

House Bill 2495

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

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**.

Creates or adjusts sunset for certain income and corporate excise tax subtractions not required under federal law or Oregon Constitution.

A BILL FOR AN ACT

1
2 Relating to tax expenditures; creating new provisions; amending ORS 171.072, 316.362, 316.680,
3 316.687, 316.690 and 316.695 and section 6, chapter 30, Oregon Laws 1999, section 3, chapter 747,
4 Oregon Laws 1999, section 4, chapter 280, Oregon Laws 2003, sections 7 and 10, chapter 826,
5 Oregon Laws 2005, section 15, chapter 906, Oregon Laws 2007, and section 4, chapter 66, Oregon
6 Laws 2010; and providing for revenue raising that requires approval by a three-fifths majority.

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

7 **SECTION 1.** Section 4, chapter 280, Oregon Laws 2003, is amended to read:

8 **Sec. 4.** [*Section 2 of this 2003 Act*] **ORS 316.699** and the amendments to ORS 316.680 by section
9 3 [*of this 2003 Act*], **chapter 280, Oregon Laws 2003**, apply to contributions made to a college
10 savings network account for tax years beginning on or after January 1, 2004, **and before January**
11 **1, 2018.**

12 **SECTION 2.** Section 3, chapter 747, Oregon Laws 1999, is amended to read:

13 **Sec. 3.** [*Section 2 of this 1999 Act*] **ORS 316.846** applies to tax years beginning on or after Jan-
14 uary 1, 2000, **and before January 1, 2018.**

15 **SECTION 3.** **ORS 316.076 applies to tax years beginning before January 1, 2018.**

16 **SECTION 4.** **ORS 316.838 applies to charitable contributions made in tax years beginning**
17 **on or after January 1, 1989, and before January 1, 2018.**

18 **SECTION 5.** **ORS 316.056 applies to bonds issued in tax years beginning before January**
19 **1, 2018.**

20 **SECTION 6.** (1) **ORS 316.778 applies to tax years beginning before January 1, 2018.**

21 (2) **ORS 317.391 applies to tax years beginning before January 1, 2018.**

22 **SECTION 7.** Section 4, chapter 66, Oregon Laws 2010, is amended to read:

23 **Sec. 4.** [*Section 2 of this 2010 Act*] **ORS 316.856** applies to tax years beginning on or after Jan-
24 uary 1, 2010, and before January 1, [*2014*] **2018.**

25 **SECTION 8.** **ORS 316.848 applies to deposits to or withdrawals from individual develop-**
26 **ment accounts made in tax years beginning before January 1, 2018.**

27 **SECTION 9.** Section 6, chapter 30, Oregon Laws 1999, is amended to read:

28 **Sec. 6.** (1) [*Sections 2 and 4 of this 1999 Act*] **ORS 317.057 and 713.300** and the amendments to
29 ORS 713.025 by section 5 [*of this 1999 Act*], **chapter 30, Oregon Laws 1999**, apply to activities oc-
30 ccurring on or after [*the effective date of this 1999 Act*] **October 23, 1999.**

31 **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.

(2) Notwithstanding subsection (1) of this section, [section 2 (2) of this 1999 Act] **ORS 317.057** (2) applies to tax years beginning on and after January 1, 1997, and before January 1, 2018.

SECTION 10. Section 7, chapter 826, Oregon Laws 2005, as amended by section 21, chapter 906, Oregon Laws 2007, is amended to read:

Sec. 7. Section 6, chapter 826, Oregon Laws 2005, applies to tax years beginning on or after January 1, 2006, and before January 1, [2014] **2018**.

SECTION 11. Section 10, chapter 826, Oregon Laws 2005, as amended by section 22, chapter 906, Oregon Laws 2007, is amended to read:

Sec. 10. Section 9, chapter 826, Oregon Laws 2005, applies to tax years beginning on or after January 1, 2006, and before January 1, [2014] **2018**.

SECTION 12. Section 15, chapter 906, Oregon Laws 2007, is amended to read:

Sec. 15. [Sections 12 and 14 of this 2007 Act] **ORS 316.795 and 317.092** apply to tax years beginning on or after January 1, 2007, and before January 1, 2018.

SECTION 13. **ORS 316.074** applies to tax years beginning before January 1, 2018.

SECTION 14. **ORS 316.698 and 317.394** apply to tax years beginning before January 1, 2018.

SECTION 15. **ORS 316.744 and 317.386** apply to tax years beginning before January 1, 2018.

SECTION 16. **ORS 461.560** applies to lottery tickets sold and prizes awarded in tax years beginning before January 1, 2018.

SECTION 17. **ORS 316.789 and 316.791** apply to tax years beginning before January 1, 2018.

SECTION 18. **ORS 316.685 (1) and (2)** apply to tax years beginning before January 1, 2018.

SECTION 19. ORS 316.680 is amended to read:

316.680. (1) There shall be subtracted from federal taxable income:

(a) The interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. However, the amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph, and by any expenses incurred in the production of interest or dividend income described in this paragraph to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

[(b) *The amount of any federal income taxes accrued by the taxpayer during the taxable year as described in ORS 316.685, less the amount of any refunds of federal taxes previously accrued for which a tax benefit was received.*]

[(c)(A) *If the taxpayer does not qualify for the subtraction under subparagraph (B) of this paragraph, compensation (other than pension or retirement pay) received for active service performed by a member of the Armed Forces of the United States in an amount not to exceed \$6,000 per annum. As used in this subparagraph, "active service" includes weekend drills, annual training, summer camp, special school attendance and battle assemblies.*]

[(B) *For the tax year of initial draft or enlistment into the Armed Forces of the United States or for the tax year of discharge from or termination of full-time active duty for the Armed Forces of the United States, compensation (other than pension or retirement pay or pay for service when on military reserve duty) paid by the Armed Forces of the United States for services performed outside this state, if the taxpayer is on active duty as a full-time officer, enlistee or draftee, with the Armed Forces of the United States.*]

[(d) *Amounts allowable under sections 2621(a)(2) and 2622(b) of the Internal Revenue Code to the*

1 *extent that the taxpayer does not elect under section 642(g) of the Internal Revenue Code to reduce*
2 *federal taxable income by those amounts.]*

3 *[(e) Any supplemental payments made to JOBS Plus Program participants under ORS 411.892.]*

4 *[(f)(A)] (b)(A) Federal pension income that is attributable to federal employment occurring be-*
5 *fore October 1, 1991. Federal pension income that is attributable to federal employment occurring*
6 *before October 1, 1991, shall be determined by multiplying the total amount of federal pension in-*
7 *come for the tax year by the ratio of the number of months of federal creditable service occurring*
8 *before October 1, 1991, over the total number of months of federal creditable service.*

9 (B) The subtraction allowed under this paragraph applies only to federal pension income re-
10 ceived at a time when:

11 (i) Benefit increases provided under chapter 569, Oregon Laws 1995, are in effect; or

12 (ii) Public Employees Retirement System benefits received for service prior to October 1, 1991,
13 are exempt from state income tax.

14 (C) As used in this paragraph:

15 (i) "Federal creditable service" means those periods of time for which a federal employee earned
16 a federal pension.

17 (ii) "Federal pension" means any form of retirement allowance provided by the federal govern-
18 ment, its agencies or its instrumentalities to retirees of the federal government or their benefici-
19 aries.

20 *[(g)] (c) Any amount included in federal taxable income for the tax year that is attributable to*
21 *the conversion of a regular individual retirement account into a Roth individual retirement account*
22 *described in section 408A of the Internal Revenue Code, to the extent that:*

23 (A) The amount was subject to the income tax of another state or the District of Columbia in
24 a prior tax year; and

25 (B) The taxpayer was a resident of the other state or the District of Columbia for that prior tax
26 year.

27 *[(h)] (d) Any amounts awarded to the taxpayer by the Public Safety Memorial Fund Board under*
28 *ORS 243.954 to 243.974 to the extent that the taxpayer has not taken the amount as a deduction in*
29 *determining the taxpayer's federal taxable income for the tax year.*

30 *[(i)] (e) If included in taxable income for federal tax purposes, the amount withdrawn during the*
31 *tax year in qualified withdrawals from a college savings network account established under ORS*
32 *348.841 to 348.873.*

33 (2) There shall be added to federal taxable income:

34 (a) Interest or dividends, exempt from federal income tax, on obligations or securities of any
35 foreign state or of a political subdivision or authority of any foreign state. However, the amount
36 added under this paragraph shall be reduced by any interest on indebtedness incurred to carry the
37 obligations or securities described in this paragraph and by any expenses incurred in the production
38 of interest or dividend income described in this paragraph.

39 (b) Interest or dividends on obligations of any authority, commission, instrumentality and terri-
40 torial possession of the United States that by the laws of the United States are exempt from federal
41 income tax but not from state income taxes. However, the amount added under this paragraph shall
42 be reduced by any interest on indebtedness incurred to carry the obligations or securities described
43 in this paragraph and by any expenses incurred in the production of interest or dividend income
44 described in this paragraph.

45 (c) The amount of any federal estate taxes allocable to income in respect of a decedent not

1 taxable by Oregon.

2 (d) The amount of any allowance for depletion in excess of the taxpayer's adjusted basis in the
3 property depleted, deducted on the taxpayer's federal income tax return for the taxable year, pur-
4 suant to sections 613, 613A, 614, 616 and 617 of the Internal Revenue Code.

5 (e) For taxable years beginning on or after January 1, 1985, the dollar amount deducted under
6 section 151 of the Internal Revenue Code for personal exemptions for the taxable year.

7 (f) The amount taken as a deduction on the taxpayer's federal return for unused qualified busi-
8 ness credits under section 196 of the Internal Revenue Code.

9 (g) The amount of any increased benefits paid to a taxpayer under chapter 569, Oregon Laws
10 1995, under the provisions of chapter 796, Oregon Laws 1991, and under section 26, chapter 815,
11 Oregon Laws 1991, that is not includable in the taxpayer's federal taxable income under the Internal
12 Revenue Code.

13 (h) The amount of any long term care insurance premiums paid or incurred by the taxpayer
14 during the tax year if:

15 (A) The amount is taken into account as a deduction on the taxpayer's federal return for the
16 tax year; and

17 (B) The taxpayer claims the credit allowed under ORS 315.610 for the tax year.

18 (i) Any amount taken as a deduction under section 1341 of the Internal Revenue Code in com-
19 puting federal taxable income for the tax year, if the taxpayer has claimed a credit for claim of right
20 income repayment adjustment under ORS 315.068.

21 (j) If the taxpayer makes a nonqualified withdrawal, as defined in ORS 348.841, from a college
22 savings network account established under ORS 348.841 to 348.873, the amount of the withdrawal
23 that is attributable to contributions that were subtracted from federal taxable income under ORS
24 316.699.

25 (3) Discount and gain or loss on retirement or disposition of obligations described under sub-
26 section (2)(a) of this section issued on or after January 1, 1985, shall be treated for purposes of this
27 chapter in the same manner as under sections 1271 to 1283 and other pertinent sections of the
28 Internal Revenue Code as if the obligations, although issued by a foreign state or a political subdivi-
29 sion of a foreign state, were not tax exempt under the Internal Revenue Code.

30 **SECTION 20.** ORS 316.695 is amended to read:

31 316.695. (1) In addition to the modifications to federal taxable income contained in this chapter,
32 there shall be added to or subtracted from federal taxable income:

33 (a) If, in computing federal income tax for a taxable year, the taxpayer deducted itemized de-
34 ductions, as defined in section 63(d) of the Internal Revenue Code, the taxpayer shall add the amount
35 of itemized deductions deducted (the itemized deductions less an amount, if any, by which the item-
36 ized deductions are reduced under section 68 of the Internal Revenue Code).

37 (b) If, in computing federal income tax for a taxable year, the taxpayer deducted the standard
38 deduction, as defined in section 63(c) of the Internal Revenue Code, the taxpayer shall add the
39 amount of the standard deduction deducted.

40 (c)(A) From federal taxable income there shall be subtracted the larger of (i) the taxpayer's
41 itemized deductions or (ii) a standard deduction. Except as provided in subsection [(8)] (7) of this
42 section, for purposes of this subparagraph, "standard deduction" means the sum of the basic stand-
43 ard deduction and the additional standard deduction.

44 (B) For purposes of subparagraph (A) of this paragraph, the basic standard deduction is:

45 (i) \$3,280, in the case of joint return filers or a surviving spouse;

1 (ii) \$1,640, in the case of an individual who is not a married individual and is not a surviving
2 spouse;

3 (iii) \$1,640, in the case of a married individual who files a separate return; or

4 (iv) \$2,640, in the case of a head of household.

5 (C)(i) For purposes of subparagraph (A) of this paragraph for tax years beginning on or after
6 January 1, 2003, the Department of Revenue shall annually recompute the basic standard deduction
7 for each category of return filer listed under subparagraph (B) of this paragraph. The basic standard
8 deduction shall be computed by dividing the monthly averaged U.S. City Average Consumer Price
9 Index for the 12 consecutive months ending August 31 of the prior calendar year by the average
10 U.S. City Average Consumer Price Index for the second quarter of 2002, then multiplying that quo-
11 tient by the amount listed under subparagraph (B) of this paragraph for each category of return
12 filer.

13 (ii) If any change in the maximum household income determined under this subparagraph is not
14 a multiple of \$5, the increase shall be rounded to the next lower multiple of \$5.

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

18 *[(D) For purposes of subparagraph (A) of this paragraph, the additional standard deduction is the*
19 *sum of each additional amount to which the taxpayer is entitled under subsection (7) of this section.]*

20 *[(E)] (D)* As used in subparagraph (B) of this paragraph, "surviving spouse" and "head of
21 household" have the meaning given those terms in section 2 of the Internal Revenue Code.

22 *[(F)] (E)* In the case of the following, the standard deduction referred to in subparagraph (A)
23 of this paragraph shall be zero:

24 (i) A husband or wife filing a separate return where the other spouse has claimed itemized de-
25 ductions under subparagraph (A) of this paragraph;

26 (ii) A nonresident alien individual;

27 (iii) An individual making a return for a period of less than 12 months on account of a change
28 in the individual's annual accounting period;

29 (iv) An estate or trust;

30 (v) A common trust fund; or

31 (vi) A partnership.

32 (d) For the purposes of paragraph (c)(A) of this subsection, the taxpayer's itemized deductions
33 are *[the sum of:]* **equal to**

34 *[(A)]* the taxpayer's itemized deductions as defined in section 63(d) of the Internal Revenue Code
35 (reduced, if applicable, as described under section 68 of the Internal Revenue Code) minus the de-
36 duction for Oregon income tax (reduced, if applicable, by the proportion that the reduction in federal
37 itemized deductions resulting from section 68 of the Internal Revenue Code bears to the amount of
38 federal itemized deductions as defined for purposes of section 68 of the Internal Revenue Code).*];*
39 *and]*

40 *[(B) The amount that may be taken into account under section 213(a) of the Internal Revenue Code,*
41 *not to exceed seven and one-half percent of the federal adjusted gross income of the taxpayer, if the*
42 *taxpayer has attained the following age before the close of the taxable year, or, in the case of a joint*
43 *return, if either taxpayer has attained the following age before the close of the taxable year:]*

44 *[(i) For taxable years beginning on or after January 1, 1991, and before January 1, 1993, a tax-*
45 *payer must attain 58 years of age before the close of the taxable year.]*

1 *[(ii) For taxable years beginning on or after January 1, 1993, and before January 1, 1995, a tax-*
 2 *payer must attain 59 years of age before the close of the taxable year.]*

3 *[(iii) For taxable years beginning on or after January 1, 1995, and before January 1, 1997, a tax-*
 4 *payer must attain 60 years of age before the close of the taxable year.]*

5 *[(iv) For taxable years beginning on or after January 1, 1997, and before January 1, 1999, a tax-*
 6 *payer must attain 61 years of age before the close of the taxable year.]*

7 *[(v) For taxable years beginning on or after January 1, 1999, a taxpayer must attain 62 years of*
 8 *age before the close of the taxable year.]*

9 (2)(a) There shall be subtracted from federal taxable income any portion of the distribution of
 10 a pension, profit-sharing, stock bonus or other retirement plan, representing that portion of contri-
 11 butions which were taxed by the State of Oregon but not taxed by the federal government under
 12 laws in effect for tax years beginning prior to January 1, 1969, or for any subsequent year in which
 13 the amount that was contributed to the plan under the Internal Revenue Code was greater than the
 14 amount allowed under this chapter.

15 (b) Interest or other earnings on any excess contributions of a pension, profit-sharing, stock
 16 bonus or other retirement plan not permitted to be deducted under paragraph (a) of this subsection
 17 shall not be added to federal taxable income in the year earned by the plan and shall not be sub-
 18 tracted from federal taxable income in the year received by the taxpayer.

19 (3)(a) Except as provided in subsection (4) of this section, there shall be added to federal taxable
 20 income the amount of any federal income taxes in excess of the amount provided in paragraphs (b)
 21 to (d) of this subsection, accrued by the taxpayer during the taxable year as described in ORS
 22 316.685, less the amount of any refund of federal taxes previously accrued for which a tax benefit
 23 was received.

24 (b) The limits applicable to this subsection are:

25 (A) \$5,500, if the federal adjusted gross income of the taxpayer for the tax year is less than
 26 \$125,000, or, if reported on a joint return, less than \$250,000.

27 (B) \$4,400, if the federal adjusted gross income of the taxpayer for the tax year is \$125,000 or
 28 more and less than \$130,000, or, if reported on a joint return, \$250,000 or more and less than
 29 \$260,000.

30 (C) \$3,300, if the federal adjusted gross income of the taxpayer for the tax year is \$130,000 or
 31 more and less than \$135,000, or, if reported on a joint return, \$260,000 or more and less than
 32 \$270,000.

33 (D) \$2,200, if the federal adjusted gross income of the taxpayer for the tax year is \$135,000 or
 34 more and less than \$140,000, or, if reported on a joint return, \$270,000 or more and less than
 35 \$280,000.

36 (E) \$1,100, if the federal adjusted gross income of the taxpayer for the tax year is \$140,000 or
 37 more and less than \$145,000, or, if reported on a joint return, \$280,000 or more and less than
 38 \$290,000.

39 (c) If the federal adjusted gross income of the taxpayer is \$145,000 or more for the tax year, or,
 40 if reported on a joint return, \$290,000 or more, the limit is zero and the taxpayer is not allowed a
 41 subtraction for federal income taxes under ORS 316.680 (1) for the tax year.

42 (d) In the case of a husband and wife filing separate tax returns, the amount added shall be in
 43 the amount of any federal income taxes in excess of the amount provided for individual taxpayers
 44 under paragraphs (a) to (c) of this subsection, less the amount of any refund of federal taxes previ-
 45 ously accrued for which a tax benefit was received.

1 (e) For purposes of this subsection, the limits applicable to a joint return shall apply to a head
2 of household or a surviving spouse, as defined in section 2(a) and (b) of the Internal Revenue Code.

3 (f)(A) For a calendar year beginning on or after January 1, 2008, the Department of Revenue
4 shall make a cost-of-living adjustment to the federal income tax threshold amounts described in
5 paragraphs (b) and (d) of this subsection.

6 (B) The cost-of-living adjustment for a calendar year is the percentage by which the monthly
7 averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31
8 of the prior calendar year exceeds the monthly averaged index for the period beginning September
9 1, 2005, and ending August 31, 2006.

10 (C) As used in this paragraph, "U.S. City Average Consumer Price Index" means the U.S. City
11 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of
12 Labor Statistics of the United States Department of Labor.

13 (D) If any adjustment determined under subparagraph (B) of this paragraph is not a multiple of
14 \$50, the adjustment shall be rounded to the next lower multiple of \$50.

15 (E) The adjustment shall apply to all tax years beginning in the calendar year for which the
16 adjustment is made.

17 (4)(a) In addition to the adjustments required by ORS 316.130, a full-year nonresident individual
18 shall add to taxable income a proportion of any accrued federal income taxes as computed under
19 ORS 316.685 in excess of the amount provided in subsection (3) of this section in the proportion
20 provided in ORS 316.117.

21 (b) In the case of a husband and wife filing separate tax returns, the amount added under this
22 subsection shall be computed in a manner consistent with the computation of the amount to be
23 added in the case of a husband and wife filing separate returns under subsection (3) of this section.
24 The method of computation shall be determined by the Department of Revenue by rule.

25 (5) Subsections (3)(d) and (4)(b) of this section shall not apply to married individuals living apart
26 as defined in section 7703(b) of the Internal Revenue Code.

27 (6)(a) For tax years beginning on or after January 1, 1981, and prior to January 1, 1983, income
28 or loss taken into account in determining federal taxable income by a shareholder of an S corpo-
29 ration pursuant to sections 1373 to 1375 of the Internal Revenue Code shall be adjusted for purposes
30 of determining Oregon taxable income, to the extent that as income or loss of the S corporation,
31 they were required to be adjusted under the provisions of ORS chapter 317.

32 (b) For tax years beginning on or after January 1, 1983, items of income, loss or deduction taken
33 into account in determining federal taxable income by a shareholder of an S corporation pursuant
34 to sections 1366 to 1368 of the Internal Revenue Code shall be adjusted for purposes of determining
35 Oregon taxable income, to the extent that as items of income, loss or deduction of the shareholder
36 the items are required to be adjusted under the provisions of this chapter.

37 (c) The tax years referred to in paragraphs (a) and (b) of this subsection are those of the S
38 corporation.

39 (d) As used in paragraph (a) of this subsection, an S corporation refers to an electing small
40 business corporation.

41 *[(7)(a) The taxpayer shall be entitled to an additional amount, as referred to in subsection (1)(c)(A)*
42 *and (D) of this section, of \$1,000:]*

43 *[(A) For the taxpayer if the taxpayer has attained age 65 before the close of the taxpayer's taxable*
44 *year; and]*

45 *[(B) For the spouse of the taxpayer if the spouse has attained age 65 before the close of the taxable*

1 year and an additional exemption is allowable to the taxpayer for such spouse for federal income tax
2 purposes under section 151(b) of the Internal Revenue Code.]

3 [(b) The taxpayer shall be entitled to an additional amount, as referred to in subsection (1)(c)(A)
4 and (D) of this section, of \$1,000:]

5 [(A) For the taxpayer if the taxpayer is blind at the close of the taxable year; and]

6 [(B) For the spouse of the taxpayer if the spouse is blind as of the close of the taxable year and
7 an additional exemption is allowable to the taxpayer for such spouse for federal income tax purposes
8 under section 151(b) of the Internal Revenue Code. For purposes of this subparagraph, if the spouse
9 dies during the taxable year, the determination of whether such spouse is blind shall be made imme-
10 diately prior to death.]

11 [(c) In the case of an individual who is not married and is not a surviving spouse, paragraphs (a)
12 and (b) of this subsection shall be applied by substituting "\$1,200" for "\$1,000."]

13 [(d) For purposes of this subsection, an individual is blind only if the individual's central visual
14 acuity does not exceed 20/200 in the better eye with correcting lenses, or if the individual's visual acuity
15 is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest
16 diameter of the visual field subtends an angle no greater than 20 degrees.]

17 [(8)] (7) In the case of an individual with respect to whom a deduction under section 151 of the
18 Internal Revenue Code is allowable for federal income tax purposes to another taxpayer for a tax-
19 able year beginning in the calendar year in which the individual's taxable year begins, the basic
20 standard deduction (referred to in subsection (1)(c)(B) of this section) applicable to such individual
21 for such individual's taxable year shall equal the lesser of:

22 (a) The amount allowed to the individual under section 63(c)(5) of the Internal Revenue Code for
23 federal income tax purposes for the tax year for which the deduction is being claimed; or

24 (b) The amount determined under subsection (1)(c)(B) of this section.

25 **SECTION 21.** ORS 171.072 is amended to read:

26 171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary
27 of the greater of:

28 (a) One step below the maximum of Salary Range 1 in the Management Service Compensation
29 Plan in the executive department as defined in ORS 174.112; or

30 (b) Seventeen percent of the salary of a Circuit Court Judge.

31 (2) The President of the Senate and the Speaker of the House of Representatives each shall re-
32 ceive for services, as additional salary, an amount equal to the salary allowed each of them as a
33 member under subsection (1) of this section.

34 (3) A member of the Legislative Assembly shall receive, as an allowance for expenses not oth-
35 erwise provided for, a per diem determined as provided in subsection [(9)] (8) of this section for each
36 day within the period that the Legislative Assembly is in session, to be paid with the salary provided
37 for in subsection (1) of this section. Pursuant to procedures determined by the Legislative Adminis-
38 tration Committee, a member may draw from an accrued allowance.

39 (4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred
40 in the performance of official duties during periods when the legislature is not in session, \$400 for
41 each calendar month or part of a calendar month during those periods, to be paid monthly, and
42 subject to approval of the President of the Senate or Speaker of the House of Representatives,
43 mileage expenses and a per diem determined as provided in subsection [(9)] (8) of this section for
44 each day a member is engaged in the business of legislative interim and statutory committees, in-
45 cluding advisory committees and subcommittees of advisory committees, and task forces and for each

1 day a member serves on interstate bodies, advisory committees and other entities on which the
2 member serves ex officio, whether or not the entity is a legislative one.

3 (5) In addition to the mileage and per diem expense payments provided by this section, a member
4 of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject
5 to approval by the President of the Senate or Speaker of the House of Representatives, for legisla-
6 tive business outside of the state.

7 (6) The President of the Senate and the Speaker of the House of Representatives may delegate
8 to the chairpersons of interim and statutory committees and task forces the approval authority
9 granted to the President and the Speaker by subsection (4) of this section, with respect to expenses
10 incurred in attending any meeting of a particular committee or task force.

11 *[(7) Amounts received under subsections (3) to (5) of this section are excluded from gross income
12 and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter
13 316. If there is attached to the personal income return a schedule of all ordinary and necessary busi-
14 ness expenses paid during the tax year as a member of the Legislative Assembly, a deduction may be
15 claimed on the return for legislative expenses paid in excess of the amounts received under subsections
16 (3) to (5) of this section. Expenses of members of the Legislative Assembly who are reimbursed by the
17 state for actual expenses for meals and lodging associated with state travel for the same period during
18 which a legislator receives per diem are subject to state income tax.]*

19 *[(8)]* (7) For periods when the Legislative Assembly is not in session, the Legislative Adminis-
20 tration Committee shall provide for a telephone and an expense allowance for members of the Leg-
21 islative Assembly that is in addition to the amount allowed under subsection (4) of this section. In
22 determining the amount of allowance for members, the committee shall consider the geographic area
23 of the member's district. The additional allowance shall reflect travel expenses necessary to com-
24 municate in districts of varying sizes.

25 *[(9)]* (8) The per diem allowance referred to in subsections (3) and (4) of this section shall be the
26 amount fixed for per diem allowance that is authorized by the United States Internal Revenue Ser-
27 vice to be excluded from gross income without itemization.

28 **SECTION 22.** ORS 316.362 is amended to read:

29 316.362. (1) An income tax return with respect to the tax imposed by this chapter shall be made
30 by the following:

31 (a) Every resident individual:

32 (A) Who is required to file a federal income tax return for the taxable year; or

33 (B) Who has gross income greater than the sum of:

34 (i) The basic standard deduction allowed under ORS 316.695 (1)(c)(B); **and**

35 *[(ii) Any additional standard deduction allowed to the taxpayer under ORS 316.695 (7); and]*

36 *[(iii)]* (ii) An amount equal to the income equivalent of one personal exemption credit under ORS
37 316.085 (3)(b) if unmarried, or equal to the income equivalent of two personal exemption credits un-
38 der ORS 316.085 (3)(b) if married.

39 (b) Every nonresident individual who has federal gross income from sources in this state of more
40 than the basic standard deduction allowed under ORS 316.695 (1)(c)(B).

41 (c) Every resident estate or trust that is required to file a federal income tax return.

42 (d) Every nonresident estate that has federal gross income of \$600 or more for the taxable year
43 from sources within this state.

44 (e) Every nonresident trust that for the taxable year has from sources within this state any
45 taxable income, or gross income of \$600 or more regardless of the amount of taxable income.

1 (2) Nothing contained in this section shall preclude the Department of Revenue from requiring
 2 any individual, estate or trust to file a return when, in the judgment of the department, a return
 3 should be filed.

4 (3) For purposes of this section, the income equivalent of a personal exemption credit under ORS
 5 316.085 (3)(b) shall be determined as follows:

6 (a) Divide the personal exemption credit amount by the rate applicable to the lowest income
 7 bracket under ORS 316.037.

8 (b) If the resulting quotient is less than the maximum amount of income subject to the rate used
 9 in paragraph (a) of this subsection, the quotient is the income equivalent.

10 (c) If the resulting quotient is more than the maximum amount of income subject to the rate
 11 used in paragraph (a) of this subsection:

12 (A) Multiply the maximum amount of income subject to the rate used in paragraph (a) of this
 13 subsection by the rate used in paragraph (a) of this subsection.

14 (B) Determine the difference between the product calculated under subparagraph (A) of this
 15 paragraph and the personal exemption credit amount.

16 (C) Divide the difference determined in subparagraph (B) of this paragraph by the rate applica-
 17 ble to the income bracket that is the next succeeding the lowest income bracket under ORS 316.037.

18 (D) Add the quotient determined in subparagraph (C) of this paragraph to the maximum amount
 19 of income subject to the rate used in paragraph (a) of this subsection. The sum is the income
 20 equivalent.

21 **SECTION 23.** ORS 316.687 is amended to read:

22 316.687. There shall be added to federal taxable income of a parent who makes an election under
 23 section 1(g)(7)(B) of the Internal Revenue Code any amount in excess of the standard deduction al-
 24 lowed for a child under ORS 316.695 [(8)] (7) but not in excess of the amount described in section
 25 1(g)(7)(B)(i) of the Internal Revenue Code (twice the amount in effect for the taxable year under
 26 section 63(c)(5)(A) of the Internal Revenue Code). The addition under this section shall be made for
 27 each child whose income is included in the taxable income of the parent under section 1(g)(7)(B) of
 28 the Internal Revenue Code.

29 **SECTION 24.** ORS 316.690 is amended to read:

30 316.690. [(1) *Subject to subsection (2) of this section,*] In addition to other modifications provided
 31 in this chapter, and if a taxpayer elects to take foreign income taxes imposed for the taxable year
 32 by a foreign country as a credit on the federal income tax return or does not itemize personal de-
 33 ductions on the federal income tax return, there shall be subtracted from federal taxable income in
 34 the computation of state taxable income the amount of foreign income taxes imposed for the taxable
 35 year by a foreign country.

36 [(2) *The deduction for foreign country income taxes provided by this section shall be limited as*
 37 *follows:*]

38 [(a) *Except as provided in paragraph (b) of this subsection, the sum of foreign country income taxes*
 39 *deducted in computing state taxable income and the modification for federal income taxes authorized*
 40 *by ORS 316.680 (1)(b) as limited by ORS 316.695 (3) shall not exceed \$3,000.*]

41 [(b) *In the case of a husband and wife filing separate tax returns, the sum described in paragraph*
 42 *(a) of this subsection shall be limited to \$1,500.*]