

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1524**

1 On page 1 of the printed A-engrossed bill, line 2, delete “315.616,”.

2 On page 3, delete lines 21 through 40 and insert:

3 **“NOTE: Section 2 was deleted by amendment. Subsequent sections were**
4 **not renumbered.”.**

5 On page 13, delete lines 4 through 22 and insert:

6 **“SECTION 12. Section 13 of this 2022 Act is added to and made a**
7 **part of ORS chapter 316.**

8 **“SECTION 13. (1) As used in this section, ‘eligible taxpayer’ means**
9 **a taxpayer primarily doing business in 2017 North American Industry**
10 **Classification System code 111, crop production, or code 112, animal**
11 **production and aquaculture.**

12 **“(2) An eligible taxpayer may elect under this section to use a**
13 **three-year net operating loss carryback.**

14 **“(3)(a) Notwithstanding ORS 316.028, if an eligible taxpayer uses a**
15 **net operating loss carryback under this section, there shall be added**
16 **to taxable income the amount of net operating loss carryback or**
17 **carryover allowed in arriving at federal taxable income.**

18 **“(b) After making the addition under paragraph (a) of this sub-**
19 **section, an eligible taxpayer shall subtract from federal taxable income**
20 **a deduction for net operating loss carryback. The amount of a net**
21 **operating loss deduction under this subsection may be carried back to**

1 each of the three tax years preceding the tax year in which the loss
2 arises.

3 **“SECTION 14.** Section 15 of this 2022 Act is added to and made a
4 part of ORS chapter 317.

5 **“SECTION 15. (1)** As used in this section, ‘eligible taxpayer’ means
6 a taxpayer primarily doing business in 2017 North American Industry
7 Classification System code 111, crop production, or code 112, animal
8 production and aquaculture.

9 **“(2)** After making the addition required under ORS 317.344, an eli-
10 gible taxpayer may elect to subtract from federal taxable income a
11 deduction for net operating loss carryback. The amount of a net op-
12 erating loss deduction under this subsection may be carried back to
13 each of the three tax years preceding the tax year in which the loss
14 arises.

15 **“SECTION 16. (1)** The amendments to ORS 284.368 by section 1 of
16 this 2022 Act apply to fiscal years beginning on or after July 1, 2022.

17 **“(2)** The amendments to sections 3 and 5, chapter 589, Oregon Laws
18 2021, by sections 3 and 4 of this 2022 Act apply to tax years beginning
19 on or after January 1, 2022, and before January 1, 2024, and to esti-
20 mated payments due on and after June 15, 2022.

21 **“(3)** The amendments to section 2, chapter 527, Oregon Laws 2021,
22 by section 8 of this 2022 Act apply to applications for precertification
23 under section 4, chapter 527, Oregon Laws 2021, and applications for
24 exemption under section 5, chapter 527, Oregon Laws 2021, without
25 precertification, filed on or after the effective date of this 2022 Act.

26 **“(4)** Section 10 of this 2022 Act applies to tax years beginning on or
27 after January 1, 2022, and before January 1, 2026.

28 **“(5)** Sections 13 and 15 of this 2022 Act apply to tax years beginning
29 on or after January 1, 2023, and before January 1, 2029, and to any tax
30 year to which a net operating loss arising in those tax years is carried

1 **back.**

2 **“SECTION 17. The Department of Revenue may not impose any in-**
3 **terest or penalty that would otherwise apply to taxes due if the inter-**
4 **est or penalty is based on underpayment or underreporting that results**
5 **solely from the operation of the amendments to section 5, chapter 589,**
6 **Oregon Laws 2021, by section 4 of this 2022 Act.**

7 **“SECTION 18. (1) Sections 13 and 15 of this 2022 Act do not become**
8 **operative unless all sections of chapter _____, Oregon Laws 2022 (En-**
9 **rolled House Bill 4002), become law before January 1, 2023.**

10 **“(2) If all sections of chapter _____, Oregon Laws 2022 (Enrolled**
11 **House Bill 4002), become law before January 1, 2023, sections 13 and**
12 **15 of this 2022 Act become operative on the earlier of:**

13 **“(a) The effective date of chapter _____, Oregon Laws 2022 (Enrolled**
14 **House Bill 4002); or**

15 **“(b) January 1, 2023.**

16 **“SECTION 19. This 2022 Act takes effect on the 91st day after the**
17 **date on which the 2022 regular session of the Eighty-first Legislative**
18 **Assembly adjourns sine die.”**

19
