

HOUSE AMENDMENTS TO HOUSE BILL 3618

By COMMITTEE ON REVENUE

February 13

1 On page 1 of the printed bill, line 16, after “of” insert “the following property”.

2 In line 18, delete the semicolon and insert a period.

3 Delete lines 19 through 26 and insert:

4 “(B) If the decedent or a person described in subsection (3)(c) of this section was licensed under
5 ORS chapter 508, property that is:

6 “(i) Used in the conduct of a fishing business as defined in section 1301(b)(4) of the Internal
7 Revenue Code, including boats, gear, equipment, vessel licenses and permits and commercial fishing
8 licenses and permits; or

9 “(ii) Used to process and sell the catch of a commercial fishing business in fresh, canned or
10 smoked form directly to consumers, including a restaurant with seating capacity of less than 15
11 seats at which catch from the fishing business is prepared and sold.

12 “(C) Tangible and intangible personal property devoted to use as a farm or used for farm or
13 forestry purposes, including:

14 “(i) Timber, trees and improvements;

15 “(ii) Crops, both growing and stored; and

16 “(iii) Forestry and farming equipment.

17 “(D) Working capital of a farm, natural resource-based business or fishing business owned by the
18 decedent at the decedent’s death.

19 “(b) A taxpayer may:

20 “(A) Elect not to claim the credit allowed under this section;

21 “(B) Elect to claim less than the full amount of the credit allowed under this section; or

22 “(C) Elect to claim the credit only for the value of certain assets.”.

23 In line 27, delete “(A)” and insert “(c)” and after “credit” insert “allowed under this section
24 is”.

25 On page 2, delete lines 1 through 31 and insert:

26	“1	2	3	4
27	\$0	\$100,000	\$0	
28	100,000	150,000	0	0.8%
29	150,000	200,000	400	1.6%
30	200,000	300,000	1,200	2.4%
31	300,000	500,000	3,600	3.2%
32	500,000	700,000	10,000	4.0%
33	700,000	900,000	18,000	4.8%
34	900,000	1,100,000	27,600	5.6%
35	1,100,000	1,600,000	38,800	6.4%

1	1,600,000	2,100,000	70,800	7.2%
2	2,100,000	2,600,000	106,800	8.0%
3	2,600,000	3,100,000	146,800	8.8%
4	3,100,000	3,600,000	190,800	9.6%
5	3,600,000	4,100,000	238,800	10.4%
6	4,100,000	5,100,000	290,800	11.2%
7	5,100,000	6,100,000	402,800	12.0%
8	6,100,000	7,100,000	522,800	12.8%
9	7,100,000	7,500,000	650,800	13.6%
10	7,500,000	8,100,000	402,800	13.0%
11	8,100,000	9,100,000	253,344	12.5%
12	9,100,000	10,100,000	146,800	12.0%
13	10,100,000	11,100,000	35,400	11.2%
14	11,100,000	12,100,000	15,520	7.7%
15	12,100,000	13,100,000	8,000	5.7%
16	13,100,000	14,100,000	0	3.7%
17	14,100,000	15,100,000	0	1.7%
18	15,100,000		0	0%

19 “

21 On page 3, after line 9, insert:

22 “(a) The total adjusted gross estate does not exceed \$15 million;”.

23 In line 10, delete “(a)” and insert “(b)”.

24 In line 11, delete “75” and insert “50” and after “total” insert “adjusted” and delete “and”.

25 In line 12, delete “(b)” and insert “(c)”.

26 In line 13, after “Code,” insert “or the registered domestic partner,” and delete the period and
27 insert “; and

28 “(d) During an aggregate period of five out of the eight years ending on the date of the
29 decedent’s death, the decedent, a member of the decedent’s family or the decedent’s registered do-
30 mestic partner owned the property and the property was devoted to use as a farm or used for farm
31 or forest purposes.”.

32 In line 17, delete “(3)(b)” and insert “(3)(c)”.

33 In line 18, delete “(3)(b)” and insert “(3)(c)”.

34 In line 20, delete “(3)(b)” and insert “(3)(c)”.

35 In line 21, after “section” insert “, or the registered domestic partner, of the decedent”.

36 In line 24, delete the colon and insert a comma.

37 Delete lines 25 and 26.

38 In line 27, delete “(b)” and after “family” insert “, or the registered domestic partner,”.

39 In line 28, after the period insert “For purposes of this subsection, ‘materially participate’ means
40 to engage in active management, as defined in section 2032A of the Internal Revenue Code, of na-
41 tural resource property or a fishing business. The Department of Revenue may adopt rules to ad-
42 minister this subsection consistent with this definition.”.

43 In line 39, after “family” insert “, or the registered domestic partner, of the decedent”.

44 In line 40, after the period insert “Property that otherwise meets the requirements of this sec-
45 tion and is conveyed after the decedent’s death as a qualified conservation contribution, as that term

1 is defined in section 170(h) of the Internal Revenue Code, shall continue to qualify for a credit under
2 this section.”.

3 In line 43, delete “allowed credit” and insert “credit allowed on the disqualified property”.

4 In line 45, after “be” delete the rest of the line.

5 On page 4, delete line 1 and insert “the responsibility of the owner of the property at the time
6 of the disposition or disqualifying event.”.

7 In line 3, delete “or the decedent”.

8 In line 6, delete “of Revenue”.

9 In line 7, after “Code” delete the rest of the line.

10 In line 8, delete “31,” and delete “2000,”.

11 In line 9, before “No” insert “Inheritance tax returns claiming a credit under ORS 118.140 are
12 not due, and no tax is owed by those estates, prior to June 30, 2008.”.

13 In line 12, delete “may” and insert “shall”.

14 In line 16, after “2007” insert a period and delete the rest of the line and delete line 17.

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