

HOUSE AMENDMENTS TO HOUSE BILL 2116

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 20

1 In line 2 of the printed bill, after “expenses;” delete the rest of the line and line 3 and insert
2 “creating new provisions; amending ORS 316.502; and prescribing an effective date.”.

3 Delete lines 5 through 7 and insert:

4 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 315.**

5 **“SECTION 2. (1)(a) A credit against the tax otherwise due under ORS chapter 316 shall**
6 **be allowed a taxpayer in an amount equal to a percentage of employment-related expenses**
7 **allowable pursuant to section 21 of the Internal Revenue Code, notwithstanding the limita-**
8 **tion imposed by section 26 of the Internal Revenue Code, and limited as provided in para-**
9 **graph (b) of this subsection.**

10 **“(b) The employment-related expenses for which a credit is claimed under this section**
11 **may not exceed \$12,000 for a taxpayer for which there is one qualifying individual, or \$24,000**
12 **for a taxpayer for which there are two or more qualifying individuals.**

13 **“(2) The applicable percentage described in subsection (1) of this section shall be deter-**
14 **mined on the basis of federal adjusted gross income, as reflected on the federal return,**
15 **whether or not a joint return, of the taxpayer for the tax year, expressed as a percentage**
16 **of the federal poverty level adjusted for family size, in accordance with the following table:**

17 “ _____

18
19 **Federal Adjusted**

20 **Gross Income as**

21 **Percentage of Federal**

22 **Poverty Level**

23 “ _____

Applicable percentage based on age of youngest child

at close of tax year

			At least 6 years but less than		
			At least 3 years	13, or at least 13 but less than 18 if	18 years or older if
Greater than	Less than or equal to	Under 3 years	but less than 6	disabled	disabled
0%	10%	10%	8%	5%	5%
10%	20%	20%	18%	15%	5%
20%	30%	30%	28%	25%	10%
30%	40%	40%	38%	35%	20%
40%	50%	50%	48%	45%	30%

1	50%	60%	55%	53%	50%	35%
2	60%	70%	60%	58%	55%	40%
3	70%	80%	65%	63%	60%	45%
4	80%	90%	70%	68%	65%	50%
5	90%	110%	75%	73%	70%	55%
6	110%	120%	70%	68%	65%	50%
7	120%	130%	65%	63%	60%	45%
8	130%	140%	59%	57%	54%	39%
9	140%	150%	53%	51%	48%	33%
10	150%	190%	50%	48%	45%	30%
11	190%	210%	45%	43%	40%	25%
12	210%	220%	40%	38%	35%	20%
13	220%	230%	35%	33%	30%	15%
14	230%	240%	30%	28%	25%	10%
15	240%	250%	20%	18%	15%	5%
16	250%	260%	10%	8%	5%	5%
17	260%	280%	6%	6%	4%	4%
18	280%	300%	4%	4%	4%	4%
19	300%	-	0%	0%	0%	0%

20 “

21
22 “(3) The applicable percentage for a household in excess of eight members shall be calculated as if for a household size of eight members.

23
24 “(4) The credit under this section is not allowed to a taxpayer with federal adjusted gross income in excess of 300 percent of the federal poverty level.

25
26 “(5) A nonresident individual shall be allowed the credit computed in the same manner and subject to the same limitations as the credit allowed a resident by subsection (1) of this section. However, the credit shall be prorated using the proportion provided in ORS 316.117.

27
28 “(6) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the Department of Revenue terminates the taxpayer’s taxable year under ORS 314.440, the credit allowed by this section shall be prorated or computed in a manner consistent with ORS 314.085.

29
30 “(7) If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by this section shall be determined in a manner consistent with ORS 316.117.

31
32 “(8) If the amount allowable as a credit under this section, when added to the sum of the amounts allowable as payment of tax under ORS 316.187 or 316.583, other tax prepayment amounts and other refundable credit amounts, exceeds the taxes imposed by ORS chapters 314 and 316 for the tax year after application of any nonrefundable credits allowable for purposes of ORS chapter 316 for the tax year, the amount of the excess shall be refunded to the taxpayer as provided in ORS 316.502.

33
34 “**SECTION 3.** ORS 316.502 is amended to read:

35
36 “316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and amounts described in ORS 285B.630 and 285C.635, shall be paid over to the State Treasurer and held in the General Fund as miscellaneous receipts available generally to meet any expense or obligation

1 of the State of Oregon lawfully incurred.

2 “(2) A working balance of unreceipted revenue from the tax imposed by this chapter may be
3 retained for the payment of refunds, but such working balance shall not at the close of any fiscal
4 year exceed the sum of \$1 million.

5 “(3) Moneys are continuously appropriated to the Department of Revenue to make:

6 “(a) The refunds authorized under subsection (2) of this section; and

7 “(b) The refund payments in excess of tax liability authorized under ORS 315.174, 315.262 and
8 315.266 and section 17, chapter 906, Oregon Laws 2007, **and section 2 of this 2015 Act.**

9 “**SECTION 4. Section 2 of this 2015 Act and the amendments to ORS 316.502 by section
10 3 of this 2015 Act apply to tax years beginning on or after January 1, 2016, and before Janu-
11 ary 1, 2022.**

12 “**SECTION 5. This 2015 Act takes effect on the 91st day after the date on which the 2015
13 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.”.**

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