

House Bill 2819

Sponsored by Representatives REARDON, CAMPOS, HUDSON (Presession 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**.

Allows otherwise qualified individual to claim earned income tax credit under individual taxpayer identification number in lieu of Social Security number.

Applies to tax years beginning on or after January 1, 2022, and before January 1, 2026.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to earned income tax credits; creating new provisions; amending ORS 315.266; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 315.266 is amended to read:

6 315.266. (1)(a) In addition to any other credit available for purposes of ORS chapter 316, an eli-
7 gible resident individual shall be allowed a credit against the tax otherwise due under ORS chapter
8 316 for the tax year in an amount equal to nine percent of the earned income credit allowable to
9 the individual for the same tax year under section 32 of the Internal Revenue Code.

10 (b) Notwithstanding paragraph (a) of this subsection, for a taxpayer with a dependent under the
11 age of three at the close of the tax year, the credit allowed under this section shall be in an amount
12 equal to 12 percent of the earned income credit allowable to the individual for the same tax year
13 under section 32 of the Internal Revenue Code.

14 **(2) A resident individual may claim a credit under this section, using either a Social Se-**
15 **curity number or an individual taxpayer identification number, if, but for section 32(m) of**
16 **the Internal Revenue Code, the individual would otherwise be eligible to claim a credit under**
17 **section 32 of the Internal Revenue Code. The credit allowed shall be the sum of:**

18 **(a) The amount that would be allowed on a federal return, based on the amount of the**
19 **individual's earned income and the other provisions of section 32 of the Internal Revenue**
20 **Code, but only to the extent that this amount exceeds the amount of credit actually allowed**
21 **on the taxpayer's federal return; and**

22 **(b) The percentage, as stated in subsection (1) of this section, of the amount that would**
23 **be allowed on a federal return, based on the amount of the individual's earned income and**
24 **the other provisions of section 32 of the Internal Revenue Code.**

25 [(2)] (3) An eligible nonresident individual shall be allowed the credit computed in the same
26 manner and subject to the same limitations as the credit allowed a resident by subsection (1) of this
27 section. However, the credit shall be prorated using the proportion provided in ORS 316.117.

28 [(3)] (4) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if
29 the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit
30 allowed by this section shall be prorated or computed in a manner consistent with ORS 314.085.

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 [(4)] (5) If a change in the status of a taxpayer from resident to nonresident or from nonresident
2 to resident occurs, the credit allowed by this section shall be determined in a manner consistent
3 with ORS 316.117.

4 [(5)] (6) If the amount allowable as a credit under this section, when added to the sum of the
5 amounts allowable as payment of tax under ORS 316.187 or 316.583, other tax prepayment amounts
6 and other refundable credit amounts, exceeds the taxes imposed by ORS chapters 314 and 316 for
7 the tax year after application of any nonrefundable credits allowable for purposes of ORS chapter
8 316 for the tax year, the amount of the excess shall be refunded to the taxpayer as provided in ORS
9 316.502.

10 [(6)] (7) The Department of Revenue may adopt rules for purposes of this section, including but
11 not limited to rules relating to proof of eligibility [*and*], the furnishing of information regarding the
12 federal earned income credit claimed by the taxpayer for the tax year **and policies and guidelines**
13 **for the determination of the amount of credit allowed under subsection (2) of this section.**

14 [(7)] (8) Refunds attributable to the earned income credit allowed under this section do not bear
15 interest.

16 **SECTION 2. The amendments to ORS 315.266 by section 1 of this 2021 Act apply to tax**
17 **years beginning on or after January 1, 2022, and before January 1, 2026.**

18 **SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021**
19 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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