

SENATE AMENDMENTS TO SENATE BILL 1531

By COMMITTEE ON FINANCE AND REVENUE

February 8

- 1 On page 1 of the printed bill, line 5, after “317.097,” insert “317.398, 348.841.”
- 2 On page 24, after line 19, insert:
- 3 “**SECTION 25.** ORS 348.841 is amended to read:
- 4 “348.841. As used in ORS 348.841 to 348.873:
- 5 “(1) ‘Account’ means an individual account established in accordance with ORS 348.841 to
- 6 348.873.
- 7 “(2) ‘Account owner’ means the person who has the right to withdraw funds from the account.
- 8 The account owner may also be the designated beneficiary of the account.
- 9 “(3) ‘Board’ means the Oregon 529 College Savings Board established under ORS 348.849.
- 10 “(4) ‘Designated beneficiary’ means, except as provided in ORS 348.867, the individual designated
- 11 at the time the account is opened as having the right to receive a qualified withdrawal for the
- 12 payment of qualified higher education expenses, or if the designated beneficiary is replaced in ac-
- 13 cordance with ORS 348.867, the replacement.
- 14 “(5) ‘Financial institution’ means a bank, a commercial bank, a national bank, a savings bank,
- 15 a savings and loan, a thrift institution, a credit union, an insurance company, a trust company, a
- 16 mutual fund, an investment firm or other similar entity authorized to do business in this state.
- 17 “(6) ‘Higher education institution’ means an eligible education institution as defined in section
- 18 529(e)(5) of the Internal Revenue Code.
- 19 “(7) ‘Internal Revenue Code’ means the federal Internal Revenue Code **as amended and in ef-**
- 20 **fect on December 31, 2011.**
- 21 “(8) ‘Member of the family’ shall have the same meaning as contained in section 529(e) of the
- 22 Internal Revenue Code.
- 23 “(9) ‘Network’ means the Oregon 529 College Savings Network established under ORS 348.841
- 24 to 348.873.
- 25 “(10) ‘Nonqualified withdrawal’ means a withdrawal from an account that is not a qualified
- 26 withdrawal.
- 27 “(11) ‘Qualified higher education expenses’ means tuition and other permitted expenses as set
- 28 forth in section 529(e) of the Internal Revenue Code for the enrollment or attendance of a designated
- 29 beneficiary at a higher education institution.
- 30 “(12) ‘Qualified withdrawal’ means a withdrawal made as prescribed under ORS 348.870 and
- 31 made:
- 32 “(a) From an account to pay the qualified higher education expenses of the designated benefi-
- 33 ciary;
- 34 “(b) As the result of the death or disability of the designated beneficiary;
- 35 “(c) As the result of a scholarship, allowance or payment described in section 135(d)(1)(A), (B)

1 or (C) of the Internal Revenue Code that is received by the designated beneficiary, but only to the
2 extent of the amount of the scholarship, allowance or payment; or

3 “(d) As a rollover or change in the designated beneficiary described in ORS 348.867.”

4 In line 20, delete “25” and insert “26”.

5 On page 25, line 8, delete “26” and insert “27”.

6 On page 26, line 22, delete “27” and insert “28”.

7 In line 23, delete “26” and insert “27”.

8 In line 40, delete “and 317.097” and insert “, 317.097 and 348.841” and delete “24” and insert
9 “25”.

10 On page 27, line 1, delete “and 317.097” and insert “, 317.097 and 348.841” and delete “24” and
11 insert “25”.

12 In line 5, delete “and 317.097” and insert “, 317.097 and 348.841”.

13 In line 6, delete “24” and insert “25”.

14 After line 13, insert:

15 “**SECTION 29.** ORS 317.398 is amended to read:

16 “317.398. **Except as otherwise provided in this section**, a taxpayer that is allowed a deduction
17 for qualified production activities income under section 199 of the Internal Revenue Code for federal
18 tax purposes shall add the amount deducted to federal taxable income for purposes of the tax im-
19 posed by this chapter. **In the case of a taxpayer that is a specified agricultural or horticultural**
20 **cooperative as defined in section 199(d)(3)(F) of the Internal Revenue Code, the preceding**
21 **sentence shall be applied as if the amount deducted by the taxpayer under section 199 of the**
22 **Internal Revenue Code for the tax year were reduced by the amount of the deduction passed**
23 **through to the taxpayer’s patrons under section 199(d)(3)(A) of the Internal Revenue Code.**

24 “**SECTION 30.** The amendments to ORS 317.398 by section 29 of this 2012 Act apply to tax
25 years beginning on or after January 1, 2005.”

26 In line 14, delete “28” and insert “31”.

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