

**PROPOSED AMENDMENTS TO
HOUSE BILL 2113**

1 In line 2 of the printed bill, after “contributions;” delete the rest of the
2 line and delete line 3 and insert “creating new provisions; amending ORS
3 329A.706 and section 13, chapter 674, Oregon Laws 2001; and prescribing an
4 effective date.”.

5 After line 9, insert:

6 **“SECTION 2.** ORS 329A.706 is amended to read:

7 “329A.706. (1) For the purpose of implementing the program established
8 under ORS 329A.703, the Early Learning Council, in collaboration with an
9 advisory committee established by the council and the Office of Child Care,
10 shall:

11 “(a) Adopt rules.

12 “(b) Select a tax credit marketer who agrees to market tax credits to
13 taxpayers.

14 “(c) Identify child care goals that are consistent with the purposes pro-
15 vided in ORS 329A.703 (2). The goals identified under this paragraph shall
16 take into account state resources and needs.

17 “(d) Develop by rule the application process an entity must complete to
18 be designated as a community agency under ORS 329A.700 to 329A.718, and
19 any process for the renewal of that designation.

20 “(e) Select one or more community agencies.

21 “(f) Enter into an agreement with each selected community agency to
22 perform the functions specified in ORS 329A.715.

1 “(g) Determine the total value of moneys to be available to each selected
2 community agency to distribute to providers based on goals identified under
3 paragraph (c) of this subsection, and distribute those moneys in the manner
4 provided in ORS 329A.712 to the selected community agencies. The total
5 value of moneys available to all selected community agencies in this state
6 may not exceed the amount of contributions received from taxpayers during
7 the tax year minus any reasonable administrative costs incurred by the Of-
8 fice of Child Care and the selected community agencies.

9 “(2) The Early Learning Council may adopt rules that establish a fixed
10 percentage that is less than 100 percent by which the amount contributed
11 by a taxpayer will be certified for a tax credit by the Office of Child Care.
12 The purpose of the grant of rulemaking authority under this subsection is
13 to permit the Early Learning Council to calibrate the amount of the tax
14 credit to interpretations of the deductibility of qualified contributions under
15 section 170 of the Internal Revenue Code for federal tax purposes.

16 “(3)(a) The Office of Child Care shall issue tax credit certificates in the
17 chronological order in which the contributions are received by the office.
18 The office shall issue tax credit certificates to contributors until the total
19 value of all certificates issued by the office for the calendar year equals
20 ~~[\$500,000]~~ **\$2.5 million**. Each issued certificate shall state the value of the
21 contribution being certified as eligible for the tax credit allowed under ORS
22 315.213. Except as provided in rules adopted under subsection (2) of this
23 section, the certified value shall equal the amount of the contribution.

24 “(b) The Office of Child Care may not issue a tax credit certificate to a
25 taxpayer to the extent the credit value to be certified, when added to the
26 total credit value previously certified by the office under paragraph (a) of
27 this subsection for the calendar year exceeds ~~[\$500,000]~~ **\$2.5 million**.

28 “(c) The Office of Child Care shall send a copy of all tax credit certifi-
29 cates issued under this section to the Department of Revenue.

30 “(d) Qualified contributions shall be deposited in the Child Care Fund.

1 “(4) A taxpayer that receives a notice of denial of a tax credit certificate
2 or that receives a tax credit certificate issued for an amount that is less than
3 the amount contributed may request a refund for the amount contributed
4 within 90 days of the denial or issuance of the certificate by the Office of
5 Child Care. The Office of Child Care must send notice of a denial or
6 changed amount and refund the amount for which a tax credit will not be
7 granted within 30 days after receiving the request. The refund shall be made
8 from the Child Care Fund.

9 “(5) The Early Learning Council may establish by rule any other pro-
10 visions required to implement the program established under ORS 329A.700
11 to 329A.718.

12 “**SECTION 3. The amendments to ORS 329A.706 by section 2 of this**
13 **2015 Act apply to certificates issued on or after January 1, 2016.**

14 “**SECTION 4. This 2015 Act takes effect on the 91st day after the**
15 **date on which the 2015 regular session of the Seventy-eighth Legisla-**
16 **tive Assembly adjourns sine die.”.**

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