

Senate Bill 456

Sponsored by Senator KNOPP (Presession filed.)

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 **as introduced**.

Provides that, for estate of decedents dying on or after January 1, 2021, Oregon estate tax is not due unless value of Oregon taxable estate equals or exceeds \$11.7 million. Raises threshold for filing of estate tax return to gross estate valued at or more than \$11.7 million. Adjusts exclusion amount and filing threshold for inflation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to conforming estate tax to federal basic exclusion amount; creating new provisions;
3 amending ORS 118.160; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 118.**

6 **SECTION 2. (1) Notwithstanding ORS 118.010 (4), no tax is due under this chapter with**
7 **respect to the estates of decedents who die on or after January 1, 2021, unless the value of**
8 **the Oregon taxable estate is \$11.7 million or more.**

9 **(2) The Department of Revenue shall annually adjust the exclusion amount in subsection**
10 **(1) of this section according to the cost-of-living adjustment for the calendar year. The de-**
11 **partment shall make this adjustment by multiplying \$11.7 million by the percentage, if any,**
12 **by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consec-**
13 **utive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S.**
14 **City Average Consumer Price Index for the 12 consecutive months ending August 31, 2020.**

15 **(3) As used in this subsection, "U.S. City Average Consumer Price Index" means the**
16 **Consumer Price Index for All Urban Consumers (All Items), as published by the Bureau of**
17 **Labor Statistics of the United States Department of Labor.**

18 **SECTION 3. ORS 118.160 is amended to read:**

19 118.160. (1) Except as provided in subsection [(2)] (3) of this section:

20 (a) An inheritance tax return is not required with respect to the estates of decedents who die
21 on or after January 1, 1987, and before January 1, 2003, unless a federal estate tax return is re-
22 quired to be filed;

23 (b) An inheritance tax return is not required with respect to the estates of decedents who die
24 on or after:

25 (A) January 1, 2003, and before January 1, 2004, unless the value of the gross estate is \$700,000
26 or more;

27 (B) January 1, 2004, and before January 1, 2005, unless the value of the gross estate is \$850,000
28 or more;

29 (C) January 1, 2005, and before January 1, 2006, unless the value of the gross estate is \$950,000
30 or more; or

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 (D) January 1, 2006, and before January 1, 2012, unless the value of the gross estate is \$1 million
 2 or more; and

3 (c) An estate tax return is not required with respect to the estates of decedents who die on or
 4 after:

5 (A) January 1, 2012, and before January 1, 2021, unless the value of the gross estate is \$1
 6 million or more[.]; or

7 (B) January 1, 2021, unless the value of the gross estate is \$11.7 million or more.

8 (2)(a) The Department of Revenue shall annually adjust the filing threshold in subsection
 9 (1)(c)(B) of this section according to the cost-of-living adjustment for the calendar year. The
 10 department shall make this adjustment by multiplying \$11.7 million by the percentage, if any,
 11 by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consec-
 12 utive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S.
 13 City Average Consumer Price Index for the 12 consecutive months ending August 31, 2020.

14 (b) As used in this subsection, “U.S. City Average Consumer Price Index” means the U.S.
 15 City Average Consumer Price Index for All Urban Consumers (All Items), as published by the
 16 Bureau of Labor Statistics of the United States Department of Labor.

17 [(2)] (3) In every estate, whether or not subject to administration and whether or not a federal
 18 estate tax return is required to be filed, the executor shall at such times and in such manner as
 19 required by rules of the Department of Revenue, file with the department a return in a form pro-
 20 vided by the department setting forth a list and description of all transfers of property, in trust or
 21 otherwise, made by the decedent in the lifetime of the decedent as a division or distribution of the
 22 estate of the decedent and any further data that the department requires to determine estate tax
 23 under this chapter.

24 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**
 25 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**