

SB 215-1
(LC 745)
1/31/19 (ASD/ps)

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
SENATE BILL 215**

1 On page 1 of the printed bill, line 3, after “314.276” insert “, 315.506”.

2 On page 4, after line 5, insert:

3 **“SECTION 7.** ORS 315.506 is amended to read:

4 “315.506. (1) A credit against the taxes that are otherwise due under ORS
5 chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or
6 318, is allowed to an eligible business **that is** operating a new business fa-
7 cility in a reservation enterprise zone or a reservation partnership zone.

8 “(2) The amount of the credit allowed to the eligible business shall equal:

9 “(a) The amount of tribal property tax imposed on a new business facility
10 of an eligible business that is paid or incurred by the eligible business during
11 the income or corporate excise tax year of the eligible business; or

12 “(b) If the eligible business has not previously conducted business oper-
13 ations within the reservation enterprise zone or reservation partnership zone,
14 the amount of tribal tax paid or incurred by the eligible business during the
15 income or corporate excise tax year of the eligible business.

16 “(3) The credit allowed to the eligible business may not exceed the tax
17 liability of the eligible business for the tax year and may not be carried over
18 to another tax year.

19 “(4) A credit is allowable under this section only to the extent the tribal
20 tax on which the credit is based is imposed on businesses not owned by In-
21 dians on a uniform basis within the territory over which the tribal govern-

1 ment has the authority to levy, impose and collect taxes.

2 “(5) The credit shall be claimed on a form prescribed by the Department
3 of Revenue containing the information required by the department, including
4 information sufficient for the department to determine that the taxpayer is
5 an eligible business and that the facility operated by the business is a new
6 business facility.

7 “(6) An eligible nonresident individual shall be allowed the credit com-
8 puted in the same manner and subject to the same limitations as the credit
9 allowed a resident by subsection (1) of this section. However, the credit shall
10 be prorated using the proportion provided in ORS 316.117.

11 “(7) If a change in the taxable year of a taxpayer occurs as described in
12 ORS 314.085, or if the Department of Revenue terminates the taxpayer’s
13 taxable year under ORS 314.440, the credit allowed by this section shall be
14 prorated or computed in a manner consistent with ORS 314.085.

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

18 “(9) An eligible business claiming a credit under this section shall main-
19 tain records sufficient to authenticate the allowance of the credit claimed
20 under this section and shall furnish the department with these records upon
21 the request of the department.

22 “(10) A credit claimed by an eligible business may not be disallowed solely
23 because the eligible business conducts business operations both within and
24 outside of a reservation enterprise zone or a reservation partnership zone.

25 “(11) **As used in this section, ‘eligible business,’ ‘new business fa-**
26 **cility,’ ‘reservation enterprise zone,’ ‘reservation partnership zone,’**
27 **‘tribal government’ and ‘tribal tax’ have the meanings given those**
28 **terms in ORS 285C.300.**

29 “**NOTE:** Corrects syntax in (1); incorporates applicable definitions from
30 statutory series that statute was a part of before 2017 renumbering.”.

- 1 In line 6, delete “7” and insert “8”.
- 2 In line 9, delete “8” and insert “9”.
- 3 In line 10, delete “8” and insert “9”.
- 4 In line 12, delete “9” and insert “10”.

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