House Bill 2414

Sponsored by Representative OWENS, Senator FINDLEY (at the request of Representative Kevin Mannix) (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 pays salary or wages of em-
ployee while employee misses work to attend jury service, or for self-employed individual unable to
engage in trade or business because of jury service.

Modifies juror fee provisions. Increases juror fee in circuit court to $50 per day. Requires self-
employed individual eligible for tax credit to waive fee.

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

Relating to jury service; creating new provisions; amending ORS 10.061, 314.772 and 318.031; and
prescribing an effective date.

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

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

SECTION 2. (1) A credit against taxes that are otherwise due under ORS chapter 316 or,
if the taxpayer is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer that
is:

(a) An employer that pays the wages or salary of an employee who was scheduled but
unable to work because the employee was required to attend jury service; or

(b) A self-employed individual who was unable to engage in the taxpayer's trade or busi-
ness because the taxpayer was required to attend jury service.

(2) The credit allowed under this section shall be equal to:

(a) $150 per day that the employee of the taxpayer missed work because of jury service
and the taxpayer paid the wages or salary of the employee; or

(b) $150 per day that the taxpayer was unable to engage in the taxpayer's trade or busi-
ness because of jury service.

(3) The credit allowed under this section may not exceed the tax liability of the taxpayer
for the tax year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. ORS 10.061 is amended to read:

10.061. (1) The fee of jurors in courts other than circuit courts is $10 for each day that a juror is required to attend.

(2)(a) The fee of jurors for the first two days of required attendance in circuit court during a term of service is $10 for each day that a juror is required to attend.

(b) The fee of jurors for the third and subsequent days of required attendance in circuit court during a term of service is $25 for each day that a juror is required to attend. The fee of jurors in a circuit court is $50 for each day that a juror is required to attend.

(3)(a) Unless otherwise provided by the terms of an employment agreement, a juror must waive the juror’s fee provided for in subsection (1), (2) or (4) of this section if the juror is paid a wage or salary by the juror’s employer for the days that the juror is required to attend a court, including a municipal or justice court.

(b) A juror must waive the juror’s fee provided for in subsection (1), (2) or (4) of this section if the juror is a self-employed individual eligible to claim the tax credit under section 2 of this 2023 Act.

(c) The provisions of this subsection do not affect any claim a juror may have for mileage reimbursement under ORS 10.065.

(4) In addition to the fees and mileage prescribed in subsection (1) of this section and ORS 10.065 for service in a court other than a circuit court, the governing body of a city or county may provide by ordinance for an additional juror fee and for city or county reimbursement of jurors for mileage and other expenses incurred in serving as jurors in courts other than circuit courts.

SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.