Requested by Senator BOQUIST

PROPOSED AMENDMENTS TO
SENATE BILL 1507

1   On page 1 of the printed bill, line 2, after "305.792," insert "315.174," and

2   after "316.116" insert "and section 3, chapter 65, Oregon Laws 2012".

3   On page 5, after line 35, insert:

4   **"SECTION 5.** ORS 315.174 is amended to read:

5   "315.174. (1) As used in this section, 'livestock' has the meaning given

6   that term in ORS 610.150.

7   "(2) A credit against taxes imposed under ORS chapter 316 (or, if the

8   taxpayer is a corporation, under ORS chapter 317 or 318) shall be allowed

9   for**:**

10   **"(a)** The current market value of any livestock that belongs to the tax-

11   payer and that is killed during the tax year by a wolf[.]**;**

12   **"(b) Compensation, measured as current market value of lost live-**

13   **stock, for above-normal loss to livestock attributed to wolf**

14   **depredation; and**

15   **"(c) The cost to the taxpayer of nonlethal actions undertaken by the**

16   **taxpayer to minimize conflict between wolves and livestock or working**

17   **dogs, as specified by the State Department of Fish and Wildlife.**

18   "(3) In order to qualify for the credit allowed under this section, the

19   taxpayer must obtain written certification from the State Department of Fish

20   and Wildlife as provided in subsection [*(4)*] **(5)** of this section.

21   **"(4) A taxpayer that claims a credit as provided in subsection (2)(b)**

1 **or (c) of this section must obtain:**

2 **"(a) Written confirmation of eligibility from the State Department**

3 **of Fish and Wildlife, the United States Fish and Wildlife Service, the**

4 **Wildlife Services Division of the United States Department of Agri-**

5 **culture or the sheriff, or a deputy sheriff, of the county in which the**

6 **above-normal loss occurred or the nonlethal actions were undertaken;**

7 **and**

8 **"(b) Approval by a county program established under ORS 610.150.**

9 "[*(4)(a)*] **(5)(a)** The State Department of Fish and Wildlife shall issue

10 written certification to taxpayers that are eligible to claim the credit al-

11 lowed under this section. Before issuing a certification [*under this*

12 *subsection*] **for a credit as provided in subsection (2)(a) of this section**,

13 the department must possess evidence that the loss to a taxpayer's livestock

14 is due to wolf depredation. The evidence must include a finding by the de-

15 partment or by a peace officer, as defined in ORS 161.015, that wolf

16 depredation was the probable cause of the loss.

17 "(b) The department may not issue certifications for more than $37,500 in

18 tax credits for any tax year. The department shall issue certifications to

19 taxpayers in the order in which completed applications for certification are

20 received by the department.

21 "[*(5)*] **(6)** A credit allowed under this section shall be reduced by any

22 amount that a taxpayer has already received as compensation for the killed

23 livestock, including compensation pursuant to ORS 610.150.

24 "[*(6) A taxpayer may not claim a credit under this section for:*]

25 "[*(a) Any tax year that ends after the date on which the State Fish and*

26 *Wildlife Commission has, by rule, removed the wolf from the list of endangered*

27 *species established pursuant to ORS 496.172 (2); or*]

28 "[*(b) A loss to livestock killed after June 30, 2018.*]

29 "(7) If the amount allowable as a credit under this section, when added

30 to the sum of the amounts allowable as payment of tax under ORS 316.187

1 (withholding), ORS 316.583 (estimated tax), other tax prepayment amounts

2 and other refundable credit amounts, exceeds the taxes imposed by ORS

3 chapters 314 and 316 for the tax year (reduced by any nonrefundable credits

4 allowable for purposes of ORS chapter 316 for the tax year), the amount of

5 the excess shall be refunded to the taxpayer as provided in ORS 316.502.

6 "(8) The credit shall be claimed on a form prescribed by the Department

7 of Revenue that contains the information required by the department.

8 "(9) Any tax credit otherwise allowable under this section that is not used

9 by the taxpayer in a particular tax year may be carried forward and offset

10 against the taxpayer's tax liability for the next succeeding tax year. Any

11 credit remaining unused in the next succeeding tax year may be carried

12 forward and used in the second succeeding tax year, and likewise any credit

13 not used in that second succeeding tax year may be carried forward and used

14 in the third succeeding tax year, but may not be carried forward for any tax

15 year thereafter.

16 "(10) In the case of a credit allowed under this section:

17 "(a) A nonresident shall be allowed the credit in the proportion provided

18 in ORS 316.117.

19 "(b) If a change in the status of the taxpayer from resident to nonresident

20 or from nonresident to resident occurs, the credit shall be determined in a

21 manner consistent with ORS 316.117.

22 "(c) If a change in the taxable year of the taxpayer occurs as described

23 in ORS 314.085, or if the department terminates the taxpayer's taxable year

24 under ORS 314.440, the credit shall be prorated or computed in a manner

25 consistent with ORS 314.085.

26 **"SECTION 6.** ORS 315.174, as amended by section 5 of this 2016 Act, is

27 amended to read:

28 "315.174. (1) As used in this section, 'livestock' has the meaning given

29 that term in ORS 610.150.

30 "(2) A credit against taxes imposed under ORS chapter 316 (or, if the

1 taxpayer is a corporation, under ORS chapter 317 or 318) shall be allowed

2 for:

3 "(a) The current market value of any livestock that belongs to the tax-

4 payer and that is killed during the tax year by a wolf;

5 "(b) Compensation, measured as current market value of lost livestock,

6 for above-normal loss to livestock attributed to wolf depredation; and

7 "(c) The cost to the taxpayer of nonlethal actions undertaken by the

8 taxpayer to minimize conflict between wolves and livestock or working dogs,

9 as specified by the State Department of Fish and Wildlife.

10 "(3) In order to qualify for the credit allowed under this section, the

11 taxpayer must obtain written certification from the State Department of Fish

12 and Wildlife as provided in subsection (5) of this section.

13 "(4) A taxpayer that claims a credit as provided in subsection (2)(b) or (c)

14 of this section must obtain:

15 "(a) Written confirmation of eligibility from the State Department of Fish

16 and Wildlife, the United States Fish and Wildlife Service, the Wildlife Ser-

17 vices Division of the United States Department of Agriculture or the sheriff,

18 or a deputy sheriff, of the county in which the above-normal loss occurred

19 or the nonlethal actions were undertaken; and

20 "(b) Approval by a county program established under ORS 610.150.

21 "(5)(a) The State Department of Fish and Wildlife shall issue written

22 certification to taxpayers that are eligible to claim the credit allowed under

23 this section. Before issuing a certification for a credit as provided in sub-

24 section (2)(a) of this section, the department must possess evidence that the

25 loss to a taxpayer's livestock is due to wolf depredation. The evidence must

26 include a finding by the department or by a peace officer, as defined in ORS

27 161.015, that wolf depredation was the probable cause of the loss.

28 "(b) The department may not issue certifications for more than [*$37,500*]

29 **$200,000** in tax credits for any tax year. The department shall issue certif-

30 ications to taxpayers in the order in which completed applications for certi-

1 fication are received by the department.

2 "(6) A credit allowed under this section shall be reduced by any amount

3 that a taxpayer has already received as compensation for the killed livestock,

4 including compensation pursuant to ORS 610.150.

5 "(7) If the amount allowable as a credit under this section, when added

6 to the sum of the amounts allowable as payment of tax under ORS 316.187

7 (withholding), ORS 316.583 (estimated tax), other tax prepayment amounts

8 and other refundable credit amounts, exceeds the taxes imposed by ORS

9 chapters 314 and 316 for the tax year (reduced by any nonrefundable credits

10 allowable for purposes of ORS chapter 316 for the tax year), the amount of

11 the excess shall be refunded to the taxpayer as provided in ORS 316.502.

12 "(8) The credit shall be claimed on a form prescribed by the Department

13 of Revenue that contains the information required by the department.

14 "(9) Any tax credit otherwise allowable under this section that is not used

15 by the taxpayer in a particular tax year may be carried forward and offset

16 against the taxpayer's tax liability for the next succeeding tax year. Any

17 credit remaining unused in the next succeeding tax year may be carried

18 forward and used in the second succeeding tax year, and likewise any credit

19 not used in that second succeeding tax year may be carried forward and used

20 in the third succeeding tax year, but may not be carried forward for any tax

21 year thereafter.

22 "(10) In the case of a credit allowed under this section:

23 "(a) A nonresident shall be allowed the credit in the proportion provided

24 in ORS 316.117.

25 "(b) If a change in the status of the taxpayer from resident to nonresident

26 or from nonresident to resident occurs, the credit shall be determined in a

27 manner consistent with ORS 316.117.

28 "(c) If a change in the taxable year of the taxpayer occurs as described

29 in ORS 314.085, or if the department terminates the taxpayer's taxable year

30 under ORS 314.440, the credit shall be prorated or computed in a manner

1 consistent with ORS 314.085.

2 **"SECTION 7.** Section 3, chapter 65, Oregon Laws 2012, is amended to
3 read:

4 "**Sec. 3. (1)** [*Section 2 of this 2012 Act*] **ORS 315.174** applies to tax years
5 beginning on or after January 1, 2012, and before January 1, [*2019*] **2026**.

6 "**(2) The amendments to ORS 315.174 by section 5 of this 2016 Act**
7 **apply to tax years beginning on or after January 1, 2016, and before**
8 **January 1, 2017.**

9 "**(3) The amendments to ORS 315.174 by section 6 of this 2016 Act**
10 **apply to tax years beginning on or after January 1, 2017, and before**
11 **January 1, 2026.**".

12 In line 36, delete "5" and insert "8".

13 In line 43, delete "6" and insert "9".

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