

Senate Bill 241

Sponsored by Senators THOMSEN, BURDICK, HANSELL; Senators BENTZ, DEMBROW, GELSER, MONNES ANDERSON, OLSEN, ROBLAN, Representatives BARKER, DOHERTY, FINDLEY, GOMBERG, HAYDEN, MCLANE, POST, SMITH DB, SPRENGER, STARK, WITT (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**.

Extends sunset for tax credit for crop donation. Increases percentage of wholesale price allowed as amount of credit. Applies to tax years beginning on or after January 1, 2019.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for crop donation; creating new provisions; amending ORS 315.156 and sec-
3 tion 5, 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 5, chapter 913, Oregon Laws 2009, as amended by section 1, chapter 115,
6 Oregon Laws 2014, is amended to read:

7 **Sec. 5.** Except as provided in ORS 315.156 (4), a credit may not be claimed under ORS 315.156
8 for tax years beginning on or after January 1, 2012, and before January 1, 2014, or on or after
9 January 1, [2020] **2026**.

10 **SECTION 2.** ORS 315.156 is amended to read:

11 315.156. (1) A taxpaying individual or corporation that is a grower of a crop and that makes a
12 qualified donation of the crop shall be allowed a credit against the taxes otherwise due under ORS
13 chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318, as follows:

14 (a) In the case of a qualified donation made under circumstances described in ORS 315.154 (5)(a)
15 or (b), the amount of the credit shall be [15] **30** percent of the value of the quantity of the crop do-
16 nated computed at the wholesale market price.

17 (b) In the case of a qualified donation made under circumstances described in ORS 315.154 (5)(c),
18 the amount of the credit shall be [15] **30** percent of the value of the quantity of the crop donated
19 computed at the wholesale market price that the grower would have received had the quantity of
20 the crop donated been sold or salable.

21 (2) At the time of donation, the director, supervisor or other appropriate official of the entity
22 to which a qualified donation is made shall supply to the grower of the crop donated two copies of
23 a form prescribed by the Department of Revenue. The forms shall contain:

24 (a) The name and address of the grower;

25 (b) The description and quantity of the donated crop;

26 (c) The signature of the director, supervisor or other appropriate official of the entity receiving
27 the donated crop verifying that the produce was or will be distributed to children or homeless, un-
28 employed, elderly or low-income individuals;

29 (d) The wholesale market price; and

30 (e) Other information required by the Department of Revenue by rule.

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 (3) Tax claim for tax credit shall be substantiated by submission with the tax return, of the form
 2 described in subsection (2) of this section, a statement verified by the taxpayer that the qualified
 3 donation was made under circumstances described in ORS 315.154 (5) and a copy of an invoice or
 4 other statement identifying the price received by the grower for the crops of comparable grade or
 5 quality if there is a previous cash buyer. The requirement for substantiation may be waived par-
 6 tially, conditionally or absolutely, as provided under ORS 315.063.

7 (4) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
 8 particular tax year may be carried forward and offset against the taxpayer's tax liability for the next
 9 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried
 10 forward and used in the second succeeding tax year, and likewise, any credit not used in that second
 11 succeeding tax year may be carried forward and used in the third succeeding tax year, but may not
 12 be carried forward for any tax year thereafter.

13 (5)(a) A nonresident individual shall be allowed the credit computed under this section in the
 14 same manner and subject to the same limitations as the credit allowed a resident by this section.
 15 However, the credit shall be prorated using the proportion provided in ORS 316.117.

16 (b) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the
 17 department terminates the taxpayer's taxable year under ORS 314.440, the credit allowed by this
 18 section shall be prorated or computed in a manner consistent with ORS 314.085.

19 (c) If a change in the status of a taxpayer from resident to nonresident or from nonresident to
 20 resident occurs, the credit allowed by this section shall be determined in a manner consistent with
 21 ORS 316.117.

22 **SECTION 3. The amendments to ORS 315.156 by section 2 of this 2019 Act apply to tax**
 23 **years beginning on or after January 1, 2019.**

24 **SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019**
 25 **regular session of the Eightieth Legislative Assembly adjourns sine die.**