

DRAFT

SUMMARY

Digest: The Act makes a new exemption from Oregon estate tax. (Flesch Readability Score: 69.7).

Provides for an additional exemption from Oregon estate tax. Adjusts the amount of the exemption based on inflation. Applies to the estates of all decedents who die on or after January 1, 2026.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to estate tax thresholds; creating new provisions; amending ORS
3 118.010; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part**
6 **of ORS 118.005 to 118.540.**

7 **SECTION 2. (1) An additional exemption from estate tax in the**
8 **amount of _____ shall be allowed under this section.**

9 **(2) The Department of Revenue shall annually determine the ex-**
10 **emption amount allowed under this section according to the cost-of-**
11 **living adjustment for the calendar year.**

12 **(3) The department shall make the determination under this section**
13 **by multiplying _____ by the percentage, if any, by which the monthly**
14 **averaged U.S. City Average Consumer Price Index for the 12 consec-**
15 **utive months ending August 31 of the prior calendar year exceeds the**
16 **monthly averaged U.S. City Average Consumer Price Index for the 12**
17 **consecutive months ending August 31, 2025.**

18 **(4) As used in this section, "U.S. City Average Consumer Price In-**

1 **dex” means the Consumer Price Index for All Urban Consumers (All**
2 **Items), as published by the Bureau of Labor Statistics of the United**
3 **States Department of Labor.**

4 **SECTION 3.** ORS 118.010 is amended to read:

5 118.010. (1) As used in this section:

6 (a) “Nonresident decedent” means an individual who is domiciled outside
7 of Oregon on the date the individual dies.

8 (b) “Resident decedent” means an individual who is domiciled in Oregon
9 on the date the individual dies.

10 (2) A tax is imposed upon a transfer of the property of each:

11 (a) Resident decedent; and

12 (b) Nonresident decedent whose estate includes any interest in:

13 (A) Real property located in Oregon; or

14 (B) Tangible personal property located in Oregon.

15 (3) The Oregon taxable estate to be used for purposes of computing the
16 tax imposed under this section shall be the federal taxable estate:

17 (a) Increased by:

18 (A) The deduction for state estate, inheritance, legacy or succession taxes
19 allowable under section 2058 of the Internal Revenue Code; and

20 (B) If the decedent is a surviving spouse owning the property at death,
21 the value of the following property unless included in the federal taxable
22 estate:

23 (i) Property for which a deduction for Oregon special marital property
24 under ORS 118.016 was previously allowed; or

25 (ii) Property for which a separate Oregon election under section 2056 or
26 2056A of the Internal Revenue Code was previously allowed; and

27 (b) Reduced by:

28 (A) The value on the date of the decedent’s death of all Oregon special
29 marital property under ORS 118.013;

30 (B) The exemption allowed under ORS 118.145; *[and]*

31 **(C) The exemption allowed under section 2 of this 2025 Act; and**

1 [(C)] (D) Any other applicable exclusions or deductions.

2 (4) The tax imposed under this section shall be calculated by applying the
 3 rates in the following table. If the Oregon taxable estate is at least the
 4 amount in column 1, but less than the amount in column 2, the tax is the
 5 amount in column 3, increased by the excess above the amount in column 1
 6 multiplied by the percentage in column 4:

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8	1	2	3	4
9	\$1,000,000	\$1,500,000	\$0	10.0%
10	1,500,000	2,500,000	50,000	10.25%
11	2,500,000	3,500,000	152,500	10.5%
12	3,500,000	4,500,000	257,500	11.0%
13	4,500,000	5,500,000	367,500	11.5%
14	5,500,000	6,500,000	482,500	12.0%
15	6,500,000	7,500,000	602,500	13.0%
16	7,500,000	8,500,000	732,500	14.0%
17	8,500,000	9,500,000	872,500	15.0%
18	9,500,000		1,022,500	16.0%

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20 (5) In the case of a resident decedent owning, on the date of the
 21 decedent's death, real property located outside Oregon or tangible personal
 22 property located outside Oregon, the tax imposed under this section shall be
 23 the amount determined under subsection (4) of this section multiplied by a
 24 ratio. The numerator of the ratio shall be the sum of the value of the
 25 decedent's real property located in Oregon, tangible personal property lo-
 26 cated in Oregon and intangible personal property. The numerator may not
 27 include any intangible personal property subject to a tax imposed, as a result
 28 of the death of the decedent, by another state or country. The denominator
 29 of the ratio shall be the total value of the decedent's gross estate.

30 (6) In the case of a nonresident decedent owning, on the date of the
 31 decedent's death, real property located in Oregon or tangible personal prop-

1 erty located in Oregon, the tax imposed under this section shall be the
2 amount determined under subsection (4) of this section multiplied by a ratio.
3 The numerator of the ratio shall be the sum of the value of the decedent's
4 real property located in Oregon and tangible personal property located in
5 Oregon. The denominator shall be the total value of the decedent's gross
6 estate.

7 (7) Payment, in whole or in part, of estate taxes from funds of an estate
8 or trust on any benefit subject to tax under ORS 118.005 to 118.540 is not to
9 be considered a further taxable benefit, when such payment is directed by the
10 decedent's will or by a trust agreement.

11 (8)(a) If the federal taxable estate is determined by making an election
12 under section 2031(c), 2032, 2032A, 2056 or 2056A of the Internal Revenue
13 Code or another provision of the Internal Revenue Code, or if a federal es-
14 tate tax return is not required under the Internal Revenue Code, an executor
15 may make separate elections for state estate tax purposes under that same
16 provision.

17 (b) An executor may make elections under ORS 118.013, 118.140 and
18 118.145 and section 2056 of the Internal Revenue Code for state estate tax
19 purposes.

20 (c) Elections described in this subsection are irrevocable.

21 **SECTION 4. Section 2 of this 2025 Act and the amendments to ORS**
22 **118.010 by section 3 of this 2025 Act apply to the estates of all decedents**
23 **who die on or after January 1, 2026.**

24 **SECTION 5. This 2025 Act takes effect on the 91st day after the date**
25 **on which the 2025 regular session of the Eighty-third Legislative As-**
26 **sembly adjourns sine die.**

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