

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Revenue**

**MEASURE: HB 2128**  
**CARRIER: Rep. Barnhart**

**Fiscal:** Has minimal fiscal impact

**Revenue:** Revenue impact issued

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**Action Date:** 04/06/15

**Action:** Do Pass.

**Meeting Dates:** 03/23, 04/06

**Vote:**

Yeas: 9 - Barnhart, Bentz, Davis, Johnson, Lininger, Read, Smith Warner, Vega Pederson, Whitsett

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**WHAT THE MEASURE DOES:**

Establishes personal liability of lessee for property taxes, when the property is leased from an exempt federal, state or local government. Provides counties with means of collecting unpaid taxes from a person and their real and personal property. Requires county clerk to immediately issue writs of attachment on application by tax collector or district attorney for the county as plaintiff. Applies to property tax years beginning on or after July 1, 2015. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Importance of pursuing party that owes the tax
- Origination of language on lines 18-21
- Importance of personal liability provision
- Current collection process when collecting from lessees of property, leasing from tax exempt owners
- Tax responsibility for owners of solar and wind farms leasing property from exempt government owners
- Measure results in increased revenue, but is not a bill to raise revenue.

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

If at the time a lease from an exempt government owner expires and property taxes are unpaid, a lien on the property continues to exist and delinquent interest accrues. However, because the lease has expired and the owner of the property is exempt from ad valorem taxation, no means of collection exists for county tax collectors so long as the property remains under the possession of the exempt owner.