



Marion County

OREGON

Board of Commissioners

February 28, 2019

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Chair Nancy Nathanson
Vice Chairs Findley and Marsh,
And the Members of the
House Committee on Revenue

BOARD OF COMMISSIONERS

Sam Brentano
Kevin Cameron
Colm Willis

CHIEF ADMINISTRATIVE OFFICER

John Lattimer

RE: Support HB 2264

For the record, I am Marion County Commissioner Colm Willis. I am here to testify today in favor of HB 2264 with the -1 amendment.

Marion County last year became the most recent County to experience the confusion caused by the interpretation of current law.

Marion County and the Association of Oregon Counties support the concept in HB 2264 with the -1 amendment as it will clarify that equipment that has traditionally been exempt from taxation will continue to be.

Current case law seems to ignore one part of the current law. ORS 307.394(1)(a) as referenced in the cases reads:

(1) The following tangible personal property is exempt from ad valorem property taxation:

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

What the courts seem to ignore is Sub d of the current law which reads:

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

What HB 2264 attempts to do is clarify that the entire statute is used by county assessors as they assess farm machinery and equipment and that all taxpayers should be treated equally.

Thank you for the opportunity to speak to you today. I am happy to answer any questions.