

HB 2433-5  
(LC 2539)  
6/11/21 (CMT/ps)

Requested by JOINT COMMITTEE ON TAX EXPENDITURES

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2433**

1 In line 2 of the printed bill, after “taxation;” insert “creating new pro-  
2 visions; amending ORS 315.167, 315.264, 315.266, 315.271, 315.514, 315.613,  
3 315.650, 316.699, 317.097, 320.308, 458.620, 458.660, 458.670, 458.675, 458.680,  
4 458.685, 458.690, 458.700, 654.086, 658.453 and 658.815 and section 77, chapter  
5 736, Oregon Laws 2003, section 1a, chapter 559, Oregon Laws 2005, section  
6 9, chapter 765, Oregon Laws 2007, section 9, chapter 843, Oregon Laws 2007,  
7 sections 25, 27, 39, 42 and 50, chapter 913, Oregon Laws 2009, and section 5,  
8 chapter 701, Oregon Laws 2015;”.

9 Delete lines 4 through 15 and insert:

10 **“SECTION 1.** Section 39, chapter 913, Oregon Laws 2009, as amended by  
11 section 16, chapter 701, Oregon Laws 2015, is amended to read:

12 **“Sec. 39.** A credit may not be claimed under ORS 316.099 for tax years  
13 beginning on or after January 1, [2022] **2028.**

14 **“SECTION 2.** Section 42, chapter 913, Oregon Laws 2009, as amended by  
15 section 14, chapter 701, Oregon Laws 2015, is amended to read:

16 **“Sec. 42.** A credit may not be claimed under ORS 316.758 for tax years  
17 beginning on or after January 1, [2022] **2028.**

18 **“SECTION 3.** Section 25, chapter 913, Oregon Laws 2009, as amended by  
19 section 10, chapter 750, Oregon Laws 2013, section 18, chapter 701, Oregon  
20 Laws 2015, section 7, chapter 829, Oregon Laws 2015, and section 13, chapter  
21 610, Oregon Laws 2017, is amended to read:

1       “**Sec. 25.** (1) Except as provided in subsection (2) of this section, a credit  
2 may not be claimed under ORS 315.613 for tax years beginning on or after  
3 January 1, [2022] **2028**.

4       “(2) A taxpayer who meets the eligibility requirements in ORS 315.613 for  
5 the tax year beginning on or after January 1, [2021] **2027**, and before January  
6 1, [2022] **2028**, shall be allowed the credit under ORS 315.613 for any tax year:

7       “(a) That begins on or before January 1, [2031] **2037**; and

8       “(b) For which the taxpayer meets the eligibility requirements of ORS  
9 315.613.

10       “(3) Notwithstanding subsection (2) of this section, a taxpayer may not  
11 during the taxpayer’s lifetime claim the credit allowed under this section for  
12 more than a total of 10 tax years that begin on or after January 1, 2018.

13       “**SECTION 3a.** ORS 315.613 is amended to read:

14       “315.613. (1) An annual credit against the taxes otherwise due under ORS  
15 chapter 316 shall be allowed to a resident or nonresident individual who is:

16       “(a) Certified as eligible under ORS 442.563;

17       “(b) Licensed under ORS chapter 677;

18       “(c) Engaged in the practice of medicine, and engaged for at least 20  
19 hours per week, averaged over the month, during the tax year in a rural  
20 practice; and

21       “(d) Has adjusted gross income not in excess of \$300,000 for the tax year.  
22 The limitation in this paragraph does not apply to a physician who practices  
23 as a general surgeon, **practices emergency medicine**, specializes in  
24 obstetrics or specializes in family or general practice and provides  
25 obstetrical services.

26       “(2) The amount of credit allowed shall be based on the distance from a  
27 major population center in a qualified metropolitan statistical area at which  
28 the taxpayer maintains a practice or hospital membership:

29       “(a) If at least 10 miles but fewer than 20 miles, \$3,000.

30       “(b) If at least 20 miles but fewer than 50 miles, \$4,000.

1       “(c) If 50 or more miles, \$5,000.

2       “(3) The credit shall be allowed during the time in which the individual  
3 retains such practice and membership if the individual is actively practicing  
4 in and is a member of the medical staff of one of the following hospitals:

5       “(a) A type A hospital designated as such by the Office of Rural Health;

6       “(b) A type B hospital designated as such by the Office of Rural Health  
7 if the hospital is:

8       “(A) Not within the boundaries of a metropolitan statistical area;

9       “(B) Located 30 or more miles from the closest hospital within the major  
10 population center in a metropolitan statistical area; or

11       “(C) Located in a county with a population of less than 75,000;

12       “(c) A type C rural hospital, if the Office of Rural Health makes the  
13 findings required by ORS 315.619;

14       “(d) A rural critical access hospital; or

15       “(e) A hospital:

16       “(A) Classified by the Centers for Medicare and Medicaid Services as a  
17 rural referral center in accordance with 42 U.S.C. 1395ww(d)(5)(C)(i); and

18       “(B) Classified by the Centers for Medicare and Medicaid Services as a  
19 sole community hospital in accordance with 42 U.S.C. 1395ww(d)(5)(D)(iii).

20       “(4) In order to claim the credit allowed under this section, the individual  
21 must remain willing during the tax year to serve patients with Medicare  
22 coverage and patients receiving medical assistance in at least the same pro-  
23 portion to the individual’s total number of patients as the Medicare and  
24 medical assistance populations represent of the total number of persons de-  
25 termined by the Office of Rural Health to be in need of care in the county  
26 served by the practice, not to exceed 20 percent Medicare patients or 15  
27 percent medical assistance patients.

28       “(5) A nonresident individual shall be allowed the credit under this sec-  
29 tion in the proportion provided in ORS 316.117. If a change in the status of  
30 a taxpayer from resident to nonresident or from nonresident to resident oc-

1 curs, the credit allowed by this section shall be determined in a manner  
2 consistent with ORS 316.117.

3 “(6) For purposes of this section, an ‘individual’s practice’ shall be de-  
4 termined on the basis of actual time spent in practice each week in hours  
5 or days, whichever is considered by the Office of Rural Health to be more  
6 appropriate. In the case of a shareholder of a corporation or a member of a  
7 partnership, only the time of the individual shareholder or partner shall be  
8 considered and the full amount of the credit shall be allowed to each share-  
9 holder or partner who qualifies in an individual capacity.

10 “(7) As used in this section:

11 “(a) ‘Qualified metropolitan statistical area’ means only those counties  
12 of a metropolitan statistical area that are located in Oregon if the largest  
13 city within the metropolitan statistical area is located in Oregon.

14 “(b) ‘Rural critical access hospital’ means a facility that meets the crite-  
15 ria set forth in 42 U.S.C. 1395i-4 (c)(2)(B) and that has been designated a  
16 critical access hospital by the Office of Rural Health and the Oregon Health  
17 Authority.

18 “(c) ‘Type A hospital,’ ‘type B hospital’ and ‘type C hospital’ have the  
19 meaning for those terms provided in ORS 442.470.

20 “**SECTION 4.** Section 27, chapter 913, Oregon Laws 2009, as amended by  
21 section 43, chapter 750, Oregon Laws 2013, and section 1, chapter 31, Oregon  
22 Laws 2016, is amended to read:

23 “**Sec. 27.** A credit may not be claimed under ORS [315.521] **315.640** if the  
24 initial tax year in which the credit would otherwise be allowed begins on  
25 or after January 1, [2022] **2028**.

26 “**SECTION 5.** Section 5, chapter 701, Oregon Laws 2015, is amended to  
27 read:

28 “**Sec. 5. (1)** [Section 3 of this 2015 Act] **ORS 315.264** applies to tax years  
29 beginning on or after January 1, 2016, and before January 1, [2022] **2028**.

30 “**(2) The amendments to ORS 315.264 by section 5a of this 2021 Act**

1 **apply to tax years beginning on or after January 1, 2022, and before**  
2 **January 1, 2028.**

3 **“SECTION 5a.** ORS 315.264 is amended to read:

4 “315.264. (1)(a) A credit against the tax otherwise due under ORS chapter  
5 316 shall be allowed a taxpayer in an amount equal to a percentage of  
6 employment-related expenses of a type allowable as a credit pursuant to  
7 section 21 of the Internal Revenue Code, notwithstanding the limitation im-  
8 posed by section 21(c) of the Internal Revenue Code, and limited as provided  
9 in paragraph (c) of this subsection.

10 “(b) The credit allowed under this section may be claimed for expenses  
11 for care of a qualifying individual that allow a nonmarried taxpayer to seek  
12 employment or to attend school **as a degree-seeking student enrolled** on  
13 a full-time or part-time basis.

14 “(c) The employment-related expenses for which a credit is claimed under  
15 this section may not exceed the least of:

16 “(A) **The combination of** earned income taxable by Oregon and report-  
17 able on the taxpayer’s return **and imputed income;**

18 “(B) The lesser amount [*of earned income taxable by Oregon earned by ei-*  
19 *ther spouse*], **attributable to either spouse, of the combination of the**  
20 **spouse’s imputed income and the spouse’s earned income subject to**  
21 **taxation by Oregon,** if reportable on a joint return; or

22 “(C) \$12,000 for a taxpayer for which there is one qualifying individual,  
23 or \$24,000 for a taxpayer for which there are two or more qualifying indi-  
24 viduals.

25 “(d) The limitations in paragraph (c)(C) of this subsection shall be re-  
26 duced by the aggregate amount excludable under section 129 of the Internal  
27 Revenue Code for the tax year.

28 “(2) The applicable percentage described in subsection (1) of this section  
29 shall be determined in accordance with the following table:

30 “ \_\_\_\_\_

1 Greater of Federal  
 2 or Oregon Adjusted  
 3 Gross Income, as Applicable percentage based on age of youngest  
 4 Percentage of Federal qualifying individual on January 1 of tax year  
 5 Poverty Level

6 “ \_\_\_\_\_

				At least 6 years		
				but less than		
			At least	13, or at least		
			3 years	13 but less	18 years or	
11	Greater	Less than	Under 3	but less	than 18 if	older if
12	than	or equal to	years	than 6	disabled	disabled
13	0%	10%	10%	8%	5%	5%
14	10%	20%	20%	18%	15%	5%
15	20%	30%	30%	28%	25%	10%
16	30%	40%	40%	38%	35%	20%
17	40%	50%	50%	48%	45%	30%
18	50%	60%	55%	53%	50%	35%
19	60%	70%	60%	58%	55%	40%
20	70%	80%	65%	63%	60%	45%
21	80%	90%	70%	68%	65%	50%
22	90%	110%	75%	73%	70%	55%
23	110%	120%	71%	69%	66%	50%
24	120%	130%	66%	64%	61%	45%
25	130%	140%	61%	59%	56%	39%
26	140%	150%	55%	53%	50%	33%
27	150%	160%	50%	48%	45%	28%
28	160%	200%	47%	45%	42%	25%
29	200%	210%	45%	43%	40%	22%
30	210%	220%	40%	38%	35%	20%

1	220%	230%	35%	33%	30%	15%
2	230%	240%	30%	28%	25%	10%
3	240%	250%	20%	18%	15%	5%
4	250%	260%	10%	8%	5%	5%
5	260%	280%	6%	6%	4%	4%
6	280%	300%	4%	4%	4%	4%
7	300%	-	0%	0%	0%	0%

8 “ \_\_\_\_\_

9 “(3) The applicable percentage for a household in excess of eight members  
10 shall be calculated as if for a household size of eight members.

11 “(4) The credit under this section is not allowed to a taxpayer with fed-  
12 eral adjusted gross income or Oregon adjusted gross income, whichever is  
13 greater, in excess of 300 percent of the federal poverty level.

14 “(5) For the purposes of calculating the allowed amount of credit  
15 applicable to a student:

16 “(a) Imputed income shall equal \$1,000 per qualified month per  
17 student for a student for whom there is one qualifying individual, or  
18 \$2,000 per qualified month per student for a student for which there  
19 are two or more qualifying individuals.

20 “(b) A qualified month is any month in which the student is a  
21 full-time or part-time student and attending school, or a summer  
22 month in a calendar year in which the student was enrolled in a  
23 degree-seeking program in both the spring and fall academic terms.

24 “(c) The school ratio shall equal 100 percent for a month for which  
25 a student is qualified for student financial aid as a full-time student,  
26 and 70 percent for a month for which a student is qualified for student  
27 financial aid as a part-time student.

28 “(d) If a student is a part-time student for a portion of the year and  
29 a full-time student for the balance of the year, the credit shall be  
30 prorated. The school ratio applicable to the summer months, if any,

1 shall be the school ratio applicable to the immediately preceding  
2 spring month.

3 “(6) Notwithstanding subsections (2) and (3) of this section, for a  
4 student with adjusted gross income as a percentage of the federal  
5 poverty level that is less than or equal to 110 percent, the amount of  
6 credit shall be the greater of:

7 “(a) The credit calculated using subsection (2) of this section; or

8 “(b) The product of the applicable percentage, as shown in sub-  
9 section (2) of this section, corresponding to an adjusted gross income  
10 percentage of 110 percent, multiplied by:

11 “(A) The lesser of expenses for care of a qualifying individual or  
12 imputed income; and

13 “(B) The school ratio.

14 “[5] (7) In order to ensure compliance with the eligibility requirements  
15 of the credit allowed under this section, the Department of Revenue shall  
16 be afforded access to utilization data maintained by the Department of Hu-  
17 man Services in its administration of the Employment Related Day Care  
18 program.

19 “[6] (8) The Department of Revenue may assess a penalty in an amount  
20 not to exceed 25 percent of the amount of credit claimed by the taxpayer  
21 against any taxpayer who knowingly claims or attempts to claim any amount  
22 of credit under this section for which the taxpayer is ineligible, or against  
23 any individual who knowingly assists another individual in claiming any  
24 amount of credit for which the individual is ineligible.

25 “[7] (9) The Department of Revenue may adopt rules for carrying out the  
26 provisions of this section and prescribe the form used to claim a credit and  
27 the information required on the form.

28 “[8] (10) A nonresident individual shall be allowed the credit computed  
29 in the same manner and subject to the same limitations as the credit allowed  
30 a resident by subsection (1) of this section. However, the credit shall be



1 prorated using the proportion provided in ORS 316.117.

2 “[9] (11) If a change in the taxable year of a taxpayer occurs as de-  
3 scribed in ORS 314.085, or if the Department of Revenue terminates the  
4 taxpayer’s taxable year under ORS 314.440, the credit allowed by this section  
5 shall be prorated or computed in a manner consistent with ORS 314.085.

6 “[10] (12) If a change in the status of a taxpayer from resident to non-  
7 resident or from nonresident to resident occurs, the credit allowed by this  
8 section shall be determined in a manner consistent with ORS 316.117.

9 “[11] (13) If the amount allowable as a credit under this section, when  
10 added to the sum of the amounts allowable as payment of tax under ORS  
11 316.187 or 316.583, other tax prepayment amounts and other refundable credit  
12 amounts, exceeds the taxes imposed by ORS chapters 314 and 316 for the tax  
13 year after application of any nonrefundable credits allowable for purposes  
14 of ORS chapter 316 for the tax year, the amount of the excess shall be re-  
15 funded to the taxpayer as provided in ORS 316.502.

16 “[12] (14) Any amount that is refunded to the taxpayer under this sec-  
17 tion and that is in excess of the tax liability of the taxpayer does not bear  
18 interest.

19 **“SECTION 6.** ORS 315.271 is amended to read:

20 “315.271. (1) A credit against taxes otherwise due under ORS chapter 316,  
21 317 or 318 shall be allowed for donations to a fiduciary organization for  
22 distribution to individual development accounts established under ORS  
23 458.685. The credit shall equal a percentage of the taxpayer’s donation  
24 amount, as determined by the fiduciary organization, but not to exceed 90  
25 percent of any donation amount. **A credit may be claimed for a donation**  
26 **made not later than April 15 following December 31 of the tax year for**  
27 **which the credit is allowed.** To qualify for a credit under this section,  
28 donations to a fiduciary organization must be made prior to [*January 1,*  
29 *2022*] **April 15, 2028.**

30 “(2) If a credit allowed under this section is claimed, the amount upon

1 which the credit is based that is allowed or allowable as a deduction from  
2 federal taxable income under section 170 of the Internal Revenue Code shall  
3 be added to federal taxable income in determining Oregon taxable income.  
4 As used in this subsection, the amount upon which a credit is based is the  
5 allowed credit divided by the applicable percentage, as determined by the  
6 fiduciary organization.

7 “(3) The allowable tax credit that may be used in any one tax year shall  
8 not exceed the tax liability of the taxpayer.

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

17 “(5) The total credits allowed to all taxpayers in any tax year under this  
18 section and ORS 458.690 may not exceed \$7.5 million. The total credit al-  
19 lowed to a taxpayer in any tax year under this section and ORS 458.690 may  
20 not exceed \$500,000.

21 **“SECTION 7.** Section 9, chapter 765, Oregon Laws 2007, as amended by  
22 section 7, chapter 701, Oregon Laws 2015, is amended to read:

23 **“Sec. 9. (1)** A credit may not be claimed under ORS 315.271 and 458.690  
24 for tax years beginning on or after January 1, [2022] **2028.**

25 **“(2) The amendments to ORS 315.271 by section 6 of this 2021 Act**  
26 **apply to tax years beginning on or after January 1, 2022, and before**  
27 **January 1, 2028.**

28 **“SECTION 8.** ORS 458.670 is amended to read:

29 “458.670. As used in this section and ORS 458.675 to 458.700, unless the  
30 context requires otherwise:

1 “(1) ‘Account holder’ means a resident of this state who:

2 “(a) Is 12 years of age or older;

3 “(b) Is a member of a lower income household; and

4 “(c) Has established an individual development account with a fiduciary  
5 organization.

6 “(2) ‘Fiduciary organization’ means an organization selected under ORS  
7 458.695 to administer state moneys directed to individual development ac-  
8 counts and that is:

9 “(a) A nonprofit, fund raising organization that is exempt from taxation  
10 under section 501(c)(3) of the Internal Revenue Code as amended and in ef-  
11 fect on December 31, 2018; or

12 “(b) A federally recognized Oregon Indian tribe that is located, to a sig-  
13 nificant degree, within the boundaries of this state.

14 “(3) ‘Financial institution’ means:

15 “(a) An organization regulated under ORS chapters 706 to 716 or 723; or

16 “(b) In the case of individual development accounts established for the  
17 purpose described in ORS 458.685 (1)(c), a financial institution as defined in  
18 ORS 178.300.

19 “(4) ‘Individual development account’ means a contract between an ac-  
20 count holder and a fiduciary organization, for the deposit of funds into a fi-  
21 nancial institution by the account holder[,] and the deposit of matching  
22 funds into [*the financial institution*] **a designated account** by the fiduciary  
23 organization, to allow the account holder to accumulate assets for use to-  
24 ward achieving a specific purpose approved by the fiduciary organization.

25 “(5) ‘Lower income household’ means a household having an income equal  
26 to or less than the greater of the following:

27 “(a) 80 percent of the median household income for the area as determined  
28 by the Housing and Community Services Department. In making the deter-  
29 mination, the department shall give consideration to any data on area  
30 household income published by the United States Department of Housing and

1 Urban Development.

2 “(b) 200 percent of the poverty guidelines as determined by the Housing  
3 and Community Services Department. In making the determination, the de-  
4 partment shall give consideration to poverty guidelines published by the  
5 United States Department of Health and Human Services and may consider  
6 other income data periodically published by other federal or Oregon agen-  
7 cies.

8 “(6)(a) ‘Net worth’ means a calculation based on the net value of  
9 assets of a household established by rule by the Housing and Commu-  
10 nity Services Department.

11 “(b) ‘Net worth’ does not include:

12 “(A) Equity in one residence and in one vehicle.

13 “(B) Holdings in pension accounts valued at less than \$120,000.

14 “[6] (7) ‘Resident of this state’ has the meaning given that term in ORS  
15 316.027.

16 “**SECTION 9.** ORS 458.675 is amended to read:

17 “458.675. The Legislative Assembly finds that:

18 “(1) The problem of poverty will not be solved solely by government pro-  
19 grams and income subsidies.

20 “(2) Family economic well-being does not come solely from income,  
21 spending or consumption, but instead requires savings, investment and the  
22 accumulation of assets.

23 “(3) It is appropriate for the state to institute an asset-based antipoverty  
24 strategy.

25 “(4) The state has an opportunity to take advantage of private and federal  
26 resources by making the transition to an asset-based antipoverty strategy.  
27 Those resources **may** include, but are not limited to, the Assets for Inde-  
28 pendence Act (42 U.S.C. 604) and the Workforce Innovation and Opportunity  
29 Act (29 U.S.C. 3101 et seq.).

30 “(5) Investment through an individual development account system will

1 help lower income households obtain the assets they need to succeed. Com-  
2 munities and this state will experience resultant economic and social bene-  
3 fits accruing from the promotion of [*job training and higher education, home*  
4 *ownership and small business development*] **the financial stability and**  
5 **resilience of lower income households.**

6 “[*(6) It is desirable for this state to enact legislation that enables an au-*  
7 *thorized fiduciary organization sufficient flexibility to receive private, state*  
8 *and federal moneys for individual development accounts. The Legislative As-*  
9 *sembly should periodically review the provisions of ORS 458.675 to 458.700 to*  
10 *ensure that this state maximizes the receipt of available federal moneys for*  
11 *individual development accounts.*.]

12 **“SECTION 10.** ORS 458.680 is amended to read:

13 “458.680. (1) A person who qualifies to become an account holder may  
14 enter into an agreement with a fiduciary organization for the establishment  
15 of an individual development account.

16 “(2) To become an account holder a person must, in addition to meeting  
17 any other qualifications, be a member of a lower income household that has  
18 a net worth of less than \$20,000. [*As used in this subsection, ‘net worth’*  
19 *means the value of all assets owned in whole or part by household members,*  
20 *excluding equity in a residence and in one vehicle, and excluding holdings in*  
21 *pension accounts, as defined by the Housing and Community Services Depart-*  
22 *ment by rule, that are valued at less than \$60,000, minus the total debts and*  
23 *obligations of household members, all as measured at the time that the person*  
24 *applies to establish the account.*.]

25 “(3) Every account holder, with support from the fiduciary organization,  
26 shall develop a personal development plan to advance account holder self-  
27 reliance. The personal development plan must include appropriate coaching,  
28 mentorship, social support, financial adequacy training and asset-specific  
29 training designed to increase the independence of the person and the person’s  
30 household through achievement of the account’s approved purpose.

1 “(4) Notwithstanding subsection (1) of this section, a fiduciary organiza-  
2 tion may refuse to allow a qualified person to establish an account if estab-  
3 lishment of the account would result in the members of a lower income  
4 household having more than one account. Notwithstanding subsection (1) of  
5 this section, a fiduciary organization shall refuse to allow a qualified person  
6 to establish an account if establishment of the account would result in the  
7 members of a lower income household having more than two accounts.

8 **“SECTION 11.** ORS 458.685, as amended by section 36, chapter 12, Oregon  
9 Laws 2020 (first special session) (Enrolled House Bill 4212), is amended to  
10 read:

11 “458.685. (1) A person may establish an individual development account  
12 only for a purpose approved by a fiduciary organization. Purposes that the  
13 fiduciary organization may approve are:

14 “(a) The acquisition of post-secondary education or job training.

15 “(b) If the account holder has established the account for the benefit of  
16 a household member who is under the age of 18 years, the payment of ex-  
17 tracurricular nontuition expenses designed to prepare the member for post-  
18 secondary education or job training.

19 “(c) If the account holder has established a savings network account for  
20 higher education under ORS 178.300 to 178.360 on behalf of a designated  
21 beneficiary, the funding of qualified higher education expenses as defined in  
22 ORS 178.300 by one or more deposits into a savings network account for  
23 higher education on behalf of the same designated beneficiary.

24 “(d) The purchase of a primary residence. In addition to payment on the  
25 purchase price of the residence, account moneys may be used to pay any  
26 usual or reasonable settlement, financing or other closing costs. The account  
27 holder must not have owned or held any interest in a residence during the  
28 three years prior to making the purchase. However, this three-year period  
29 shall not apply to displaced homemakers, individuals who have lost home  
30 ownership as a result of divorce or owners of manufactured homes.

1 “(e) The rental of a primary residence when housing stability is essential  
2 to achieve state policy goals. Account moneys may be used for security de-  
3 posits, first and last months’ rent, application fees and other expenses nec-  
4 essary to move into the primary residence, as specified in the account  
5 holder’s personal development plan for increasing the independence of the  
6 person.

7 “(f) The capitalization of a small business. Account moneys may be used  
8 for capital, plant, equipment and inventory expenses and to hire employees  
9 upon capitalization of the small business, or for working capital pursuant to  
10 a business plan. The business plan must have been developed [by] **with** a fi-  
11 nancial institution, nonprofit microenterprise program or other qualified  
12 agent demonstrating business expertise and have been approved by the  
13 fiduciary organization. The business plan must include a description of the  
14 services or goods to be sold, a marketing plan and projected financial state-  
15 ments.

16 “(g) Improvements, repairs or modifications necessary to make or keep the  
17 account holder’s primary dwelling habitable, accessible or visitable for the  
18 account holder or a household member. This paragraph does not apply to  
19 improvements, repairs or modifications made to a rented primary dwelling  
20 to achieve or maintain a habitable condition for which ORS 90.320 (1) places  
21 responsibility on the landlord. As used in this paragraph, ‘accessible’ and  
22 ‘visitable’ have the meanings given those terms in ORS 456.508.

23 “(h) The purchase of equipment, technology or specialized training [*re-*  
24 *quired*], **as specified in the account holder’s personal development plan,**  
25 **that allows the person** to become competitive in obtaining or maintaining  
26 employment, [*or*] to start or maintain a business, [*as specified in the account*  
27 *holder’s personal development plan for increasing*] **or to increase** the inde-  
28 pendence of [*the person*] **an account holder.**

29 “(i) The purchase or repair of a vehicle, as specified in the account  
30 holder’s personal development plan for increasing the independence of the

1 person.

2 “(j) The saving of funds for retirement, as specified in the account  
3 holder’s personal development plan for increasing the independence of the  
4 person.

5 “(k) The payment of debts [*owed for educational or medical purposes when*  
6 *the account holder is saving for another allowable purpose, as specified in*] **to**  
7 **support** the account holder’s personal development plan for increasing the  
8 independence of the person.

9 “(L) The creation or improvement of a credit score by obtaining a secured  
10 loan or a financial product that is designed to improve credit, as specified  
11 in the account holder’s personal development plan for increasing the inde-  
12 pendence of the person.

13 “(m) The replacement of a primary residence when replacement offers  
14 significant opportunity to improve habitability or energy efficiency.

15 “(n) The establishment of savings for emergency expenses to promote fi-  
16 nancial stability and to protect existing assets **as specified in the account**  
17 **holder’s personal development plan**. As used in this paragraph, ‘emer-  
18 gency expenses’ includes expenses for extraordinary medical costs or other  
19 unexpected and substantial personal expenses that would significantly impact  
20 the account holder’s noncash assets, health, housing or standard of living if  
21 not promptly addressed.

22 “(2)(a) An account holder may withdraw all or part of the account  
23 holder’s deposits to an individual development account for [*emergency ex-*  
24 *penses as defined in subsection (1)(n) of this section*] **any financial hardship**  
25 **as determined by the account holder**, without regard to whether the ac-  
26 count was established for emergency savings.

27 “(b) [*The account holder must reimburse an account established for a pur-*  
28 *pose listed under subsection (1)(a) to (m) of this section for the amount with-*  
29 *drawn under this subsection. Until the reimbursement has been made in full,*  
30 *an account holder may not withdraw any matching deposits or accrued interest*



1 *on matching deposits from the account except under this subsection.]* **The**  
2 **fiduciary organization shall remove from an account holder’s account**  
3 **any moneys deposited as matching funds to deposits withdrawn under**  
4 **this section, unless the withdrawn deposits were deposited and with-**  
5 **drawn for emergency expenses under subsection (1)(n) of this section.**

6 “[(3) *If an account holder withdraws moneys from an individual develop-*  
7 *ment account for other than an approved purpose, the fiduciary organization*  
8 *may remove the account holder from the program.]*

9 “[~~(4)(a)~~] **(3)(a)** If the account holder of an account established for the  
10 purpose set forth in subsection (1)(c) or (j) of this section has achieved the  
11 account’s approved purpose in accordance with the personal development  
12 plan developed by the account holder under ORS 458.680, the account holder  
13 may withdraw, or authorize the withdrawal of, the remaining amount of all  
14 deposits, including matching deposits, and interest in the account as follows:

15 “(A) For an account established for the purpose set forth in subsection  
16 (1)(c) of this section, by rolling over the entire withdrawal amount, not to  
17 exceed the limit established pursuant to ORS 178.335, into one or more of the  
18 savings network accounts for higher education under ORS 178.300 to 178.360,  
19 the establishment of which is the purpose of the individual development ac-  
20 count; or

21 “(B) For an account established for the purpose set forth in subsection  
22 (1)(j) of this section, by rolling over the entire withdrawal amount into an  
23 individual retirement account, a retirement plan or a similar account or plan  
24 established under the Internal Revenue Code.

25 “(b) Upon withdrawal of all moneys in the individual development ac-  
26 count as provided in paragraph (a) of this subsection, the account relation-  
27 ship shall terminate.

28 “(c) The rollover of moneys into a savings network account for higher  
29 education under this subsection may not cause the amount in the savings  
30 network account for higher education to exceed the limit on total contribu-

1 tions established pursuant to ORS 178.335.

2 “(d) Any amount of the rollover that has been subtracted on the  
3 taxpayer’s federal return pursuant to section 219 of the Internal Revenue  
4 Code shall be added back in the determination of taxable income.

5 “[5] (4) If an account holder moves from the area where the program is  
6 conducted or is otherwise unable to continue in the program, the fiduciary  
7 organization may remove the account holder from the program.

8 “[6] (5) If an account holder is removed from the program under sub-  
9 section [(3) or (5)] (4) of this section, all matching deposits in the account  
10 and all interest earned on matching deposits shall revert to the fiduciary  
11 organization. The fiduciary organization shall use the reverted funds as a  
12 source of matching deposits for other accounts.

13 **“SECTION 12.** ORS 458.690 is amended to read:

14 “458.690. (1) *[Notwithstanding ORS 315.271,]* A fiduciary organization se-  
15 lected under ORS 458.695 may qualify as the recipient of account contribu-  
16 tions that qualify the contributor for a tax credit under ORS 315.271 only if  
17 *[the fiduciary organization structures the accounts to have the following fea-*  
18 *tures:]*

19 “[a] the fiduciary organization matches amounts deposited by the ac-  
20 count holder according to a formula established by the fiduciary  
21 organization~~].~~ *The fiduciary organization shall maintain on deposit in the*  
22 *account] of* not less than \$1 nor more than \$5 for each \$1 deposited by the  
23 account holder.

24 “[b] *The matching deposits by the fiduciary organization to the individual*  
25 *development account are placed in:]*

26 “[A] *A savings account jointly held by the account holder and the*  
27 *fiduciary organization and requiring the signatures of both for withdrawals;]*

28 “[B] *A savings]* **The matching funds must be deposited into a des-**  
29 **ignated** account that is controlled by the fiduciary organization and is sep-  
30 arate from the savings account of the account holder~~]; or].~~

1       “(C) *In the case of an account established for the purpose described in*  
2 *ORS 458.685 (1)(c), a savings network account for higher education under ORS*  
3 *178.300 to 178.360, in which the fiduciary organization is the account owner*  
4 *as defined in ORS 178.300.*”]

5       “(2) Account holders may not accrue more than [\$3,000] **\$6,000** of match-  
6 ing funds under subsection (1) of this section from state-directed moneys in  
7 any 12-month period. A fiduciary organization may designate a lower amount  
8 as a limit on annual matching funds. A fiduciary organization shall maintain  
9 on deposit sufficient funds to cover the matching deposit agreements for all  
10 individual development accounts managed by the organization.

11       “(3) The Housing and Community Services Department shall adopt rules  
12 to establish a maximum total amount of state-directed moneys that may be  
13 deposited as matching funds into an individual development account.

14       “(4) The Housing and Community Services Department shall provide in-  
15 formation to the Department of Revenue about all individual development  
16 account contributors that are qualified for a tax credit under ORS 315.271,  
17 if required by ORS 315.058.

18       “**SECTION 13.** ORS 458.700 is amended to read:

19       “458.700. (1) Subject to Housing and Community Services Department  
20 rules, a fiduciary organization has sole authority over, and responsibility for,  
21 the administration of individual development accounts. The responsibility of  
22 the fiduciary organization extends to all aspects of the account program,  
23 including marketing to participants, soliciting **additional** matching contri-  
24 butions, counseling account holders, providing financial literacy education,  
25 and conducting required verification and compliances activities. The  
26 fiduciary organization may establish program provisions as the organization  
27 believes necessary to ensure account holder compliance with the provisions  
28 of ORS 458.680 and 458.685. [*Notwithstanding ORS 458.670 (5) and 458.680*  
29 *(2),*] A fiduciary organization may establish income and net worth limitations  
30 for account holders that are lower than the income and net worth limitations

1 established by ORS 458.670 (5) and 458.680 (2).

2 “(2) A fiduciary organization may act in partnership with other entities,  
3 including businesses, government agencies, nonprofit organizations, commu-  
4 nity development corporations, community action programs, housing author-  
5 ities and congregations to assist in the fulfillment of fiduciary organization  
6 responsibilities under [*this section and ORS 458.685, 458.690 and 458.695*]  
7 **ORS 458.670 to 458.700.**

8 “(3) A fiduciary organization may use a reasonable portion of moneys al-  
9 located to the individual development account program for administration,  
10 operation and evaluation purposes.

11 “(4) A fiduciary organization [*selected to administer moneys directed by the*  
12 *state to individual development account purposes or receiving tax deductible*  
13 *contributions*] shall provide the Housing and Community Services Depart-  
14 ment with an annual report of the fiduciary organization’s individual devel-  
15 opment account program activity. The report [*shall*] **must** be filed no later  
16 than 90 days after the end of the fiscal year of the fiduciary organization.  
17 The report [*shall*] **must** include, but is not limited to:

18 “(a) The number of individual development accounts administered by the  
19 fiduciary organization;

20 “(b) The amount of deposits and matching deposits for each account;

21 “(c) The purpose of each account;

22 “(d) The number of withdrawals made; and

23 “(e) Any other information the department may require for the purpose  
24 of making a return on investment analysis.

25 “[*(5) A fiduciary organization that is the account owner of a savings net-*  
26 *work account for higher education under ORS 178.300 to 178.360:*]

27 “[*(a) May make a qualified withdrawal only at the direction of the desig-*  
28 *nated beneficiary and only after the savings network account of the account*  
29 *holder that was established for the designated beneficiary has been reduced to*  
30 *a balance of zero exclusively through qualified withdrawals by the designated*

1 beneficiary; and]

2 “[b) May make nonqualified withdrawals only if the savings network ac-  
3 count of the account holder that was established for the designated beneficiary  
4 has a balance of less than \$100 or if the account holder or designated benefi-  
5 ciary has granted permission to make the withdrawal. Moneys received by a  
6 fiduciary organization from a nonqualified withdrawal made under this para-  
7 graph must be used for individual development account purposes.]

8 “[6)] (5) The department may make all reasonable and necessary rules to  
9 ensure fiduciary organization compliance with [this section and ORS 458.685  
10 and 458.695] **ORS 458.670 to 458.700.**

11 **“SECTION 14.** ORS 315.650 is amended to read:

12 “315.650. (1) A credit against taxes otherwise imposed under ORS chapter  
13 316 shall be allowed for amounts contributed by the taxpayer during the tax  
14 year to a savings network account for higher education established under  
15 ORS 178.300 to 178.360 or an ABLE account established under ORS 178.380.  
16 A taxpayer who makes contributions to both types of account may claim the  
17 credit for the amounts listed in subsection (2) of this section for each type  
18 of account.

19 “(2) The amount of the credit allowed under this section shall be limited  
20 based on the taxpayer’s adjusted gross income and shall be the lesser of \$300,  
21 if reported on a joint return, or \$150, if reported on any other type of return,  
22 or the following:

23 “(a) The amount contributed, if the taxpayer’s adjusted gross income does  
24 not exceed \$30,000;

25 “(b) 50 percent of the amount contributed, if the taxpayer’s adjusted gross  
26 income exceeds \$30,000 but does not exceed \$70,000;

27 “(c) 25 percent of the amount contributed, if the taxpayer’s adjusted gross  
28 income exceeds \$70,000 but does not exceed \$100,000;

29 “(d) 10 percent of the amount contributed, if the taxpayer’s adjusted gross  
30 income exceeds \$100,000 but does not exceed \$250,000; or

1       “(e) 5 percent of the amount contributed, if the taxpayer’s adjusted gross  
2 income exceeds \$250,000.

3       “(3)(a) The Department of Revenue shall annually adjust the maximum  
4 credit amounts allowable under this section according to the cost-of-living  
5 adjustment for the calendar year. The department shall first make this ad-  
6 justment for a joint return by multiplying the maximum credit amount in  
7 subsection (2) of this section by the percentage (if any) by which the monthly  
8 averaged U.S. City Average Consumer Price Index for the 12 consecutive  
9 months ending August 31 of the prior calendar year exceeds the monthly  
10 averaged U.S. City Average Consumer Price Index for the 12 consecutive  
11 months ending August 31, 2018.

12       “(b) As used in this subsection, ‘U.S. City Average Consumer Price  
13 Index’ means the U.S. City Average Consumer Price Index for All Urban  
14 Consumers (All Items) as published by the Bureau of Labor Statistics of the  
15 United States Department of Labor.

16       “(c) If any adjustment to the maximum credit amount for a joint return,  
17 as determined under paragraph (a) of this subsection, is not a multiple of \$20,  
18 the adjustment shall be rounded to the next lower multiple of \$20. The de-  
19 partment shall then adjust the maximum credit amount for all other types  
20 of returns so that it is half the maximum credit amount for a joint return.

21       “(4) A credit under this section is allowed for a preceding tax year for  
22 amounts contributed to a savings network account for higher education or  
23 to an ABLE account if the contribution is made before the taxpayer files a  
24 return or before the 15th day of the fourth month following the closing of  
25 the taxpayer’s tax year, whichever is earlier.

26       “(5) A credit is not allowed under this section for any amount that has  
27 been transferred into a savings network account for higher education from  
28 an individual development account, through a rollover, as provided in ORS  
29 458.685 [(4)(a)(A)] **(3)(a)(A)**.

30       “(6) If the amount allowable as a credit under this section, when added

1 to the sum of the amounts allowable as payment of tax under ORS 316.187  
2 (withholding), ORS 316.583 (estimated tax), other tax prepayment amounts  
3 and other refundable credit amounts, exceeds the taxes imposed by ORS  
4 chapters 314 and 316 for the tax year (reduced by any nonrefundable credits  
5 allowable for purposes of ORS chapter 316 for the tax year), the amount of  
6 the excess shall be refunded to the taxpayer as provided in ORS 316.502.

7 “(7) The credit shall be claimed on a form prescribed by the Department  
8 of Revenue that contains the information required by the department.

9 “(8) Spouses in a marriage who file separate returns for a taxable year  
10 may each claim a share of the tax credit that would have been allowed on  
11 a joint return in proportion to the adjusted gross income of each.

12 “(9) In the case of a credit allowed under this section:

13 “(a) A nonresident shall be allowed the credit in the proportion provided  
14 in ORS 316.117.

15 “(b) If a change in the status of the taxpayer from resident to nonresident  
16 or from nonresident to resident occurs, the credit shall be determined in a  
17 manner consistent with ORS 316.117.

18 “(c) If a change in the taxable year of the taxpayer occurs as described  
19 in ORS 314.085, or if the department terminates the taxpayer’s taxable year  
20 under ORS 314.440, the credit shall be prorated or computed in a manner  
21 consistent with ORS 314.085.

22 “**SECTION 15.** ORS 316.699 is amended to read:

23 “316.699. (1) There shall be subtracted from federal taxable income the  
24 amount contributed to:

25 “(a) A savings network account for higher education established under  
26 ORS 178.300 to 178.360; or

27 “(b) An ABLE account established under ORS 178.380 and rules adopted  
28 by the Oregon 529 Savings Board, when the contribution is made before the  
29 designated beneficiary of the account attains 21 years of age.

30 “(2) Notwithstanding subsection (1) of this section, a subtraction under

1 this section may not exceed the lesser of:

2 “(a) \$4,000 for the tax year if the taxpayer files a joint return, or \$2,000  
3 for the tax year if the taxpayer files a return other than a joint return; and

4 “(b) If an amount is carried forward to a succeeding tax year under sub-  
5 section (4) of this section, the balance in the savings network account for  
6 higher education or ABLE account at the close of the tax year for which the  
7 subtraction is being made.

8 “(3)(a) The Department of Revenue shall annually adjust the maximum  
9 subtraction allowable under this section according to the cost-of-living ad-  
10 justment for the calendar year. The department shall make this adjustment  
11 by multiplying the amount in subsection (2) of this section by the percentage  
12 (if any) by which the monthly averaged U.S. City Average Consumer Price  
13 Index for the 12 consecutive months ending August 31 of the prior calendar  
14 year exceeds the monthly averaged U.S. City Average Consumer Price Index  
15 for the 12 consecutive months ending August 31, 2007.

16 “(b) As used in this subsection, ‘U.S. City Average Consumer Price  
17 Index’ means the U.S. City Average Consumer Price Index for All Urban  
18 Consumers (All Items) as published by the Bureau of Labor Statistics of the  
19 United States Department of Labor.

20 “(4) Any amounts contributed to a savings network account for higher  
21 education or an ABLE account that are not subtracted from federal taxable  
22 income because of the monetary limitations imposed by subsection (2) of this  
23 section may be carried forward for four succeeding tax years and subtracted  
24 from federal taxable income in any of those succeeding tax years in an  
25 amount that does not exceed the monetary limitations imposed by subsection  
26 (2) of this section.

27 “(5) The amount contributed to a savings network account for higher ed-  
28 ucation or an ABLE account may be subtracted from a preceding tax year  
29 if the contribution is made before the taxpayer files a return or before the  
30 15th day of the fourth month following the closing of the taxpayer’s tax year,



1 whichever is earlier.

2 “(6) A subtraction is not allowed under this section for any amount that  
3 has been transferred into a savings network account for higher education  
4 from an individual development account, through a rollover, as provided in  
5 ORS 458.685 [(4)(a)(A)] **(3)(a)(A)**.

6 “**SECTION 16.** Section 50, chapter 913, Oregon Laws 2009, as amended  
7 by section 13, chapter 701, Oregon Laws 2015, is amended to read:

8 “**Sec. 50. An offset is not allowed under ORS 734.835 [does not apply**  
9 **to tax years beginning] if the first tax year for which the credit would**  
10 **otherwise be allowed begins** on or after January 1, [2022] **2028**.

11 “**SECTION 17.** Section 9, chapter 843, Oregon Laws 2007, as amended by  
12 section 52, chapter 913, Oregon Laws 2009, and section 12, chapter 701,  
13 Oregon Laws 2015, is amended to read:

14 “**Sec. 9.** (1) ORS 315.624 applies to tax years beginning on or after Janu-  
15 ary 1, 2008, and before January 1, [2022] **2028**.

16 “(2) The amendments to ORS 316.680 by section 2, chapter 843, Oregon  
17 Laws 2007, apply to tax years beginning on or after January 1, 2008, and  
18 before January 1, 2012.

19 “**SECTION 18.** ORS 315.167 is amended to read:

20 “315.167. (1) Prior to the completion of an agriculture workforce housing  
21 project for which credit under ORS 315.164 will be claimed, an owner or op-  
22 erator of agriculture workforce housing shall apply to the Housing and  
23 Community Services Department for a letter of credit approval.

24 “(2) The application shall be on such form as is prescribed by the Housing  
25 and Community Services Department and shall provide:

26 “(a) The name, address and taxpayer identification number of the tax-  
27 payer;

28 “(b) The location of the proposed agriculture workforce housing;

29 “(c) A description of the project identifying the type of housing that is  
30 the subject of the agriculture workforce housing project;

1 “(d) An estimate of the eligible costs of the agriculture workforce housing  
2 project;

3 “(e) The number of units in the project dedicated to agriculture workforce  
4 housing and the eligible costs associated with the units;

5 “(f) The amount of credit to be claimed by the owner or operator of ag-  
6 riculture workforce housing, and the amount of credit, if any, to be claimed  
7 by a contributor under ORS 315.169; and

8 “(g) Any other information as the Housing and Community Services De-  
9 partment may require.

10 “(3) The Housing and Community Services Department may review appli-  
11 cations using any reasonable system of prioritizing review established by  
12 department rule.

13 “[~~(4)~~ *Applications filed in compliance with this section shall be approved*  
14 *by the Housing and Community Services Department to the extent that the*  
15 *total of estimated eligible costs for all approved agriculture workforce housing*  
16 *projects for the calendar year is equal to or less than \$7.25 million. No appli-*  
17 *cation shall be approved if the addition of the estimated eligible costs of the*  
18 *project to the estimated eligible costs for all approved projects for the calendar*  
19 *year would exceed \$7.25 million.]*

20 “[~~(5)~~] (4) Upon approval of an application, the Housing and Community  
21 Services Department shall prepare a letter of credit approval. The letter shall  
22 state the approved amount of estimated eligible costs for the agriculture  
23 workforce housing project and, if applicable, the portion of credit to be  
24 claimed by an owner or operator of agriculture workforce housing under  
25 ORS 315.164 and the portion of credit to be claimed by a contributor under  
26 ORS 315.169. The letter shall be sent:

27 “(a) To the owner or operator of agriculture workforce housing, if any  
28 credit is to be claimed under ORS 315.164; and

29 “(b) To the contributor, if any credit is to be claimed under ORS 315.169  
30 and if the contributor has been identified at the time of approval.

1        “[6] (5) At the conclusion of each calendar year, the Housing and Com-  
2 munity Services Department shall send a list of the names, addresses and  
3 taxpayer identification numbers of taxpayers to whom a letter of credit ap-  
4 proval has been issued under this section during the calendar year, along  
5 with approved amounts of estimated eligible costs for each agriculture  
6 workforce housing project, to the Department of Revenue.

7        “[7] (6) Notwithstanding that a letter of credit approval has been issued  
8 to a taxpayer under this section, the Department of Revenue may disallow,  
9 in whole or in part, a claim for credit under ORS 315.164 upon the Depart-  
10 ment of Revenue’s determination that under the provisions of ORS 315.164  
11 the taxpayer is not entitled to the credit or is only entitled to a portion of  
12 the amount claimed.

13        **“SECTION 19. Section 20 of this 2021 Act is added to and made a**  
14 **part of ORS chapter 315.**

15        **“SECTION 20. The Housing and Community Services Department**  
16 **may approve an application under ORS 315.167 only if the potential**  
17 **credits of the project would not cause the total potential credits**  
18 **claimed under ORS 315.164 (1) for all approved applications to exceed**  
19 **\$16.75 million within the biennium in which the application is ap-**  
20 **proved.**

21        **“SECTION 21. Section 20 of this 2021 Act applies to biennia begin-**  
22 **ning on or after July 1, 2021.**

23        **“SECTION 22. ORS 458.660 is amended to read:**

24        “458.660. (1) Except as provided in subsection (2) of this section, the  
25 Housing and Community Services Department shall disburse the moneys  
26 credited to the [*Farmworker*] **Agricultural Worker** Housing Development  
27 Account to expand this state’s supply of housing for low and very low income  
28 [*farmworkers*] **agricultural workers.**

29        “(2) The department may expend funds from the account for adminis-  
30 tration of the account as provided for in the legislatively approved budget,

1 as that term is defined in ORS 291.002, for the department.

2 **“SECTION 23.** ORS 458.620 is amended to read:

3 “458.620. (1) There is created, separate and distinct from the General Fund  
4 of the State Treasury, the Oregon Housing Fund, which consists of six sep-  
5 arate revolving accounts:

6 “(a) The Housing Development and Guarantee Account;

7 “(b) The Emergency Housing Account;

8 “(c) The Home Ownership Assistance Account;

9 “(d) The [*Farmworker*] **Agricultural Worker** Housing Development Ac-  
10 count;

11 “(e) The General Housing Account; and

12 “(f) The Wildfire Damage Housing Relief Account.

13 “(2) Earnings on investment of moneys in:

14 “(a) The Housing Development and Guarantee Account accrue to that  
15 account.

16 “(b) The Emergency Housing Account accrue to that account.

17 “(c) The Home Ownership Assistance Account accrue to that account.

18 “(d) The [*Farmworker*] **Agricultural Worker** Housing Development Ac-  
19 count accrue to that account.

20 “(e) The General Housing Account accrue to that account.

21 “(f) The Wildfire Damage Housing Relief Account accrue to that account.

22 “(3)(a) Moneys in the Housing Development and Guarantee Account are  
23 continuously appropriated to the Housing and Community Services Depart-  
24 ment to carry out the provisions of ORS 458.630.

25 “(b) Moneys in the Emergency Housing Account are continuously appro-  
26 priated to the department to carry out the provisions of ORS 458.650.

27 “(c) Moneys in the Home Ownership Assistance Account are continuously  
28 appropriated to the department to carry out the provisions of ORS 458.655.

29 “(d) Moneys in the [*Farmworker*] **Agricultural Worker** Housing Devel-  
30 opment Account are continuously appropriated to the department to carry

1 out the provisions of ORS 458.660.

2 “(e) Moneys in the General Housing Account are continuously appropri-  
3 ated to the department to carry out the provisions of ORS 456.515 to 456.725.

4 “(f) Moneys in the Wildfire Damage Housing Relief Account are contin-  
5 uously appropriated to the department to carry out the provisions of ORS  
6 458.667.

7 “(4) Individuals and corporations, both for profit or nonprofit, may make  
8 monetary contributions to be credited to:

9 “(a) The Housing Development and Guarantee Account; or

10 “(b) The General Housing Account.

11 **“SECTION 24.** ORS 458.620, as amended by section 39, chapter 10, Oregon  
12 Laws 2020 (second special session), is amended to read:

13 “458.620. (1) There is created, separate and distinct from the General Fund  
14 of the State Treasury, the Oregon Housing Fund, which consists of five sep-  
15 arate revolving accounts:

16 “(a) The Housing Development and Guarantee Account;

17 “(b) The Emergency Housing Account;

18 “(c) The Home Ownership Assistance Account;

19 “(d) The [*Farmworker*] **Agricultural Worker** Housing Development Ac-  
20 count; and

21 “(e) The General Housing Account.

22 “(2) Earnings on investment of moneys in:

23 “(a) The Housing Development and Guarantee Account accrue to that  
24 account.

25 “(b) The Emergency Housing Account accrue to that account.

26 “(c) The Home Ownership Assistance Account accrue to that account.

27 “(d) The [*Farmworker*] **Agricultural Worker** Housing Development Ac-  
28 count accrue to that account.

29 “(e) The General Housing Account accrue to that account.

30 “(3)(a) Moneys in the Housing Development and Guarantee Account are

1 continuously appropriated to the Housing and Community Services Depart-  
2 ment to carry out the provisions of ORS 458.630.

3 “(b) Moneys in the Emergency Housing Account are continuously appro-  
4 priated to the department to carry out the provisions of ORS 458.650.

5 “(c) Moneys in the Home Ownership Assistance Account are continuously  
6 appropriated to the department to carry out the provisions of ORS 458.655.

7 “(d) Moneys in the [*Farmworker*] **Agricultural Worker** Housing Devel-  
8 opment Account are continuously appropriated to the department to carry  
9 out the provisions of ORS 458.660.

10 “(e) Moneys in the General Housing Account are continuously appropri-  
11 ated to the department to carry out the provisions of ORS 456.515 to 456.725.

12 “(4) Individuals and corporations, both for profit or nonprofit, may make  
13 monetary contributions to be credited to:

14 “(a) The Housing Development and Guarantee Account; or

15 “(b) The General Housing Account.

16 “**SECTION 25.** ORS 654.086 is amended to read:

17 “654.086. (1) The Director of the Department of Consumer and Business  
18 Services or the authorized representative of the director has the authority  
19 to assess civil penalties as provided by this section for violation of the re-  
20 quirements of a state occupational safety or health statute or the lawful  
21 rules, standards or orders adopted under the statute. In setting maximum  
22 penalties, the director or the director’s representative shall consider, but may  
23 not exceed, the maximum penalties under the federal Occupational Safety  
24 and Health Act of 1970 (29 U.S.C. 651 et seq.).

25 “(a) Any employer who receives a citation for a serious violation of such  
26 requirements shall be assessed a civil penalty of not less than \$50.

27 “(b) Any employer who receives a citation for a violation of such re-  
28 quirements, and such violation is specifically determined not to be of a se-  
29 rious nature, may be assessed a civil penalty.

30 “(c) Any employer who willfully or repeatedly violates such requirements

1 may be assessed a civil penalty of not less than the minimum penalty under  
2 the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et  
3 seq.).

4 “(d) Any employer who receives a citation, as provided in ORS 654.071 (4),  
5 for failure to correct a violation may be assessed a civil penalty for each day  
6 during which the violation continues.

7 “(e) Any employer who knowingly makes any false statement, represen-  
8 tation or certification regarding the correction of a violation shall be as-  
9 sessed a civil penalty of not less than \$100.

10 “(f) Any employer who violates any of the posting requirements, as pre-  
11 scribed under the provisions of ORS 654.001 to 654.295, 654.412 to 654.423 and  
12 654.750 to 654.780, may be assessed a civil penalty for each violation.

13 “(g) Any person who violates the provisions of ORS 654.082 (2) or (3) shall  
14 be assessed a civil penalty of not less than \$100 for each violation.

15 “(h) Notwithstanding paragraph (b) of this subsection, an employer who  
16 substantially fails to comply with ORS 654.174 (1) shall be assessed a civil  
17 penalty of not less than \$250 for each violation.

18 “(i) Any insurer or self-insured employer who violates any provision of  
19 ORS 654.097, or any rule or order carrying out ORS 654.097, shall be assessed  
20 a civil penalty. Each violation, or each day a violation continues, shall be  
21 considered a separate offense.

22 “(2) For the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and  
23 654.750 to 654.780 a serious violation exists in a place of employment if there  
24 is a substantial probability that death or serious physical harm could result  
25 from a condition which exists, or from one or more practices, means, meth-  
26 ods, operations or processes which have been adopted or are in use, in such  
27 place of employment unless the employer did not, and could not with the  
28 exercise of reasonable diligence, know of the presence of the violation.

29 “(3) When an order assessing a civil penalty becomes final by operation  
30 of law or on appeal, unless the amount of penalty is paid within 20 days after

1 the order becomes final, it constitutes a judgment and may be recorded with  
2 the county clerk in any county of this state. The clerk shall thereupon record  
3 the name of the person incurring the penalty and the amount of the penalty  
4 in the County Clerk Lien Record. The penalty provided in the order so re-  
5 corded shall become a lien upon the title to any interest in property owned  
6 by the person against whom the order is entered, and execution may be is-  
7 sued upon the order in the same manner as execution upon a judgment of a  
8 court of record.

9 “(4) Except as provided in subsection (5) of this section, civil penalties  
10 collected under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to  
11 654.780 shall be paid into the Consumer and Business Services Fund.

12 “(5) Civil penalties assessed under this section for a violation of ORS  
13 658.750 shall be credited to the [*Farmworker*] **Agricultural Worker** Housing  
14 Development Account of the Oregon Housing Fund.

15 **“SECTION 26.** ORS 658.453 is amended to read:

16 “658.453. (1) In addition to any other penalty provided by law, the Com-  
17 missioner of the Bureau of Labor and Industries may assess a civil penalty  
18 not to exceed \$2,000 for each violation by:

19 “(a) A labor contractor who, without the license required by ORS 658.405  
20 to 658.511, recruits, solicits, supplies or employs a worker.

21 “(b) A labor contractor who fails to comply with ORS 658.415 (16).

22 “(c) A labor contractor who fails to comply with ORS 658.440 (1), (2)(c)  
23 or (3).

24 “(d) Any person who violates ORS 658.452.

25 “(e) A labor contractor who fails to comply with ORS 658.417 (1).

26 “(f) Any person who uses an unlicensed labor contractor without com-  
27 plying with ORS 658.437.

28 “(2) Civil penalties under this section shall be imposed as provided in  
29 ORS 183.745.

30 “(3) All penalties recovered under this section shall be paid into the State



1 Treasury and credited to the [*Farmworker*] **Agricultural Worker** Housing  
2 Development Account of the Oregon Housing Fund.

3 “(4) After filing a complaint with the commissioner, in addition to any  
4 other penalty provided by law, a worker has a right of action against a labor  
5 contractor who violates ORS 658.417 (1) or (2), 658.440 or 658.452 without  
6 exhausting any alternative administrative remedies. The action may not be  
7 commenced later than two years after the date of the violation giving rise  
8 to the right of action. The amount of damages recoverable for each violation  
9 under this subsection is actual damages or \$1,000, whichever amount is  
10 greater. In any such action the court may award to the prevailing party, in  
11 addition to costs and disbursements, reasonable attorney fees at trial and  
12 appeal.

13 **“SECTION 27.** ORS 658.815 is amended to read:

14 “658.815. (1) All farmworker camp indorsement fees received by the Com-  
15 missioner of the Bureau of Labor and Industries under ORS 658.810 shall be  
16 credited to the Bureau of Labor and Industries Account. Notwithstanding  
17 ORS 651.160 (1) and 658.413 (4), moneys credited to the account under this  
18 subsection are continuously appropriated for the enforcement of ORS 658.705  
19 to 658.850.

20 “(2) Moneys collected from civil penalties imposed by the commissioner  
21 pursuant to ORS 658.850 for violations of ORS 658.750 shall be credited to  
22 the [*Farmworker*] **Agricultural Worker** Housing Development Account of  
23 the Oregon Housing Fund.

24 “(3) Except as provided in subsection (2) of this section, all moneys other  
25 than fees described in ORS 658.413 received by the commissioner under ORS  
26 658.705 to 658.850 shall be credited to the General Fund.

27 **“SECTION 28.** (1) **The amendments to ORS 458.620, 458.660, 654.086,**  
28 **658.453 and 658.815 by sections 22 to 27 of this 2021 Act are intended to**  
29 **change the name of the ‘Farmworker Housing Development Account’**  
30 **to the ‘Agricultural Worker Housing Development Account.’**

1       **“(2) For the purpose of harmonizing and clarifying statutory law,**  
2 **the Legislative Counsel may substitute for words designating the**  
3 **‘Farmworker Housing Development Account,’ wherever they occur in**  
4 **statutory law, other words designating the ‘Agricultural Worker**  
5 **Housing Development Account.’**

6       **“SECTION 29.** ORS 317.097 is amended to read:

7       “317.097. (1) As used in this section:

8       “(a) ‘Annual rate’ means the yearly interest rate specified on the note,  
9 and not the annual percentage rate, if any, disclosed to the applicant to  
10 comply with the federal Truth in Lending Act.

11       “(b) ‘Bonds’ means a bond, as defined in ORS 286A.001, if issued on  
12 behalf of the Housing and Community Services Department, or bonds,  
13 as defined in ORS 456.055, if issued by a housing authority.

14       “[(b)] (c) ‘Finance charge’ means the total of all interest, loan fees, in-  
15 terest on any loan fees financed by the lending institution, and other charges  
16 related to the cost of obtaining credit.

17       “[(c)] (d) ‘Lending institution’ means any insured institution, as that term  
18 is defined in ORS 706.008, any mortgage banking company that maintains an  
19 office in this state or any community development corporation that is or-  
20 ganized under the Oregon Nonprofit Corporation Law.

21       “[(d)] (e) ‘Manufactured dwelling park’ has the meaning given that term  
22 in ORS 446.003.

23       “[(e)] (f) ‘Nonprofit corporation’ means a corporation that is exempt from  
24 income taxes under section 501(c)(3) or (4) of the Internal Revenue Code as  
25 amended and in effect on December 31, 2018.

26       “[(f)] (g) ‘Preservation project’ means housing that was previously devel-  
27 oped as affordable housing with a contract for rent assistance from the  
28 United States Department of Housing and Urban Development or the United  
29 States Department of Agriculture and that is being acquired by a sponsoring  
30 entity.

1       “[(g)] (h) ‘Qualified assignee’ means any investor participating in the  
2 secondary market for real estate loans.

3       “[(h)] (i) ‘Qualified borrower’ means any borrower that is a sponsoring  
4 entity that has a controlling interest in the real property that is financed  
5 by a qualified loan. A controlling interest includes a controlling interest in  
6 the general partner of a limited partnership that owns the real property.

7       “[(i)] (j) ‘Qualified loan’ means:

8       “(A) A loan that meets the criteria stated in subsection (5) of this section  
9 or that is made to refinance a loan that meets the criteria described in sub-  
10 section (5) of this section; or

11       “[(B) *The purchase by a lending institution of bonds, as defined in ORS*  
12 *286A.001, issued on behalf of the Housing and Community Services Depart-*  
13 *ment, the proceeds of which are used to finance or refinance a loan that meets*  
14 *the criteria described in subsection (5) of this section.*]

15       “(B) **The purchase by a lending institution of bonds, the proceeds**  
16 **of which are used to finance or refinance a loan that meets the criteria**  
17 **described in subsection (5) of this section.**

18       “[(j)] (k) ‘Sponsoring entity’ means a nonprofit corporation, nonprofit  
19 cooperative, state governmental entity, local unit of government as defined  
20 in ORS 466.706, housing authority or any other person, provided that the  
21 person has agreed to restrictive covenants imposed by a nonprofit corpo-  
22 ration, nonprofit cooperative, state governmental entity, local unit of gov-  
23 ernment or housing authority.

24       “(2) The Department of Revenue shall allow a credit against taxes other-  
25 wise due under this chapter for the tax year to a lending institution that  
26 makes a qualified loan certified by the Housing and Community Services  
27 Department as provided in subsection (7) of this section. The amount of the  
28 credit is equal to the difference between:

29       “(a) The amount of finance charge charged by the lending institution  
30 during the tax year at an annual rate less than the market rate for a quali-

1 fied loan that is made before January 1, 2026, that complies with the re-  
2 quirements of this section; and

3 “(b) The amount of finance charge that would have been charged during  
4 the tax year by the lending institution for the qualified loan for housing  
5 construction, development, acquisition or rehabilitation measured at the an-  
6 nual rate charged by the lending institution for nonsubsidized loans made  
7 under like terms and conditions at the time the qualified loan for housing  
8 construction, development, acquisition or rehabilitation is made.

9 “(3) The maximum amount of credit for the difference between the  
10 amounts described in subsection (2)(a) and (b) of this section may not exceed  
11 four percent of the average unpaid balance of the qualified loan during the  
12 tax year for which the credit is claimed.

13 “(4) Any tax credit allowed under this section that is not used by the  
14 taxpayer in a particular year may be carried forward and offset against the  
15 taxpayer’s tax liability for the next succeeding tax year. Any credit remain-  
16 ing unused in the next succeeding tax year may be carried forward and used  
17 in the second succeeding tax year, and likewise, any credit not used in that  
18 second succeeding tax year may be carried forward and used in the third  
19 succeeding tax year, and any credit not used in that third succeeding tax  
20 year may be carried forward and used in the fourth succeeding tax year, and  
21 any credit not used in that fourth succeeding tax year may be carried for-  
22 ward and used in the fifth succeeding tax year, but may not be carried for-  
23 ward for any tax year thereafter.

24 “[5) *To be eligible for the tax credit allowable under this section, a lending*  
25 *institution must make a qualified loan by either purchasing bonds, as defined*  
26 *in ORS 286A.001, issued on behalf of the Housing and Community Services*  
27 *Department, the proceeds of which are used to finance or refinance a loan that*  
28 *meets the criteria stated in this subsection, or by making a loan directly to:]*

29 “(5) **To be eligible for the tax credit allowable under this section, a**  
30 **lending institution must make a qualified loan by either purchasing**

1 **bonds, the proceeds of which are used to finance or refinance a loan**  
2 **that meets the criteria stated in this subsection, or making a loan di-**  
3 **rectly to:**

4 “(a) An individual or individuals who own a dwelling, participate in an  
5 owner-occupied community rehabilitation program and are certified by the  
6 local government or its designated agent as having an income level when the  
7 loan is made of less than 80 percent of the area median income;

8 “(b) A qualified borrower who:

9 “(A) Uses the loan proceeds to finance construction, development, acqui-  
10 sition or rehabilitation of housing; and

11 “(B) Provides a written certification executed by the Housing and Com-  
12 munity Services Department that the:

13 “(i) Housing created by the loan is or will be occupied by households  
14 earning less than 80 percent of the area median income; and

15 “(ii) Full amount of savings from the reduced interest rate provided by  
16 the lending institution is or will be passed on to the tenants in the form of  
17 reduced housing payments;

18 “(c) Subject to subsection (14) of this section, a qualified borrower who:

19 “(A) Uses the loan proceeds to finance construction, development, acqui-  
20 sition or rehabilitation of housing consisting of a manufactured dwelling  
21 park; and

22 “(B) Provides a written certification executed by the Housing and Com-  
23 munity Services Department that the housing will continue to be operated  
24 as a manufactured dwelling park during the period for which the tax credit  
25 is allowed; [*or*]

26 “(d) A qualified borrower who:

27 “(A) Uses the loan proceeds to finance acquisition or rehabilitation of  
28 housing consisting of a preservation project; and

29 “(B) Provides a written certification executed by the Housing and Com-  
30 munity Services Department that the housing preserved by the loan:

1 “(i) Is or will be occupied by households earning less than 80 percent of  
2 the area median income; and

3 “(ii) Is the subject of a rent assistance contract with the United States  
4 Department of Housing and Urban Development or the United States De-  
5 partment of Agriculture that will be maintained by the qualified  
6 borrower[.]; or

7 **“(e) A qualified borrower who:**

8 **“(A) Uses the loan proceeds to finance construction, development,  
9 acquisition or rehabilitation of housing; and**

10 **“(B) Provides a written certification executed by the Housing and  
11 Community Services Department or the governmental party to the  
12 rent assistance contract that the housing preserved by the loan:**

13 **“(i) Is or will be occupied by households earning less than 80 percent  
14 of the area median income; and**

15 **“(ii) Is the subject of a rent assistance contract with the federal  
16 government or with a state or local government that will be main-  
17 tained by the qualified borrower and that limits a tenant’s rent to no  
18 more than 30 percent of their income.**

19 “(6) A loan made to refinance a loan that meets the criteria stated in  
20 subsection (5) of this section must be treated the same as a loan that meets  
21 the criteria stated in subsection (5) of this section.

22 “(7) For a qualified loan to be eligible for the tax credit allowable under  
23 this section, the Housing and Community Services Department must execute  
24 a written certification for the qualified loan that:

25 *“(a) Specifies the period, not to exceed 20 years, as determined by the  
26 Housing and Community Services Department, during which the tax credit is  
27 allowed for the qualified loan; and]*

28 *“(b) States that the qualified loan is within the limitation imposed by  
29 subsection (8) of this section.]*

30 **“(a) States that the qualified loan is within the limitation imposed**

1 **by subsection (8) of this section; and**

2 **“(b) Specifies the period, as determined by the Housing and Com-**  
3 **munity Services Department, during which the tax credit is allowed**  
4 **for the qualified loan, not to exceed:**

5 **“(A) 30 years, for a qualified loan with a contract for rent assistance**  
6 **or financing resources from the United States Department of Agri-**  
7 **culture, for new housing construction, acquisition of housing or a**  
8 **preservation project; or**

9 **“(B) 20 years, for any other type of qualified loan.**

10 **“(8) The Housing and Community Services Department may certify quali-**  
11 **fied loans that are eligible under subsection (5) of this section if the total**  
12 **credits attributable to all qualified loans eligible for credits under this sec-**  
13 **tion and then outstanding do not exceed [*\$25 million*] **\$35 million** for any**  
14 **fiscal year. In making loan certifications under subsection (7) of this section,**  
15 **the Housing and Community Services Department shall attempt to distribute**  
16 **the tax credits statewide, but shall concentrate the tax credits in those areas**  
17 **of the state that are determined by the Oregon Housing Stability Council to**  
18 **have the greatest need for affordable housing.**

19 **“(9) The tax credit provided for in this section may be taken whether or**  
20 **not:**

21 **“(a) The financial institution is eligible to take a federal income tax**  
22 **credit under section 42 of the Internal Revenue Code with respect to the**  
23 **project financed by the qualified loan; or**

24 **“(b) The project receives financing from bonds, the interest on which is**  
25 **exempt from federal taxation under section 103 of the Internal Revenue Code.**

26 **“(10) For a qualified loan defined in subsection [*(1)(i)(B)*] **(1)(j)(B)** of this**  
27 **section financed through the purchase of bonds, the interest of which is ex-**  
28 **empt from federal taxation under section 103 of the Internal Revenue Code,**  
29 **the amount of finance charge that would have been charged under subsection**  
30 **(2)(b) of this section is determined by reference to the finance charge that**

1 would have been charged if the federally tax exempt bonds had been issued  
2 and the tax credit under this section did not apply.

3 “(11) A lending institution may sell a qualified loan for which a certi-  
4 fication has been executed to a qualified assignee whether or not the lending  
5 institution retains servicing of the qualified loan so long as a designated  
6 lending institution maintains records, annually verified by a loan servicer,  
7 that establish the amount of tax credit earned by the taxpayer throughout  
8 each year of eligibility.

9 “(12) Notwithstanding any other provision of law, a lending institution  
10 that is a community development corporation organized under the Oregon  
11 Nonprofit Corporation Law may transfer all or part of a tax credit allowed  
12 under this section to one or more other lending institutions that are stock-  
13 holders or members of the community development corporation or that oth-  
14 erwise participate through the community development corporation in the  
15 making of one or more qualified loans for which the tax credit under this  
16 section is allowed.

17 “(13) The lending institution shall file an annual statement with the  
18 Housing and Community Services Department, specifying that it has con-  
19 formed with all requirements imposed by law to qualify for a tax credit under  
20 this section.

21 “(14) Notwithstanding subsection [(1)(h) and (j)] **(1)(i) and (k)** of this  
22 section, a qualified borrower on a loan to finance the construction, develop-  
23 ment, acquisition or rehabilitation of a manufactured dwelling park under  
24 subsection (5)(c) of this section must be:

25 “(a) A nonprofit corporation, manufactured dwelling park nonprofit co-  
26 operative, state governmental entity, local unit of government as defined in  
27 ORS 466.706 or housing authority; or

28 “(b) A nonprofit corporation or housing authority that has a controlling  
29 interest in the real property that is financed by a qualified loan. A control-  
30 ling interest includes a controlling interest in the general partner of a lim-



1 ited partnership that owns the real property.

2 “(15) The Department of Revenue may require that a lending institution  
3 that has earned the credit and a lending institution that intends to claim the  
4 credit jointly file a notice, as prescribed by the Department of Revenue. The  
5 notice must comply with ORS 315.056 (2) or 315.058 (2).

6 “(16) The Housing and Community Services Department shall provide in-  
7 formation to the Department of Revenue about all certifications executed  
8 under this section, if required by ORS 315.058.

9 “(17) The Housing and Community Services Department and the Depart-  
10 ment of Revenue may adopt rules to carry out the provisions of this section.

11 **“SECTION 30. The amendments to ORS 317.097 by section 29 of this**  
12 **2021 Act apply to tax years beginning on or after January 1, 2022, and**  
13 **before January 1, 2026.**

14 **“SECTION 31.** ORS 315.514 is amended to read:

15 “315.514. (1) A credit against the taxes that are otherwise due under ORS  
16 chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or  
17 318, is allowed to a taxpayer for certified film production development con-  
18 tributions made by the taxpayer during the tax year to the Oregon Pro-  
19 duction Investment Fund established under ORS 284.367.

20 “(2)(a) The Department of Revenue shall, in cooperation with the Oregon  
21 Film and Video Office, conduct an auction of tax credits under this section.  
22 The auction may be conducted no later than April 15 following December 31  
23 of any tax year for which the credit is allowed. The department may conduct  
24 the auction in the manner that it determines is best suited to maximize the  
25 return to the state on the sale of tax credit certifications and shall announce  
26 a reserve bid prior to conducting the auction. The reserve amount shall be  
27 at least 90 percent of the total amount of the tax credit. Moneys necessary  
28 to reimburse the department for the actual costs incurred by the department  
29 in administering an auction, not to exceed 0.25 percent of auction proceeds,  
30 are continuously appropriated to the department. The department shall de-

1 posit net receipts from the auction required under this section in the Oregon  
2 Production Investment Fund.

3 “(b) The Oregon Film and Video Office shall adopt rules in order to  
4 achieve the following goals:

5 “(A) Subject to paragraph (a) of this subsection, generate contributions  
6 for which tax credits of [*\$14 million*] **\$20 million** are certified for each fiscal  
7 year;

8 “(B) Maximize income and excise tax revenues that are retained by the  
9 State of Oregon for state operations; and

10 “(C) Provide the necessary financial incentives for taxpayers to make  
11 contributions, taking into consideration the impact of granting a credit upon  
12 a taxpayer’s federal income tax liability.

13 “(3) Contributions made under this section shall be deposited in the  
14 Oregon Production Investment Fund.

15 “(4)(a) Upon receipt of a contribution, the Oregon Film and Video Office  
16 shall, except as provided in ORS 315.516, issue to the taxpayer written cer-  
17 tification of the amount certified for tax credit under this section to the  
18 extent the amount certified for tax credit, when added to all amounts previ-  
19 ously certified for tax credit under this section, does not exceed [*\$14*  
20 *million*] **\$20 million** for the fiscal year in which certification is made.

21 “(b) The Oregon Film and Video Office and the department are not liable,  
22 and a refund of a contributed amount need not be made, if a taxpayer who  
23 has received tax credit certification is unable to use all or a portion of the  
24 tax credit to offset the tax liability of the taxpayer.

25 “(5) To the extent the Oregon Film and Video Office does not certify  
26 contributed amounts as eligible for a tax credit under this section, the tax-  
27 payer may request a refund of the amount the taxpayer contributed, and the  
28 office shall refund that amount.

29 “(6)(a) Except as provided in paragraph (b) of this subsection, a tax credit  
30 claimed under this section may not exceed the tax liability of the taxpayer

1 and may not be carried over to another tax year.

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

10 “(c) A taxpayer is not eligible for a tax credit under this section if the  
11 first tax year for which the credit would otherwise be allowed begins on or  
12 after January 1, [2024] **2030**.

13 “(7) If a tax credit is claimed under this section by a nonresident or  
14 part-year resident taxpayer, the amount shall be allowed without proration  
15 under ORS 316.117.

16 “(8) If the amount of contribution for which a tax credit certification is  
17 made is allowed as a deduction for federal tax purposes, the amount of the  
18 contribution shall be added to federal taxable income for Oregon tax pur-  
19 poses.

20 **“SECTION 32. The amendments to ORS 315.514 by section 31 of this**  
21 **2021 Act apply to fiscal years beginning on or after July 1, 2021.**

22 **“SECTION 33.** Section 1a, chapter 559, Oregon Laws 2005, as amended  
23 by section 16, chapter 730, Oregon Laws 2011, and section 2, chapter 38,  
24 Oregon Laws 2017, is amended to read:

25 **“Sec. 1a.** The Oregon Film and Video Office may not issue a qualifying  
26 film production labor rebate certificate under section 1, chapter 559, Oregon  
27 Laws 2005, on or after January 1, [2024] **2030**.

28 **“SECTION 34.** Section 77, chapter 736, Oregon Laws 2003, as amended  
29 by section 1, chapter 913, Oregon Laws 2009, section 17, chapter 730, Oregon  
30 Laws 2011, and section 42, chapter 701, Oregon Laws 2015, is amended to

1 read:

2 “**Sec. 77.** ORS 315.514 applies to tax years beginning on or after January  
3 1, 2005, and before January 1, [2024] **2030**, and to tax credit certifications  
4 issued by the Oregon Film and Video Office on or after July 1, 2005.

5 “**NOTE:** Sections 35 through 43 were deleted by amendment. Subsequent  
6 sections were not renumbered.

7 “**SECTION 44. ORS 475B.707 applies to retail sales of marijuana**  
8 **items occurring on or after January 1, 2016, and before January 1, 2028.**

9 “**SECTION 45.** ORS 320.308 is amended to read:

10 “320.308. The following are exempt from the state transient lodging tax:

11 “(1) A dwelling unit in a hospital, health care facility, long term care  
12 facility or any other residential facility that is licensed, registered or certi-  
13 fied by the Department of Human Services or the Oregon Health Authority.

14 “(2) A dwelling unit in a facility providing treatment for drug or alcohol  
15 abuse or providing mental health treatment.

16 “(3) A dwelling unit that is used by members of the general public for  
17 temporary human occupancy for fewer than 30 days per year. The exemption  
18 granted under this subsection does not apply to a dwelling unit that is rented  
19 out as transient lodging using a platform of any kind provided in any manner  
20 by a transient lodging intermediary.

21 “(4) A dwelling unit, the consideration for which is funded through a  
22 contract with a government agency and the purpose of which is to provide  
23 emergency or temporary shelter.

24 “(5) A dwelling unit at a nonprofit youth or church camp, nonprofit con-  
25 ference center or other nonprofit facility.

26 “(6) A dwelling unit that is leased or otherwise occupied by the same  
27 person for a consecutive period of 30 days or more during the year. The re-  
28 quirements of this subsection are satisfied even if the physical dwelling unit  
29 changes during the consecutive period, if:

30 “(a) All dwelling units occupied are within the same facility; and

1       “(b) The person paying consideration for the transient lodging is the same  
2 person throughout the consecutive period.

3       **“(7) Barracks, quarters or other facilities or space located on in-  
4 stallations owned, operated or controlled by the Oregon Military De-  
5 partment that are used for temporary overnight human occupancy by:**

6       **“(a) Active or retired members or service veterans of the Armed  
7 Forces of the United States or the National Guard or other reserve  
8 component of the Armed Forces of the United States; or**

9       **“(b) Employees or agents of the Oregon Military Department.**

10       **“SECTION 46. Section 47 of this 2021 Act is added to and made a  
11 part of ORS 320.300 to 320.365.**

12       **“SECTION 47. Barracks, quarters or other facilities or space located  
13 on installations owned, operated or controlled by the Oregon Military  
14 Department are exempt from any local transient lodging tax if the  
15 facilities or space are used for temporary overnight human occupancy  
16 by:**

17       **“(1) Active or retired members or service veterans of the Armed  
18 Forces of the United States or the National Guard or other reserve  
19 component of the Armed Forces of the United States; or**

20       **“(2) Employees or agents of the department.**

21       **“SECTION 48. Section 47 of this 2021 Act and the amendments to  
22 ORS 320.308 by section 45 of this 2021 Act apply to occupancy described  
23 in ORS 320.308 (7) and section 47 of this 2021 Act that occurs before,  
24 on or after the effective date of this 2021 Act.**

25       **“SECTION 49. ORS 315.266 is amended to read:**

26       **“315.266. (1)(a) In addition to any other credit available for purposes of  
27 ORS chapter 316, an eligible resident individual shall be allowed a credit  
28 against the tax otherwise due under ORS chapter 316 for the tax year in an  
29 amount equal to nine percent of the earned income credit allowable to the  
30 individual for the same tax year under section 32 of the Internal Revenue**

1 Code.

2 “(b) Notwithstanding paragraph (a) of this subsection, for a taxpayer with  
3 a dependent under the age of three at the close of the tax year, the credit  
4 allowed under this section shall be in an amount equal to 12 percent of the  
5 earned income credit allowable to the individual for the same tax year under  
6 section 32 of the Internal Revenue Code.

7 “**(2) A resident individual may claim a credit under this section,**  
8 **using either a Social Security number or an individual taxpayer iden-**  
9 **tification number, if, but for section 32(m) of the Internal Revenue**  
10 **Code, the individual would otherwise be eligible to claim a credit under**  
11 **section 32 of the Internal Revenue Code. The credit allowed as pro-**  
12 **vided in this subsection shall equal the percentage, as stated in sub-**  
13 **section (1) of this section, of the amount that would be allowed on a**  
14 **federal return, based on the amount of the individual’s earned income**  
15 **and the other provisions of section 32 of the Internal Revenue Code.**

16 “[2] (3) An eligible nonresident individual shall be allowed the credit  
17 computed in the same manner and subject to the same limitations as the  
18 credit allowed a resident by subsection (1) **or (2)** of this section. However,  
19 the credit shall be prorated using the proportion provided in ORS 316.117.

20 “[3] (4) If a change in the taxable year of a taxpayer occurs as described  
21 in ORS 314.085, or if the Department of Revenue terminates the taxpayer’s  
22 taxable year under ORS 314.440, the credit allowed by this section shall be  
23 prorated or computed in a manner consistent with ORS 314.085.

24 “[4] (5) If a change in the status of a taxpayer from resident to nonres-  
25 ident or from nonresident to resident occurs, the credit allowed by this sec-  
26 tion shall be determined in a manner consistent with ORS 316.117.

27 “[5] (6) If the amount allowable as a credit under this section, when  
28 added to the sum of the amounts allowable as payment of tax under ORS  
29 316.187 or 316.583, other tax prepayment amounts and other refundable credit  
30 amounts, exceeds the taxes imposed by ORS chapters 314 and 316 for the tax

1 year after application of any nonrefundable credits allowable for purposes  
2 of ORS chapter 316 for the tax year, the amount of the excess shall be re-  
3 funded to the taxpayer as provided in ORS 316.502.

4 “[~~(6)~~] (7) The Department of Revenue may adopt rules for purposes of this  
5 section, including but not limited to rules relating to proof of eligibility  
6 [*and*], the furnishing of information regarding the federal earned income  
7 credit claimed by the taxpayer for the tax year **and policies and guidelines**  
8 **for the determination of the amount of credit allowed under sub-**  
9 **section (2) of this section.**

10 “[~~(7)~~] (8) Refunds attributable to the earned income credit allowed under  
11 this section do not bear interest.

12 **“SECTION 50. The amendments to ORS 315.266 by section 49 of this**  
13 **2021 Act apply to tax years beginning on or after January 1, 2022, and**  
14 **before January 1, 2026.**

15 **“SECTION 51. This 2021 Act takes effect on the 91st day after the**  
16 **date on which the 2021 regular session of the Eighty-first Legislative**  
17 **Assembly adjourns sine die.”.**

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