

House Bill 2414

Sponsored by Representative OWENS, Senator FINDLEY (at the request of Representative Kevin Mannix) (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 income or corporate excise tax credit for taxpayer that pays salary or wages of employee while employee misses work to attend jury service, or for self-employed individual unable to engage in trade or business because of jury service.

Modifies juror fee provisions. Increases juror fee in circuit court to \$50 per day. Requires self-employed individual eligible for tax credit to waive fee.

Applies to tax years beginning on or after January 1, 2024, and before January 1, 2030.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to jury service; creating new provisions; amending ORS 10.061, 314.772 and 318.031; and
3 prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2023 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 **is:**

9 (a) **An employer that pays the wages or salary of an employee who was scheduled but**
10 **unable to work because the employee was required to attend jury service; or**

11 (b) **A self-employed individual who was unable to engage in the taxpayer's trade or busi-**
12 **ness because the taxpayer was required to attend jury service.**

13 (2) **The credit allowed under this section shall be equal to:**

14 (a) **\$150 per day that the employee of the taxpayer missed work because of jury service**
15 **and the taxpayer paid the wages or salary of the employee; or**

16 (b) **\$150 per day that the taxpayer was unable to engage in the taxpayer's trade or busi-**
17 **ness because of jury service.**

18 (3) **The credit allowed under this section may not exceed the tax liability of the taxpayer**
19 **for the tax year.**

20 (4) **A nonresident shall be allowed the credit under this section. The credit shall be**
21 **computed in the same manner and be subject to the same limitations as the credit granted**
22 **to a resident. However, the credit shall be prorated using the proportion provided in ORS**
23 **316.117.**

24 (5) **If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,**
25 **or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440,**
26 **the credit allowed under this section shall be prorated or computed in a manner consistent**
27 **with ORS 314.085.**

28 (6) **If a change in the status of a taxpayer from resident to nonresident or from nonres-**

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 **ident to resident occurs, the credit allowed under this section shall be determined in a**
 2 **manner consistent with ORS 316.117.**

3 **SECTION 3.** ORS 314.772, as amended by section 11, chapter 34, Oregon Laws 2022, and section
 4 15, chapter 115, Oregon Laws 2022, is amended to read:

5 314.772. (1) Except as provided in ORS 314.766 (5)(b), the tax credits allowed or allowable to a
 6 C corporation for purposes of ORS chapter 317 or 318 shall not be allowed to an S corporation. The
 7 business tax credits allowed or allowable for purposes of ORS chapter 316 shall be allowed or are
 8 allowable to the shareholders of the S corporation.

9 (2) In determining the tax imposed under ORS chapter 316, as provided under ORS 314.763, on
 10 income of the shareholder of an S corporation, there shall be taken into account the shareholder's
 11 pro rata share of business tax credit (or item thereof) that would be allowed to the corporation (but
 12 for subsection (1) of this section) or recapture or recovery thereof. The credit (or item thereof), re-
 13 capture or recovery shall be passed through to shareholders in pro rata shares as determined in the
 14 manner prescribed under section 1377(a) of the Internal Revenue Code.

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

18 (4) If the shareholder is a nonresident and there is a requirement applicable for the business tax
 19 credit that in the case of a nonresident the credit be allowed in the proportion provided in ORS
 20 316.117, then that provision shall apply to the nonresident shareholder.

21 (5) As used in this section, "business tax credit" means the following credits: ORS 315.104
 22 (forestation and reforestation), ORS 315.138 (fish screening, by-pass devices, fishways), ORS 315.141
 23 (biomass production for biofuel), ORS 315.156 (crop gleaning), ORS 315.164 and 315.169 (agriculture
 24 workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS
 25 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee
 26 and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.304 (pollution
 27 control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy
 28 conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy re-
 29 source equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facili-
 30 ties), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones),
 31 ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS
 32 315.523 (employee training programs), ORS 315.533 (low income community jobs initiative), ORS
 33 315.593 (short line railroads), ORS 315.640 (university venture development funds), ORS 315.643
 34 (Opportunity Grant Fund contributions), ORS 315.675 (Trust for Cultural Development Account
 35 contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise zone
 36 facilities), ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified research
 37 expenses) and ORS 317.154 (alternative qualified research expenses) and section 9, chapter 774,
 38 Oregon Laws 2013 (alternative fuel vehicle contributions), section 2, chapter 34, Oregon Laws 2022
 39 (small forest option), and section 8, chapter 115, Oregon Laws 2022 (agricultural overtime pay), **and**
 40 **section 2 of this 2023 Act (employee jury service).**

41 **SECTION 4.** ORS 318.031, as amended by section 12, chapter 34, Oregon Laws 2022, and section
 42 16, chapter 115, Oregon Laws 2022, is amended to read:

43 318.031. It being the intention of the Legislative Assembly that this chapter and ORS chapter
 44 317 shall be administered as uniformly as possible (allowance being made for the difference in im-
 45 position of the taxes), ORS 305.140 and 305.150, ORS chapter 314 and the following sections are in-

1 incorporated into and made a part of this chapter: ORS 315.104, 315.141, 315.156, 315.176, 315.204,
 2 315.208, 315.213, 315.304, 315.326, 315.331, 315.336, 315.506, 315.507, 315.523, 315.533, 315.593 and
 3 315.643 and section 2, chapter 34, Oregon Laws 2022, and section 8, chapter 115, Oregon Laws 2022,
 4 **and section 2 of this 2023 Act** (all only to the extent applicable to a corporation) and ORS chapter
 5 317.

6 **SECTION 5. Section 2 of this 2023 Act applies to tax years beginning on or after January**
 7 **1, 2024, and before January 1, 2030.**

8 **SECTION 6.** ORS 10.061 is amended to read:

9 10.061. (1) The fee of jurors in courts other than circuit courts is \$10 for each day that a juror
 10 is required to attend.

11 (2)(a) *The fee of jurors for the first two days of required attendance in circuit court during a term*
 12 *of service is \$10 for each day that a juror is required to attend.]*

13 *[(b) The fee of jurors for the third and subsequent days of required attendance in circuit court*
 14 *during a term of service is \$25 for each day that a juror is required to attend.]* **The fee of jurors in**
 15 **a circuit court is \$50 for each day that a juror is required to attend.**

16 (3)(a) Unless otherwise provided by the terms of an employment agreement, a juror must waive
 17 the juror’s fee provided for in subsection (1), (2) or (4) of this section if the juror is paid a wage or
 18 salary by the juror’s employer for the days that the juror is required to attend a court, including a
 19 municipal or justice court.

20 **(b) A juror must waive the juror’s fee provided for in subsection (1), (2) or (4) of this**
 21 **section if the juror is a self-employed individual eligible to claim the tax credit under section**
 22 **2 of this 2023 Act.**

23 (c) The provisions of this subsection do not affect any claim a juror may have for mileage re-
 24 imbursement under ORS 10.065.

25 (4) In addition to the fees and mileage prescribed in subsection (1) of this section and ORS 10.065
 26 for service in a court other than a circuit court, the governing body of a city or county may provide
 27 by ordinance for an additional juror fee and for city or county reimbursement of jurors for mileage
 28 and other expenses incurred in serving as jurors in courts other than circuit courts.

29 **SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 30 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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