

# House Bill 2678

Sponsored by Representative NOSSE (Presession filed.)

## 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 income tax credit for live organ donation. Applies to tax years beginning on or after January 1, 2017.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to a tax credit for live organ donation; creating new provisions; amending ORS 316.502; and  
3 prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 315.**

6 **SECTION 2. (1) As used in this section, "live organ donation" means the donation of an**  
7 **organ, or any portion of an organ, by a living individual who does not require medical inter-**  
8 **vention to maintain vital functions, for the purpose of transplanting the organ into the body**  
9 **of another individual.**

10 (2) A credit against taxes that are otherwise due under ORS chapter 316 shall be allowed  
11 to a taxpayer who makes a live organ donation. The credit allowed shall be in the amount  
12 of \$500 per live organ donation.

13 (3) For each tax year for which a credit is claimed under this section, the taxpayer shall  
14 maintain records sufficient to prove the taxpayer's eligibility for the credit allowed under  
15 this section. A taxpayer shall maintain the records required under this subsection for at  
16 least five years.

17 (4) If the amount allowable as a credit under this section, when added to the sum of the  
18 amounts allowable as payment of tax under ORS 316.187 (withholding), ORS 316.583 (esti-  
19 mated tax), other tax prepayment amounts and other refundable credit amounts, exceeds the  
20 taxes imposed by ORS chapters 314 and 316 for the tax year (reduced by any nonrefundable  
21 credits allowable for purposes of ORS chapter 316 for the tax year), the amount of the excess  
22 shall be refunded to the taxpayer as provided in ORS 316.502.

23 (5) A nonresident shall be allowed the credit provided under this section. The credit shall  
24 be computed in the same manner and be subject to the same limitations as the credit  
25 granted to a resident. However, the credit shall be prorated using the proportion provided in  
26 ORS 316.117.

27 (6) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or  
28 if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the  
29 credit allowed by this section shall be prorated or computed in a manner consistent with ORS  
30 314.085.

31 (7) If a change in the status of a taxpayer from resident to nonresident or from nonres-

**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 **ident to resident occurs, the credit allowed by this section shall be determined in a manner**  
2 **consistent with ORS 316.117.**

3 **SECTION 3.** ORS 316.502 is amended to read:

4 316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and  
5 amounts described in ORS 285B.630 and 285C.635, shall be paid over to the State Treasurer and held  
6 in the General Fund as miscellaneous receipts available generally to meet any expense or obligation  
7 of the State of Oregon lawfully incurred.

8 (2) A working balance of unreceipted revenue from the tax imposed by this chapter may be re-  
9 tained for the payment of refunds, but such working balance shall not at the close of any fiscal year  
10 exceed the sum of \$1 million.

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

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

13 (b) The refund payments in excess of tax liability authorized under ORS 315.174, 315.262, 315.264  
14 and 315.266 and section 17, chapter 906, Oregon Laws 2007, **and section 2 of this 2017 Act.**

15 **SECTION 4.** **Section 2 of this 2017 Act and the amendments to ORS 316.502 by section 3**  
16 **of this 2017 Act apply to tax years beginning on or after January 1, 2017.**

17 **SECTION 5.** **This 2017 Act takes effect on the 91st day after the date on which the 2017**  
18 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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