

Senate Bill 571

Sponsored by Senator KNOPP; Representative ZIKA (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 credit against income tax for taxpayers with not more than 100 employees that create 10 or more new jobs during tax year.

Applies to tax years beginning on or after January 1, 2020, and before January 1, 2026.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to a tax credit for workforce expansion; creating new provisions; amending ORS 314.752
3 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 2019 Act is added to and made a part of ORS chapter 315.**

6 **SECTION 2. (1) A credit against taxes that are otherwise due under ORS chapter 316 or,
7 if the taxpayer is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer that
8 creates 10 or more new employment positions during a tax year. The credit allowed shall be
9 in the amount of \$1,000 per new employment position created.**

10 **(2) In order to qualify a taxpayer for the credit allowed under this section, a new em-
11 ployment position must:**

12 **(a) Be filled during the tax year immediately preceding the tax year for which the credit
13 is claimed;**

14 **(b) Remain filled for at least 12 consecutive months;**

15 **(c) Create a net increase in the number of full-time equivalent positions of the taxpayer
16 compared to the taxpayer's payroll as of the last day of the tax year that immediately pre-
17 cedes the tax year described in paragraph (a) of this subsection;**

18 **(d) Be created by a taxpayer with not more than 100 employees; and**

19 **(e) Provide compensation that is greater than the median income in the local community
20 in which the employee filling the position performs a plurality of the employee's work, as
21 determined by the Department of Revenue.**

22 **(3) Prior to claiming the credit allowed under this section, a taxpayer is required to re-
23 ceive written certification of eligibility from the department.**

24 **(4) The credit allowed under this section may not exceed the tax liability of the taxpayer
25 for the tax year.**

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

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 **third succeeding tax year but may not be carried forward for any tax year thereafter.**

2 **(6) A nonresident shall be allowed the credit under this section. The credit shall be**
3 **computed in the same manner and be subject to the same limitations as the credit granted**
4 **to a resident. However, the credit shall be prorated using the proportion provided in ORS**
5 **316.117.**

6 **(7) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,**
7 **or if the department terminates the taxpayer's taxable year under ORS 314.440, the credit**
8 **allowed by this section shall be prorated or computed in a manner consistent with ORS**
9 **314.085.**

10 **(8) If a change in the status of a taxpayer from resident to nonresident or from nonres-**
11 **ident to resident occurs, the credit allowed by this section shall be determined in a manner**
12 **consistent with ORS 316.117.**

13 **(9) The department shall adopt rules for the purposes of this section, including policies**
14 **and procedures for demarcating local communities for purposes of subsection (2)(e) of this**
15 **section and policies and procedures for certifying taxpayers as eligible for the credit allowed**
16 **under this section as required in subsection (3) of this section.**

17 **SECTION 3.** ORS 314.752, as amended by section 7, chapter 108, Oregon Laws 2018, is amended
18 to read:

19 314.752. (1) Except as provided in ORS 314.740 (5)(b), the tax credits allowed or allowable to a
20 C corporation for purposes of ORS chapter 317 or 318 shall not be allowed to an S corporation. The
21 business tax credits allowed or allowable for purposes of ORS chapter 316 shall be allowed or are
22 allowable to the shareholders of the S corporation.

23 (2) In determining the tax imposed under ORS chapter 316, as provided under ORS 314.734, on
24 income of the shareholder of an S corporation, there shall be taken into account the shareholder's
25 pro rata share of business tax credit (or item thereof) that would be allowed to the corporation (but
26 for subsection (1) of this section) or recapture or recovery thereof. The credit (or item thereof), re-
27 capture or recovery shall be passed through to shareholders in pro rata shares as determined in the
28 manner prescribed under section 1377(a) of the Internal Revenue Code.

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

32 (4) If the shareholder is a nonresident and there is a requirement applicable for the business tax
33 credit that in the case of a nonresident the credit be allowed in the proportion provided in ORS
34 316.117, then that provision shall apply to the nonresident shareholder.

35 (5) As used in this section, "business tax credit" means the following credits: ORS 315.104
36 (forestation and reforestation), ORS 315.138 (fish screening, by-pass devices, fishways), ORS 315.141
37 (biomass production for biofuel), ORS 315.156 (crop gleaning), ORS 315.164 and 315.169 (agriculture
38 workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS
39 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee
40 and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.304 (pollution
41 control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy
42 conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy re-
43 source equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facili-
44 ties), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones),
45 ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS

1 315.521 (university venture development funds), ORS 315.523 (employee training programs), ORS
2 315.533 (low income community jobs initiative), ORS 315.675 (Trust for Cultural Development Ac-
3 count contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise
4 zone facilities), ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified re-
5 search expenses) and ORS 317.154 (alternative qualified research expenses) and section 9, chapter
6 774, Oregon Laws 2013 (alternative fuel vehicle contributions), and section 2, chapter 108, Oregon
7 Laws 2018 (Opportunity Grant Fund contributions), **and section 2 of this 2019 Act (new employ-
8 ment positions).**

9 **SECTION 4.** ORS 318.031, as amended by section 8, chapter 108, Oregon Laws 2018, is amended
10 to read:

11 318.031. It being the intention of the Legislative Assembly that this chapter and ORS chapter
12 317 shall be administered as uniformly as possible (allowance being made for the difference in im-
13 position of the taxes), ORS 305.140 and 305.150, ORS chapter 314 and the following sections are in-
14 corporated into and made a part of this chapter: ORS 315.104, 315.141, 315.156, 315.176, 315.204,
15 315.208, 315.213, 315.304, 315.326, 315.331, 315.336, 315.506, 315.507, 315.523 and 315.533 and section
16 2, chapter 108, Oregon Laws 2018, **and section 2 of this 2019 Act** (all only to the extent applicable
17 to a corporation) and ORS chapter 317.

18 **SECTION 5.** **Section 2 of this 2019 Act applies to tax years beginning on or after January**
19 **1, 2020, and before January 1, 2026.**

20 **SECTION 6.** **This 2019 Act takes effect on the 91st day after the date on which the 2019**
21 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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