

House Bill 3975

Sponsored by Representative SMITH G

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes a new tax credit for new banks. (Flesch Readability Score: 100.0).

Creates a corporate excise tax credit for each of the first three years that a bank does business in this state.

Applies to banks that commence business in tax years beginning on or after January 1, 2026, and before January 1, 2032.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to a tax credit for de novo banks; creating new provisions; amending ORS 314.772 and 318.031; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 317.

SECTION 2. (1) As used in this section:

(a) "De novo bank" means a depository institution, as defined in 12 U.S.C. 1813(c), that:

(A) Was first issued a charter or certificate of authority to conduct banking business and commenced business in this state during the current tax year or in either of the two immediately preceding tax years; and

(B) Is chartered in Oregon.

(b) "De novo bank" does not include a bank that is formed by, merged with or converted by a taxpayer that has filed a return under this chapter in any preceding tax year.

(2) A credit against taxes that are otherwise due under this chapter is allowed to a taxpayer that is a de novo bank.

(3) The credit allowed under this section shall be computed by determining the amount of tax that would otherwise be imposed on a de novo bank under this chapter, but may not exceed \$1 million in each of three consecutive tax years, beginning with the tax year in which the de novo bank commences business in this state.

(4) Prior to claiming the credit allowed under this section, a taxpayer is required to demonstrate having obtained, from the Director of the Department of Consumer and Business Services, a bank charter under ORS chapter 707 and a certificate of authority to conduct banking business in state.

(5) The credit allowed under this section may not exceed the tax liability of the taxpayer for the tax year.

(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular tax year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in the next succeeding tax

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.

year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year but may not be carried forward for any other succeeding tax year.

(7) The Department of Consumer and Business Services shall adopt rules for the purposes of this section, including policies and procedures for verifying taxpayer eligibility for the credit allowed under this section.

(8) The Department of Consumer and Business Services shall provide information to the Department of Revenue about all taxpayers that are eligible for a tax credit under this section, if required by ORS 315.058.

SECTION 3. ORS 314.772 is amended to read:

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

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

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

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

(5) As used in this section, "business tax credit" means the following credits: ORS 315.104 (forestation and reforestation), ORS 315.124 (small forest option), ORS 315.133 (agricultural overtime pay), ORS 315.138 (fish screening, by-pass devices, fishways), ORS 315.141 (biomass production for biofuel), ORS 315.156 (crop gleanings), ORS 315.164 and 315.169 (agriculture workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.283 (affordable housing sales), ORS 315.304 (pollution control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy resource equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facilities), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones), ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS 315.518 (semiconductors), ORS 315.523 (employee training programs), ORS 315.533 (low income community jobs initiative), ORS 315.593 (short line railroads), ORS 315.640 (university venture development funds), ORS 315.643 (Opportunity Grant Fund contributions), ORS 315.675 (Trust for Cultural Development Account contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise zone facilities), ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified research expenses) and ORS 317.154 (alternative qualified research expenses) and section 9, chapter 774, Oregon Laws 2013 (alternative fuel vehicle contribu-

tions), and section 2 of this 2025 Act (de novo banks).

SECTION 4. ORS 318.031 is amended to read:

318.031. It being the intention of the Legislative Assembly that this chapter and ORS chapter 317 shall be administered as uniformly as possible (allowance being made for the difference in imposition of the taxes), ORS 305.140 and 305.150, ORS chapter 314 and the following sections are incorporated into and made a part of this chapter: ORS 315.104, 315.124, 315.133, 315.141, 315.156, 315.176, 315.204, 315.208, 315.213, 315.283, 315.304, 315.326, 315.331, 315.336, 315.506, 315.507, 315.523, 315.533, 315.593 and 315.643 and section 2 of this 2025 Act (all only to the extent applicable to a corporation) and ORS chapter 317.

SECTION 5. Except as provided in section 2 (6) of this 2025 Act, section 2 of this 2025 Act applies to banks that commence business in this state in tax years beginning on or after January 1, 2026, and before January 1, 2032.

SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.