

House Bill 2204

Sponsored by Representatives SMITH DB, MORGAN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates income or corporate excise tax credit for taxpayer that employs youth through Oregon Youth Employment Program.

Applies to tax years beginning on or after January 1, 2024, and before January 1, 2030.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to a tax credit for employment of youth through the Oregon Youth Employment Program;
3 creating new provisions; amending ORS 314.772 and 318.031; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 315.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Eligible employee" means an individual who is:**

8 (A) **At least 14 years of age and not older than 24 years of age;**

9 (B) **Employed by an eligible employer for at least 200 hours during the tax year; and**

10 (C) **Employed through the Oregon Youth Employment Program created under ORS**
11 **660.353.**

12 (b) **"Eligible employer" means an entity that is doing business in this state.**

13 (2) **A credit against taxes that are otherwise due under ORS chapter 316 or, if the tax-**
14 **payer is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer that is an eli-**
15 **gible employer for each eligible employee the taxpayer employs during the tax year.**

16 (3)(a) **The credit under this section is allowed for full-time or part-time employment.**

17 (b) **The credit allowed under this section shall be a maximum of \$2,500 for each eligible**
18 **employee employed by a taxpayer.**

19 (4) **Prior to claiming the credit allowed under this section, a taxpayer is required to re-**
20 **ceive written certification of eligibility from the Employment Department of any employee**
21 **for which the taxpayer is seeking to claim the credit.**

22 (5) **The credit allowed under this section may not exceed the tax liability of the taxpayer**
23 **for the tax year.**

24 (6) **Any tax credit otherwise allowable under this section that is not used by the taxpayer**
25 **in a particular tax year may be carried forward and offset against the taxpayer's tax liability**
26 **for the next succeeding tax year. Any credit remaining unused in the next succeeding tax**
27 **year may be carried forward and used in the second succeeding tax year, and likewise any**
28 **credit not used in that second succeeding tax year may be carried forward and used in the**
29 **third succeeding tax year but may not be carried forward for any other succeeding tax year.**

30 (7) **The Higher Education Coordinating Commission and the Employment Department**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 shall adopt rules for the purposes of this section, including policies and procedures for veri-
2 fying taxpayer eligibility for the credit allowed under this section.

3 (8) The Employment Department shall provide information to the Department of Revenue
4 about all taxpayers that are eligible for a tax credit under this section, if required by ORS
5 315.058.

6 **SECTION 3.** ORS 314.772, as amended by section 11, chapter 34, Oregon Laws 2022, and section
7 15, chapter 115, Oregon Laws 2022, is amended to read:

8 314.772. (1) Except as provided in ORS 314.766 (5)(b), the tax credits allowed or allowable to a
9 C corporation for purposes of ORS chapter 317 or 318 shall not be allowed to an S corporation. The
10 business tax credits allowed or allowable for purposes of ORS chapter 316 shall be allowed or are
11 allowable to the shareholders of the S corporation.

12 (2) In determining the tax imposed under ORS chapter 316, as provided under ORS 314.763, on
13 income of the shareholder of an S corporation, there shall be taken into account the shareholder's
14 pro rata share of business tax credit (or item thereof) that would be allowed to the corporation (but
15 for subsection (1) of this section) or recapture or recovery thereof. The credit (or item thereof), re-
16 capture or recovery shall be passed through to shareholders in pro rata shares as determined in the
17 manner prescribed under section 1377(a) of the Internal Revenue Code.

18 (3) The character of any item included in a shareholder's pro rata share under subsection (2)
19 of this section shall be determined as if such item were realized directly from the source from which
20 realized by the corporation, or incurred in the same manner as incurred by the corporation.

21 (4) If the shareholder is a nonresident and there is a requirement applicable for the business tax
22 credit that in the case of a nonresident the credit be allowed in the proportion provided in ORS
23 316.117, then that provision shall apply to the nonresident shareholder.

24 (5) As used in this section, "business tax credit" means the following credits: ORS 315.104
25 (forestation and reforestation), ORS 315.138 (fish screening, by-pass devices, fishways), ORS 315.141
26 (biomass production for biofuel), ORS 315.156 (crop gleaning), ORS 315.164 and 315.169 (agriculture
27 workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS
28 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee
29 and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.304 (pollution
30 control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy
31 conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy re-
32 source equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facili-
33 ties), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones),
34 ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS
35 315.523 (employee training programs), ORS 315.533 (low income community jobs initiative), ORS
36 315.593 (short line railroads), ORS 315.640 (university venture development funds), ORS 315.643
37 (Opportunity Grant Fund contributions), ORS 315.675 (Trust for Cultural Development Account
38 contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise zone
39 facilities), ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified research
40 expenses) and ORS 317.154 (alternative qualified research expenses) and section 9, chapter 774,
41 Oregon Laws 2013 (alternative fuel vehicle contributions), section 2, chapter 34, Oregon Laws 2022
42 (small forest option), and section 8, chapter 115, Oregon Laws 2022 (agricultural overtime pay), **and**
43 **section 2 of this 2023 Act (Oregon Youth Employment Program employment).**

44 **SECTION 4.** ORS 318.031, as amended by section 12, chapter 34, Oregon Laws 2022, and section
45 16, chapter 115, Oregon Laws 2022, is amended to read:

1 318.031. It being the intention of the Legislative Assembly that this chapter and ORS chapter
2 317 shall be administered as uniformly as possible (allowance being made for the difference in im-
3 position of the taxes), ORS 305.140 and 305.150, ORS chapter 314 and the following sections are in-
4 corporated into and made a part of this chapter: ORS 315.104, 315.141, 315.156, 315.176, 315.204,
5 315.208, 315.213, 315.304, 315.326, 315.331, 315.336, 315.506, 315.507, 315.523, 315.533, 315.593 and
6 315.643 and section 2, chapter 34, Oregon Laws 2022, and section 8, chapter 115, Oregon Laws 2022,
7 **and section 2 of this 2023 Act** (all only to the extent applicable to a corporation) and ORS chapter
8 317.

9 **SECTION 5. Section 2 of this 2023 Act applies to tax years beginning on or after January**
10 **1, 2024, and before January 1, 2030.**

11 **SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023**
12 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**