

**A-Engrossed**  
**House Bill 4005**

Ordered by the House February 10  
Including House Amendments dated February 10

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture and Natural Resources)

**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.

Establishes credit against income taxes in compensation for [*livestock killed by predators*] **loss of livestock due to cougar or wolf depredation. Provides that, if tax credit exceeds taxes for tax year, amount of excess is refunded to taxpayer.**

Applies to tax years beginning on or after January 1, 2012.

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to a tax credit for livestock killed by predators; and prescribing an effective date.

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

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS chapter 315.**

5 **SECTION 2. (1) As used in this section, "livestock" has the meaning given that term in**  
6 **ORS 610.150.**

7 **(2) A credit against taxes imposed under ORS chapter 316 (or, if the taxpayer is a cor-**  
8 **poration, under ORS chapter 317 or 318) shall be allowed for the current market value of any**  
9 **livestock that belongs to the taxpayer and that is killed during the tax year by a wolf or**  
10 **cougar.**

11 **(3) In order to qualify for the credit allowed under this section, the taxpayer must submit**  
12 **evidence that the loss to livestock is due to wolf or cougar depredation. The evidence must**  
13 **include a finding by the State Department of Fish and Wildlife or by a peace officer as de-**  
14 **defined in ORS 161.015 that wolf or cougar depredation was the probable cause of the loss.**

15 **(4) A credit allowed under this section shall be reduced by any amount that a taxpayer**  
16 **has already received as compensation for the killed livestock, including compensation pur-**  
17 **suant to ORS 610.150.**

18 **(5) If the amount allowable as a credit under this section, when added to the sum of the**  
19 **amounts allowable as payment of tax under ORS 316.187 (withholding), ORS 316.583 (esti-**  
20 **imated tax), other tax prepayment amounts and other refundable credit amounts, exceeds the**  
21 **taxes imposed by ORS chapters 314 and 316 for the tax year (reduced by any nonrefundable**  
22 **credits allowable for purposes of ORS chapter 316 for the tax year), the amount of the excess**  
23 **shall be refunded to the taxpayer as provided in ORS 316.502.**

24 **(6) The credit shall be claimed on a form prescribed by the Department of Revenue that**  
25 **contains the information required by the department.**

26 **(7) Any tax credit otherwise allowable under this section that is not used by the taxpayer**

**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 in a particular tax year may be carried forward and offset against the taxpayer's tax liability  
2 for the next succeeding tax year. Any credit remaining unused in the next succeeding tax  
3 year may be carried forward and used in the second succeeding tax year, and likewise any  
4 credit not used in that second succeeding tax year may be carried forward and used in the  
5 third succeeding tax year, but may not be carried forward for any tax year thereafter.

6 (8) In the case of a credit allowed under this section:

7 (a) A nonresident shall be allowed the credit in the proportion provided in ORS 316.117.

8 (b) If a change in the status of the taxpayer from resident to nonresident or from non-  
9 resident to resident occurs, the credit shall be determined in a manner consistent with ORS  
10 316.117.

11 (c) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,  
12 or if the department terminates the taxpayer's taxable year under ORS 314.440, the credit  
13 shall be prorated or computed in a manner consistent with ORS 314.085.

14 SECTION 3. Section 2 of this 2012 Act applies to tax years beginning on or after January  
15 1, 2012.

16 SECTION 4. This 2012 Act takes effect on the 91st day after the date on which the 2012  
17 regular session of the Seventy-sixth Legislative Assembly adjourns sine die.

18