

# 2017 Form OR-FIA-40



Office use only

## Oregon Farm Income Averaging

First name and initial	Last name	Social Security number (SSN) — —
Spouse's first name and initial	Spouse's last name	Spouse's SSN — —

- 1. Enter the taxable income from your 2017 Form OR-40, line 21 ..... 1.
- 2. Enter your **elected farm income**. Do not enter more than the amount on line 1 ..... 2.
- 3. Line 1 minus line 2 ..... 3.
- 4. Figure the tax on the amount on line 3 using the 2017 tax tables or rate charts, whichever applies, and enter here ..... 4.

### 2014 taxable income

- 5. If you used FIA to figure your tax for 2014, 2015, or 2016, see instructions. Otherwise, enter the taxable income from your 2014 Form 40, line 28; If -0- or less, see instructions ..... 5.
- 6. Divide the amount on **line 2** by 3.0 and enter here..... 6.
- 7. Add lines 5 and 6. If -0- or less, enter -0- ..... 7.
- 8. Figure the tax on the amount on line 7 using the 2014 tax tables or rate charts, whichever applies (or fill in recomputed tax from Schedule OR-FIA-COMP, see instructions) ..... 8.

### 2015 taxable income

- 9. If you used FIA to figure your tax for 2015 or 2016, see instructions. Otherwise, enter the taxable income from your 2015 Form 40, line 28. If -0- or less, see instructions ..... 9.
- 10. Enter the amount from line 6..... 10.
- 11. Add lines 9 and 10. If -0- or less, enter -0- ..... 11.
- 12. Figure the tax on the amount on line 11 using the 2015 tax tables or rate charts, whichever applies (or fill in recomputed tax from Schedule OR-FIA-COMP, see instructions) ..... 12.

### 2016 taxable income

- 13. If you used FIA to figure your tax for 2016, see instructions. Otherwise, enter the taxable income from your 2016 Form OR-40, line 21. If -0- or less, see instructions ..... 13.
- 14. Enter the amount from line 6..... 14.
- 15. Add lines 13 and 14. If -0- or less, enter -0- ..... 15.
- 16. Figure the tax on the amount on line 15 using the 2016 tax tables or rate charts, whichever applies (or fill in recomputed tax from Schedule OR-FIA-COMP, see instructions) ..... 16.
- 17. Add lines 4, 8, 12, and 16 ..... 17.

### Computation of 2017 tax

- 18. **2014 tax.** If you used FIA to figure your tax for 2016, enter the amount from your 2016 OR-FIA-40, line 12; OR-FIA-40-N, line 12; or OR-FIA-40-P, line 11. If you did not use FIA in 2016 but did in 2015, enter the amount from 2015 FIA-40, line 16; FIA-40N, line 13; or FIA-40P, line 12. If you did not use FIA in 2016 or 2015 but did in 2014, enter the amount from 2014 FIA-40, line 4; FIA-40N, line 9; or FIA-40P, line 8. Otherwise, enter the tax from your 2014 Form 40, line 29; Form 40N, line 51; or Form 40P, line 50..... 18.

**— Don't include this form with your Oregon return. Keep it with your records. —**

2017 Form OR-FIA-40



- 19. **2015 tax.** If you used FIA to figure your tax for 2016, enter the amount from your 2016 OR-FIA-40, line 16; OR-FIA-40-N, line 13; or OR-FIA-40-P, line 12. If you did not use FIA in 2016 but did in 2015, enter the amount from 2015 FIA-40, line 4; FIA-40N, line 9; or FIA-40P, line 8. Otherwise, enter the tax from your 2015 Form 40, line 22; Form 40N, line 49; or Form 40P, line 47 ..... 19.
- 20. **2016 tax.** If you used FIA to figure your tax for 2016, enter the amount from your 2016 OR-FIA-40, line 4; OR-FIA-40-N, line 9; or OR-FIA-40-P, line 8. Otherwise, enter the tax from your 2016 Form OR-40, line 22; Form OR-40-N, line 48; or Form OR-40-P, line 46 ..... 20.
- 21. Add lines 18, 19, and 20 ..... 21.
- 22. Line 17 minus line 21 ..... 22.
- 23. Figure the tax on the amount on line 1 using the 2017 tax tables or rate charts, whichever applies, and enter here ..... 23.
- 24. Is line 22 less than line 23? **If yes:** Enter the amount from line 22 here and on Form OR-40, line 22, and check box 22a. **If no:** Your tax is not reduced by using FIA. Complete your Form OR-40 without using FIA ..... 24.

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# 2017 Form OR-FIA-40 Instructions

## Oregon Farm Income Averaging Instructions

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You may elect to figure your 2017 tax by averaging, over the previous three years (base years), all or part of your 2017 taxable farm income.

You will need copies of your original or amended Oregon income tax returns for tax years 2014, 2015, and 2016. You can obtain copies of prior years' returns for a fee from the Oregon Department of Revenue. You will also need tax booklets for those years. You can download forms and instructions from our website or see page 4 to contact us by phone.

If you filed an Oregon part-year or nonresident return in any of the three base years, you will need Schedule OR-FIA-COMP to complete Form OR-FIA-40. If any of the three base years are part-year or nonresident returns, ignore the computation of tax for the applicable year on Form OR-FIA-40 and complete Schedule OR-FIA-COMP. Fill in the computed tax from Schedule OR-FIA-COMP on lines 8, 12, and 16.

Farm income averaging cannot be used with the pass-through entity income reduced tax rate under Oregon Revised Statute (ORS) 316.043.

### Elected farm income

Your elected farm income is the amount of your taxable income from farming that you elect to include on Form OR-FIA-40, line 2. This is the amount from a farming business on federal Schedule J, line 2, if you elect to use farm income averaging for federal. Do not enter more than the amount on Form OR-FIA-40, line 1. *While federal law allows averaging of fishing business income, Oregon law does not. Do not include fishing business income on Form OR-FIA-40, line 2.*

To figure elected farm income, first figure your taxable income from farming. Taxable income from farming includes all income, gains, losses, and deductions attributable to any farming business. Gains and losses from the sale or other disposition of property (other than land) must be from property regularly used for a substantial period of time in your farming business. However, it does not include gain from the sale or other disposition of land. You do not have to include all of your taxable income from farming on Form OR-FIA-40, line 2.

Your elected farm income cannot exceed your Oregon taxable income. Also, the portion of your elected farm income treated as a net capital gain cannot exceed the smaller of your total net capital gain or your net capital gain attributable to your farming business. If your elected farm income includes net capital gain, you must allocate an equal portion of the net capital gain to each of the base years.

If, for any base year, you had a capital loss that resulted in a capital loss carryover to the next tax year, do not reduce the elected farm income allocated to that base year by any part of the carryover.

### Farming business

A farming business is the trade or business of cultivating land or raising or harvesting any agricultural or horticultural commodity. This includes:

- Operating a nursery or sod farm.
- Raising or harvesting of trees bearing fruits, nuts, or other crops.
- Raising ornamental trees (but not evergreen trees that are more than six years old when severed from the roots).
- Raising, shearing, feeding, caring for, training, and managing animals.
- Leasing land to a tenant engaged in a farming business, but **only** if the lease payments are based on a share of the tenant's production (not a fixed amount).
- Wages and other compensation you received as a shareholder in an S corporation engaged in a farming business.

#### A farming business does not include:

- Contract harvesting of an agricultural or horticultural commodity grown or raised by someone else; or
- Merely buying or reselling plants or animals grown or raised by someone else.

### Line instructions

**Line 5, 2014 taxable income.** If you used FIA to figure your tax for 2016, enter on line 5 the amount from your 2016 OR-FIA-40, line 11. If you used Schedule OR-FIA-COMP to figure your tax for 2016 on OR-FIA-40, OR-FIA-40-N, or OR-FIA-40-P, enter on line 5 the amount from your 2016 Schedule OR-FIA-COMP, Computation for Tax Year 2014. If you used Computation A, use the amount on line 9. If you used Computation B, use the amount on line 6. If you used Computation C, use the amount on line 3.

If you used FIA to figure your tax for 2015 but not 2016, enter on line 5 the amount from your 2015 FIA-40, line 15. If you used Schedule Z to figure your tax for 2015 on FIA-40, FIA-40N, or FIA-40P, enter on line 5 the amount from your 2015 Schedule Z, Computation for Tax Year 2014. If you used Computation A, use the amount on line 9. If you used Computation B, use the amount on line 6. If you used Computation C, use the amount on line 3.

If you used FIA to figure your tax for 2014 but did not for 2015 or 2016, enter on line 5 the amount from your 2014 FIA-40, line 3; FIA-40N, line 8; or FIA-40P, line 6.

If your 2014 taxable income was -0- or less, use the worksheet below to figure the amount to enter on Form OR-FIA-40 line 5.

**NOL** means *net operating loss* and applies to the year of the actual loss. **NOLD** means *net operating loss deduction* and applies to the year to which the NOL is carried.

**2014 taxable income worksheet**

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1. Figure the taxable income from your 2014 tax return without limiting it to -0-. Include any NOLD carryovers or carrybacks if you did not have an NOL in 2014. Do not include any NOLD carryover or carryback from other years if you had an NOL in 2014. Enter the result here ..... 1. \_\_\_\_\_
2. If there is a loss on your 2014 federal Schedule D, line 21, add that loss (as a positive amount) and your 2014 capital loss carryover to 2015. Subtract from that sum the amount of the loss on your 2014 federal Schedule D, line 16. Enter the result here..... 2. \_\_\_\_\_
3. If you had an NOL for 2014, enter it as a positive amount here. Otherwise, enter the portion (if any) of the NOLD carryovers and carrybacks to 2014 that were not used in 2014 and were carried to tax years after 2014 as a positive amount here ..... 3. \_\_\_\_\_
4. Add lines 1, 2, and 3. Enter the result here, and on Form OR-FIA-40, line 5..... 4. \_\_\_\_\_

**Line 9, 2015 taxable income.** If you used FIA to figure your tax for 2016, enter on line 9 the amount from your 2016 OR-FIA-40, line 15. If you used Schedule OR-FIA-COMP to figure your tax for 2016 on OR-FIA-40, OR-FIA-40-N, or OR-FIA-40-P, enter on line 9 the amount from your 2016 Schedule OR-FIA-COMP, Computation for Tax Year 2015. If you used Computation A, use the amount on line 9. If you used Computation B, use the amount on line 6. If you used Computation C, use the amount on line 3.

If you used FIA to figure your tax for 2015 but not for 2016, enter on line 9 the amount from your 2015 FIA-40, line 3; FIA-40N, line 8; or FIA-40P, line 6.

If your 2015 taxable income was -0- or less, use the worksheet below to figure the amount to enter on Form OR-FIA-40, line 9.

**2015 taxable income worksheet**

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5. Figure the taxable income from your 2015 tax return without limiting it to -0-. Include any NOLD carryovers or carrybacks if you did not have an NOL in 2015. Do not include any NOLD carryover or carryback from other years if you had an NOL in 2015. Enter the result here..... 5. \_\_\_\_\_

6. If there is a loss on your 2015 federal Schedule D, line 21, add that loss (as a positive amount) and your 2015 capital loss carryover to 2016. Subtract from that sum the amount of the loss on your 2015 federal Schedule D, line 16. Enter the result here ..... 6. \_\_\_\_\_
7. If you had an NOL for 2015, enter it as a positive amount here. Otherwise, enter the portion (if any) of the NOLD carryovers and carrybacks to 2015 that were not used in 2015 and were carried to tax years after 2015 as a positive amount here ..... 7. \_\_\_\_\_
8. Add lines 5, 6, and 7. Enter the result here and on Form OR-FIA-40, line 9... 8. \_\_\_\_\_

**Line 13, 2016 taxable income.** If you used FIA to figure your tax for 2016, enter on line 13 the amount from your 2016 OR-FIA-40, line 3; OR-FIA-40-N, line 8; or OR-FIA-40-P, line 6.

If your 2016 taxable income was -0- or less, use the worksheet below to figure the amount to enter on Form OR-FIA-40, line 13.

**2016 taxable income worksheet**

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9. Figure the taxable income from your 2016 tax return without limiting it to -0-. Include any NOLD carryovers or carrybacks if you did not have an NOL in 2016. Do not include any NOLD carryover or carryback from other years if you had an NOL in 2016. Enter the result here..... 9. \_\_\_\_\_
10. If there is a loss on your 2016 federal Schedule D, line 21, add that loss (as a positive amount) and your 2016 capital loss carryover to tax year 2017. Subtract from that sum the amount of the loss on your 2016 federal Schedule D, line 16. Enter the result here ..... 10. \_\_\_\_\_
11. If you had an NOL for 2016, enter it as a positive amount here. Otherwise, enter the portion (if any) of the NOLD carryovers and carrybacks to 2016 that were not used in 2016 and were carried to tax years after 2016 as a positive amount here ..... 11. \_\_\_\_\_
12. Add lines 9, 10, and 11. Enter the result here and on Form OR-FIA-40, line 13 ..... 12. \_\_\_\_\_

**Example 1.** Kevin did not income average for tax year 2014 or 2015 but he did income average for tax year 2016 and he wants to income average for tax year 2017. For tax years 2014, 2015, and 2016 Kevin filed joint returns. His filing status for tax year 2017 is also married filing jointly. For tax year 2014, Kevin's taxable income from Form 40, line 28 is \$1,112. For tax year 2015, Kevin's taxable income from Form 40, line 28 is \$14,250. For tax year 2016, Kevin's taxable income from Form OR-40, line 21 is \$12,777. For tax year 2017, Kevin's taxable income from Form OR-40, line 21 is \$27,900 and his elected farm income is \$24,000. For the tax years above, he has no NOLs, no NOLD carryforwards or carrybacks, and no capital losses.

For 2016, Kevin had \$12,777 of taxable income and elected to farm income average \$9,000, leaving Oregon taxable income on his 2016 Form OR-FIA-40, line 3, of \$3,777. For 2014, Kevin's recomputed taxable income after adding one-third of elected farm income from his 2016 Form OR-FIA-40, line 11 is \$4,112. For 2015, Kevin's recomputed taxable income after adding one-third of his elected farm income from his 2016 Form OR-FIA-40, line 15 is \$17,250. For 2016, Kevin's recomputed tax after removing his elected farm income is \$188 from 2016 Form OR-FIA-40, line 4.

For tax year 2017, Kevin's Oregon taxable income is \$27,900. On line 2 Kevin enters his elected farm income of \$24,000. He subtracts line 2 from line 1 and enters \$3,900 on line 3. This is his remaining Oregon taxable income. He calculates his 2017 Oregon tax using the tax tables under married filing joint status and enters \$198 on line 4.

For 2014, Kevin enters \$4,112 from his 2016 Form OR-FIA-40, line 11, on his 2017 Form OR-FIA-40, line 5. He divides his elected farm income of \$24,000 by 3 and enters \$8,000 on his 2017 Form OR-FIA-40, line 6. He adds lines 5 and 6 and enters \$12,112 on line 7. This is his recomputed 2014 Oregon taxable income. He calculates his 2014 Oregon tax using the 2014 tax tables under married filing joint status and enters \$719 on line 8.

For 2015, Kevin enters \$17,250 from his 2016 Form OR-FIA-40, line 15, on his 2017 Form OR-FIA-40, line 9. He enters \$8,000 from his 2017 Form OR-FIA-40, line 6, on his 2017 Form OR-FIA-40, line 10. He adds lines 9 and 10 and enters \$25,250 on line 11. This is his recomputed 2015 Oregon taxable income. He calculates his 2015 Oregon tax using the 2015 tax tables under married filing joint status and enters \$1,803 on line 12.

For 2016, Kevin enters \$3,777 from his 2016 Form OR-FIA-40, line 3, on his 2017 Form OR-FIA-40, line 13. He enters \$8,000 from his 2017 Form OR-FIA-40, line 6, on his 2017 Form OR-FIA-40, line 14. He adds lines 13 and 14 and enters \$11,777 on line 15. This is his recomputed 2016 Oregon taxable income. He calculates his 2016 Oregon tax using the 2016 tax tables under married filing joint status and enters \$689 on line 16.

On his 2017 Form OR-FIA-40, he adds lines 4, 8, 12, and 16 and enters \$3,409 on line 17. He enters his recomputed 2014 tax of \$208 from 2016 Form OR-FIA-40, line 12, on his 2017

Form OR-FIA-40, line 18. Kevin enters his recomputed 2015 tax of \$1,083 from 2016 Form OR-FIA-40, line 16, on his 2017 Form OR-FIA-40, line 19. He enters his recomputed 2016 tax of \$188 from 2016 Form OR-FIA-40, line 4, on his 2017 Form OR-FIA-40, line 20. He adds lines 18, 19, and 20 and enters \$1,479 on line 21. This is the recomputed tax he paid for the 2014, 2015, and 2016 tax years.

Kevin subtracts the recomputed tax of \$1,479 on line 21 from the recomputed tax of \$3,409 on line 17 and enters the result of \$1,930 on line 22. He figures his tax on \$27,900 using the tax tables and enters \$2,040 on line 23. Because the FIA tax is less than the tax tables, he will enter \$1,930 on line 24. This is Kevin's 2017 tax liability from farm income averaging. He enters this figure on Form OR-40, line 22, and checks box 22a.

**Example 2.** John did not use farm income averaging for 2014, 2015, or 2016. For tax year 2017, John has elected farm income on Form OR-FIA-40, line 2 of \$18,000. His Oregon taxable income shown on his 2014 Form 40, line 28, is \$6,150.

John had an NOL for tax year 2015 of \$22,950, which he elected to carry back five years. Of the \$22,950 loss, \$9,000 was carried back to tax year 2014. To complete line 1 of the 2014 worksheet, John combines the \$9,000 NOLD with his 2014 Oregon taxable income of \$6,150 from Form 40, line 28. The result, a negative \$2,850, is entered on the 2014 worksheet, line 1.

When John filed his 2014 tax return, he had a \$3,000 net capital loss deduction on federal Schedule D, line 21, a \$7,000 loss on federal Schedule D, line 16, and a \$4,000 capital loss carryover to 2015. However, when John carried back the 2015 NOL to 2014, he refigured his 2014 capital loss carryover to tax year 2015 as \$7,000. To calculate line 2 of the 2014 worksheet, John adds the \$3,000 from federal Schedule D, line 21, and the \$7,000 carryover. He subtracts from the result the \$7,000 loss on his federal Schedule D, line 16, and enters \$3,000 on the 2014 worksheet, line 2.

John had \$6,150 of Oregon taxable income in 2014 that reduced the 2015 NOL carryback. The \$3,000 net capital loss deduction also reduced the amount of the 2015 NOL carryback. Since these two figures together total \$9,150, there is no NOLD left to carry over to tax year 2016. Therefore, John enters -0- on line 3. John adds line 1, a negative \$2,850, line 2, a positive \$3,000, and line 3. He enters the result, a positive \$150, on line 4 of the worksheet and on 2017 Form OR-FIA-40, line 5. This figure represents John's recomputed Oregon taxable income for tax year 2014.

For tax year 2015, John's taxable income from Form 40, line 21 is negative \$30,250, which he enters on the 2015 worksheet, line 5.

John had a \$3,000 net capital loss deduction on Schedule D, line 21 and a \$7,000 loss on Schedule D, line 16, the carryover from 2014 to 2015. John adds the \$3,000 from Schedule D, line 21, and the \$7,000 carryover. He subtracts from the result the \$7,000 loss on Schedule D, line 16, and enters \$3,000 on line 6 of the worksheet. John enters \$22,950 on line 7 of the worksheet, his 2015 NOL.

John adds lines 5, 6, and 7 ( $\$30,250 > + \$3,000 + \$22,950$ ) and enters the result, negative \$4,300, on line 8 of the worksheet and on 2017 Form OR-FIA-40, line 9. This figure represents John's recomputed Oregon taxable income for tax year 2015.

For tax year 2016, John's taxable income from Form OR-40, line 21 is negative \$1,750. This amount includes an NOLD of \$2,300 which was the portion of the 2015 NOL that was remaining to be carried forward from tax year 2014. John does not have an NOL for tax year 2016. John enters negative \$1,750 on the 2016 worksheet, line 9.

John had a \$3,000 net capital loss deduction on Schedule D, line 21, a \$7,000 loss on Schedule D, line 16, and a \$5,000 capital loss carryover to 2016 (his 2015 capital loss carryover to 2016 was \$5,000, not \$4,000, because his federal taxable income before exemptions was a negative \$1,000). John adds the \$3,000 from Schedule D, line 21, and the \$5,000 carryover. He reduces the result by the \$7,000 loss on his Schedule D, line 16, and enters \$1,000 on the 2016 worksheet, line 10.

John enters -0- on line 11 of the worksheet because he does not have an NOL for 2016 and did not have any remaining NOLD to carryforward. John's \$2,300 NOLD for 2016 was reduced to -0- because it did not exceed his federal AGI as modified for the capital loss deduction, the net operating loss, and the standard or recomputed itemized deductions. John adds lines 9, 10, and 11 ( $\$1,750 > + \$1,000 + \$0$ ), and enters the result, negative \$750, on line 12 of the worksheet and on 2017 Form OR-FIA-40, line 13. This figure represents John's recomputed Oregon taxable income for tax year 2016.

### **Do you have questions or need help?**

[www.oregon.gov/dor](http://www.oregon.gov/dor)  
(503) 378-4988 or (800) 356-4222  
[questions.dor@oregon.gov](mailto:questions.dor@oregon.gov)

Contact us for ADA accommodations or assistance in other languages.