

Senate Bill 505

Sponsored by Senator GEORGE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes requirement that exclusive farm use farmland be used exclusively for farm use to qualify for farm use special assessment.

Removes establishment of nonfarm dwelling on land as basis for disqualifying exclusive farm use farmland from farm use special assessment.

Applies to tax years beginning on or after July 1, 2009.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to farm use special assessment; creating new provisions; amending ORS 308A.062 and
3 308A.113; and prescribing an effective date.

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

5 **SECTION 1.** ORS 308A.062 is amended to read:

6 308A.062. (1) Any land that is within an exclusive farm use zone [*and that is used exclusively for*
7 *farm use shall qualify*] **qualifies** for farm use special assessment under ORS 308A.050 to 308A.128[
8 unless disqualified under other provisions of law.

9 (2) Whether farmland qualifies for special assessment under this section shall be determined as
10 of January 1 of the assessment year. However, if land so qualified becomes disqualified prior to July
11 1 of the same assessment year, the land shall be valued under ORS 308.232[,] at its real market value
12 as defined by law without regard to this section[,] and shall be assessed at its assessed value under
13 ORS 308.146 or as otherwise provided by law. If the land becomes disqualified on or after July 1,
14 the land shall continue to qualify for special assessment as provided in this section for the current
15 tax year.

16 **SECTION 2.** ORS 308A.113 is amended to read:

17 308A.113. (1) Land within an exclusive farm use zone shall be disqualified from special assess-
18 ment under ORS 308A.062 by[:]

19 [*(a) Removal of the special assessment by the assessor upon the discovery that the land is no longer*
20 *being used as farmland;*]

21 [*(b) removal of the land from any exclusive farm use zone.;* or]

22 [*(c) Establishing a nonfarm dwelling on the land under ORS 215.236.*]

23 [(2) *Notwithstanding subsection (1)(a) of this section, the county assessor shall not disqualify land*
24 *that has been receiving special assessment if the land is not being farmed because:*]

25 [*(a) The effect of flooding substantially precludes normal and reasonable farming during the year;*
26 *or*]

27 [*(b) Severe drought conditions are declared under ORS 536.700 to 536.780.*]

28 [(3)*(a) Notwithstanding ORS 308.210, 308A.062, 311.405 or 311.410, if disqualification occurs as a*
29 *result of the discovery that the land is no longer in farm use, then, regardless of when during the as-*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 *essment year discovery is actually made, disqualification by the county assessor shall occur as of the*
2 *January 1 assessment date of the assessment year in which discovery is made.]*

3 *[(b) Paragraph (a) of this subsection shall apply only if the notice of disqualification required un-*
4 *der ORS 308A.718 is mailed by the county assessor prior to August 15 of the tax year for which the*
5 *disqualification of the land is asserted.]*

6 *[(4)] (2) Upon disqualification, additional taxes shall be determined as provided in ORS 308A.700*
7 *to 308A.733.*

8 **SECTION 3. The amendments to ORS 308A.062 and 308A.113 by sections 1 and 2 of this**
9 **2009 Act apply to tax years beginning on or after July 1, 2009.**

10 **SECTION 4. This 2009 Act takes effect on the 91st day after the date on which the reg-**
11 **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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