

# A-Engrossed House Bill 2122

Ordered by the House April 21  
Including House Amendments dated April 21

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.

Extends sunset for tax credit for child with disability. **Provides for disallowance of credit if taxpayer's adjusted gross income exceeds \$100,000. Applies to tax years beginning on or after January 1, 2016.**

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to a tax credit for child with a disability; creating new provisions; amending ORS 316.099  
3 and section 39, chapter 913, Oregon Laws 2009; and prescribing an effective date.

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

5 **SECTION 1.** Section 39, chapter 913, Oregon Laws 2009, is amended to read:

6 **Sec. 39.** A credit may not be claimed under ORS 316.099 for tax years beginning on or after  
7 January 1, [2016] **2022**.

8 **SECTION 2.** ORS 316.099, as amended by section 8, chapter 114, Oregon Laws 2014, is amended  
9 to read:

10 316.099. (1) As used in this section, unless the context requires otherwise:

11 (a) "Child with a disability" means a qualifying child under section 152 of the Internal Revenue  
12 Code who has been determined eligible for early intervention services or is diagnosed for the pur-  
13 poses of special education as being mentally retarded, multidisabled, visually impaired, hard of  
14 hearing, deaf-blind, orthopedically impaired or other health impaired or as having autism, emotional  
15 disturbance or traumatic brain injury, in accordance with State Board of Education rules.

16 (b) "Early intervention services" means programs of treatment and habilitation designed to ad-  
17 dress a child's developmental deficits in sensory, motor, communication, self-help and socialization  
18 areas.

19 (c) "Special education" means specially designed instruction to meet the unique needs of a child  
20 with a disability, including regular classroom instruction, instruction in physical education, home  
21 instruction and instruction in hospitals, institutions and special schools.

22 (2) The State Board of Education shall adopt rules further defining "child with a disability" for  
23 purposes of this section. A diagnosis obtained for the purposes of entitlement to special education  
24 or early intervention services shall serve as the basis for a claim for the additional credit allowed  
25 under subsection (3) of this section.

26 (3) In addition to the personal exemption credit allowed by this chapter for state personal in-

**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 come tax purposes for a dependent of the taxpayer, **for a taxpayer with adjusted gross income**  
2 **that does not exceed \$100,000 on any type of return**, there shall be allowed an additional per-  
3 sonal exemption credit for a child with a disability if the child is a child with a disability at the  
4 close of the tax year. The amount of the credit allowed for the dependent for the tax year shall be  
5 calculated as provided in ORS 316.085[, *except that the amount may not be reduced on the basis of*  
6 *income under ORS 316.085 (5)*].

7 (4) Each taxpayer qualifying for the additional personal exemption credit allowed by this section  
8 may claim the credit on the personal income tax return. However, the claim shall be substantiated  
9 by any proof of entitlement to the credit as may be required by the state board by rule.

10 **SECTION 3. The amendments to ORS 316.099 by section 2 of this 2015 Act apply to tax**  
11 **years beginning on or after January 1, 2016.**

12 **SECTION 4. 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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