

## SENATE AMENDMENTS TO SENATE BILL 215

By COMMITTEE ON FINANCE AND REVENUE

March 1

1 On page 1 of the printed bill, line 3, delete “316.029” and insert “315.506” and delete “, 316.739  
2 and 317.301”.

3 On page 4, delete lines 6 through 11 and insert:

4 “**SECTION 7.** ORS 315.506 is amended to read:

5 “315.506. (1) A credit against the taxes that are otherwise due under ORS chapter 316 or, if the  
6 taxpayer is a corporation, under ORS chapter 317 or 318, is allowed to an eligible business **that is**  
7 operating a new business facility in a reservation enterprise zone or a reservation partnership zone.

8 “(2) The amount of the credit allowed to the eligible business shall equal:

9 “(a) The amount of tribal property tax imposed on a new business facility of an eligible business  
10 that is paid or incurred by the eligible business during the income or corporate excise tax year of  
11 the eligible business; or

12 “(b) If the eligible business has not previously conducted business operations within the reser-  
13 vation enterprise zone or reservation partnership zone, the amount of tribal tax paid or incurred by  
14 the eligible business during the income or corporate excise tax year of the eligible business.

15 “(3) The credit allowed to the eligible business may not exceed the tax liability of the eligible  
16 business for the tax year and may not be carried over to another tax year.

17 “(4) A credit is allowable under this section only to the extent the tribal tax on which the credit  
18 is based is imposed on businesses not owned by Indians on a uniform basis within the territory over  
19 which the tribal government has the authority to levy, impose and collect taxes.

20 “(5) The credit shall be claimed on a form prescribed by the Department of Revenue containing  
21 the information required by the department, including information sufficient for the department to  
22 determine that the taxpayer is an eligible business and that the facility operated by the business is  
23 a new business facility.

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

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

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

33 “(9) An eligible business claiming a credit under this section shall maintain records sufficient  
34 to authenticate the allowance of the credit claimed under this section and shall furnish the depart-  
35 ment with these records upon the request of the department.

1           “(10) A credit claimed by an eligible business may not be disallowed solely because the eligible  
2 business conducts business operations both within and outside of a reservation enterprise zone or  
3 a reservation partnership zone.

4           **“(11) As used in this section, ‘eligible business,’ ‘new business facility,’ ‘reservation en-  
5 terprise zone,’ ‘reservation partnership zone,’ ‘tribal government’ and ‘tribal tax’ have the  
6 meanings given those terms in ORS 285C.300.**

7           **“NOTE:** Corrects syntax in (1); incorporates applicable definitions from statutory series that  
8 statute was a part of before 2017 renumbering.”.

9           In line 12, delete “9” and insert “8”.

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