is eligible for the period for property tax or rental assistance under ORS 310.635 or this section in an amount greater than the payment made by the Adult and Family Services Division, the department shall refund the difference in the manner that other property tax and rental assistance refunds are made. The department and the Adult and Family Services Division shall cooperate in making any determination required by this subsection.

Sections 2 to 7, chapter 780, Oregon Laws 1979, provide:

Section 2. ORS 310.640, as amended by section 14, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is further amended to read:

310.640. (1) Except as provided in subsection (2) of this section and ORS 310.635, each taxpayer shall be granted a refund for the calendar year for which a claim is filed under ORS 310.657 in an amount which is:

(a) For a homeowner, the property tax liability extended against the homestead of the homeowner in the year for which a claim is filed or the maximum refundable tax stated in the table in paragraph (c) of this subsection for the household income level of the homeowner, whichever is the lesser.

(b) For a renter, the rent constituting property tax paid for the occupancy of the homestead or homesteads in the year for which a claim is filed minus the amount paid pursuant to section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), or the maximum refundable rent constituting property tax stated in the table in paragraph (c) of this subsection for the household income level of the renter, whichever is the lesser.

(c) The schedule referred to in paragraphs (a) and (b) of this subsection is:

Household Income	Maximum Refundable Owner Property Tax	Maximum Refundable Rent Constituting Property Tax
\$ 0 - 499	\$750	\$375
500 - 999	729	365
1,000 - 1,499	708	354
1,500 - 1,999	687	344
2,000 - 2,499	666	333
2,500 - 2,999	645	323
3,000 - 3,499	624	312
3,500 - 3,999	603	302
4,000 - 4,499	582	291
4,500 - 4,999	561	281
5,000 - 5,499	540	270
5,500 - 5,999	519	260
6,000 - 6,499	498	249
6,500 - 6,999	477	239
7,000 - 7,499	456	228
7,500 - 7,999	435	218
8,000 - 8,499	414	207
8,500 - 8,999	393	197
9,000 - 9,499	372	186
9,500 - 9,999	351	176
10,000 - 10,499	330	165
10,500 - 10,999	309	155
11,000 - 11,499	288	144
11,500 - 11,999	267	134
12,000 - 12,499	246	123
12,500 - 12,999	225	113
13,000 - 13,499	204	102
13,500 - 13,999	183	92
14,000 - 14,499	162	81
14,500 - 14,999	141	71
15,000 - 15,499	120	60
15,500 - 15,999	99	50
16,000 - 16,499	78	39
16,500 - 16,999	57	29
17,000 - 17,499	36	18

(2) No refund shall be granted under this section, section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), or ORS 310.635 for less than \$5.

(3) The property tax refund granted under this section and section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), applies to property taxes levied or contract rent or rent constituting property taxes paid in the calendar year for which the claim is filed. If the taxpayer owns the homestead on December 31 of the calendar year for which the claim is filed, the taxpayer shall be considered an owner for purposes of the property tax refund granted by this section. Otherwise, the taxpayer shall be considered a renter.

(4) If a taxpayer owns the land upon which the abode is situated but rents the abode, or if the taxpayer owns the abode but rents the land upon which it is situated or to which it is attached, the total owner property tax shall be computed as follows:

(a) Determine an amount equal to the rent constituting property taxes for that part of the abode or land which is rented less any refund granted under section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540)

(b) Determine an amount equal to the property tax liability assessed against the abode or land which is owned less any amount which the tax liability extended against the property is reduced by section 17, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540).

(c) Add together the amounts determined in paragraph (a) and (b) of this subsection. Such taxpayers shall use the total owner property tax computed under this subsection to determine the refund which the taxpayer is entitled to under this section.

A taxpayer subject to this subsection shall not be entitled to any refund based on rent constituting property taxes except as provided herein.

(5) No refund shall be granted under this section or ORS 310.635 for any period during which the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172. However, if it is determined that the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172 and the taxpayer is eligible for the period for property tax or rental assistance under ORS 310.635 or this section in an amount greater than the payment made by the Adult and Family Services Division, the department shall refund the difference in the manner that other property tax and rental assistance refunds are made. The department and the Adult and Family Services Division shall cooperate in making any determination required by this subsection.

**SECTION 3.** The amendments to ORS 310 640 by section 2 of this Act apply to property taxes billed and contract rent and rent constituting property taxes paid in calendar years beginning on or after January 1, 1979, but prior to January 1, 1980

**Section 4.** If House Bill 3010 becomes law, then sections 6 and 7 of this Act are repealed and ORS 310.640, as amended by section 14, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), is further amended to read:

**310.640.** (1) Except as provided in subsection (2) of this section and ORS 310.635, each taxpayer shall be granted a refund for the calendar year for which a claim is filed under ORS 310.657 in an amount which is

(a) For a homeowner, the property tax liability extended against the homestead of the homeowner in the year for which a claim is filed or the maximum refundable tax stated in the table in paragraph (c) of this subsection for the household income level of the homeowner, whichever is the lesser

(b) For a renter, the rent constituting property tax paid for the occupancy of the homestead or homesteads in the year for which a claim is filed minus the amount paid pursuant to section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), or the maximum refundable rent constituting property tax stated in the table in paragraph (c) of this subsection for the household income level of the renter, whichever is the lesser.

(c) The schedule referred to in paragraphs (a) and (b) of this subsection is.

Household Income	Maximum Refundable Owner Property Tax	Maximum Refundable Rent Constituting Property Tax
\$ 0 - 499	\$750	\$375
500 - 999	729	365
1,000 - 1,499	708	354
1,500 - 1,999	687	344
2,000 - 2,499	666	333
2,500 - 2,999	645	323
3,000 - 3,499	624	312
3,500 - 3,999	603	302
4,000 - 4,499	582	291
4,500 - 4,999	561	281
5,000 - 5,499	540	270
5,500 - 5,999	519	260
6,000 - 6,499	498	249
6,500 - 6,999	477	239
7,000 - 7,499	456	228
7,500 - 7,999	435	218
8,000 - 8,499	414	207
8,500 - 8,999	393	197
9,000 - 9,499	372	186
9,500 - 9,999	351	176
10,000 - 10,499	330	165
10,500 - 10,999	309	155
11,000 - 11,499	288	144
11,500 - 11,999	267	134
12,000 - 12,499	246	123
12,500 - 12,999	225	113
13,000 - 13,499	204	102
13,500 - 13,999	183	92
14,000 - 14,499	162	81
14,500 - 14,999	141	71
15,000 - 15,499	120	60
15,500 - 15,999	99	50
16,000 - 16,499	78	39
16,500 - 16,999	57	29
17,000 - 17,499	36	18

(2) No refund shall be granted under this section, section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), or ORS 310.635 for less than \$5.

(3) The property tax refund granted under this section and section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540), applies to property taxes levied or contract rent or rent constituting property taxes paid in the calendar year for which the claim is filed. If the taxpayer owns the homestead on December 31 of the calendar year for which the claim is filed, the taxpayer shall be considered an owner for purposes of the property tax refund granted by this section. Otherwise, the taxpayer shall be considered a renter

(4) If a taxpayer owns the land upon which the abode is situated but rents the abode, or if the taxpayer owns the abode but rents the land upon which it is situated or to which it is attached, the total owner property tax shall be computed as follows:

(a) Determine an amount equal to the rent constituting property taxes for that part of the abode or land which is rented less any refund granted under section 16, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540)

(b) Determine an amount equal to the property tax liability assessed against the abode or land which is owned less any amount which the tax liability extended against the property is reduced by section 17, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540).

(c) Add together the amounts determined in paragraph (a) and (b) of this subsection. Such taxpayers shall use the total owner property tax computed under this subsection to determine the refund which the taxpayer is entitled to under this section.

A taxpayer subject to this subsection shall not be entitled to any refund based on rent constituting property taxes except as provided herein.

(5) No refund shall be granted under this section or ORS 310.635 for any period during which the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172. However, if it is determined that the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172 and the taxpayer is eligible for the period for property tax or rental assistance under ORS 310.635 or this section in an amount greater than the payment made by the Adult and Family Services Division, the department shall refund the difference in the manner that other property tax and rental assistance refunds are made. The department and the Adult and Family Services Division shall cooperate in making any determination required by this subsection.

**SECTION 5.** The amendments to ORS 310.640 by section 4 of this Act apply to property taxes billed and contract rent and rent constituting property taxes paid in calendar years beginning on or after January 1, 1980.

**Section 6.** If House Bill 3010 does not become law, then sections 4 and 5 of this Act are repealed and ORS 310.640 (1977 Replacement Part) is amended to read:

**310.640.** (1) Except as provided in subsection (2) of this section and ORS 310.635, each taxpayer shall be granted a refund for the calendar year for which a claim is filed under ORS 310.657 in an amount which is:

(a) For a homeowner, the property tax liability extended against the homestead of the homeowner in the

year for which a claim is filed or the maximum refundable tax stated in the table in paragraph (c) of this subsection for household income level of the homeowner, whichever is the lesser

(b) For a renter, the rent constituting property tax paid for the occupancy of the homestead or homesteads in the year for which a claim is filed or the maximum refundable rent constituting property tax stated in the table in paragraph (c) of this subsection for household income level of the renter, whichever is the lesser

(c) The schedule referred to in paragraphs (a) and (b) of this subsection is:

Household Income	Maximum Refundable Owner Property Tax	Maximum Refundable Rent Constituting Property Tax
\$ 0 - 499	\$655	\$328
500 - 999	635	318
1,000 - 1,499	615	308
1,500 - 1,999	595	298
2,000 - 2,499	575	288
2,500 - 2,999	555	278
3,000 - 3,499	545	273
3,500 - 3,999	525	263
4,000 - 4,499	505	253
4,500 - 4,999	485	243
5,000 - 5,499	465	233
5,500 - 5,999	445	223
6,000 - 6,499	425	213
6,500 - 6,999	405	203
7,000 - 7,499	385	193
7,500 - 7,999	365	183
8,000 - 8,499	345	173
8,500 - 8,999	325	163
9,000 - 9,499	305	153
9,500 - 9,999	285	143
10,000 - 10,499	265	133
10,500 - 10,999	245	123
11,000 - 11,499	225	113
11,500 - 11,999	205	103
12,000 - 12,499	185	93
12,500 - 12,999	175	88
13,000 - 13,499	165	83
13,500 - 13,999	155	78
14,000 - 14,499	145	73
14,500 - 14,999	135	68
15,000 - 15,999	115	58

(2) No refund shall be granted under this section or ORS 310.635 for less than \$5.

(3) The property tax refund granted under this section applies to property taxes levied or rent constituting property taxes paid in the calendar year for which the claim is filed. If the taxpayer owns the homestead on December 31 of the calendar year for which the claim is filed, the taxpayer shall be considered an owner for purposes of the property tax refund granted by this section. Otherwise, the taxpayer shall be considered a renter.

(4) For purposes of this section, if a taxpayer owns the land upon which the abode is situated but rents the abode, or if the taxpayer owns the abode but rents the land upon which it is situated or to which it is attached, he shall add the rent constituting property taxes for that

part of the abode or land which is rented to the taxes extended against that part of the abode or the land which is owned. The total of property tax plus rent constituting property tax shall be treated as his total owner property tax under this section and the refund computed accordingly. A taxpayer subject to this subsection shall not be entitled to any refund based on rent constituting property taxes except as provided herein.

(5) No refund shall be granted under this section or ORS 310.635 for any period during which the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172. However, if it is determined that the taxpayer's needs were included in a payment made by the Adult and Family Services Division pursuant to ORS 418.172 and the taxpayer is eligible for the period for property tax or rental assistance under ORS 310.635 or this section in an amount greater than the payment made by the Adult and Family Services Division, the department shall refund the difference in the manner that other property tax and rental assistance refunds are made. The department and the Adult and Family Services Division shall cooperate in making any determination required by this subsection.

**SECTION 7.** The amendments to ORS 310.640 by section 6 of this Act apply to property taxes billed and rent constituting property taxes paid in calendar years beginning on or after January 1, 1980

Section 14a, chapter 241, Oregon Laws 1979, provides:

**Section 14a.** ORS 310.642 is amended to read:

**310.642.** (1) For purposes of ORS 310.630 to 310.690, if a taxpayer owns a floating home, as defined in ORS 488.705, that is the homestead of the taxpayer and rents moorage space to which the floating home is attached, the total owner property tax shall be computed as follows:

(a) Determine an amount equal to the rent constituting property taxes for the moorage which is rented, less any refund granted under section 16 of this 1979 Act.

(b) Determine an amount equal to the property tax liability assessed against the floating home which is owned, less any amount by which the tax liability extended against the floating home is reduced under section 17 of this 1979 Act

(c) Add together the amounts determined in paragraphs (a) and (b) of this subsection. Such taxpayers shall use the total owner property tax computed under this subsection to determine the refund to which the taxpayer is entitled under ORS 310.640.

(2) A taxpayer subject to this section shall not be entitled to any refund based on rent constituting property taxes except as provided in this section.

Section 18, chapter 241, Oregon Laws 1979, provides:

**Section 18.** ORS 310.657 is amended to read:

**310.657.** (1) On or before April 15 following the year for which the claim is filed, a taxpayer claiming the property tax or rental assistance refund provided under ORS 310.635, 310.640 or section 16 of this 1979 Act shall submit his claim to the department, together with a copy of the property tax statement or the statement of net rent for which refund is claimed. The claim shall be submitted

on a form prescribed and furnished by the department. The department shall prepare blank forms for the claims and shall distribute them throughout the state. The department may require from the taxpayer any proof it considers necessary to determine if the taxpayer is eligible for refund or assistance pursuant to ORS 310.630 to 310.690.

(2) The department shall audit or examine the claim and:

(a) If it appears that the taxpayer is eligible for rental assistance, shall consider the claim as a claim for rental assistance and if the renter refund under ORS 310.640 for which the taxpayer is eligible is not greater in amount than the rental assistance, shall adjust the claim for rental assistance upward or shall allow or deny the claim in whole or in part; and

(b) If the taxpayer is eligible for owner refund, or is not eligible for rental assistance, or if the amount of rental assistance is less than the renter refund for which the taxpayer is eligible under ORS 310.640, shall consider the claim a claim for owner or renter tax refund and shall adjust the claim upward or shall allow or deny the claim in whole or in part.

(3) In its consideration of the claim the department may obtain information and assistance from any county assessor or county tax collector to determine the amount of taxes attributable to the homestead, the status of any exemptions or any other matter considered necessary by the department.

(4) If the claim is allowed in whole or in part, the property tax or rental assistance refund granted shall not be offset against any income tax liability of the taxpayer or taxpayers. The entire homeowner or renter refund, including renter refund under section 16 of this 1979 Act, or elderly rental assistance shall be refunded during the month of October. The department shall send to the taxpayer a statement that clearly explains the determination made under subsection (2) of this section and the results of the determination. Where property tax refund has been granted, the statement shall indicate the amount of property tax refund, direct or indirect, occasioned by the payment. The department shall make the payments required by this section from the Tax Refund Revolving Checking Account created by ORS 310.692.

Section 14b, chapter 241, Oregon Laws 1979, provides:

**Section 14b.** ORS 310.677 is amended to read:

**310.677.** (1) Any resident of a nonprofit home for the elderly owned or being purchased by a corporation described in ORS 307.375 shall be entitled to the property tax refund allowed under ORS 310.640 subject to section 17 of this 1979 Act, and to the homestead tax payment under section 2 of this 1979 Act, as provided in this section. Only one resident per living unit shall be granted such property tax refund and homestead tax payment.

(2) Each corporation described in ORS 307.375 which has claimed the personal property tax exemption under ORS 307.370 shall obtain from the department special claim forms on which a resident may apply for the benefits of this section and furnish one such claim form to each resident prior to December 1.

(3) The corporation shall determine the amount of true cash value of the nonprofit home that is properly allocable to the living unit of the resident. The corporation shall then multiply this amount by the tax rate for the current property tax year which was applied to the nonprofit home. The product shall be considered as the amount of property tax paid by the resident and shall be used by him in completing the claim form. A corporate officer or employe shall certify on the claim form that the property tax indicated thereon is correct.

(4) After the amount of property taxes has been determined as provided in subsection (3) of this section, the resident shall complete the special claim form and send it to the department as provided in ORS 310.630 to 310.690 for owner refund claims.

Section 16, chapter 241, Oregon Laws 1979, provides:

**Sec. 16.** Subject to subsection (3) of ORS 310.692, in addition to any renter refund granted under ORS 310.640, each taxpayer who is a renter shall be granted a renter refund for the calendar year for which the claim is filed under ORS 310.657 in an amount that is equal to four and seven-tenths percent of the contract rent actually paid by the taxpayer and the household of the taxpayer for the right to occupy the homestead during the calendar year. However, the dollar amount of the refund under this section shall not exceed \$400 no part of which will be subject to offset against any liability due the State of Oregon.

Section 17, chapter 241, Oregon Laws 1979, provides:

**Sec. 17.** If a homeowner files a claim for homestead tax payment under chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018), for 1979, for purposes of computing the refund granted by paragraph (a) of subsection (1) of ORS 310.640 to the taxpayer for property tax liability extended against the homestead in 1978, the property tax liability actually extended against the homestead shall be reduced by 30 percent.

Section 19, chapter 241, Oregon Laws 1979, provides:

**Sec. 19.** Unless continued by the voters at the next primary election, the amendments to ORS 310.631, 310.640, 310.642, 310.657 and 310.677 by sections 14 to 14c and 18 of this Act and sections 16 and 17 of this Act apply to property taxes billed and contract rent and rent constituting property taxes paid in calendar years beginning on or after January 1, 1978, but prior to January 1, 1980.

Section 4, chapter 600, Oregon Laws, 1979, provides:

**Sec. 4.** (1) As soon as practicable after the effective date of this Act, but not later than August 1, 1979, each person who owns a homestead as defined in subsection (5) of this section shall file with the appropriate county assessor a statement on a form prescribed by the Department of Revenue and verified by the taxpayer's oath or affirmation. The statement shall describe the property claimed to be a homestead, and shall contain such other information as may be required by the county assessor to identify and classify the property. The Department of Revenue shall distribute blank forms on which to file the claims throughout the state.

(2) If a taxpayer is unable to file the required statement by August 1, 1979, as required by subsection (1) of this section, the time for filing for the 1979-1980 tax year

shall be extended to December 31, 1979. The time for filing for the 1979-1980 tax year shall not be extended except as provided in this subsection.

(3) An application filed under this section shall constitute a first filing by the taxpayer for purposes of subsection (1) of section 3, chapter 241, Oregon Laws 1979 (Enrolled House Bill 2540).

(4) When the assessor has completed processing the applications, the assessor, if requested by the department, shall send to the department the processed applications or in some other manner send the information contained therein to the department.

(5) "Homestead" means the principal residence owned and occupied by the taxpayer and located in Oregon. It includes the land area of the tax lot or tax lots on which the residence is located, but does not include land area in excess of one acre, or the minimum by zoning, whichever is greater. If the residence is located on a tax lot or lots that include land area that is classified or designated or is otherwise specially assessed as farm or forest land under ORS 308.345 to 308.403, 321.257 to 321.372, 321.705 to 321.765 or 321.805 to 321.825, or as open space land under ORS 308.740 to 308.790, that portion of the land area so specially assessed shall not be included as part of the homestead property. If the residence is located in a multiunit building, the residence is the portion of the building actually used as the principal place of abode and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the units in the building consisting of the residence compared to the total value of the building exclusive of the common elements, if any. If the residence is a part of a group of associated single family units on one tax lot, the residence is the single unit and the portion of the common tax lot allocated to it on the basis of the relative value of each unit.

Section 6, chapter 581, Oregon Laws 1979, provides:

**Sec. 6.** As used in section 4, chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018), "minimum by zoning" means the minimum area of land upon which a residence may be constructed under the applicable zoning law or ordinance if the tax lot is capable of being divided into two or more such minimum areas or the area of the tax lot itself although in excess of such minimum area if the tax lot is incapable of being divided into two or more minimum areas.

Section 13, chapter 241, Oregon Laws 1979, provides:

**Sec. 13.** (1) For the 1979-1980 assessment and tax roll, each county assessor shall identify each homestead entitled to partial payment of ad valorem tax under sections 1 to 8 of this Act and section 2, chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018).

(2) If the assessor is unable to complete processing applications made under section 2, chapter 600, Oregon Laws 1979 (Enrolled House Bill 3018), in time for the 1979-1980 tax roll, the properties that cannot be processed in time shall be entered on the 1979-1980 tax roll and taxed as other property. Applications not processed for the 1979-1980 tax roll shall be processed after the roll has been prepared, and the amount required to be paid by the Department of Revenue under section 2 of this Act, less three percent discount, shall be paid by the depart-

ment directly to the taxpayer out of the moneys appropriated to the Tax Refund Revolving Checking Account created by ORS 310.692. No part of the payments made

under this section shall be subject to the offset against any liability due the State of Oregon.

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G Clifford, Legislative 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,  
October 1, 1979.

Thomas G. Clifford  
Legislative Counsel